

REPORT TO: Planning Committee

MEETING DATE: Tuesday 6 October 2015

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the List by Councillor Broun-Lindsay for the following reason: I believe Members should view this application and its juxtaposition to, and possible effect on, neighbouring properties.

Application No. **15/00558/P**

Proposal Alterations to house, erection of walls, gate, handrails, formation of hardstanding areas, steps and pedestrian access

Location **Woodburn
Garvald
Haddington
East Lothian
EH41 4LN**

Applicant Mr & Mrs Simon and Eleanor Paterson

Per Bern Balfe Architect

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The property to which this application relates is a two storey end-terrace house and its garden located in Garvald, within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. The property is also within Garvald Conservation Area.

The property is bounded to the north by neighbouring residential properties, to the east and west by neighbouring residential properties and to the south by a public road.

As alterations to the house, planning permission is sought for the installation of three roof windows; two of which would be positioned on the east and west side elevation roof slopes of the outward projecting two storey pitched roofed component on the rear (north) elevation of the house. The other proposed roof window would be positioned on the north facing mono-pitched roofed outshot that abuts, and is set back from, the outward projecting two storey pitched roofed component on the rear of the house.

Planning permission is also sought for:

- (i) erection of two sections of stone wall to the rear (north) of the applicant's house, within the rear garden of the house;
- (ii) infilling of a short section of existing wall on the east end of the north boundary of the rear garden of the house, in a stone finish as opposed to the brick finish that exists within that part of it;
- (iii) formation of an area of hardstanding that would abut the full length of the rear (north) elevation of the house and otherwise within the east end of the rear garden of the house;
- (iv) erection of concrete steps at the eastern end of the rear garden of the house that would provide access to and from the higher ground level of the raised rear garden of the house; and
- (v) erection of a steel handrail with steel posts and cables that would extend along the south side of the proposed steps and hardstanding area at the east end of the rear garden of the house.

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) 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), DP2 (Design) and DP6 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are 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: June 2014.

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.

Seven written objections and two letters of support to the application have been received. The objections are made on the grounds that:

- (i) the proposed roof windows and use of the proposed new steps and paved patio area would result in a loss of privacy to neighbouring residential properties;
- (ii) use of the steps and paved patio area will result in an increase in noise and activity and should be sited elsewhere;
- (iii) the proposal to extend the high wall and introduce planters will reduce the amount of daylight to a neighbouring residential property;

(iv) the proposed steel handrails, posts and cables are out of character given that this is within a conservation area;

(v) the proposed open style steel handrails would result in a Health and Safety hazard as it would present itself as a climbing frame for small children. Moreover, the handrails would be sited on top of the retaining wall that presents a drop of some 3 metres to a stone patio below;

(vi) the proposal to form a gate in the north boundary wall would allow the applicants to access land owned by East Lothian Housing Association. The Association will not grant access to their land. The short narrow footpath which runs between the rear gardens of the applicant's house and the houses of Kirkbrae serves private access to the rear gardens of 2 and 4 Kirkbrae only; and

(vii) use of the proposed gate would result in a harmful loss of privacy.

This application has to be determined on the merits of the development proposed in it and whether or not the proposed steps and paved patio area could be sited elsewhere is not a material planning consideration in such a determination.

Whether or not the proposed development would result in a health and safety hazard is not a material planning consideration in the determination of determination of this application for planning permission.

The matter of levels of noise and activity in the use of domestic gardens as part of the normal residential use of the property is not material to the determination of this planning application.

Subsequent to the registration of this application the applicant's agent has submitted revised drawings to show that it is no longer proposed to form a gate within the east end of the north boundary wall and to show the height of the proposed roof windows above the internal floor level of the house.

The proposed two roof windows to be formed in the east and west side elevation roof slopes of the outward projecting two storey pitched roofed component on the rear (north) elevation of the house would not be visible from a public place. Neither would the other proposed roof window in its position on the north facing mono-pitched roofed outshot on the rear elevation of the house. Therefore it is not essential that they be flush fitted. They would not result in an overdevelopment of the roof of the house. By virtue of their size, scale, form and positioning the proposed roof windows would be subservient alterations to the house that would not be out of keeping with its character and appearance. They would not harm the special architectural or historic interest of the Conservation Area.

The proposed two roof windows to be formed in the east and west side elevation roof slopes of the outward projecting two storey pitched roofed component on the rear (north) elevation of the house would be positioned more than 1.8 metres above the internal first floor level of the house and thus they would not allow for harmful overlooking of a neighbouring residential property to the east and west respectively.

The other proposed roof window to be formed in the north facing mono-pitched roof slope on the rear (north) elevation of the house would serve a staircase / landing area. Moreover, it would be positioned more than 9 metres away from north boundary of the rear garden of the house and off-set, at a distance of more than 18 metres, from the windows in the rear elevations of the neighbouring residential properties to the north. By virtue of this it would not allow for harmful overlooking of a neighbouring residential

property to the north.

The proposed stone walls and steps would be well contained within the rear garden of the house. By their extent, form and materials they would be appropriate to their location, in keeping with their surroundings and would not be harmful to the character and appearance of the house or to the character and appearance of the Conservation Area.

The use of the proposed steps would not allow for any harmful overlooking of a neighbouring residential property. In that the proposed stone walls and steps would, at their highest point, be at the same level as that of the higher ground level of the raised rear garden of the house they would not result in a harmful loss of overshadowing to any neighbouring residential properties.

The proposed areas of hardstanding would be well contained within the rear garden of the house. So too would the proposed stair handrails. By their positioning, extent, form and materials, neither the hardstanding nor the stair handrails would be harmful to the character and appearance of the house or to the character and appearance of the Conservation Area. The use of them would not allow for any harmful overlooking of a neighbouring residential property.

In particular, the area of hardstanding to be formed in the east end of the rear garden of the house would be at the same level as that of the higher ground level of the raised rear garden of the house. A person sitting on that part of the rear garden of the house at present can already look into the rear garden and windows in the rear elevation of the adjoining house named 'Dene Cottage' to the east within a distance of 9 and 18 metres. As the proposed area of hardstanding would not result in a change to the levels of the rear garden of the house the use of it would not allow for any greater overlooking that what can already occur at present.

It is proposed to remove the short section of brick infill within the stone wall on the east end of the north boundary of the rear garden of the house and infill it in a stone finish. Subject to a sample of the new stone being submitted prior to the infilling of that section of the boundary wall, it would, by virtue of its extent, form and materials, be in keeping with the stone finish of the existing wall. It would not be harmful to the character and appearance of the wall or to the character and appearance of the area.

Accordingly the proposals are, as relevant, consistent with Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV4, DP2 and DP6 of the adopted East Lothian Local Plan 2008 and with Scottish Planning Policy: June 2014.

CONDITION:

- 1 A sample of the stone that would be used to infill a small section of the existing wall on the east end of the north boundary of the rear garden of the house hereby approved shall be provided for the inspection and approval of the Planning Authority. The stone used shall accord with that so approved.

Reason:

To safeguard the character and appearance of the Conservation Area.