



**MINUTES OF THE MEETING OF THE
LOCAL REVIEW BODY**

**THURSDAY 17 MARCH 2016
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Chair)
Councillor J McNeil
Councillor D Grant
Councillor J Caldwell
Councillor J Williamson

Advisers to the Local Review Body:

Ms E Taylor, Planning Adviser to the LRB
Ms C Molloy, Legal Adviser/Clerk to the LRB

Others Present

Mrs G Rowan-Hamilton, Applicant (Item 1)
Mr and Mrs Reynolds, Applicants (Item 2)
Mr J Frostwick, Agent (Item 2)

Committee Clerk:

Mrs F Stewart

Declarations of Interest

None

Apologies

None

Councillor Hampshire was elected to chair today's meeting by Councillors McNeil, Grant, Caldwell and Williamson. Duly elected, Councillor Hampshire welcomed everyone to the meeting.

Catherine Molloy, Legal Adviser, stated that there were two planning applications being presented today in the form of written submissions and that site visits had been carried out prior to the meeting today. She also advised that a Planning Adviser, who had had no involvement with the determination of the original application, would provide information on the planning context and background of the application.

Members of the LRB and Council Officials were introduced to those present.

**1. REVIEW AGAINST DECISION (REFUSAL)
PLANNING APPLICATION No: 15/00878/P – ERECTION OF NEW
CONSERVATORY AT THE OLD BARN, VILLAGE GREEN ROAD,
STENTON**

The Legal Adviser outlined the procedure for the ELLRB meeting today. Members had been provided with written papers, including a submission from the Case Officer and review documents from the applicant. She advised that the Planning Adviser would summarise the planning policy issues in relation to the application and Members would decide if they had sufficient information to reach a decision today. If they did not, the matter would be adjourned for further written representations or for a hearing session and Members would have to specify what new information was needed to enable them to proceed with the determination of the application. Should Members decide they had sufficient information before them, they would proceed to discuss the application and a vote would be taken on whether to uphold or overturn the decision of the Appointed Officer.

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

Emma Taylor, Planning Adviser, stated that the site was a single storey semi-detached house and garden and that permission was being sought for the erection of a uPVC framed conservatory on the side (south west) elevation of the house. She advised that the Planning Act requires decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicate otherwise. The development plan consisted of the approved Strategic Development Plan for Edinburgh and South East Scotland, known as SESplan, and the adopted Local Plan 2008.

The Planning Adviser advised that the site was within a residential area of Stenton, designated under local plan policy ENV1, and within the Stenton Conservation Area. The main policy considerations relevant to the application were design and impacts on the Conservation Area, as the development plan seeks to preserve or enhance the character of Conservation Areas and promote a high quality of design in all development. The key policies in relation to these matters were Strategic Development Plan policy 1B and Local Plan policy ENV4.

The Planning Adviser stated that the application was refused by the Appointed Officer on the basis that, due to its roof form and uPVC external finish, the conservatory would be architecturally different from the house and would be a

prominent and incongruous physical feature on the side elevation of the house. This would be contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV4 and DP6 of the adopted East Lothian Local Plan 2008.

No consultations had been carried out on the application by the Case officer and one letter of representation had been received.

The Chair thanked the Planning Adviser for her presentation and Members now had an opportunity to ask questions. The Chair asked if Historic Scotland was a Consultee on this application and the Planning Adviser replied that it was not, as they were only consulted on listed buildings. Councillor McNeil quoted from the letter submitted by the Architectural Heritage Society of Scotland: "It would be essential for the conservatory to be a fully framed structure, designed with insulated timber panels.....UPVC framing was non-traditional and would be inappropriate in the conservation area..." Councillor McNeil asked if the Planning Adviser shared this view and she replied that certain conservatories can be harmful to the amenity of the area, but Members would need to discuss and reach a view on this application. Councillor McNeil asked if the proposal would be acceptable if constructed with wood and the Planning Adviser replied that it was not only the materials which are considered, but the form of the conservatory. Councillor Caldwell had noted that there was a conservatory in a neighbouring property and the roof was visible from the main road. He asked if this had, in effect, set a precedent. The Planning Adviser did not consider that it had set a precedent, but a firm view on that would depend on other factors. It was also not known if the owner of the property had planning permission for this conservatory.

The Chair then asked his fellow Members if they had sufficient information to proceed to determine this application today and they unanimously agreed to proceed. Comments from Members followed.

Councillor Grant noted that the Planning Officer, in his reason for refusal, had considered that the proposal contravened Policy 1B of SESplan and the East Lothian Local Plan. The Planning Officer had also explained in detail why he had reached this conclusion in his report. During the site visit, Councillor Grant had tried to visualise the applicant's proposals and had to agree with the Case Officer's decision. He considered that the conservatory would be the wrong colour and would look incongruous in its elevated position. He would therefore not be supporting this appeal.

Councillor Caldwell stated that, although there was a conservatory constructed of uPVC materials in the vicinity, he considered that the proposed conservatory for this site would be more obtrusive due to its higher position. He would therefore not be supporting the appeal as he considered it would be harmful to the Conservation Area.

Councillor Williamson stated that, following the site visit, he considered that this application would harmonise more in its surroundings than the existing conservatory nearby. He also considered that, as the structure would be made of glass, it would not harm the character of the area. He also believed that few people would have a view of the proposed conservatory. He would therefore vote to overturn the Case Officer's decision.

Councillor McNeil was surprised to note that no objections had been received in connection with this application. In his view, a uPVC structure would be incongruous

on this site and he would therefore be upholding the Case Officer's decision to refuse this application.

The Chair, a Local Member, commented that Stenton had seen a significant investment in older properties. However, like all Conservation Areas across East Lothian, there were also modern buildings in the village. Members had to decide whether new structures enhanced the appearance of the village or would be detrimental to it. It was right that Members should also consider whether new buildings would be visible to the public when considering the merits of an application. In his view, the majority of the proposed structure would be behind a stone wall and not visible to the public. Looking towards the site from the road, he considered that the buildings around the property would be higher than the conservatory and it would not detract from the character of the area. He would therefore vote to overturn the Case Officer's decision.

Decision

The ELLRB agreed 3:2 to uphold the original decision of the Planning Officer and rejected the appeal.

The Legal Adviser stated that the Decision Notice would be issued within 21 days.

2. REVIEW AGAINST DECISION (REFUSAL) PLANNING APPLICATION No: 15/00475/P – ERECTION OF HOUSE GARDEN AND FENCING AT 6 ELCHO ROAD, LONGNIDDRY

The Legal Adviser outlined the procedure for the ELLRB meeting today. Members had been provided with written papers, including a submission from the Case Officer and review documents from the applicant. She advised that the Planning Adviser would summarise the planning policy issues and Members would decide if they had sufficient information to reach a decision today. If they did not, the matter would be adjourned for further written representations or for a hearing session and Members would have to specify what new information was needed to enable them to proceed with the determination of the application. Should Members decide they had sufficient information before them, they would proceed to discuss the application and a vote would be taken on whether to uphold or overturn the decision of the Appointed Officer.

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

Emma Taylor, Planning Adviser, stated that the application site was the southeast part of the garden of the house at 6 Elcho Road, Longniddry and that the proposal was for the erection of one house and the formation of a new vehicular access and driveway. The application also included the erection of a garage to serve the existing house of 6 Elcho Road.

The Planning Adviser stated that Members would have noted from the planning history of the site, outlined in the Officers Report, that two previous applications for the erection of a house on the plot had been refused planning permission. The reason for refusal of those previous applications was that the proposed house would be a crammed form of infill development which would make the site appear over

developed, in a manner detrimental to the characteristic layout, density of development and appearance of the area. There was also the likelihood that the occupants of the house would not be afforded sufficient residential amenity and that the existing residential amenity of the properties of 4 and 6 Elcho Road would be harmed. The Case Officer had refused this application for the same two reasons as the two previous applications.

The Planning Adviser stated that the Planning Act requires decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicate otherwise. The development plan consists of the approved Strategic Development Plan for Edinburgh and South East Scotland, known as SESplan, and the adopted Local Plan 2008. The site was within a residential area of Longniddry, designated under local plan policy ENV1 and the main policy considerations relevant to the application were design, amenity, and road safety. The key development plan policies in relation to these matters are Strategic Development Plan policy 1B and Local Plan policies ENV1, DP7, DP22, and T2.

The Planning Adviser stated that consultation responses had been received from the Council's Roads Services and Environmental Services. Four representations to the application had also been received. Copies of all responses were included in the Officer's report.

The Chair thanked the Planning Adviser for her presentation.

The Legal Adviser made a point of clarification, stating that this application was for planning permission and not for planning permission in principle, as stated on the applicant's Notice of Review.

The Chair invited questions and there were none. The Chair then asked his fellow Members if they had sufficient information to proceed to determine this application today and they unanimously agreed to proceed. Comments from Members followed.

Councillor McNeil noted that this was the third application to have a narrow house built in the garden of this property. He stated that he had found the site visit very helpful and had observed that the houses in Elcho Road appeared to have large gardens, although the distance between the houses was relatively small. As he could see no material change to the impact the proposed dwelling would have on this site compared to the two previous applications, he would vote to uphold the decision of the Case Officer and reject this appeal.

Councillor Grant stated that there was no doubt that infill development can bring benefits, but it had to be done in appropriate locations. It was clear to him from the site visit and plans that the proposed house would be shoe-horned into a small area and he considered that the amenity from neighbouring 4 Elcho Road would suffer as a result. He was not convinced that this would be a satisfactory form of development and would therefore not be supporting this appeal.

Councillor Williamson concurred with his colleagues. An application to build a home on this site had been refused on two previous occasions and he could see no reason to support this application. He would therefore also vote to uphold the decision of the Case Officer.

Councillor Caldwell stated that all applications needed to be considered on their own merits. He considered that the proposals here were a typical example of infill development and that there would be some homes in Longniddry where such a

development would be acceptable. However, having studied the plans and visited the site, he considered that this particular application would lead to over development of the site. He was also concerned that the proposed new dwelling would be very intrusive in respect of neighbouring properties.

The Chair stated that he accepted the Case Officer's reasons for refusal and therefore he too would be upholding the Case Officer's decision.

Decision

The ELLRB unanimously agreed to uphold the original decision of the Planning Officer and rejected the appeal.

The Legal Adviser stated that the Decision Notice would be issued within 21 days.