

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 9 August 2016

**BY:** Depute Chief Executive  
(Partnerships and Community Services)

**SUBJECT:** Application for Planning Permission for Consideration

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*Note - this application was called off the Scheme of Delegation List by Councillor Goodfellow for the following reason: there is significant local objection to this application and I feel this should be a committee decision.*

Application No. **16/00334/P**

Proposal Extension to house

Location **3 May Terrace  
North Berwick  
East Lothian  
EH39 4BA**

Applicant Mr Russell Grey

Per Ross Dodd

RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

The property to which this application relates is a two storey detached house and its garden located within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008.

The property is bounded to the northwest by an area of public open space beyond which there are neighbouring residential properties, to the northeast by neighbouring residential properties and a row of detached garages, to the southeast by the end-terrace flatted building of 1 and 2 Station Row and to the southwest by the public footpath and road of May Terrace.

Planning permission is sought for the addition of a two storey pitched and hipped roofed extension that would attach to, and integrate with, the southeast side and rear (northeast) elevations of the house. It would have the same roof pitch, eaves height and ridge height as those of the existing house. Its front (southwest) elevation would be set back some 4.8 metres from the most forward projecting component part on the northwest end of the front elevation of the house. Its rear (northeast) elevation would

project some 5 metres out from the building line of the rear elevation of the house and would take the form of a solid wall that would be positioned some 3 metres away from the northeast boundary of the rear garden of the house. The proposed extension would be externally finished in materials to match those of the house.

The existing sheds positioned within the southeast and northeast ends of the rear garden of the house would each be removed to facilitate the positioning of the proposed extension. Removal of the existing sheds do not require planning permission and thus they do not form part of this planning application.

Subsequent to the registration of this application revised drawings have been received to show (i) the correct dimension of the proposed extension in relation to the northeast boundary of the rear garden of the house as amended on the site plan drawing, (ii) the extent of the southwest side elevation wall of the proposed extension fully coloured on the elevation drawings for it, and (iii) that three off-street car parking spaces can be accommodated within the curtilage of the applicant's property in order to comply with the Council's parking standards.

An additional drawing has also been received to show the position of the proposed extension in relation to neighbouring residential properties.

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

Four written objections to the application have been received. The main grounds of objection are that:

(i) the proposed extension would, due to its scale and positioning close to the boundary wall, have an adverse effect on the privacy, amenity and wellbeing of occupants of neighbouring residential properties;

(ii) the size, form and scale of the proposed extension would result in an overdevelopment of the site. It would be incompatible with the residential character and amenity of the area and would not be sympathetic or appropriate to its surroundings as it will dwarf other residential properties;

(iii) the proposed extension would result in the loss of daylight and sunlight to neighbouring residential properties;

(iv) the proposed parking area for the site would result in the loss of hedges and thus there is a total disregard for landscape and boundary features which are important to the character of the area; and

(v) if the proposed extension was to be approved it would reduce the value of neighbouring residential properties in the area;

One of the objector's also states that the first floor windows serving the bedroom within the proposed extension would, although facing north, directly overlook their property depriving them of privacy in their house and garden.

The affect of a proposed development on property value or its affect on the saleability of a property are not material planning considerations in the determination of an application for planning permission.

North Berwick Community Council, as a consultee to this planning application, confirm that they have concerns that the proposed extension is too high and too close to the rear boundary wall such that it will overshadow the rear gardens of the neighbouring houses of Abbey Court. They also state that the proposed extension would overlook the bedrooms in those neighbouring houses.

Scaling from the submitted application drawings shows that the existing rear (northeast) elevation of the applicant's house is some 8 metres away from the northeast boundary of the rear garden of the house beyond which is the rear garden of the neighbouring residential property of 21 Abbey Court to the northeast. In contrast, it shows that the rear elevation of the proposed extension would be some 3 metres away from that northeast boundary and some 13 metres away from the principal rear elevation of that neighbouring house at its closest point to it.

The application drawings also demonstrate that the southeast side elevation of the proposed extension would be positioned some 1 metre away from the southeast boundary of the site beyond which is the communal path serving the end-terrace flatted building of 1 and 2 Station Row. Its southeast elevation would run parallel with the full length of the northwest side elevation of that neighbouring flatted building at a distance of some 3 metres away from it.

The proposed extension would be a relatively large addition to the applicant's detached house. However, in its position and due to the high enclosures on the front and rear boundaries of the garden of the house, the proposed extension would not be seen in its completeness. Only the first floor level of the front elevation of the proposed extension would be visible from the public road of May Terrace to the southwest. A lesser extent of its rear elevation would be seen from the public road of Abbey Court to the northeast. Notwithstanding the above, in that it would have the same roof pitch, eaves height and ridge height as those of the existing house the proposed extension would not appear harmfully disproportionate to the house. As so extended the existing house would not appear harmfully incongruous in its relationship with the other residential properties within the streetscape which are of varying heights, external finishes and architectural styles. By virtue of its architectural form, size, scale, height, proportions, materials and positioning the proposed extension would be a sympathetic and complementary addition to the house. It would be well integrated into its surroundings. It would not result in an overdevelopment of the house or of the rear garden of the house. It would not appear harmfully dominant or incongruous to the detriment of the character and appearance of the house or to the character and appearance of the area. Neither would it have a harmfully dominating affect on a neighbouring residential property. It would not be harmful to the character and appearance of the house, the streetscape or of the area.

Accordingly, on the matter of design, the proposed extension is consistent with Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DP6 of the adopted East Lothian Local Plan 2008.

Policy DP6 of the Local Plan also requires that a proposed extension to a house should not adversely affect the existing residential amenity of neighbouring properties. Accordingly it should not result in any significant loss of privacy, daylight or sunlight to neighbouring properties as a result of overlooking or overshadowing.

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 development and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new development and the windows of existing neighbouring residential properties.

The windows to be formed in the front elevation wall of the proposed extension would face onto the public road of May Terrace and would not allow for harmful overlooking of any neighbouring property.

The window to be formed at first floor level in the southeast side elevation wall of the proposed extension would serve a bathroom and, as annotated for it on the application drawings, would be obscurely glazed. The northwest side elevation wall of the neighbouring flatted building has a window opening at first floor level in it. However, that first floor window serves a stair landing for the occupants of the upper floor flat of 2 Station Row. Accordingly, even if the bathroom window to be formed at first floor level in the southeast side elevation wall of the proposed extension is clear glazed, it would not allow for harmful overlooking of a habitable room and thus of the neighbouring flatted property to the southeast.

The windows and glazed doors to be formed in the northwest side elevation wall of the proposed extension would face towards the rear garden of the applicant's house and thus they would not allow for harmful overlooking as there are no neighbouring residential properties in that direction.

There is no proposal to form any windows or other glazed openings within the rear (northeast) elevation of the proposed extension or at ground floor level within the southwest side elevation of it. Windows or other glazed openings could be formed in those elevation walls at a later date with permitted development rights and thus without the need for planning permission.

If formed at ground floor level in the rear (northeast) elevation wall of the proposed extension they would face towards the 2.4 metres high wall on the northeast boundary of the rear garden of the house and thus they would not allow for harmful overlooking of the rear garden of the neighbouring house of 21 Abbey Court to the northeast.

If formed at first floor level in the rear (northeast) elevation wall of the proposed extension they would face, within a distance of 9 metres, towards the rear garden of the neighbouring house of 21 Abbey Court to the northeast. The resultant overlooking would be harmful to the privacy and amenity of that neighbouring property. To safeguard against this, a condition can be imposed on the grant of planning permission to remove permitted development rights for the formation of windows or other glazed openings at first floor level within the rear (northeast) elevation wall of the proposed extension.

If formed at ground floor level within the southeast side elevation wall of the proposed extension they would face towards the high wall on the southeast boundary of the rear garden of the house and thus they would not allow for harmful overlooking of the

neighbouring flatted building of 1 and 2 Station Row to the southeast.

"Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair gives guidance on the impact of a proposed extension on the daylight and sunlight received by neighbouring properties.

With regard to the matter of loss of sunlight the Guide states that in designing a new development or extension to a building, care should be taken to safeguard access to sunlight as people are particularly likely to notice a loss or reduction in sunlight. The Guide advises that no more than two-fifths, and preferably no more than a quarter, of a private rear garden should be prevented by buildings from receiving any sunlight at all on the 21st March.

The sunlight test given in the Guide for assessing the loss of sunlight to neighbouring residential properties is conducted using sun-to-ground indicators that are placed over the application drawings and which are based on the sun's path on the 21st of March of any calendar year.

Application of this sunlight test to the proposed extension demonstrates that due to its size, scale, height and positioning it would overshadow the rear garden of the neighbouring house of 21 Abbey Court for a short duration of time, and only to a variable extent, between the hours of 1300 and 1600 on the test day of 21st March. The impact of the loss of sunlight to the rear garden of that neighbouring house would not, therefore, be to such an extent and for so long that it would be detrimental to the amenity of that neighbouring residential property. The sunlight also demonstrates that the proposed extension would not, due to its position and orientation, overshadow the rear gardens of the neighbouring houses of 22 and 23 Abbey Court to the northeast.

Due to its positioning and orientation the proposed extension would not result in a harmful loss of daylight to the neighbouring houses of 21, 22 and 23 Abbey Court or to any other neighbouring residential properties within the locality.

On these matters of privacy and amenity the proposed extension is consistent with Policy DP6 of the adopted East Lothian Local Plan 2008.

The proposed extension would create 7 habitable rooms within the dwelling which, as set out in the East Lothian Council Standards for Development Roads, requires the provision of 3 off-street car parking spaces. The applicant's agent has provided an additional drawing to demonstrate that three off-street car parking spaces can be accommodated within the curtilage of the site in a position to the rear of the house. The Council's Road Services confirm that the existing parking arrangement would be maintained and capable of serving the house to the size to which it would be extended. Thus he raises no objections to this planning application. Accordingly, the proposed extension does not conflict with Policy DP22 of the adopted East Lothian Local Plan 2008.

The application drawings show the intention to remove part of the existing hedge, at a length of some 6.6 metres, within the southeast end of the southwest boundary of the front garden of the house and to form a hardstanding area capable of accommodating 3 further car parking spaces. The proposal to create a vehicular access and form an area of hardstanding within the front garden for the use of a parking area does not require planning permission for it and thus it does not form the subject of this planning application.

**CONDITION:**

- 1 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended by Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011), or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings shall be formed at first floor level within the rear (northeast) elevation wall of the extension hereby approved, unless otherwise approved by the Planning Authority.

**Reason:**

To safeguard the privacy and residential amenity of the neighbouring residential property to the northeast.