

REPORT TO: Planning Committee

MEETING DATE: Tuesday 10 January 2017

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 Veitch for the following reason: to allow Members the benefit of a site visit to assess concern raised locally with this application, specifically relative to the wall.

Application No. **16/00794/P**

Proposal Alterations to house and erection of wall

Location **5 Stanley Place
North Road
Dunbar
East Lothian
EH42 1AG**

Applicant Ms K Davison

Per Steve Raine Architecture

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application relates to a two storey end terraced house that is within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. It is also within Dunbar Conservation Area.

Planning permission is sought for:

- 1) The installation of 2 new roof lights in the west facing roof slope elevation of the building, 1 new roof light in the east facing roof slope elevation of the building, and 1 new roof light in the north facing roof slope elevation of the rear projecting component of the building.
- 2) The installation of 10 replacement windows on the building, comprising 5 windows within the south facing elevation at ground and first floor level, 2 windows within the north facing elevation at ground and first floor level, 2 windows within the east facing elevation of the rear projecting component of the building at ground and first floor level, and 1 window within the north facing elevation of the rear projecting component of the

building.

- 3) The formation of glazed openings and Juliet balcony at attic level on the north elevation of the house.
- 4) The recladding of the flat roof rear projecting component with a sedum covering.
- 5) The repainting of the front door in Farrow & Ball 'Inchyra Blue'.
- 6) The formation of a section of stone walling along the eastern boundary of the rear garden of the house.

The existing windows of the north and south elevations of the house along with the window within the east facing elevation of the rear projecting component of the building at first floor level are all white painted timber framed single glazed sash and case windows. It is proposed to replace these existing windows on a like for like basis with the only difference being that the proposed replacement windows would be double glazed, utilising Slimlite type glazing (18mm) to replicate the appearance of traditional single glazing and sash and case thickness.

The existing window within the east facing elevation of the rear projecting component of the building at ground floor level is a white painted timber framed single glazed sash and case unit, whilst the window within the north facing elevation of the rear projecting component of the building is a timber framed casement unit. It is proposed to replace these both with double glazed fixed casement style windows.

The proposed Juliet balcony would be located within the north facing gable elevation of the house at attic level. The balcony would comprise a 1.1 metre high powder coated metal balustrade which would project some 0.1 metres from the gable elevation. Behind the balcony a double glazed timber framed double door would be formed. One fixed timber framed glazed screen would be formed either side of the door in addition to one fixed timber framed glazed window above the door.

Along the full length of the eastern boundary of the rear garden of the house would be formed a section of stone walling. The section of walling would be some 9.8 metres in length, some 0.24 metres in width and some 2.0 metres in height. It would have an artificial stone coping and would have a harled finish.

Subsequent to the registration of the application, amended drawings have been submitted which omit the long narrow roof light window within the east facing roof slope elevation of the building.

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 DP2 (Design), DP6 (Extensions and Alterations to Existing Buildings), DP8 (Replacement Windows) and ENV4 (Development within Conservation Areas) 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 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.

Three written objections to the application have been received, with two from the same neighbouring property. The main grounds of objection are:

- 1) The proposed wall would result in harmful overshadowing/loss of light to the neighbouring residential property.
- 2) The proposed wall would result in a potentially harmful dampness to the rear gardens of the neighbouring residential properties caused by lack of wind/airflow.
- 3) The right of access to the rear of the neighbouring property would be blocked.
- 4) The existing windows could be repaired rather than replaced.
- 5) The proposed velux roof windows would appear disordered and unnecessary.

The matter of rights of access together with the ability for wind/airflow to penetrate the rear gardens of the neighbouring residential properties are private matters between the applicant and neighbouring residents and are therefore not material considerations in the determination of the application.

There are roof windows on both the front and rear facing roof slopes on other houses within the locality of Stanley Place, Roseberry Place, Bayswell Road and Mayville Park which benefit from planning permission. Given this common use of roof windows, a characteristic of this part of the Conservation Area, the proposed roof windows would not appear as incongruous features in their setting. Provided the roof windows are flush fitted with the surface of the roof, a requirement that can be made a condition of a grant of planning permission, they would by virtue of their scale, materials and positioning not be harmful to the character and appearance of the building, the terrace of houses as a whole or the character and appearance of the Conservation Area.

The 5 replacement windows proposed within the south facing elevation at ground and first floor level would be readily visible from the public road and footpath of Stanley Place. However, with their vertically sliding sash and case form, proportions and timber framing they would replicate the opening method, construction material and glazing pattern of the existing timber framed sash and case windows that they would replace. The change to double glazing due to the use of slim profile glazing would not be obvious. The timber frames of the existing windows within the south facing elevation at ground and first floor level are white painted, and so too would the frames of their replacements. The proposed replacement windows to be installed within the south facing elevation at ground and first floor level would not appear incongruous or inharmonious on the building and, notwithstanding their double glazing, would preserve the character and appearance of the building and the architectural and historic character of the Conservation Area.

Due to the visual containment of the rear elevation of the building, the proposed alterations to the rear elevation of the building including the replacement windows within the north elevation of the house and the north and east elevations of the rear projecting

component, together with the proposed walling along the eastern boundary of the rear garden of the house would not be readily visible from any public place and thus would not be appreciable from outwith the applicant's property. They would therefore not be harmful to the character and appearance of the building or the character and appearance of the Conservation Area.

The proposed Juliet balcony and glazed openings to be formed at attic level on the north elevation of the house together with the proposed sedum covering of the flat roof section of the rear projecting element would only be visible in long distance glimpse views from the public road and footpath of Marine Road and Bayswell Park to the west and north respectively. By virtue of their architectural form, size, scale, proportions, materials and positioning the proposed balcony, glazed openings and roof covering would be subservient to and in keeping with the existing house and would be well integrated with their surroundings. They would not be harmful to the character and appearance of the house or to the character and appearance of the Conservation Area.

The colour proposed for the front door of the house would harmonise with the natural stone of the house and would not appear incongruous or at odds with the colours found on other buildings within the street. The re-painting of the door on the front (south) elevation of the house would respect the architectural character and appearance of the building and would not harm the character and appearance of the Conservation Area.

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.

Due to the shallow nature of the Juliet balcony, persons using the balcony would only be afforded views directly to the north. Together with the glazed openings to be formed within the rear elevation at attic level, the balcony would not be within 9 metres distance of the garden boundary or within 18 metres distance of directly facing windows of neighbouring residential properties and so they would not lead to any harmful overlooking of any neighbouring residential property.

By virtue of their proposed positioning the roof windows would not allow for harmful overlooking of any neighbouring residential properties.

"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 projecting on the daylight and sunlight received by neighbouring properties.

In the Guide it is stated that in designing new development it is important to safeguard daylight and sunlight to nearby buildings.

The Guide recommends that at least half of the garden ground of the property should receive at least two hours of sunlight on 21st March. In the case of garden ground that is already heavily obstructed, if as a result of new development the garden ground which can receive two hours of direct sunlight on 21 March is reduced to less than 0.8 times its former size, the further loss of sunlight is considered significant.

The neighbouring garden to the east - the garden of 4 Stanley Place - is a north facing garden. Consequently that garden is already overshadowed throughout the day by the

shadow cast by the built form of both the row of terraced houses comprising 1-5 Stanley Place and 1-4 Roseberry Place. Consequently, that neighbouring rear garden does not entirely move out of shadow throughout the day.

Application of the sunlight test on the proposed wall demonstrates that it would cast shadow onto part of the rear garden of 4 Stanley Place between the hours of 12noon and 4pm. Although the shadow cast by the proposed stone wall is considerable, because that garden ground is already overshadowed to varying degrees during the afternoon between the hours of 9am and 4pm by the shadow cast by the built form of both the row of terraced houses comprising 1-5 Stanley Place and 1-4 Roseberry Place, it would not have a detrimental effect on the amount of sunlight received by the rear garden of 4 Stanley Place, nor would it result in a harmful loss of sunlight to any other property.

With regard to daylight the Guide gives a two-part test, one part measured horizontally and the other vertically. The Guide advises that there will not be a harmful loss of daylight if a proposed development passes at least one part of the test when applied to a window of a neighbouring house. This two-part test is applied to the proposed wall relative to the existing window on the rear (north) elevations of the adjoining house of 4 Stanley Place. Application of the horizontal and vertical daylight tests to the proposed wall relative to that window demonstrates that the proposed wall fails the horizontal daylight test but passes the vertical daylight test.

In the case of a window of an adjoining building that is directly facing towards the position of a new build development the Guide gives a different test to establish whether such a window would still receive enough daylight. This test is applied to the window using drawings that show the sectional relationship between the proposed development and the directly facing window of the existing building. If a proposed development is below a line that is drawn rising at a 25 degrees angle from a line drawn perpendicular to a centre point on the outer face of the affected window then the proposed development would not cause a harmful loss of daylight to the window.

When this test is applied to the window on the west side elevation of the projecting rear component of the neighbouring house of 4 Stanley Place, it is found that the top of the proposed wall would be below such a line drawn rising at a 25 degrees angle to a line drawn perpendicular to a centre point on the outer face of that window. It is therefore concluded that the proposed wall would not result in a harmful loss of daylight to that window opening.

Consequently, the proposed wall would not, due to its height, size, and positioning, result in a harmful loss of daylight to the adjoining house of 4 Stanley Place. Nor would it result in a harmful loss of daylight to any other neighbouring residential property.

The proposals are consistent with Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV4, DP2, DP6 and DP8 of the adopted East Lothian Local Plan 2008 and with Scottish Planning Policy: June 2014.

CONDITIONS:

- 1 The roof windows to be installed in the west facing roof slope elevation, the east facing roof slope elevation, and the north facing roof slope elevation of the rear projecting component of the building shall be installed in a manner that ensures that their upper surface is as near flush as possible with the upper surface of the roof into which they will be installed and with minimum flashing.

Reason:

To reduce the visual impact of the roof windows in the interest of safeguarding the character and appearance of the Conservation Area.

- 2 The external timber frames of the replacement windows within the front and rear elevations of the house hereby approved shall have a white painted finish.

Reason:

To safeguard the character and appearance of the house and that of the Conservation Area.

- 3 The external timber frames of the glazed openings to be formed at attic level within the rear elevation of the house hereby approved shall have a white painted finish.

Reason:

To safeguard the character and appearance of the house and that of the Conservation Area.

- 4 Prior to the installation of the Juliet Balcony hereby approved a sample of the powdercoat finish to be applied to it shall be submitted to and approved in advance by the Planning Authority. The finish shall accord with the sample so approved.

Reason:

To safeguard the character and appearance of the house and that of the Conservation Area.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)