



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

**THURSDAY 19 JANUARY 2017  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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### **Committee Members Present:**

Councillor N Hampshire (Chair)  
Councillor D Grant  
Councillor J Goodfellow  
Councillor W Innes

### **Advisers to the Local Review Body:**

Ms E Taylor, Planning Adviser to the LRB  
Ms M Ferguson, Legal Adviser/Clerk to the LRB

### **Others Present**

Mr N Millar, ELC Planner  
Ms C McMonagle, ELC Planner  
Mr W Dodd, Architectural Heritage Society of Scotland

### **Committee Clerk:**

Mrs F Stewart

### **Declarations of Interest**

None

### **Apologies**

Councillor K McLeod

Councillor Hampshire, elected to chair the meeting by his colleagues, welcomed everyone to the meeting.

Morag Ferguson, Legal Adviser, introduced the Members of today's East Lothian Local Review Body (ELLRB) and Emma Taylor, Planning Adviser, who had taken no part in the original case determination. She outlined the procedure for the meeting and advised that a site visit had been carried out. Members had been provided with a submission from the Case Officer and review documents from the applicant, and given access to the planning file for each application. The Legal Adviser stated that, following a presentation from the Planning Adviser, Members would decide if they had sufficient information before them to reach a decision today. Should Members decide they had sufficient information, it was open to them to uphold for the reason given in the Decision Notice or uphold for a different reason. They could also overturn the original decision with or without conditions.

### **1. PLANNING APPLICATION 16/00791/P – REVIEW AGAINST DECISION (REFUSAL): ERECTION OF CONSERVATORY AT REDCLIFF, WHITINGHAME**

Emma Taylor, Planning Adviser, presented a summary of the relevant planning policy considerations in this case. She advised that the property was a two storey detached house with garden located in the countryside at Whittinghame to the west of Haddington. The home was within the Lammermuir Hills Area of Great Landscape Value and was listed as being of special architectural or historic interest (Category B).

Ms Taylor stated that the application was seeking permission for the attachment of a timber framed conservatory to the front (southwest) elevation of the house and the proposed conservatory would have a green painted timber frame with a glazed mono-pitched roof. The conservatory would have a low base stone wall with timber panelling above, otherwise it would be fully glazed. On 18 November 2016, through separate application 16/00791/LBC, listed building consent was refused for the proposed conservatory and an appeal against the refusal of listed building consent was currently in progress with Scottish Ministers.

Ms Taylor advised that the Planning Act required decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicated 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 key policies relevant to this application were: Policy 1B (The Spatial Strategy: Development Principles) of SESplan and Policies DC1 (Development in the Countryside and Undeveloped Coast), NH4 (Areas of Great Landscape Value), ENV3 (Listed Buildings) and DP6 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Plan 2008. The application had been refused by the Appointed Officer on the basis that the proposed conservatory would be a prominent, obtrusive and incongruous addition to the listed building that would not serve to preserve or enhance, but instead, would harm the special architectural and historic character, integrity and appearance of the it contrary to Policy 1B of SESplan and Policies DC1 (Part 5), ENV3 and DP6 of the adopted East Lothian Local Plan 2008. No consultations had been carried out by the Case Officer. One public representation to the application has been received.

The Chair requested clarification on the appeal process for a Listed Building Consent (LBC) application to Scottish Ministers and the Planning Adviser replied that an applicant could receive an approval from the ELLRB but a refusal from Scottish

Ministers on the appeal and vice versa. However, the project could only go ahead if both the ELLRB granted planning permission and the Scottish Ministers granted listed building consent.

The Chair thanked the Planning Adviser for her presentation. He then asked his fellow Members if they had sufficient information to proceed to determine this application today and they unanimously agreed to proceed.

The Chair invited comments from Members.

Councillor Goodfellow was inclined to disagree with the applicant's Grounds of Appeal where it stated that the proposed conservatory was to be fixed to a 'link' wall between the main building and an elevation on the left. In his view, it was not a link wall but part of the original building. He also did not agree that the proposals would enhance the architectural appearance of the building and made two further points; the proposed conservatory did not run the full length of the building and was therefore not symmetrical and, when viewed from the west, would interfere with the building line and architectural features. He would therefore be voting to uphold the original decision made by the Case Officer.

Councillor Innes considered that the design of the proposed conservatory appeared not to be sympathetic to the special architectural style of the house. However, he also had to decide if the front elevation had been compromised by the roof lights already installed on the south west facing roof slope which he found incongruous. However, on balance, he was minded to support the original decision of the Case Officer to refuse the application.

Councillor Grant stated that the site visit had helped him to appreciate the fine architectural features of the property and considered that any interference with the building line would compromise the property and not enhance it. He too, therefore, was minded to support the decision of the Case Officer to refuse the application.

The Chair had observed on the site visit that the property had been altered from its original design and might have looked on the application more favourably if the proposals had been more in keeping with the architectural design of the house. However, in light of the generic design of the proposed conservatory, he was not minded to support this application.

## **Decision**

The ELLRB unanimously agreed to uphold the original decision to refuse the application for the reason set out in the Decision Notice issued on 18 November 2016.

1. By virtue of its architectural form, size, scale and positioning on the principal front elevation of the house, the proposed conservatory would be a prominent, obtrusive and incongruous addition to it. It would not serve to preserve or enhance, but instead, would harm the character, integrity and appearance of the house as a building listed of special architectural or historic interest. The proposed conservatory is therefore contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and with Policies DC1 (Part 5), ENV3 and DP6 of the adopted East Lothian Local Plan 2008.

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