

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 6 June 2017

**BY:** Depute Chief Executive (Partnership 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 McMillan for the following reasons: the building at 21 Sidegate, Haddington is the Old Manse of St Mary's Kirk. It occupies a secluded site, not visible from Sidegate. The proposed removal of the buffet recess is part of internal work to make the building more sustainable in the future, and adaptable for modern lifestyle. The owners are making a substantial investment in the property, and I believe the Planning Committee should hear their proposals which affect the long-term future of the building.*

Application No. 17/00087/LBC

Proposal Removal of condition 4 of listed building consent 16/00691/LBC

Location The Old Manse  
21 Sidegate  
Haddington  
East Lothian  
EH41 4BZ

Applicant Mr and Mrs Chris and Emily Stevens

Per Derek Scott Planning

**RECOMMENDATION** Application Refused

#### **PLANNING ASSESSMENT**

The property to which this application relates is a two storey detached building that is listed as being of special architectural or historic interest (Category B).

In December 2016, listed building consent (Ref: 16/00691/LBC) was granted for a number of internal and external alterations to the building and for the addition of a single storey flat roofed extension onto the rear (north) elevation of the building.

The internal alterations proposed in application 16/00691/LBC for the ground floor of the listed building included the removal of part of the buffet recess wall at the north end of the living room in the ground floor of the building.

Historic Environment Scotland (HES) in their consultation response to application 16/00691/LBC, stated that the living room (former dining room) retains an original buffet recess with its own cornice flanked by pilasters and twin doors which is an important feature found in grander houses of this date and recommend that it is retained in-situ with access to the reconfigured kitchen taken through the original doors either side. They also added that this would better retain the character of the principal room and cellular nature of the historic house.

Therefore to safeguard the special architectural or historic interest of the listed building, listed building consent 16/00691/LBC was granted in December 2016 subject to a number of conditions; one of which (Condition 4) was that the buffet recess wall shall not be removed. Condition 4 states that:

'Listed building consent is not hereby granted for the removal of part of the buffet recess wall at the north end of the living room in the ground floor of the building.

Reason:

The proposed removal of part of the living room buffet recess wall would result in the loss of historic fabric of the building to an extent that would be harmful to the special architectural or historic interest of the listed building, contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV3 of the adopted East Lothian Local Plan 2008, The Scottish Historic Environment Policy Statement: June 2016 and Scottish Planning Policy: June 2014'.

Listed building consent is now sought for the deletion of Condition 4 of listed building consent 16/00087/LBC to allow for the removal of the internal buffet recess wall at the north end of the living room in the ground floor 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 Policy ENV3 (Listed Buildings) of the adopted East Lothian Local Plan 2008 are relevant to the determination of this application.

Material to the determination of the application is Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building given in the Historic Environment Scotland Policy Statement June 2016 and Scottish Planning Policy: June 2014.

The Historic Environment Policy Statement and Scottish Planning Policy echo the statutory requirements of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant listed building consent for any works to a listed building the planning authority shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses.

One letter of objection to the application has been received. The objection states that the buffet recess wall should be retained, without any alteration being made to it, and thus urges that condition 4 of listed building consent 16/00691/LBC be refused. The objection

also states that there is already a broad and direct passage, via one of the two twin doors which flanks the west side of the buffet recess, which serves as a discreet link between the kitchen and the dining room without seeking to destroy the original servery layout. Instead, it is proposed to transform the buffet recess into a wide central passageway between the two large rooms, supplanting the buffet recess as the designed central focus of the former dining room, damaging the special interest of the finest interior space of this listed building. Moreover, the objection makes a number of comments in response to the supporting statement that is submitted with this listed building consent application.

The applicant's agent, in his supporting statement submitted with this application, states that the property was built in the early 19th Century rather than in the late 18th Century as stated in the list description on Historic Environment Scotland's website. Moreover he states that it is his view and that of his client's, that Condition 4 of listed building consent 16/00691/LBC should not have been imposed and cite the following considerations in support of the request to remove this condition:

- (i) there is no reference in the description of the listed building on the statutory list to any features of special architectural or historic interest within the interior of the building, including the buffet recess feature;
- (ii) the proposed opening in the wall will not result in the loss of the buffet recess feature or in the decorative features which surround it;
- (iii) the proportions and spatial dimensions of the room, as existing, can still be enjoyed when the doors to be installed in the proposed opening are in the closed position;
- (iv) the wall which presently forms the rear of the buffet recess feature could be easily reinstated at any point in the future; and
- (v) the benefits to his clients of forming the link are unquantifiable in terms of creating a functional interconnected living space as opposed to the compartmentalised and fragmented situation which presently exists.

The applicant's agent also makes reference to two appeal decisions; one at 29 Regent Terrace in Edinburgh (Ref: LBA-230-2078) and the other at 149 Constitution Street in Edinburgh (Ref: LBE-230-2003).

The appeal made against the City of Edinburgh Council's decision to refuse listed building consent for internal alterations to form connecting doors in the living room and dining room at ground floor level within the building at 29 Regent Terrace was dismissed by the Reporter on the grounds that the proposed opening between the dining and living rooms would unacceptably detract from the historic and architectural interest of the building by disrupting a very significant feature of its original floor plan. It was also stated that there is an alternative, and more sympathetic, means of connecting the living and dining rooms and that other planned improvements to the building could still be delivered.

In respect of the appeal made against the listed building enforcement notice served by the City of Edinburgh Council against the formation of an opening, with dividing doors, in the buffet recess feature between the two front rooms of the flat at 149 Constitution Street. In that case, the Reporter allowed the appeal, directed that the listed building enforcement notice be quashed, and granted listed building consent for the matters covered in the listed building enforcement notice. The Reporter allowed this appeal as he considered that there was no evidence to suggest that the formation of the opening has resulted in the loss of a rare buffet access feature within the building. In relation to the effect of the formation of the opening on the character of the listed building, The Reporter concluded that whilst the character of the two front rooms has changed with the replacement of the part of the separating wall by double doors, the buffet recess has

been retained. He also concluded that the overall effect is not incongruous when viewed from the dining room, as the new doors and architraves match existing doors.

Notwithstanding the references made to these two specific appeals, the Scottish Historic Environment Policy Statement: June 2016 states that 'Each case must be judged on its own merits but in general terms listing rarely prevents adaptation to modern requirements but ensures that work is done in a sensitive and informed manner.'

Historic Scotland in their consultation response to this application state that, as was noted in their last letter, the buffet recess wall is an important feature within the B listed house. The desire to retain such features is not based on outdated views on how a house or its occupants should function but purely on retaining an important part of the building's special interest. Dining rooms in grander houses of this date often have a buffet recess whilst other dining rooms within houses of flats may have bowed ends or simply twinned doors. The dining room was one of the principal rooms within a house of this date and was very rarely linked to adjacent rooms. This particular buffet recess is enhanced with pilasters and has its own internal cornice, making it a particularly handsome example. In this case, the retention of the recess doesn't prevent linkage as there are twinned doors either side of it, allowing free passage between the dining room and proposed kitchen. This option would preserve the character and special interest of the building. Accordingly, they recommend that Condition 4 of listed building consent 16/00691/LBC is not removed.

The removal of part of the living room buffet recess wall and the installation of bi-fold doors within it would result in the loss of historic fabric of the building to an extent that would be harmful to the special architectural or historic interest of the listed building. In this there is no material change in circumstance since the determination of listed building consent 16/00691/LBC.

Accordingly, the deletion of Condition 4 of listed building consent 16/00691/LBC to allow for the removal of the internal buffet recess wall at the north end of the living room in the ground floor of the building would be contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV3 of the adopted East Lothian Local Plan 2008, The Scottish Historic Environment Policy Statement: June 2016 and Scottish Planning Policy: June 2014.

#### RECOMMENDATION:

That listed building consent be refused for the following reason:

- 1 The proposed removal of part of the living room buffet recess wall would result in the loss of historic fabric of the building to an extent that would be harmful to the special architectural or historic interest of the listed building, contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV3 of the adopted East Lothian Local Plan 2008, The Scottish Historic Environment Policy Statement: June 2016 and Scottish Planning Policy: June 2014.