

REVIEW DECISION NOTICE

Decision by East Lothian Local Review Body-(the ELLRB)

Site Address: 20 Green Apron Park, North Berwick

Application for Review by Mrs Sandra Bowdler against decision by an appointed officer of East Lothian Council.

Application Ref: 16/00959/P

Application Drawing: 096 (BW) 001; 096 (PL) 010 rev B; 096 (PL) 011 rev B

Date of Review Decision Notice: 29 June 2017

Decision

The ELLRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review.

This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

1 Introduction

1.1 The above application for planning permission was considered by the ELLRB, at a meeting held on Thursday, 15 June 2017. The Review Body was constituted by Councillor N Hampshire (Chair); Councillor W Innes, Councillor J McMillan, Councillor S Kempson, and Councillor B Small. All five members of the ELLRB had attended an unaccompanied site visit in respect of this application on the morning of Tuesday, 13 June 2017.

1.2 The following persons were also present at the meeting of the ELLRB:-

Iain McFarlane, Planning Adviser
Carlo Grilli, Legal Adviser
Fiona Stewart, Clerk

2 Proposal

2.1 The planning application is for the extension to house and formation of decking at 20 Green Apron Park, North Berwick.

The planning application was registered on 23 November 2016 and was refused under delegated powers on 3 February 2017. The notice of review is dated 4 April 2017.

The reasons for refusal are set out in full in the Decision Notice and are, in summary, that the proposed extension would be, by virtue of its design and scale, an obtrusive disproportionate and incongruous addition to the house, harmful to its character and appearance. It would not be reflective of the scale and design of other buildings in the locality. Consequently the proposed extension would be harmful to the character and appearance of the area, contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SES Plan) and Policy DP6 of the adopted East Lothian Local Plan 2008.

3 Preliminaries

3.1 The ELLRB members were provided with copies of the following:-

1	The drawings specified above
2	The Application for planning permission
3	The Appointed Officer's Report of Handling
4	A copy of the Decision Notice dated 3 February 2017
5	Copies of Policies DP6 of the Adopted East Lothian Local Plan 2008, and ENV1 (Residential Character and Amenity) and Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan);
6	Notice of Review dated 4 April 2017 together with Applicant's Submission with supporting statement and associated documents.

4 Findings and Conclusions

4.1 The ELLRB confirmed that the application for a review of the original decision permitted them to consider the application afresh and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it. They confirmed that they had access to the planning file in respect of this matter and to all the information that the Appointed Officer had available when reaching the original decision to refuse planning permission, including all drawings and copies of all representations and objections received in respect of the original application.

The Members then asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser advised that the main determining consideration in respect of this application was whether Members considered that the bulk and scale of the proposals for the first floor would be harmful to the house and the surrounding area. He stated that the property was relatively modern within a group of modern houses of a similar design and that the extension would be quite large and have vertical sides to it. This was unusual and more contemporary in design compared to the pitched roof of the house although some of the materials would reflect materials used in the original construction of the house. The same policies applied to this application as the previous application, policy 1B of the SESplan and policy DP6 of the East Lothian Local Plan 2008.

- 4.2 Councillor Kempson stated that the applicant's proposals appeared incongruous compared to extensions to other properties in the same area which, in her view, were less overt and obtrusive. She was therefore minded to support the original decision of the Case Officer.
- 4.3 Councillor Small agreed with his colleague. Having looked at other houses in the neighbourhood, he considered that a house with the pitched roof at the front was not consistent with the look and feel of the other houses in the street. He would also support the original decision of the Case Officer.
- 4.4 Councillor Innes was of a similar mind. He described other extensions in the area as being more sympathetic in design than the applicant's proposals which he found unattractive. He too therefore would support the original decision of the Case Officer.
- 4.5 Councillor McMillan stated that there was modern innovative architecture in evidence throughout North Berwick, but he considered that these proposals would result in an incongruous addition to the house.

Decision

The ELLRB unanimously agreed to uphold the decision of the Case Officer to refuse the application for the reason stated in the Decision Notice dated 3 February 2017.

The Review Application was accordingly dismissed.



Carlo Grilli
Legal Adviser to ELLRB

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)**

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.