



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

**THURSDAY 15 JUNE 2017
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

Committee Members Present:

Councillor N Hampshire (Chair)
Councillor W Innes
Councillor J McMillan
Councillor S Kempson
Councillor B Small

Advisers to the Local Review Body:

Mr I McFarlane, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser/Clerk to the LRB

Others Present

Mr L Taylor, ELC Planning Policy Officer
Mr N Millar, ELC Planner
Mr C Kiely, ELC Planner
Mr N McFarlane, ELC Transportation Planning Officer (Items 1 and 2)

Committee Clerk:

Mrs F Stewart

Declarations of Interest

None

Apologies

None

Councillor Hampshire, elected to chair the meeting by his colleagues, welcomed everyone to the meeting. He also introduced his fellow Members, the Planning Adviser and the Legal Adviser present.

There were three planning applications for review and site visits had been carried out for all three applications prior to the meeting.

Following a presentation from the Planning Adviser, Members would decide if they had sufficient information before them to reach a decision on each application 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. It was also open to them to overturn the original decision with or without conditions.

Members had received the applicants' Notice of Review and supporting documents for each application together with the Council's submission. Members had also had full access to the planning files for each application.

1. PLANNING APPLICATION 16/01012/P- REVIEW AGAINST DECISION (REFUSAL) EXTENSION TO HOUSE AT 6 SANDERSONS WYND, TRANENT

Iain McFarlane, Planning Adviser, stated that the application sought to add extensions to the pitched roof of the house, both to the front and the rear of the property. The terms of planning policy 1B of SESplan and DP6 of the adopted East Lothian Local Plan were relevant to this application.

Mr McFarlane advised that the Case Officer considered that the proposed extension to the rear of the property would be largely screened from view. However, the front of the house formed part of a row of houses of the same design, particularly the gable end of the roofscape, which had largely been maintained over the years. He advised that Members needed to consider if the proposals for the extension to the front of the house were acceptable.

The Chair enquired if an application for boxed dormer windows in the roof space at the front of the house would have been looked on more favourably by the Case Officer. The Planning Adviser replied that such a proposal might have maintained a better relationship with the neighbouring homes, but approval would depend upon the design. Councillor Small sought clarification on whether Members could approve part of an application and the Planning Adviser replied that parts of an application can be deleted by condition but only when it was a small part of the application. He stated that Members needed to decide whether the development as proposed was acceptable.

The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they confirmed that they had. Comments from Members followed.

Councillor Innes stated that the site visit had given him the benefit of seeing the property within the terrace of houses and the wider environment. He had observed that the roofscapes at either end of the terrace were identical and that the mid terrace houses had a different profile. Viewing the terrace as a whole, he considered that the proposals would not be unattractive or compromising and would not be detrimental to the character of the area. He was therefore inclined to support the appeal but would listen with interest to the views of his colleagues.

Councillor McMillan stated that, in terms of the context of the house, particularly with the development to the north of the property, he did not consider that the proposed extensions would be incongruous. However, he did feel that symmetry needed to be maintained with the east and west end of the terrace. He also agreed that planning policies 1B of SESplan and DP6 of the adopted East Lothian Local Plan 2008 were relevant in this case and he would therefore support the original decision made by the Case Officer.

Councillor Small stated that he had viewed the property from some distance away to visualise what the impact of the proposal for the front of the house might be and, while he was sympathetic with what the applicant was trying to achieve for his family, he was minded to support the support the decision of the Case Officer.

Councillor Kempson stated that the applicant's property was situated in a very attractive terrace and suggested that the applicant could perhaps explore possibilities for an extension to the rear of the house. She too supported the decision of the Case Officer.

The Chair stated that he sympathised with the applicant wishing to create more accommodation within the property and suggested that option could be available to him perhaps in form of boxed dormer windows. However, mindful that his colleagues wanted the streetscape to remain the same, he would support the decision of the Case Officer.

Councillor Innes stated that he had not been swayed by the arguments of his colleagues and confirmed he would vote to uphold the appeal.

Decision

The ELLRB agreed by a majority of 4:1 to uphold the original decision of the Planning Officer for the reasons given in the Decision Notice dated 16 February 2017:

1. The proposed extension by its architectural form and appearance would harmfully alter and be disruptive of the architectural form of the house and of the terrace of houses of which the house is a part. As an unsympathetic addition to the house, the proposed extension would appear as a dominant, intrusive and incongruous addition to it, which would be to the detriment of the character and appearance of the house, the similarly designed houses within the terrace and of the other houses within the streetscape of Sandersons Wynd, contrary to 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.

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

2. PLANNING APPLICATION 16/00959/P - REVIEW AGAINST DECISION (REFUSAL) EXTENSION TO HOUSE AND FORMATION OF DECKING AT 20 GREEN APRON PARK, NORTH BERWICK

Iain McFarlane, 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.

There were no questions from Members.

The Chair proceeded to ask his fellow Members if they had sufficient information to determine this application today and they unanimously agreed to proceed. Comments from Members followed.

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.

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.

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.

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. He would therefore vote in favour of the Case Officer's decision.

The Chair shared the views of his colleagues and stated that the house could be extended in a more sympathetic way to maintain the architectural integrity of the area.

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.

1. The proposed extension would be, by 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 it or 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 of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DP6 of the adopted East Lothian Local Plan 2008.

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

3. PLANNING APPLICATION 16/00879/P – REVIEW AGAINST CONDITIONS ATTACHED TO THE GRANTING OF PLANNING PERMISSION FOR AN EXTENSION AT 13 DUNDAS AVENUE, NORTH BERWICK

Iain McFarlane, Planning Adviser, advised Members that Condition 1 of planning consent to this application for an extension reflected the Case Officer's concern over windows overlooking the garden to the west of the property. This condition stated that, prior to any use being made of the rear extension, the windows to be formed at ground floor level in the west side elevation wall of it should be obscurely glazed to protect the amenity of the garden to the west of the property. The boundary with this property was presently formed by a low timber fence in combination with vegetation of varying height.

Questions from Members followed.

Councillor Small enquired if the neighbour to the west of the property had had an opportunity to comment on the application and the Planning Adviser replied that the neighbour had not objected to the application. He advised that there was presumably a reasonable relationship between the neighbours and the motivation for the condition was that there could be no guarantee in future that there would be a comfortable relationship with the occupants of the house next door. It was for Members to decide if the plans were sufficiently compromising to the house next door that the condition should remain. In response to other questions, the Planning Adviser stated that the plans were for a kitchen with a double window 2m wide and a triple window on the rear elevation. The extension would also have a double bi-fold door.

The Chair asked his fellow Members if they had sufficient information to proceed with the review today and they unanimously agreed to proceed. Comments from Members followed.

Councillor McMillan stated that the site visit had been very helpful in this case and he had also read the applicant's evidence to support the review. He acknowledged that there was an element of overlooking the neighbouring garden but he was satisfied that there was a reasonable relationship between the neighbours. He would therefore uphold the review and vote to remove Condition 1 from planning consent.

Councillor Small took the view that steps could be taken in future if there was any discontent with the windows overlooking the neighbouring garden. He too would therefore vote to remove Condition 1 of planning consent.

Councillor Innes took a contrary view. He stated that the applicant had privacy in his garden and the same courtesy should therefore be extended to his neighbour. Furthermore, he did not feel that the imposition of obscure glazing would be detrimental to the kitchen's appearance. He would therefore support the inclusion of the decision by the Case Officer.

Councillor Kempson agreed with Councillor Innes. She wondered if the neighbour appreciated how high the kitchen window would be and held the view that obscurely glazed windows would still allow sufficient light and outlook. She too would therefore support the decision of the Case Officer.

Councillor McMillan referred to the applicant's evidence in support of the review where he asked if an alternative condition could be considered as a compromise, should the Authority still consider there was insufficient screening. He asked if the LRB could request an alternative condition and the Planning Adviser advised that it was feasible to consider another condition but a high fence, as suggested by the applicant, could be

detrimental to the neighbour in another way. The Legal Adviser agreed stating that Members would need to consider the impact such a condition would have.

The Chair stated that this application had received consent and the extension would already be overlooking the neighbour's garden. He added that consent had also been given for the decking and that there would always be screening between the gardens. He therefore considered that clear glazing in the windows would be of no further detriment to the neighbouring home than already exists. He was therefore minded to remove Condition 1 from planning consent.

Decision

The ELLRB agreed by a majority of 3:2 to remove Condition 1 shown on the Decision Notice granting planning permission dated 17 January 2017. Condition 2 remains.

2. 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, other than those approved to be formed as shown on the drawings docketed to this planning permission, shall be formed within the west elevation wall of the extension hereby approved, unless otherwise approved by the Planning Authority.

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

Signed

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Councillor N Hampshire
Convener of Local Review Body (Planning)