

REVIEW DECISION NOTICE

Decision by East Lothian Local Review Body (the “ELLRB”)

Application for Review by Patrick Beales of 9 Forth Street, North Berwick against decision by an appointed officer of East Lothian Council

Site Address: 9 Forth Street, North Berwick

Application Ref: 17/00483/P

Application Drawing: DWG1;

DWG2;

DWG3;

DWG4;

DWG5;

DWG6

Date of Review Decision Notice: 6 October 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, 21 September 2017. The Review Body was constituted by Councillor J McMillan (Chair); Councillor L Bruce, and Councillor J Findlay. All three members of the ELLRB had attended an unaccompanied site visit in respect of this application prior to the meeting.

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

Paul Zochowski, Planning Adviser
Carlo Grilli, Legal Adviser
Fiona Stewart, Clerk.

2. Proposal

- 2.1. The planning application is for the proposed installation of windows to be installed in the prominent north and west elevation of the property at 9 Forth Street, North Berwick.
- 2.2. The planning application was registered on 9 June 2017 and was refused under delegated powers on 19 July 2017. The notice of review is dated 13 August 2017.
- 2.3. The reasons for refusal are set out in full in the Decision Notice and are, in summary, that the proposed windows to be installed in the prominent north and west elevation of the property, due to their UPVC framing material would neither preserve nor enhance, but would be harmful to the character and appearance of the property and the character and appearance of the North Berwick Conservation Area, contrary to Policy 1B of the approved South East Scotland Strategic Development Plan, Policies ENV4 and DP8 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: June 2014.

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 19 July 2017
5	Copy of objection from North Berwick Community Council
6	Copies of Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SES Plan) and Policies ENV4 and DP8 of the adopted East Lothian Local Plan 2008.
7	Notice of Review dated 13 August 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.

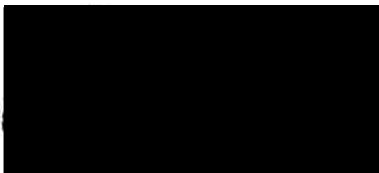
4.2. The Members then asked the Planning Adviser to summarise the planning policy position

in respect of this matter. The Planning Adviser gave a brief presentation to Members advising that the main determining factor was whether, the proposed windows to be installed in the north and west elevation of the property, due to their UPVC framing material would be harmful to both the character and appearance of the property and the North Berwick Conservation Area.

- 4.3. Councillor J Findlay stated that the proposed new types of windows have merits that the opening method is the same as currently installed. He was also of the opinion that while the proposed window frames are to be made of PVC the addition of "horns" provides the impression they are wooden frames. In his opinion there are other properties which already have these types of windows in the area and will uphold the appeal.
- 4.4. Councillor Bruce stated that he agreed with the comments from Councillor Findlay but that having due regard to the planning policies in respect of materials he would refuse the appeal.
- 4.5. Councillor McMillan stated that the windows applied for were in a prominent location and would differ slightly in design from those currently in place due to the "horns". In consideration of the policies he was of the view that any proposed replacement windows would require to match the current windows in every respect. Accordingly as the proposed replacement windows do not match the current windows in every respect he will refuse the appeal.

Accordingly, the ELLRB decided 2 to 1 that the Review should be dismissed and the original decision to refuse this application should be upheld, for the reasons set out in the original Decision Letter of 19th July 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.

