

REPORT TO: Planning Committee

MEETING DATE: Tuesday 6 February 2018

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor McLennan for the following reason: objectors are concerned that the design is not in keeping with existing properties in terms of scale and design.

Application No. **17/00953/P**

Proposal Erection of 1 house, garage and associated works

Location **Land Adjacent To 5 Viewforth
Dunbar
East Lothian
EH42 1AX**

Applicant Mr and Mrs Turnbull

Per Blueprint Design (Dunbar) Ltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The application site relates to the side garden of an existing residential property at 5 Viewforth, Dunbar. It is located within a predominantly residential area, as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008.

Viewforth is a cul-de-sac accessed from North Road. The application site is located at the south-western end. The site is bounded to the east by the existing house of 5 Viewforth, which is predominantly single storey with accommodation in the roofspace. It contains a two storey gabled projection at its western end. To the north the site adjoins the side of the rear garden ground of a single storey house at 6 Viewforth. The west side of the site is bounded by a brick wall with a timber fence on top, beyond which is a landscaping strip, parking area and garage. Beyond this is the public road of Westpoint and a row of semi-detached, 2 storey houses. To the south the site adjoins the front garden of a 2 storey house at 7 Westpoint and an area of amenity open space accessed from Floors Terrace.

There are significant level differences across the site, with the ground rising to the south and west.

Planning permission is sought for the erection of a house and detached garage and for associated works within the application site.

The application drawings indicate that an existing garage located within the northern part of the site would be demolished. Demolition of the garage does not require planning permission and does not therefore form part of the development that is the subject of this planning application.

The proposed house would be two storeys in height. Its eaves would have a height of some 5.7 metres and a ridge height of some 8.4 metres. The walls would be finished in 'antique white' render and the roof would be clad in flat, grey coloured concrete tiles. The front of the house would have a reconstituted stone basecourse of approximately 70cm in height. Due to the level differences across the site this results in a 10cm basecourse to the rear. The house would have a single storey rear sunroom, which would be 5 metres wide and would project from the rear elevation of the main house by approximately 3.5 metres.

The area to the front (north) of the house would be hard surfaced in paviors. The proposed garage would be some 6.5 metres wide and some 7 metres deep. It would have a mono-pitched roof, which would slope towards the proposed house and would be 3 metres high at its highest point. The walls of the proposed garage would be finished in white coloured render and the roof would be clad in roofing membrane.

The applicant has submitted amended plans to show an altered house design, with a reduction in the overall height and depth of the proposed house. Additional sectional drawings have been submitted to demonstrate the proposed level changes and its relationship with neighbouring properties.

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 of the approved South East Scotland Strategic Development Plan (SESPlan) and Policies ENV1 (Residential Character), DP1 (Landscape and Streetscape Character), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Also material to the determination of the application is Planning Advice Note 67: Housing Quality.

Planning Advice Note 67: Housing Quality explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of

places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

Six written representations objecting to the application have been received, the main points of which are summarised below:

- * Lack of information submitted with the application;
- * Loss of privacy and overlooking of neighbouring properties;
- * The scale of the development is inappropriate for the location;
- * The privacy of residents of the proposed house is likely to be very poor due to overlooking;
- * Much of the proposed house will be in shadow from the south wall;
- * Future residents of the proposed house would have very limited garden ground;
- * Two of the first floor windows from 7 Westpoint will look directly into all windows to the rear of the proposed house, affecting the amenity of both houses;
- * First floor windows on the South West Elevation will look out on existing bedrooms and living rooms of houses in Westpoint, resulting in a loss of privacy;
- * There are 4 windows on the north west (front) elevation that would overlook the rear garden of 6 Viewforth;
- * The proposed house will block light from the garden of 6 Viewforth, the impact will be exacerbated as the house would sit higher than 6 Viewforth;
- * The proposed 1.8m fence along the NE boundary should be extended along the side of the platform (the boundary with 6 Viewforth);
- * The proposed house may result in a loss of sunlight to Westpoint Road;
- * Development of the site will set a precedent for sub-division and development of other gardens in the area, likely to result in overdevelopment in the longer term;
- * The development is not well integrated into its surroundings and is contrary to DP1;
- * The proposed house will be crammed onto the site, between the proposed garage and western boundary;
- * The building line will be disrupted;
- * The proposed house would have a roof ridge higher than that of 5 Viewforth;
- * Building in the garden of 5 Viewforth will prevent enjoyment of the gardens for future residents of that property;
- * Increase in cars, road and traffic issues;
- * Noise and disruption during construction;
- * The proposal is contrary to ENV1, DP1, DP7, DP14, NH5, and ENV4 of the ELLP (and similar policies in the proposed LDP);
- * The loss of the views from neighbouring properties; and
- * The development may affect the selling of neighbouring properties.

The loss of private views and the potential impact on house prices or sales are not material planning considerations in the determination of this planning application.

The applicant has submitted sufficient information to allow the assessment of the proposal.

The application site is within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. Policy ENV1 does not actively promote the development of land for new build residential development. The principal

purpose of Policy ENV1 is to ensure that the predominantly residential character and amenity of its area of coverage is safeguarded against the impacts of land uses other than housing. However Policy ENV1 does state that infill, backland and garden ground development will be assessed against Policy DP7 of the adopted East Lothian Local Plan 2008.

The proposed new house plot comprises the side garden of the existing property of 5 Viewforth. It is within a predominantly residential area with residential properties to the north, south, east and west of it. The building of a house on the site would amount to urban infill housing development, the principle of which is supported by Policy DP7 of the adopted East Lothian Local Plan 2008.

With respect to infill, backland and garden ground development Policy DP7 of the adopted East Lothian Local Plan 2008 states that, amongst other principles of development, it must, by its scale, design and density be sympathetic to its surroundings and not an overdevelopment of the site. The privacy of existing and future residents must also be protected and there should be no loss of important physical or natural features.

Policy DP2 of the adopted East Lothian Local Plan 2008, amongst other things, requires that all new development must be well designed and integrated into its surroundings.

Thereafter, the principal determining factor in this case is whether, having regard to national, strategic and local planning policy and guidance and other material considerations the design, positioning and layout of the proposed new house and the works associated with it are acceptable, with due regard to their potential impact on the character and residential amenity of the area, including their impact on the amenity of neighbouring residential properties.

There is a mix of different house types on Viewforth, including single, two storey and one-and-a-half storey houses of various designs and eaves heights. The majority have rendered walls. There is a mix of roof finishes. The applicant has provided sections and a street elevation to illustrate that the proposed house would have a ridge height at the same level as the existing house at 5 Viewforth, although the eaves height would be significantly higher. The applicant has reduced the depth of the house so it would project 1 metres forward of the frontage of 5 Viewforth, rather than 3 metres as originally proposed. There is no strong building lines on the street, with properties staggered. The design of the proposed house is relatively simple and similar to other properties in the street. The finishing materials would not be dissimilar to those of the existing houses. In all of this the proposed house would sit comfortably within the context of the mix of modern housing with which it would be visually associated. It would not appear harmfully dominant or intrusive, and would not be an incongruous addition to the pattern and density of the built form of Viewforth. It would be an acceptable form of infill housing development of the site that would not be harmful to the character and appearance of Viewforth or the character and appearance of the area.

The proposed garage by its size, scale, form, positioning and materials would not appear as a dominant or incongruous feature within the streetscape. It would be appropriate for its location and well integrated with its surroundings. It would not be harmful to the character and appearance of the area.

The other proposed works would all be appropriate to their location and well integrated into their surroundings. They would not be harmful to the setting of the house or the

character and appearance of the area.

The proposed house would have a garden that is over 9 metres in length, although the rear of it would be sloping towards the southern boundary. The levelled patio area next to the sunroom and the sloping garden would provide a reasonable seating area and amenity garden ground. In all of this there is sufficient land within the site to accommodate the house and garage, with a sufficient sized garden and adequate parking provision and vehicular and pedestrian access without there being an overdevelopment of it. Development of the site does not result in any loss of open space important to recreation or amenity requirements.

On these considerations the development does not conflict with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy DP2 of the adopted East Lothian Local Plan 2008, and Planning Advice Note 67: Housing Quality.

Policies DP2 and DP7 of the adopted East Lothian Local Plan 2008 require, amongst other considerations, that new development should not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

On the matter of the impact of the house on daylight and sunlight on neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair. By virtue of its height, positioning and distance away from the neighbouring properties, the house would not, in accordance with such guidance, give rise to harmful loss of daylight or sunlight to them and therefore would not have a harmful affect on the residential amenity of those properties. The house should also receive a sufficient amount of daylight (skylight) and the garden of it a sufficient amount of sunlight.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority, to apply the general rule of a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

In this case there are also significant level changes across the site and between the site and the wider area which need to be considered.

The proposed ground floor windows in the east elevation of the proposed house would be screened by the proposed 1.8 metres height fence to be erected along the eastern boundary of the site. The proposed first floor window in the east elevation of the proposed house would face toward the blank first floor wall of the neighbouring house of 5 Viewforth. As such, the proposed house would not result in any harmful overlooking of the neighbouring property of 5 Viewforth.

The existing house of 5 Viewforth would be left with sufficient garden ground, even taking into account the areas of it which are steeply sloping.

The proposed house would have a rear garden over 9 metres in length. However, the rear garden of 7 Westpoint is approximately 5 metres long at some points. Therefore, on plan, it is evident that there would not be 18 metres between windows. The street elevation provided by the applicant shows that the proposed house would sit

significantly lower than the existing house to the south at 7 Westpoint. There are two first floor windows on the north facing elevation of the property to the south. The drawings submitted demonstrate that the first floor windows of the proposed house would not look directly towards the house to the south, as it sits so much lower within the site. The eaves of the proposed house would be no higher than the existing stone wall along the southern boundary, and the windows slightly lower than this. As such, the proposed house would not result in any harmful overlooking of the neighbouring property of 7 Westpoint.

The glazed openings in the west elevation of the house would face towards the public road of Westpoint and would not therefore result in any harmful overlooking.

The glazed openings in the north elevation of the house would be located more than 9 metres from the rear garden of 6 Viewforth, to the north, and so would not result in harmful overlooking of that adjacent property.

Sectional drawings submitted with the application demonstrate that the levels of the proposed house and garden would not have an unacceptable impact on the privacy or amenity of any neighbouring property.

The neighbouring garden to the north, that of 6 Viewforth, is west facing. The garden currently receives some overshadowing from the existing house and rear extension, the existing fence along the southern boundary of their garden and the existing houses and wall to the south, which are at a significantly higher level. It is noted that the floor of the proposed garage would be at a slightly lower level than the existing ground.

Application of the sunlight test on the proposed house and garage predict that they would cast shadow onto a small part of the rear garden of 6 Viewforth (approximately 3.5 metres from the southern boundary) between the hours of 9am and 2pm. Therefore, although there is predicted to be some shadow caused, it would be at no time result in more than half the garden being covered by shadow and it is not anticipated to result in a shadow significantly greater than that caused by the existing fence and wall along the south of the boundary. Therefore, the effect of overshadowing would not have a significant detrimental effect on the garden of 6 Viewforth.

The type of development proposed in this application is common place and there would be nothing extraordinary in the construction works to be carried out that would justify the Planning Authority exercising planning control over matters of site noise, hours of working, delivery and storage of materials and parking of builder's vehicles and skips. Any matters of alleged nuisance to neighbours from any construction works that may be carried out would be for the Council's Environmental Protection Manager to investigate under separate environmental protection legislation.

In all of this the proposed development would not have an unacceptable impact on the privacy or amenity of any neighbouring property.

The development of a house on the site would increase the amount of impermeable surfacing on the site and the whole site slopes north towards 6 Viewforth. To ensure that there is acceptable drainage in this area a condition can be imposed requiring details of the permeable paviers and drainage from this area. Details of boundary treatment along this boundary can also be secured by the imposition of a planning condition to ensure there is a suitable boundary with the existing property.

Two parking spaces would be provided to serve the proposed house. The Council's Road Services confirm that the arrangements for site access, on-site parking and

turning are of an acceptable standard of provision. They therefore raise no objection to the proposed development. Accordingly it is consistent with Policies T2 and DP22 of the adopted East Lothian Local Plan 2008.

The proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DP1, DP2, DP7, DP22 and T2 of the adopted East Lothian Local Plan 2008

CONDITIONS:

- 1 Prior to the commencement of development on site, final site setting out details shall be submitted to and approved in writing by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s).

The levels shall be shown in relation to an Ordnance Survey datum or local datum from which the Planning Authority can take measurements and shall be shown on the setting out drawing. A minimum of three benchmarks must be provided relating to fixed points outwith the development site.

Thereafter, the development shall be implemented in accordance with the approved details.

Reason:

To ensure that the proposal is implemented in accordance with the approved plans and allow the Planning Authority to control the development in the interests of the visual amenity of the area.

- 2 Prior to commencement of development on site a Construction Method Statement shall be submitted to and approved in writing by the Planning Authority. This shall detail measures that will be employed to minimise the impact of construction activity on the amenity of the area, to control construction traffic, noise, dust. It will include details of the hours of construction work and wheel washing facilities.

Thereafter, the Construction Method Statement shall be implemented as approved for the period of construction of the development hereby approved.

Reason:

To minimise the impact on construction activity in the interests of road safety and amenity.

- 3 Notwithstanding the approved plans, prior to their use on site, details of the roof tiles to be used on the house hereby approved shall be submitted to and approved in writing with the planning authority.

Thereafter the roof cladding shall be implemented as approved.

Reason:

To allow the consideration of details yet to be submitted in the interest of the visual amenity of the area.

- 4 Prior to the commencement of development on site full details of the construction and materials to be used for all the hard surfaced area and details of the provision for the drainage of surface water from the site shall be submitted to and approved in writing with the Planning Authority.

Thereafter, the details shall be implemented as approved.

Reason:

To allow the consideration of details yet to be submitted and to prevent surface water entering the curtilage of 6 Viewforth and attenuate surface water onto the public road.

- 5 Notwithstanding the approved plans, prior to the commencement of development, details of a boundary treatment along the northern boundary of the site shall be submitted to and approved in writing by the Planning Authority.

Thereafter, the approved boundary treatment shall be implemented prior to the occupation of the house hereby approved.

Reason:

To ensure that there is a suitable boundary treatment between the site and the garden of 6 Viewforth, in the interest of residential amenity.