

REVIEW DECISION NOTICE

Decision by East Lothian Local Review Body (the ELLRB)

Site Address: Redcliff, Whittinghame, EH41 4QA

Application for Review by Mrs J Harper against decision by an appointed officer of East Lothian Council.

Application Ref: 16/00791/P

Application Drawings: SP1, DWG001, DWG002, DWG03 and DWG04

Date of Review Decision Notice – 26th January 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 19th January 2017. The Review Body was constituted by Councillor Norman Hampshire (Chair), Councillor Jim Goodfellow, Councillor Willie Innes and Councillor Donald Grant. All four members of the ELLRB had attended an unaccompanied site visit in respect of this application on 19th January 2017.

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

Emma Taylor, Planning Adviser (in attendance on Site Visit)
Morag Ferguson, Legal Adviser
Fiona Stewart, Clerk.

2 Proposal

2.1 The application site is a two storey detached house and its garden located in the countryside at Whittinghame to the west of Haddington. The property is within the Lammermuir Hills Area of Great Landscape Value and it is listed as being of special architectural or historic interest (Category B).

The application seeks permission for the erection and attachment of a timber framed conservatory on the front (southwest) elevation of the house.

The planning application was validated on 23rd September 2016 and refused planning permission under delegated powers on 18th November 2016. The notice of review is dated 29th November 2016. On 18th November 2016, through separate application 16/00791/LBC, listed building consent was refused for the proposed conservatory. An appeal against the refusal of listed building consent is currently in progress with Scottish Ministers.

The reason for refusal is set out in full in the Decision Notice and is, in summary, that that the proposed conservatory would be a prominent, obtrusive and incongruous addition to the listed building that would not serve to preserve or enhance, but instead would harm, the special architectural and historic character, integrity and appearance of the listed building contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Part 5), ENV3 and DP6 of the adopted East Lothian Local Plan 2008.

The Applicant has applied to the ELLRB to review the decision to refuse planning consent.

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 18 th November 2016
5	Copy of Representation from AHSS
6	Copies of Policy 1B of the approved South East Scotland Strategic Development Plan and Policies ENV3, DC1 and DP6 of the Adopted East Lothian Local Plan 2008
7	Notice of Review dated 29 th November 2016 with supporting statement and drawings

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.

The Members 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 application seeks permission for the construction and attachment of a timber framed conservatory to the front (southwest) elevation of the house. The proposed conservatory would have a green painted timber frame with a glazed mono-pitched roof. It would have a low base stone wall with timber panelling above. Otherwise it would be fully glazed.

She reminded members that the planning legislation requires decisions on planning applications to be taken in accordance with development plan policy unless material considerations indicate otherwise. The Listed Buildings and Conservation Areas legislation further requires that, when exercising planning functions affecting Listed Buildings, special attention should be paid to the desirability of preserving or enhancing the special architectural and historic character, integrity and appearance of the Listed Building.

She advised that the site is located in the countryside at Whittinghame to the west of Haddington. The property is within the Lammermuir Hills Area of Great Landscape Value and the house of Redcliff is listed as being of special architectural or historic interest (Category B). She confirmed that the main policy considerations relevant to this matter are design and impacts on the Listed Building. She noted that the key policies relevant to this application are: Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), NH4 (Areas of Great Landscape Value), ENV3 (Listed Buildings) and DP6 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Plan 2008..

She reminded the LRB that the application was refused by the appointed officer on the basis that the proposed conservatory would be a prominent, obtrusive and incongruous addition to the listed building that would not serve to preserve or enhance, but instead, would harm the special architectural and historic character, integrity and appearance of the Listed Building contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Part 5), ENV3 and DP6 of the adopted East Lothian Local Plan 2008. The reasoning for this decision is set out in full in the officer's report.

She advised that the request for a review stated that the 'feature wall' of the property would remain unaltered with the proposed conservatory affixed to a 'link' wall between the main building and a more inferior elevation to the left. The applicant argued that, by virtue of the materials, form and size of the proposed conservatory, there would be minimal impact on the dominant elevations of the property and a number of drawings are provided to illustrate this point.

The Planning Officer summarised the main questions for the ELLRB to consider in reviewing the case, namely, whether the proposed development would comply with the policies of the development plan in respect of design and impacts on the Listed Building, with or without any conditions, whether there are any other material considerations that should be taken into account, and whether any of these outweigh the provisions of the development plan in this case?

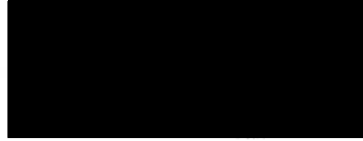
Finally, she reminded Members that they have the option of seeking further information if necessary before making a decision, either through further written submissions, a hearing session, a further site visit, or a combination of these procedures.

The Chair asked the members to consider whether they had sufficient information to enable them to proceed to make a decision in respect of this matter. All members considered that they did have sufficient information. Accordingly, the decision of the ELLRB was that they would proceed to reach a decision at this meeting.

- 4.2 Councillor Goodfellow advised that he had disagreed with the applicant's description of a 'link' wall; he was of the view that the property had to be considered in its entirety, as a complete building. As such, he completely disagreed with the view that the conservatory would enhance or preserve the character or look of the building. He considered that the design, which does not run along the whole length of the wall in question, was incongruous and, when viewed from the west, the conservatory would interrupt the building line to the detriment of the appearance of the Listed Building. Accordingly, he was minded to uphold the original decision to refuse planning consent. Councillor Innes noted that this was a particularly fine example of a building of its time and type although he felt that the front elevation had already been compromised to some extent by the installation of roof lights. However, on balance, he was of the view that the proposed conservatory, as designed, would exacerbate the position and accordingly he was minded to refuse planning permission.
- 4.3 Councillor Grant felt that the site visit had been useful in appreciating the particular character and appearance of this building. He felt that the interruption to the building line that would result from the erection of the proposed conservatory would not preserve or enhance this and thus he would refuse planning permission. Councillor Hampshire felt that this was a special building in a special location but that it had already been altered from the original historic design. He agreed with the applicant that the 'link' wall was not a particularly attractive part of the frontage but felt that the design of the proposed conservatory could have been more architecturally attractive and in keeping with the specific character and appearance of this house. Thus he was minded to uphold the original decision to refuse planning permission.

- 4.4 Accordingly, the ELLRB agreed unanimously that the Review should be dismissed and the original decision to refuse this application should be upheld, for the reason set out in the original Decision Letter of 18th November 2016.

The Review Application was accordingly dismissed.



Morag Ferguson
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.