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The Local Review Body
c/o the Clerk
Committee team
Communications and Democratic Services
John Muir House
Haddington
East Lothian
EH41 3HA

16 May 2018

18/00193/P - 3C Links Road, North Berwick, EH39 4LT

Dear Sir / Madam

Please see an attached statement appealing against Condition 1 of Planning Consent number 18/00193/P.

Yours sincerely

Julie Wilson RIAS RIBA
Partner

Cc - Mr Chris Montgomery – applicant

Partners:
Julie Wilson
B(Arch) MSc RIAS RIBA
John Brennan
MA DipArch RIAS

RIAS Chartered Practice

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We are writing on behalf of our client Mr Montgomery, to ask the Local Review Body to reassess Condition 1 which has been attached to the above project which was granted Planning Permission on 25th April 2018. The consent includes a condition as to the glazing that fundamentally compromises the project for our client. The condition also contradicts the pre-application advice received from the Council's Planning Department. We think there was no reasonable period of time given by the Planning Department to clarify or negotiate this condition. Neither our client or ourselves was aware of this until just prior to the granting of the permission.

Condition 1 states the following:

“Notwithstanding that which is stated on docketed drawings the frames of the windows and door to be formed within the proposed extension hereby approved shall not be aluminium clad in a powder coated white colour but instead shall have timber frames and astragals painted in a white colour. Prior to the commencement of development details of the timber framed and astragaled windows and door shall be submitted to and approved by the Planning Authority. Development thereafter shall be carried out in accordance with the details so approved. “

We would wish appeal this condition and include below background to the proposed alterations and our justifications that Condition 1 be reconsidered by the Local Review Body.

Project Background.

The proposed alterations involve the replacement of an existing viewing room which sits at rooftop level to a large Victorian mansion. It lies within the town's conservation area but the building is not listed.

The original house Tusculum, was built as a home for the Cree family in 1858. The painting [photograph 1] dated 1867 showing the original mansion. In the twentieth century, the house was extensively extended, with the roofline altered and the addition of a significant extension to the South. The property was later subdivided into apartments with the addition of a new stair and lift tower capped with a viewing room accessible from the top floor apartment (Apartment no. 3c subject to this planning application)



Photograph 1 Tusculum, North Berwick 1867



Photograph 2 Tusculum, 2018 with later additions

The highest room in the building, which sits 19m above ground level, is now in a poor state of repair. The room is in a highly exposed location on the North Berwick coast and is of poor quality construction and provides limited usable floor space. Any 'view' from this room is obscured by a lattice of astragals on the existing windows. None of the original Victorian windows to Tusculum, or the later additions, have astragals. The existing tower room windows are therefore incongruous with the architectural style of the remaining property.



Photograph 3 Current condition of tower room windows due to weathering from exposed location



Photograph 4 The astragals to tower room windows are incongruous with the architectural style of the remaining property

The applicant intends to demolish the existing tower room and construct a new enlarged room, of high quality construction. Fundamental to this aim, is for the new structure to be easily maintained due to the height of the tower and the exposure to severe weather conditions. Improving the view, and making the room fit for intended purpose (to view the surrounding area) is also critical to the viability of the project.

The design for the replacement tower room seeks to extend the footprint to the edge of the existing stone balcony to create a more usable, functional room. The roof form, whilst enlarged, is to be replicated, with the height and original crowning feature maintained. Clear glass, triple glazing is proposed for all four facades, to provide high thermal efficiency, to create a room comfortable for year round use.

We make a case for condition 1 to be amended.

The applicant accepts the requirement to install timber framed windows, but for the following reasons ask that extraneous glazing bars and astragals be removed from this condition for consent.

1. Continuity with the existing building.

Tusculum House is a substantial Victorian Villa. At its construction, as the original painting [photograph 1] indicates, the house was designed to the available technology of the day that called for generous sash and case windows as seen in similar developments in North Berwick. Subsequent additions to the house followed this convention. The room at the top of the building incorporates smaller glazing bars and astragals that follow an Arts and Crafts style that is not found elsewhere in the building. This later addition neither respects the original late Victorian style of Tusculum House, nor does it reflect similar buildings found elsewhere in the conservation area [photograph 2]. We would also observe that buildings of a very different character have been granted planning consent by the Local Authority in the Conservation Area of a style in stark contrast to the period architecture of the neighbourhood [photograph 5]. *We therefore request the amendment of condition 1 in that our proposal respects the original architecture of the building and does not detract from the overall ambience of the Conservation Area.*



Photograph 5: Exposed height of existing tower room, with contemporary house in foreground constructed within North Berwick seafront conservation area.

2 The Proposed Use of the Room

At present this room has a poor outlook on account of the multiple glazing bars and astragals [photograph 6]. The alterations were conceived to provide a better outlook from the room for the enjoyment of our client. The condition that compels the astragals and glazing bars to be retained detracts from this. Both our client and ourselves were assiduous in taking early advice from the Planning Department at which time our approach in relation to the windows was found to be "acceptable in principle". *We therefore request the amendment of condition 1 in that it fundamentally compromises the declared intentions of the proposed improvements to the building.*



Photograph 6: View obscured by lattice of existing astragals

3 Health and Safety

Although Planning regulation is not focused on the long term health and safety of a building's occupier our approach has been to design out hazards in a location where working from a substantial height is a key consideration. Consequently, it was our and the applicants intention to design out elements that require frequent maintenance. As can be seen from the photographs of the current windows, the complex glazing pattern and current design of the windows require regular maintenance in a location that can be described as hazardous. Given the exposed nature of the site and the building's height we propose triple glazing to the room. The use of astragals is not possible with this specification. Planted astragal beads are not suitable in such an exposed environment with a high likelihood for corrective maintenance.

We would advise that the current conditions in the planning consent do not take this into account. We can also advise that we have explained this approach in our pre application meeting with the Planning Department.

We therefore request the amendment of condition 1 in that it does not promote long term health and safety of the occupant or those working on the building.

4 Planning Procedure: Consultation with the Local Authority

The adaptation of the tower room to maximise view is key to the feasibility of the project and allows a full renovation to a part of the neighbourhood currently in poor repair. The importance of clear view ensured both ourselves and our client sought early advice from the Planning Department. We carried out extensive pre-application consultation by meeting and email exchange with East Lothian Council Planning department. (see attached Planning enquiry form and email correspondence). The original design proposed cladding the new pyramid roof in zinc, for low maintenance. The Planning department however advised that the roof finish should remain as slate, and the drawings were amended pre-application to include this change. At no point did the Planning department advise that the windows should include astragals. The pre-application advice received stated "the glazing pattern for the proposed windows/doors is acceptable in principle, given the varied mix of glazing patterns on the building". This statement gave the applicant the confidence to proceed with progressing the project for full planning approval. One day prior to the end of the statutory determination period we were informed of Condition 1. This did not allow reasonable time for us to negotiate or seek clarification from the Local Authority.

We therefore request the amendment of Condition 1 in that it threatens the feasibility of the proposed works for which both client and architect sought reasonable certainty at an early stage of the design process from the Planning Department.

5 Planning Procedure: Consent Conditions

We note that Condition 1 does not refer to any planning policy at national or local level to justify the Condition. We also note that little justification is given in terms of the impact of the proposal either on the building or its surrounding Conservation Area for the direction given in the condition. *We therefore request the amendment of Condition 1 on the basis that little justification is given as to why it is required.*

We therefore request that Condition 1 is adapted to state the following:

Notwithstanding that which is stated on docketed drawings the frames of the windows and door to be formed within the proposed extension hereby approved shall not be aluminium clad in a powder coated white colour but instead shall have timber frames ~~and astragals~~ painted in a white colour. Prior to the commencement of development details of the timber framed ~~and astragalled~~ windows and door shall be submitted to and approved by the Planning Authority. Development thereafter shall be carried out in accordance with the details so approved.

We hope that we have provided sufficient information to the Local Review Body and look forward to receiving a decision from yourselves. If you require any further information or clarification, do not hesitate to contact this office.

Julie Wilson RIAS RIBA Partner
Brennan & Wilson Architects

Cc - Mr Chris Montgomery – applicant

Appendix 1

Planning Enquiry Form – dated 5 October 2017

Email exchange and revised drawings sent to Mr E Bean on 9th October 2017

9.48

PLANNING ENQUIRY FORM

Reference
(Official Use only)

2017/

This form should be used when making a provisional planning enquiry. At the end of your discussion you will be given a copy of the completed form.

Whilst officers will seek to provide their best advice, officers cannot commit themselves or the authority to a particular position in advance of the submission and consideration of a formal planning application. Any views and advice given in response to this enquiry are therefore without prejudice to the proper consideration of a planning application.

Your Details JULIE WILSON	
Name:	
Contact Address: Brennan & Wilson Architects The Studio 9 Bayswell Park Dunbar, EH42 1AE	E-mail Address: julie@bwarditects.co.uk
The Property	
Site/Property Address: 3c Links Road North Berwick	What is the existing use of the site/property? domestic flat
The Proposal	
Please describe any building works or other alterations proposed: renovation of top floor tower room	What is the proposed use of the site/property? domestic flat,
Officers Notes: DO NOT WRITE BELOW THIS LINE	
Listed: YES/NO Conservation Area: YES/NO	Flat: YES/NO Article 4 CA: YES/NO
<ul style="list-style-type: none"> - This building is located within a prominent position within the Conservation Area, with the tower element being readily visible in public views. - The principle of enlarging the internal footprint of the tower element is acceptable, however the roof covering should remain as slate. - The glazing pattern for the proposed windows/doors is acceptable in principle, given the varied mix of glazing patterns on the building. 	
Officers Name: E. BEAN	Date: 05/10/17

From: Bean, Edward ebean@eastlothian.gov.uk 
Subject: RE: 3C Links Road, North Berwick
Date: 13 November 2017 at 14:43
To: julie@bwarchitects.co.uk

EB

Dear Julie,

Apologies for the delay in response. I can confirm that as a change from previously submitted drawings that the slate roof and form as proposed would be acceptable.

I look forward to receiving a formal application should your client wish to proceed.

Please be advised that the above comments represent the opinion of an officer of the Council and do not prejudice any decision the Council may make on any forthcoming applications.

Kind regards,

Edward Bean | Planner | East Lothian Council | John Muir House | Haddington EH41 3HA
T. 01620 827395 | E. ebean@eastlothian.gov.uk | Visit our website at
www.eastlothian.gov.uk



From: julie@bwarchitects.co.uk [mailto:julie@bwarchitects.co.uk]
Sent: 26 October 2017 17:22
To: Bean, Edward <ebean@eastlothian.gov.uk>
Cc: Chris Montgomery <Chris@visionevents.co.uk>; David Alexander <davidalexander@klmp.co.uk>
Subject: Fwd: 3C Links Road, North Berwick

Dear Mr Bean

Further to my email dated 9th October 2017, could you possibly confirm if the revised roof proposals in slate would be acceptable.

We look forward to hearing back from you on the above, to enable this project to progress.

Best wishes

Julie

Julie Wilson
Partner : Passivhaus Designer : RIBA

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Dunfermline, EH42 1AE

Dunbar, EH42 1AE
t: 01368 655004
e: julie@bwarchitects.co.uk
w: www.bwarchitects.co.uk

Begin forwarded message:

From: "julie@bwarchitects.co.uk" <julie@bwarchitects.co.uk>
Subject: 3C Links Road, North Berwick
Date: 9 October 2017 17:21:59 BST
To: "Bean, Edward" <ebean@eastlothian.gov.uk>
Cc: Chris Montgomery <Chris@visionevents.co.uk>

Dear Mr Bean

Following our meeting last week to discuss alterations to the tower room at 3C Links Road, North Berwick, we have reviewed the roof design to see if the slate finish could be retained.

Please find attached revised drawings for your consideration. The proposal looks at retaining the existing roof form and finish, with a new extra wide hidden gutter installed around the enlarged room footprint. This has the advantage of providing a walk space for any roofer carrying out maintenance work. We also propose installing an access hatch onto the roof for slate maintenance repair, but this would be discreetly hidden behind the chimney. You can see the proposed hatch location dotted on the plan and on section A-A.

Can you let us know if this proposed roof solution would be acceptable.

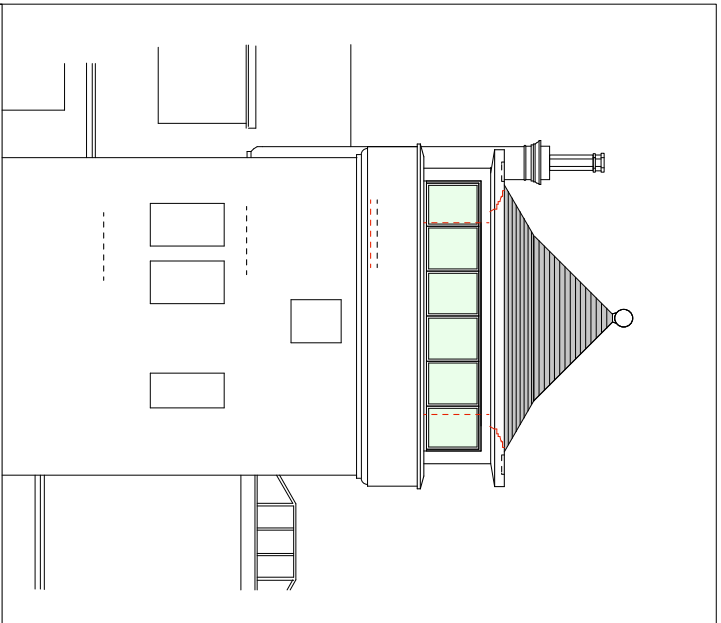
Many thanks for your assistance.

Best wishes

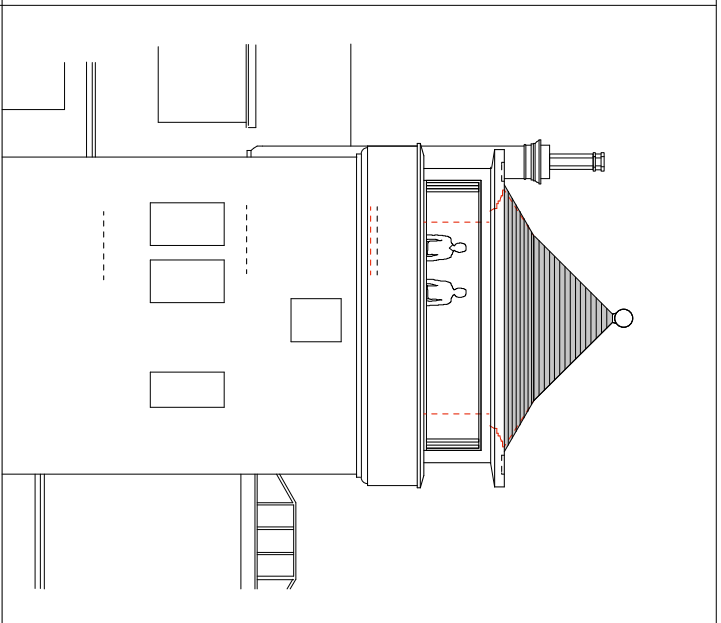
Julie

Julie Wilson
Partner : RIBA : RIAS

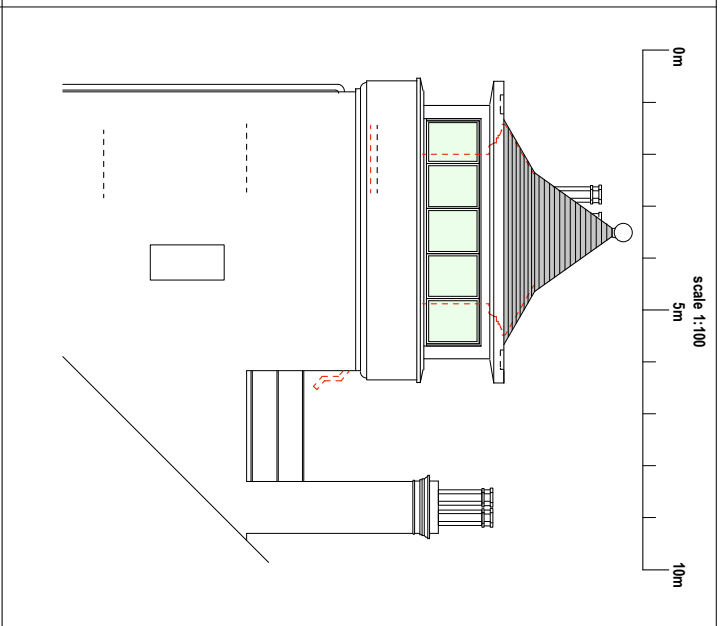
Brennan & Wilson Architects
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e: julie@bwarchitects.co.uk
w: www.bwarchitects.co.uk



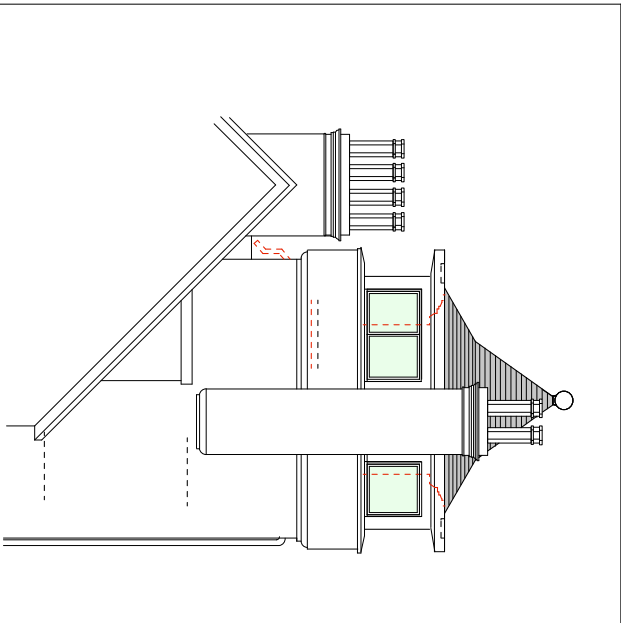
TOWER NORTH/EAST ELEVATION as proposed



TOWER NORTH/EAST ELEVATION as proposed windows open

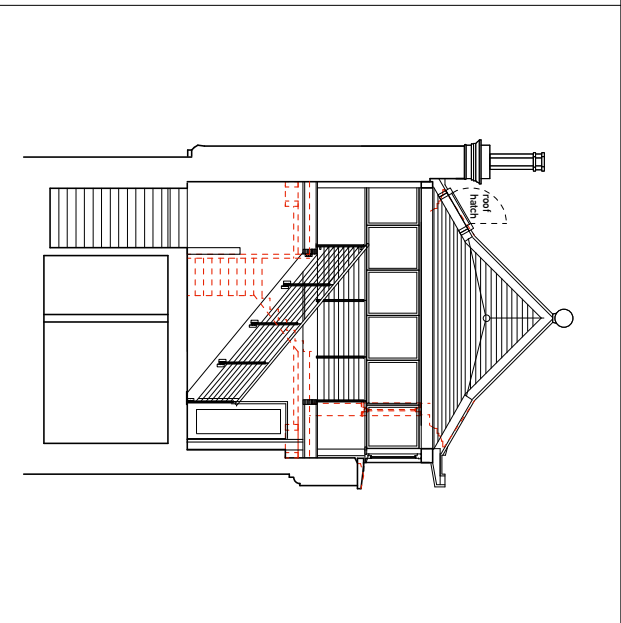


TOWER NORTH/WEST ELEVATION as proposed

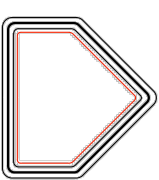
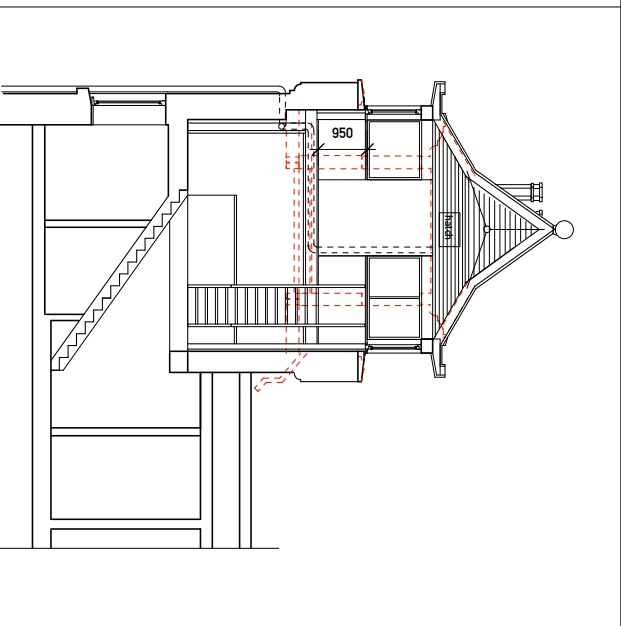


TOWER SOUTH/EAST ELEVATION as proposed

SECTION A-A as proposed



SECTION B-B as proposed



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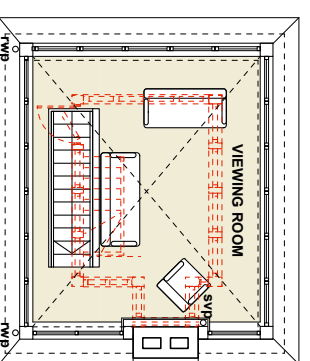
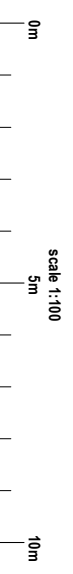
client
 Mr C Montgomery
 project
 3c Links Road,
 North Berwick

drawing

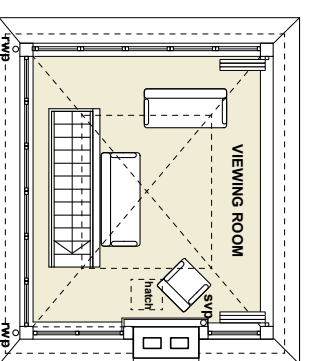
Tower Elevations and Sections as proposed

ref. 207
 by jw
 date 08.17
 scale 1 : 100 @ A3

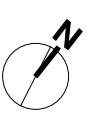
status **sketch design**
Option 4 *
 drawing number revision



TOWER PLAN (5th Floor) as proposed windows closed



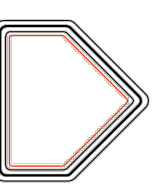
TOWER PLAN (5th Floor) as proposed windows open



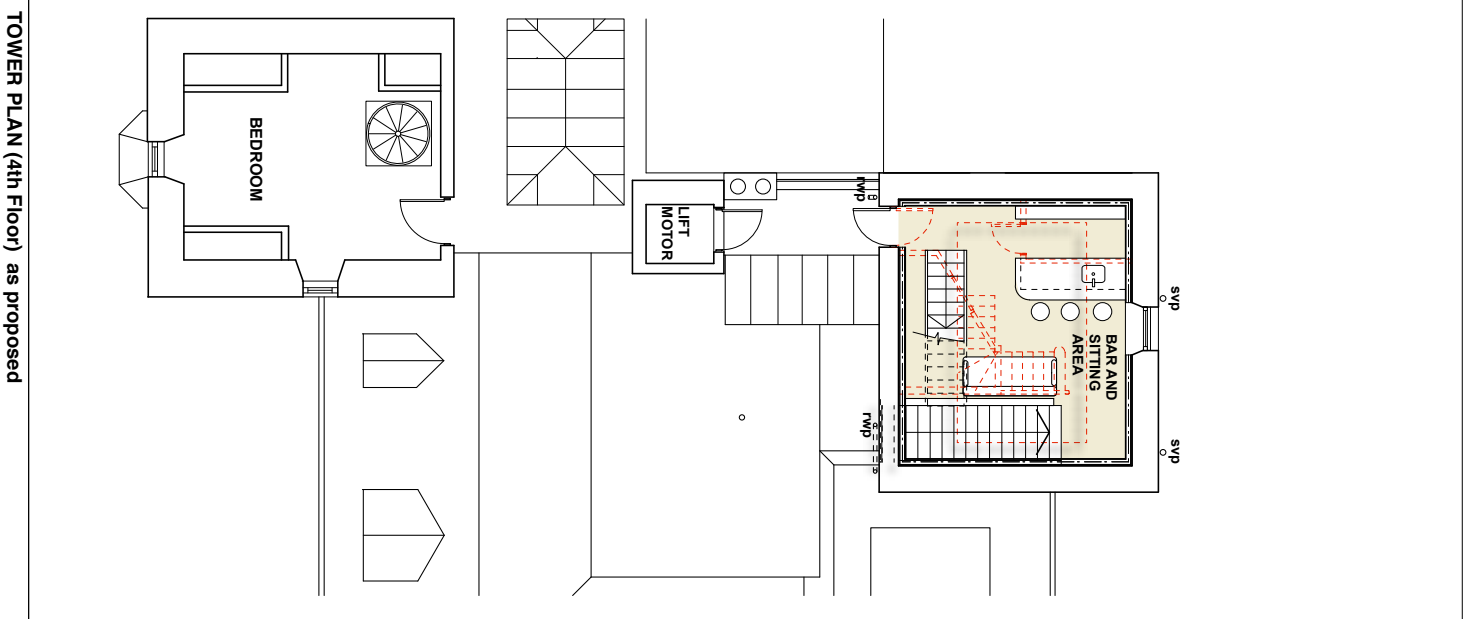
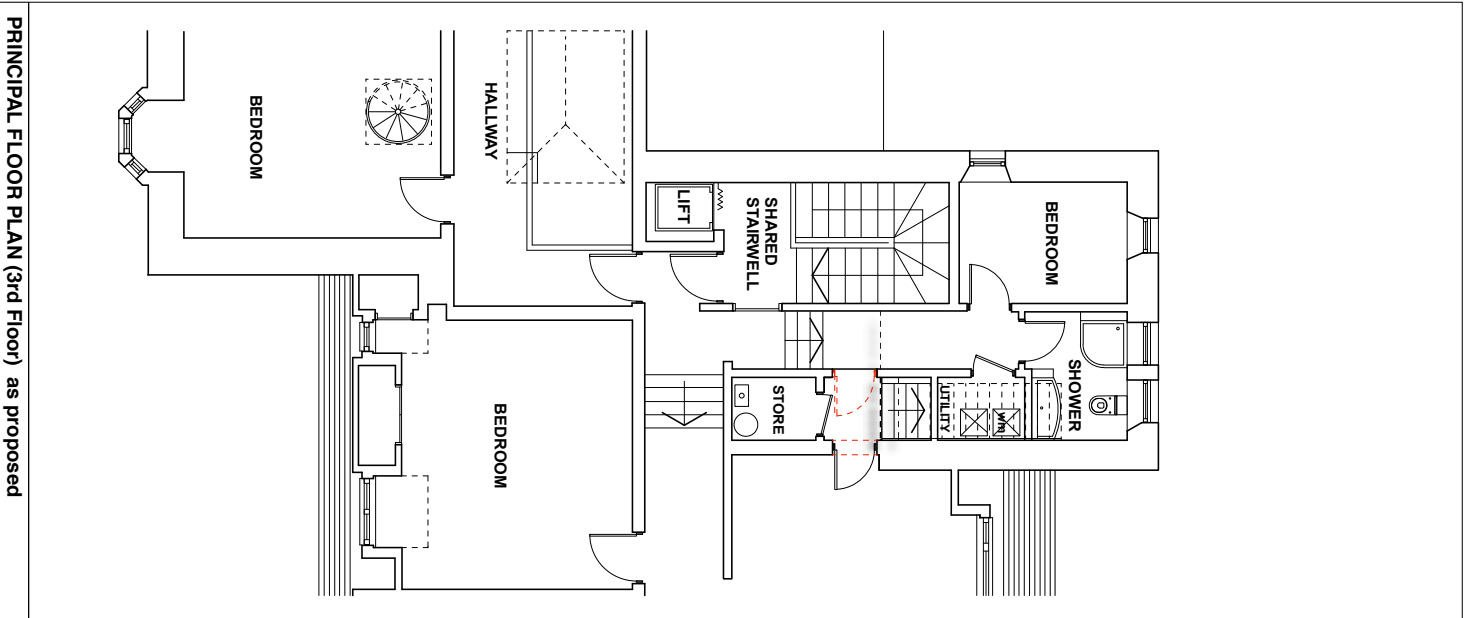
ref. 207
 by jw
 date 08.17
 scale 1 : 100 @ A3

client Mir C Montgomery
 project 3c- Links Road,
 North Benwick
 drawing Floor Plans as proposed

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status sketch design
 drawing number **Option 4** revision *



TOWER PLAN (4th Floor) as proposed

PRINCIPAL FLOOR PLAN (3rd Floor) as proposed