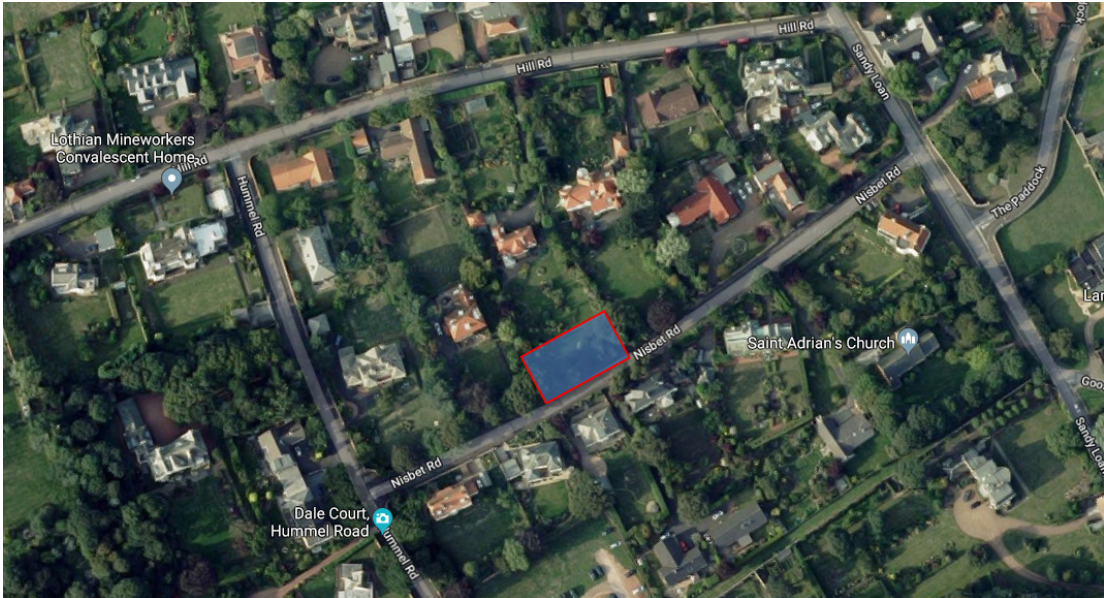




Gateside, Hill Road, Gullane, EH31 2BE



Proposed New Home

Supporting Statement

March 2018

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INTRODUCTION

1. **APT Planning & Development Ltd.** is delighted to submit this application seeking planning permission for the erection of a new home in the grounds of Gateside, Hill Road, Gullane.

SITE DESCRIPTION

2. Gateside is a large detached villa in substantial grounds and benefits from access being available from both Hill Road to the north and Nisbet Road to the south. The proposed new home would take access from Nisbet Road. The application site is within a predominantly residential area and also within Gullane Conservation Area.
3. This area of Gullane, including Whim Road, Hill Road, Hummel Road, Nisbet Road and Sandy Loan is characterised by large detached villas, originally set in substantial grounds, many of which have seen the development of smaller, subservient homes as infill/garden ground developments whilst others have been subdivided into smaller homes and apartments. This is an area of Gullane that has evolved over time and is now an area of mixed house types within the overarching original character of larger villas.
4. The proposed house plot is a roughly rectangular shaped area of land easily capable of gaining safe and direct access to Nisbet Road. The site measures some 900 square metres in area and comprises just under half of the rear garden ground of Gateside. It is currently mainly laid out to lawn with a significant degree of boundary planting obscuring views into/out of the property.
5. The application site is bounded to the north by the remainder of the garden ground of Gateside, to the east and west by the garden ground of the neighbouring houses and to the south by Nisbet Road.
6. The north boundary of the proposed site presently has no means of enclosure. The east and west boundaries are enclosed with a combination of high stone walls, trees and shrubs. The south boundary is enclosed with a low wall, with fence and pedestrian gate above and with a line of trees and shrubs.
7. Unlike the neighbouring homes to the east and west, Gateside has always addressed Hill Road. As such the boundary treatment along the southern edge of the site has always meant that there is no view into the garden ground of the main house. This is in stark contrast to the neighbouring Inchbiel, Long Acre and The Dunes all of which take access from and face south towards Nisbet Road. In essence they have a very different setting to Gateside, which currently has no relationship to Nisbet Road.

THE PROPOSAL

9. There is not a strongly established building pattern to the north side of Nisbet Road principally due to the historic sub-division of larger plots between Hill Road and Nisbet Road. Plot and house sizes are varied. Architectural styles in close proximity to the application site are similarly varied. Kilbruach and Madras Lodge to the east are single storey horizontal timber clad and one and half storey mansard roofed and dormered properties respectively.
10. The design solution at Gateside needs to create a developable area that avoided the root protection areas of those significant trees to be retained (please see Tree Report) whilst simultaneously nestled within the mature landscaped surroundings to minimise disturbance and contain the potential visual impact to Nisbet Road and give the new home an attractive, private and intimate setting. The boundary trees are principally to the perimeter of the site allowing house to sit centrally, and to the rear, of the plot. The trees simultaneously provide a sense of enclosure whilst also minimising any potential intrusive visual impact.
11. The house has been designed so that the primary living areas face south and west to private garden ground. The characteristic style is that of treated horizontal larch cladding combining a simple double pitched slated roof form lowering to single storey on both wings, complimenting the surrounding 'lodge' and cottage buildings in a subservient manner to the original larger homes.
12. Although well screened, the design is intended to have low visual impact with clean lines and minimal embellishment. Boundary enclosures replicate the existing timber fencing over low rendered walls; a style which features repeatedly in Nisbet Road, most often on the south side.
13. Access will be taken directly off Nisbet Road and the required sight-lines can be achieved. Nisbet Road is a quiet residential street and the proposals will not raise any road safety issues. All principle utilities are available to the proposed plot, whilst public and amenity services including recreational spaces are all available locally within the village and within easy walking distance.
14. Given the distances to neighbouring properties and the existing boundary treatments, there are no concerns with regards to loss of privacy, overlooking or loss of daylight/sunlight.

SITE HISTORY

15. In May 2008 application 08/00259/FUL was granted planning permission for the erection of 1 house, garage, fencing and gates on land on the north side of Gateside House. This planning permission has been implemented and the house has been completed.

16. On 15th May 2017, application 17/00159/PP was refused planning permission in principle for the erection of a single house on the application site. There were three reasons for refusal as copied later into this document. We understand that there were certain details that were not provided at that time and it is based on this refusal that we are now submitting this application for **full planning permission** for a house on the same site.
17. We shall address the key aspects of this refusal later in the Planning Assessment section of this submission but it is worth noting that key consultees did not object to the proposals (including transportation, waste services etc.).
18. It was also acknowledged that the proposal complied with many of the relevant planning policy considerations. The context of the proposals within the Gullane Conservation Area was the key determining factor something that remains the case with this fresh application for full planning permission.

PLANNING POLICY CONTEXT

19. 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.
20. The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008. However we have primarily assessed the proposals against the **emerging East Lothian Local Development Plan**. This new plan will be adopted in the very near future and the policies represent the up-to-date position of East Lothian Council. Moreover, the key aims of the policies in both the 2008 plan and the new LDP are very similar.
21. The proposed development would be infill housing development on part of the garden of an existing house situated within Gullane. On this matter there are no policies of the South East Scotland Strategic Development Plan (SESplan) relevant to the determination of the application.
22. Relevant policies from the 2008 plan are ENV1 (Residential Amenity); ENV4 (Development within Conservation Areas); DP1 (Landscape and Streetscape Character); DP2 (Design); DP7 (Infill, Backland and Garden Ground Development); T1 (Development Location and Accessibility) and T2 (General Transport Impact).
23. Covering similar issues, the key policies in the emerging LDP are as follows:
 - RCA1 – Residential Character and Amenity;
 - T1 – Development Location and Accessibility;
 - T2 – General Transport Impact;

- CH2 – Development Affecting Conservation Areas;
 - DP1 – Landscape Character;
 - DP2 – Design; and
 - DP7 – Infill, Backland and Garden Ground Development;
24. In refusing application 17/00159/PP, comment is made with regards to the Gullane Conservation Area Character Statement. This is now over 10 years old and consists of 4 paragraphs explaining the two key character areas of the Conservation Area, including the area around Gullane Hill, where the application site is located.
25. We now consider the Character Assessment to be materially out of date (and there is due to be a new Character Statement produced as part of the new LDP process).
26. There have been a number of backland/garden ground developments in the intervening period which has seen the evolution of this part of Gullane. It is no longer the sole preserve of substantial mansion houses with large gardens (though all of these original buildings still exist) but is now a mix of house types with infill and garden ground development being a common occurrence in recent years.

PLANNING ASSESSMENT

27. This assessment will concentrate on the three reasons for refusal of application 17/00159/PP and as reproduced below. Despite referencing the now out of date 2008 plan (though still extant....just), they do cover the key issues in determining this planning application still prevalent in the emerging LDP.
28. With regards to the provisions of LDP Policies RCA1, DP1, DP2, T1 and T2, we contend that the proposed development of a single house on an area of garden ground at Nisbet Road accords with these policies in that; development will not harm the overall residential nature of the area; can be accessed appropriately and safely; will not have any adverse impacts on the wider landscape setting; and can be accommodated on the site in such a way as to protect the amenity of neighbouring properties and the potential residents of the proposed development.
29. As stated above the key determining factor remains the acceptability/compatibility of the proposals in the context of the site's location within the Gullane Conservation Area.

Application 17/00159/PP

- **Reason for Refusal 1** - *The subdivision of the large garden would result in the loss of a characteristic feature of the Gullane Hill area as described in the Gullane Conservation Area Character Statement. Such garden subdivision would undermine*

and therefore be harmful to the character and appearance of the Conservation Area. Furthermore in its scale, layout and density the proposed house would not be sympathetic to its surroundings and would not respect, but would be disruptive of the characteristic layout and density of the built form of this part of Nisbet Road and of the Gullane Hill part of the Conservation Area. Consequently it would neither preserve nor enhance but would be harmful to the character and appearance of the Conservation Area. Accordingly, the proposed development is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV4 and DP7 of the adopted East Lothian Local Plan 2008, the Scottish Historic Environment Policy Statement: June 2016 and Scottish Planning Policy: June 2014.

30. The subdivision of garden ground in this part of Gullane is relatively commonplace, including the development of a new home in the northern part of the same original house plot. The site is of a sufficient size that it can easily accommodate a further property on the southern edge without compromising the wider setting or amenity of Gateside.
31. Such is the existing boundary wall, fence and tree/foliage cover, that what lies beyond the site boundary is invisible from Nisbet Road. It cannot therefore, in its current form, contribute to the character and appearance of the conservation area, and consequently its subdivision cannot undermine this character and appearance.
32. The change in layout of the wider plot at Gateside, and it's relation to neighbouring plots and the Conservation Area generally **cannot be seen in plan form** (or from above) which is the only angle/aspect where the rhythm of the plot size, shape, subdivision etc. could be assessed in this context and adjudged to change as a result of garden ground development. The plot, in its current form plays no role whatsoever in the character and appearance of the Conservation Area.
33. As previously concluded as part of the consideration of application 17/00159/PP, the scale and layout of development is appropriate for the development site. The density of development relates to other infill and garden ground developments in the area and this is a small site on a minor road which does not play a critical/integral role in the composition of the Conservation Area.
34. Throughout this part of Gullane (and wider afield in North Berwick and Dirleton), there are numerous examples of infill/garden ground development many of which do not share some of the site characteristics and benefits that this application site displays (chiefly a mature self-contained character and easy, safe and direct street access). The precedent of infill/garden ground development in East Lothian's conservation areas is well established therefore the acceptability or otherwise comes down (as it always should) to the site specifics of the site on Nisbet Road.

35. The development of a single house would not have a detrimental impact on its surroundings and the site is insignificant in terms of having an impact on the wider characteristics of the Gullane Conservation Area. At present the site's only relationship with Nisbet Road is that of an overgrown site boundary, offering no clue as to what lies beyond. The boundary is not particularly well-maintained and certainly does not enhance the wider Conservation Area, although Nisbet Road is a relatively insignificant road in the context of the wider conservation area not having nearly the same prominence as Hill Road and Whim Road for example.
36. A well designed new home with a high-quality and appropriate entrance off Nisbet Road would present an attractive new aspect to the roadside, enhancing the plots' relationship with Nisbet Road though in truth having almost no impact, positive or negative on the wider character and appearance of the Gullane Conservation Area.
37. In direct response to Reason for Refusal 1 from 17/00159/PP therefore, we would contend that the application site does not present as a 'characteristic feature' of the Gullane Hill part of the conservation area. A positive/attractive change in its use and appearance could not 'undermine and therefore be harmful to the character and appearance of the Conservation Area'.
38. In assessing the earlier application, the committee report states that the proposal accorded with policy DP7 dealing with infill/garden ground development. To achieve this, the proposed development could not be unsympathetic in its surroundings nor have any unacceptable impacts on neighbouring properties. As we state above, the proposal would represent a high quality response to the current site characteristics and in our opinion therefore would enhance the character of Nisbet Road.
- **Reason for Refusal 2** - *It has not been demonstrated that the proposed house could be built without significant detriment to the existing trees and shrubs that are an important landscape feature of the Gullane Hill part of Gullane Conservation Area. Therefore it has not been demonstrated that the proposal is consistent with Policy DP14 (Trees on or Adjacent to Development Sites) of the adopted East Lothian Local Plan 2008.*
39. We recognise that the application in 2017 should have looked at the existing tree cover, especially as the site lies within the conservation area. This has now been addressed and a Tree Report lodged as a supporting document to this application.
40. No Category 'A' trees were identified on site. Roughly half of the trees are identified as being of medium quality (Category B) and somewhat worthy of retention. The remaining 50% of the trees surveyed or classed Category C or Unsuitable (U) and as such are not deemed worthy of protection.

41. It is proposed to remove seven Category 'B' trees, none of which are currently visible from Nisbet Road. Replacement planting will be proposed within the grounds of the new home helping create an attractive blend of established and emerging landscaping and boundary treatment.
42. None of the trees to be removed are visible from outwith the site. They do not contribute to the character and appearance of the Gullane Conservation Area. A well-designed and managed/maintained landscape setting to the new home will provide an attractive setting to the new home, positively contributing to the character and appearance of Nisbet Road and have a minor, but positive impact on the wider conservation area.
 - **Reason for Refusal 3** - *If approved the proposal would set an undesirable precedent for similar types of development in the Gullane Hill part of the Gullane Conservation Area. The cumulative effect of such development would neither preserve nor enhance but would be harmful to the character and appearance of the Gullane Conservation Area.*
43. The issue of precedent is always a difficult thing to assess and debate. There should be no reference to precedent in planning as each case is assessed on its own merit yet it is increasingly referred to by many local authorities. If there is good precedent elsewhere it does not necessarily follow that a development can be delivered in an acceptable manner on a different site or vice versa.
44. What we can say is that elsewhere in Gullane, in the wider Hill Road area, there have been a series of infill, garden ground developments over the years, at varying locations, and of different sizes, styles and resulting variations in long-lasting quality. Good and bad precedent can be found throughout East Lothian's coastal villages and in conservation areas. As we can do is design an appropriate, high quality and attractive building for this specific piece of land which is precisely what we have attempted to do.
45. At Nisbet Road, we are promoting the development of a relatively small site which has very limited impact on the wider aims and objectives of the Conservation Area. The site can be developed attractively and in replacing a non-descript, unkempt/overgrown rear boundary to the larger villa to the north, with the proposed new home in a well-planned and maintained setting, this proposal represents an appropriate response to the site characteristics and will enhance the conservation area at this specific location.
46. We believe that this proposal represents a positive precedent, but stress again that whilst key aspects can be replicated at other sites (good design, appropriate access etc.) the approval of this site would not mean open season on all backland sites throughout Gullane. The beauty of planning is that each site is genuinely unique.

47. Looking at this site specifically, the neighbouring properties at Inchbiel, Long Acre and The Dunes all present themselves to Nisbet Road. Development in the front gardens of these properties would be far more imposing on the setting of these substantial homes as it would impacting on views into them from Nisbet Road, views that are currently possible through more rationalised boundary planting broken up by driveways and pedestrian accesses and therefore affording views into the property. Even next door, the context changes significantly.
48. Gullane, North Berwick and Dirleton, continue to provide opportunities for the development of new homes on infill/garden ground sites. We would contend that the site at Nisbet Road represents one of the better examples of where this can be achieved, and, in our considered professional opinion, much better than many other examples.

Application 17/00159/PP – Committee Report

49. Further commentary is provided in the committee report for the 2017 application for planning permission in principle.
50. **Building Line** – mention is made that the proposed house would break the existing building line on Nisbet Road. In truth, there is no set building line to the north of Nisbet Road, whilst the building line on the south side of the road is much closer to the roadside.



51. **Harmfully contrast with generous plot sizes, large houses and building lines; disruptive of the character and appearance of the Conservation Area** – the proposed new home will sit comfortably within the plot. It will relate to Nisbet Road, behind a mature boundary and existing and reworked wall/fence. Given that the plot is currently the rear of Gateside that turns its back on Nisbet Road (itself a quiet subsidiary road), the proposal represents an

opportunity to create an attractive house plot with an innovative and high-quality home presenting itself to Nisbet Road and respecting the plot sizes around it and reflecting the homes to the south. It will have little or no impact on the overall character and appearance of the Conservation Area.

52. **The proposed new home would be seen in the context of the houses on the north side of Nisbet Road** – by their very nature the houses to the north of Nisbet Road do not present a common face to either Nisbet Road or Hill Road. Those that take access off Nisbet Road naturally have a more open and welcoming aspect to the south (Inchbiel and Long Acre).
53. Gateside by contrast very much turns its back on Nisbet Road and the wall/fence and boundary planting presents an impenetrable barrier to understanding what is happening beyond the boundary.
54. The development of the application site will open up this site offering a more active frontage to Nisbet Road, without undermining the key characteristics of those homes that do face south (as opposed to those facing north onto Hill Road). There are also buildings, along the north side of Nisbet Road that are much closer to the roadside (Kilbruach and Madras Lodge – see below) which do not relate to existing large villas set in large plots with large gardens stretching to Nisbet Road.



More open aspect to Nisbet Road – Kilbruach & Madras Lodge.

55. There are many new homes built on the garden ground of traditional villas in Gullane. These can be seen on Nisbet Road and Hill Road and the creation of a new home at Gateside will create a symmetry of built form (when viewed from above, which it hardly ever will be of course) either side of the main house.
56. **The existing trees make a significant contribution to the setting of this part of the Gullane Conservation Area** – the tree cover on the southern boundary of Gateside can be seen to detract from the character and appearance of the Conservation Area.

57. Compared to those buildings addressing Nisbet Road, the boundary treatment to Gateside is negative, providing a barrier to the street and not welcoming at all. This is in stark contrast to the boundary treatment on the south side of the road and further along where the landscaping allows views through to the garden ground and buildings beyond.
58. Furthermore and as referenced above, the properties at Kilbruch and Madras Lodge have a less mature planted boundary, being far more open and interactive with Nisbet Road. This does not detract from the area, merely demonstrating the variety of built form and boundary treatments along Nisbet Road and again demonstrating that there is no one key characteristic of Nisbet Road that encapsulates the key character of the Conservation Area.

Application Site - Gateside – Rear Boundary



59. The existing tree cover at Gateside does not contribute to the overall character and appearance of the Conservation Area. Better treatment of the boundary treatment where it interacts with Nisbet Road will enhance the Conservation Area and the general street scent at this location.

SUMMARY & CONCLUSIONS

60. This application seeks full planning permission for the erection of a new house in the grounds of Gateside on Hill Road, Gullane, though the new property would address and be accessed from Nisbet Road to the south of the original building.
61. An application for planning permission in principle (17/00159/PP) was refused in May 2017. We have addressed the reasons for this refusal as well as providing a more detailed application for full planning permission.
62. It is our opinion that the previous determination significantly over-emphasised the role that this site plays within the context of Gullane Conservation Area, and consequently, the impacts that the development of this plot of land will have were over-stated.
63. In preparing this application we have reviewed relevant planning policy as well as the documents relating to application 17/00159/PP. We consider that this application accords with policies relating to design, transportation and infill/garden ground developments in that the site is capable of accommodating the proposed development and without any unacceptable impacts on neighbouring properties or in providing safe and appropriate access.
64. The key determining factor is considering the proposed development in the context of the Gullane Conservation Area. There is no up to date character assessment available. The extant assessment is over 10 years old. Some of the context of the site has changed in the intervening period.
65. The Gullane Conservation Area predominantly covers the north and western part of the village (as well as the Saltcoats are to the south of Main Street). This area of Gullane between the Main Street and the beaches and Gullane Hill has encountered significant change over the years, within the context of originally being occupied by impressive detached villas set in significant grounds.
66. Unlike the neighbouring properties at Inchbiel, Long Acre and The Dunes, Gateside addressed Hill Road. It's boundary to Nisbet Road detracts from the character of the street acting as an overgrown barrier, revealing little if anything of what lies beyond. Neighbouring properties display a significantly different character in that they face Nisbet Road ensuring that their front gardens and access to them play a full part in the character and setting of Nisbet Road.
67. The development of the proposed plot at Gateside would enable this plot of land to establish a positive relationship to Nisbet Road and replace the insensitive barrier that exists. The tree report has established that there are no Category A trees present on the site and that the proposed tree removal is not detrimental to the character and appearance of the conservation area (as all trees to be removed are to the north of the site boundary and play no role in defining the site from Nisbet Road.)

**Proposed New Home
Gateside, Hill Road, Gullane, EH31 2BE**



68. Whilst we do not believe that precedent should play a key role in the determination of any planning application, this application represents a positive precedent in these particular circumstances whilst reflecting previous infill/garden ground developments in the Gullane Conservation Area and other conservation areas in North Berwick, Dirleton and elsewhere.

69. To conclude, we contend that the development of an attractive and appropriate modest new home complies with extant and emerging planning policy and will be a positive addition to Nisbet Road enhancing the role this street plays within the context of the Gullane Conservation Area. We believe that the proposal represents a high-quality response to the site characteristics and would be delighted to discuss this further with East Lothian Council ahead of the determination of this application.



Review Statement

On behalf of

Mr Gordon Brown

Application Reference: 18/00299/P

Erection of House & Associated Works;

Gateside, Hill Road, Gullane, EH31 2BE.

June 2018

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East Lothian Local Review Body - Review Statement

Application 18/00299/P

Proposed Residential Development - Land at Gateside, Hill Road, Gullane, EH31 2BE

Introduction

1. **apt planning & development** has prepared this Review Statement on behalf of **Mr Gordon Brown** with regards to application 18/00299/P seeking planning permission for the erection of a new home on garden ground within the curtilage of the applicants current home at Gateside, Hill Road, Gullane. The application was refused via delegated powers on 25th May 2018.
2. Despite repeated requests, there was no feedback or engagement with the Case Officer at any time. This was disappointing given that we are sure certain issues could have been addressed and resolved during the determination process.
3. Gateside is a substantial property and Mr Brown seeks to utilise a portion of the garden ground to the south of the existing house for the erection of a modest new home. It is our opinion that there is ample space to do so and that the proposed development would not prove detrimental to the character and appearance of the Gullane Conservation Area.
4. Mr Brown feels strongly that the reasons given for the refusal of planning permission, alongside the Officers Report take an inflexible and overly restrictive approach to this application and particularly the implications of the specific location of the application site within the conservation area and the perceived impact that the development would have.
5. We also believe that any issues with regards to the existing trees could have been dealt with during the determination period (had we known that concern existed) whilst we strongly dispute the use of precedent as a reason for refusal. Consequently, we are lodging this **Notice of Review** and **Review Statement** seeking a Local Review of the merits of the application and initial decision reached.
6. Application 18/00299/P was lodged following the refusal of an earlier application for planning permission in principle (17/00159/PP) for the erection of a single house on the same site. This earlier application was refused in May 2017. It was felt that in providing more detail (in the form of an application for full planning permission) this would allay many of the concerns raised during the determination of the first application.
7. However given that we have had no dialogue with the case officer (again despite repeated requests) and the fact that identical reasons for refusal have been cited, we believe that the application has not been given due consideration during the determination process.
8. This **Review Statement** therefore addresses the reasons for refusal whilst simultaneously emphasising some of the points raised in the Support Statement lodged in support of the application.

Application 18/00299/P

9. Application 18/00299/P on 25th March 2018. The application was refused through delegated powers on 25th May 2018, the last day of the two month statutory determination period. There were three reasons for refusal and we address each in turn below.
10. Roads Services have no objection to the proposals (safe and adequate parking and access can be achieved) whilst the officers report confirms that the proposed development accords with Policy DP7 (Infill, Backland and Garden Ground Development).

Reason 1 - The subdivision of the large garden would result in the loss of a characteristic feature of the Gullane Hill area as described in the Gullane Conservation Area Character Statement. Such garden subdivision would undermine and therefore be harmful to the character and appearance of the Conservation Area. Furthermore in its scale, layout and density the proposed house would not be sympathetic to its surroundings and would not respect, but would be disruptive of the characteristic layout and density of the built form of this part of Nisbet Road and of the Gullane Hill part of the Conservation Area. Consequently it would neither preserve nor enhance but would be harmful to the character and appearance of the Conservation Area. Accordingly, the proposed development is contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV4 and DP7 of the adopted East Lothian Local Plan 2008, the Scottish Historic Environment Policy Statement: June 2016 and Scottish Planning Policy: June 2014.

11. Many of the issues raised in Reason for Refusal 1 were addressed in the statement submitted in support of the application (and resubmitted as part of this appeal). It is however worthwhile restating and re-emphasising our response.
12. As the panel will appreciate from your site visit, the application site is currently hidden from public view.





East Lothian Local Review Body - Review Statement

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Proposed Residential Development - Land at Gateside, Hill Road, Gullane, EH31 2BE

13. The site boundary is overgrown and does not address Nesbit Road. It is very much the 'rear' entrance to the unseen property beyond. The current boundary treatment does not contribute or enhance the area in any way and actually detracts from the relationship the neighbouring properties have with the street as there is no consistency between the existing properties.
14. The proposal represents an opportunity for an appropriately designed new home to be constructed in a sympathetic manner and creating a positive relationship and frontage with Nisbet Road. It is our continued opinion that this will therefore be a positive addition to the streetscape and therefore a positive addition in the context of the **character and appearance of the conservation area**.
15. The commentary about the character of the conservation area does not make sense in this instance, as the site cannot be seen from above. A passer-by cannot comprehend the relationship of the site to Nisbet Road, cannot determine if the site contains a large villa and garden area or multiple properties nor place the site in any wider context.
16. Gateside plays no role in the character and appearance of the conservation area. The development of the home on the north side of the main house totally screens the house from Hill Road, ensuring that Gateside is hidden from public view. The erection of a new home on this application site (to the south of the main house) will not impact on the relationship Gateside has with the rest of the conservation area, and as stated above, we believe a high-quality bespoke property will add interest to the Nisbet Road frontage as well as improving the existing situation.
17. The reason for refusal states that the proposal would be disruptive of the character, layout and density of this part of Nisbet Road, whilst the assessment seems to differentiate between the north-side and south-side of the road as well as claiming that this particular part of Nisbet Road is distinctive from the rest of the road. This would infer that the impact of the proposed development is, in the opinion of the case officer/planning department, extremely localised in nature which would limit the impact any development would have on the wider streetscape and conservation area.
18. We believe this approach is far too focused, not taking into account the wider impacts or benefits of the proposal. In this instance and as highlighted in the supporting statement, we state that this development would be beneficial in the immediate locality, formalising the southern boundary to Nisbet Road, improving the view of the application site from the current situation.
19. In terms of wider impacts, we maintain that this small site, on a quiet road which already displays a wide range of development types, styles and sizes will have a negligible positive impact on the character and setting of the conservation area by virtue of the small positive impact on the overall streetscape of Nisbet Road.



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Proposed Residential Development - Land at Gateside, Hill Road, Gullane, EH31 2BE

Reason 2 - If approved the proposal would set an undesirable precedent for similar types of development in the Gullane Hill part of the Gullane Conservation Area. The cumulative effect of such development would neither preserve nor enhance but would be harmful to the character and appearance of the Gullane Conservation Area.

20. As has been stated many times before, precedent is not a credible consideration in the determination of a planning application. However, given the context of this site and application, we contend that this would represent a positive precedent in addressing the specific site characteristics.
21. As the site visit will clearly demonstrate, the relationship of the nearby houses to Nisbet Road (Inchbiel and Long Acre) is very different from Gateside and the development of their front gardens would be wholly inappropriate and have a material, and demonstrable negative impact on the character and appearance of the conservation area. Put in a similar advisory position, APT would not have advised the client to pursue an application for a new home in the garden ground of either house. The simple fact is that Gateside presents a totally different context.
22. Further along the north side of Nisbet Road, properties are already sited closer to the roadside, whilst those properties on the south side are also located close to Nisbet Road. Gateside represents a relatively unique opportunity to enable infill development, given the negative relationship the southern part of the site has with Nisbet Road. We contend that any change would be positive therefore setting a positive precedent (though fundamentally, we don't believe that precedent is a credible reason for refusal).
23. The case officer actually states that there are few opportunities for infill/garden ground development within the Gullane Conservation Area. We obviously contend that this is one of the few remaining sites capable of accommodating new development, whilst the lack of other suitable sites also allays fears of setting a precedent. The reason for refusal does not make sense in this context and appears to have simply been copied from the previous decision (in 2017 and relating to an application for planning permission in principle).



East Lothian Local Review Body - Review Statement

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Proposed Residential Development - Land at Gateside, Hill Road, Gullane, EH31 2BE

***Reason 3** - It has not been demonstrated that the proposed house could be built without significant detriment to the existing trees and shrubs that are an important landscape feature of the Gullane Hill part of Gullane Conservation Area. More of the trees both on and adjacent to the site would be impacted by the development than included for removal in the proposals and the proposed development does not conform to British Standard BS5837:2012 'Trees in relation to design, demolition and construction'.*

Given the proximity of the trees on the site to the proposed house, including the large significant beech trees, and the lack of unshaded and usable garden ground proposed within the site, the trees to be retained would come under significant pressure for felling and tree work to try to create usable amenity space, improve light into the building and to address concerns over perceived safety.

Therefore the proposals are not consistent with Policies DP14 (Trees on or Adjacent to Development Sites) or NH5 (Protected Trees) of the adopted East Lothian Local Plan 2008.

24. The reasons for refusal are the same as those attached to an application for planning permission in principle for a single house in 2017. Knowing this, we instructed a specialist to consider the site and tree coverage. He identified the developable area and we have stuck to this.
25. Therefore it has been clearly demonstrated that the proposed house can be built without significant detriment to the existing trees and shrubs. There has been no dialogue with the case officer (or landscape officer) so we cannot accept the comment that other trees (not identified) will be affected. Which trees, where, and how? Moreover, how can the case officer possibly comment on whether trees will come under pressure to be felled in the future?
26. We do not believe that there are any insurmountable problems associated with the tree cover on-site that prevents the development of a single home. Whilst the existing site has a significant coverage of trees, this contributes to the unsightly presentation of the site to Nisbet Road. We have sought to ensure that key trees are kept on site and will be retained as part of any development.



East Lothian Local Review Body - Review Statement

Application 18/00299/P

Proposed Residential Development - Land at Gateside, Hill Road, Gullane, EH31 2BE

Summary

27. This appeal follows the refusal of planning permission (18/00299/P) for the erection of a new house on garden ground at Gateside, Hill Road, Gullane. The proposals are for an appropriate, high-quality residential development.
28. **The planning officer's report states that the access, layout and design of the proposed house are all appropriate and accord with policy DP7.**
29. We have consistently stated that the proposed development of the area of garden ground at Gateside, will not have a detrimental impact on the character and appearance of the conservation area. We believe that the creation of a new access and attractive new home will formalise and improve the relationship of the southern part of Gateside to Nisbet Road and the neighbouring properties.
30. The application site is unseen from Nisbet Road (in that the current boundary treatment completely obscures any view into the site). It plays no role in the setting and character of the conservation area. People do not observe or assess the conservation area from above but from street level, and we continue to contend that the proposed high-quality, attractive new home will enhance the Nisbet Road streetscape and therefore the wider conservation area, though in truth the application is insignificant in the wider conservation area context.
31. The risk of precedent is an often stated concern. We strongly contend that in developing this site, for an attractive, appropriate and high quality residential proposal **would set a positive precedent**, an appropriate example of how a site like this can be developed appropriately.
32. We also state that there is very little opportunity in the Gullane Conservation Area for further infill/garden ground development, rendering the fear of precedent relatively redundant.
33. Contrary to the reasons for refusal (and the officer report), we have demonstrated that development can take place without unacceptable impacts on the existing tree coverage (and acknowledging that a number of trees will be removed). Furthermore, the second reason for refusal projects that other trees will require to be felled in the future, despite presenting no evidence or proof that this is the case.
34. The site is an **effective development site** (in the terms set out in PAN 2/2010) with a single owner promoting development, no insurmountable constraints and in a marketable location.
35. We therefore respectfully request that the Review Body considers this appeal in its correct context and are happy to answer any further questions at a future hearing as an appropriate procedure to determine this appeal.