

REVIEW DECISION NOTICE

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

Application for Review by Mrs Lesley Ross against condition relating to the alteration to wall at 34 Gosford Road, Port Seton

Site Address: 34 Gosford Road, Port Seaton

Application Ref: 18/00085/P

Application Drawing(s): 2018-GJM-JR-PL-001-0A

Date of Review Decision Notice: 18 January 2019

Decision

The ELLRB unanimously agreed to uphold the Planning Officers decision and refuse the appeal and to update the conditions within the Planning Consent for Planning Application Number 18/00085/P for the reasons given below.

This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

1. Introduction

1.1. The above application for planning permission was considered by the ELLRB, at a meeting held on Thursday, 11 October 2018. The Review Body was constituted by Councillor W Innes (Chair); Councillor S Kempson, and Councillor N Gilbert. All three members of the ELLRB had attended an unaccompanied site visit in respect of this application prior to the meeting.

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

Mr I McFarlane Planning Adviser to the LRB
Mr C Grilli, Legal Adviser/Clerk to the LRB
Fiona Stewart, Clerk.

2. Proposal

- 2.1. The planning application is for the erection of garage, walls, gate installation of oil tank boiler and formation of hard-standing areas.
- 2.2. The planning application was registered on 13 March 2018 and was approved subject to conditions under delegated powers on 11 May 2018. The Condition appealed against is Condition 1 of the Planning Permission. The notice of review is dated 24 July 2018.
- 2.3. The reason for the condition is set out in full in the Decision Notice and is, in summary, that the wet dash render on the side of the wall facing Gosford Road to be painted in a darker colour to match the adjacent roadside boundary walls in the interest of visual amenity.

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 registered on 13 March 2018
3	The Appointed Officer's Report of Handling
4	A copy of the Decision Notice dated 11 May 2018
5	<p>Strategic Development Plan for Edinburgh and South East Scotland June 2014</p> <ul style="list-style-type: none"> • Policy 1B (The Spatial Strategy: Development Principles); <p>Local Plan 2008 policies:</p> <ul style="list-style-type: none"> • DP1: Landscape and Character • DP2 (Design) <p>Proposed Local Development Plan policies:</p> <ul style="list-style-type: none"> • CH2 (Development Affecting Conservation Areas) • DP1: Landscape and Character • DP2: Design
6	Notice of Review dated 24 July 2018 together with Applicant's Submission with supporting statement and associated documents.

4. Findings and Conclusions

- 4.1. The ELLRB confirmed that the application for a review of the condition permitted them to consider the condition afresh and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it. They confirmed that they had access to the planning file in respect of this matter and to all the information that the Appointed Officer had available when reaching the original decision to grant planning permission subject to the condition, including all drawings and copies of all representations and objections received in respect of the original application.

- 4.2. The Members then asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser gave a brief presentation to Members advising that this application related to a detached house on the southern side of Gosford Road, Port Seton for which the applicant sought retrospective consent for alterations already carried out to the roadside boundary wall enclosing the front garden, and for gate piers which had been erected as part of the roadside boundary.

The Planning Adviser stated that this planning application had been granted planning consent on 11 May 2018 subject to one condition, which required the wet dash render on the side of the wall facing Gosford Road to be painted in a darker colour to match the adjacent roadside boundary walls.

The Planning Adviser advised that the rendered portion of the applicant's boundary wall had been painted in an off-white colour. He also advised that, on the site visit, it was evident that there were a few properties on the north side of Gosford Road, which had walls painted in a light colour. Those properties are listed buildings. He confirmed that no complaints had been received in relation to these properties and there were no reports of unauthorised development. He further advised that it could be the case that these walls had been originally painted prior to that terrace of houses being listed or the conservation area being designated and that repainting of them may have been like for like maintenance not requiring planning permission. He advised Members that it was now open to them to consider the application afresh or to decide if it was appropriate for the walls to be painted in a darker colour.

- 4.3. The Chair asked his colleagues if they now had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.
- 4.4. Councillor Gilbert considered that the boundary wall in its present form looked incongruous in the context of the natural stone boundary walls which stretch along both sides of Gosford Road. He considered that the wall and also the gate piers ought to be rendered and painted in a dark shade and was therefore minded to uphold the original decision of the Case Officer.
- 4.5. Councillor Kempson was similarly minded to Councillor Gilbert, describing the wall as conspicuous in its present form. She was also concerned that it would set an undesirable precedent for the street.
- 4.6. The Chair agreed with the view of his colleagues and wished to see the wall and also the gate piers rendered and painted in a dark shade acceptable to planning officers.

Accordingly, the ELLRB unanimously agreed that the condition attached to the planning consent for planning application 18/00085/P shall be amended and replaced with the following condition:

Condition:

1. Within 2 months of the date on the Review Decision Notice, the brick gate piers of the wall shall be rendered to match the render on the wall and the wet dash render on the side of the wall facing Gosford Road (denoted as 'ELEVATION A' on docketed drawing no. 2018-GJM-JR-PL-001-0A) and on the faces of the gate piers shall be painted in a darker colour to match that of the adjacent roadside stone boundary walls. Prior to the repainting of the wet dash render, details of the paint colour for the repainting shall be submitted to and approved by the Planning Authority. Development shall hereafter be carried out in accordance with the details so approved.

Reason: In the interest of the visual amenity of the area.



Carlo Grilli
Legal Adviser to ELLRB

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under Section 43A(8)**

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.