

## **GROUNDS OF APPEAL**

### **ORIGINAL SITE CONTEXT**

The original property at 20 Westbay Road, North Berwick, of which 20C now forms part, was a detached Victorian town house, circa 1850s, set in its garden grounds orientated west-east, with areas of clear space to both the north and south elevations. In 1896, further wings of accommodation were added to the north and south, and the attic of the original house developed. This was carried out in a symmetrical and balanced manner. The property changed from a private house to become Pointgarry Hotel as part of North Berwick's early flourish as a holiday town. More recently, and as the demand for hotel bedspaces diminished, the hotel use ceased and the property reverted to residential use, and was divided to become 3 separate terraced dwellings, split on the lines of the original town house as the central dwelling, with the two outer wings becoming the other dwellings. 20C is the northmost wing.

### **REASON FOR REFUSAL OF APPLICATION 18/00962/P**

The decision notice for application for planning permission ref 18/00962/P is dated 8 November 2018 and states that the reason for refusal of planning permission is:

- 1 The enlargement of the window opening and the installation of French Doors within the enlarged opening would appear significantly different to the remaining windows that would continue to exist on the building. Such a change to the size, scale and appearance of that window opening would harmfully interrupt the balanced symmetry of the west elevation of the listed building and would detract from, and be harmful to, the special architectural or historic interest of the building. This in turn would neither preserve nor enhance but would be harmful to the character and appearance of this part of North Berwick Conservation Area contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and with Policies CH1 (Listed Buildings), CH2 (Development Affecting Conservation Areas) and DP5 (Extensions & Alterations to Existing Buildings) of the adopted East Lothian Local Development Plan 2018, East Lothian Local Development Plan Supplementary Planning Guidance 2018, Cultural Heritage and the Built Environment and Scottish Planning Policy: June 2014.*

### **REASON FOR REFUSAL OF APPLICATION 18/01022/LBC**

The decision notice for application for listed building consent ref 18/01022/LBC is dated 21 December 2018 and states that the reason for refusal of listed building consent is:

- 1 The enlargement of the window opening and the installation of French Doors within the enlarged opening would appear significantly different to the remaining windows that would continue to exist on the building. Such a change to the size, scale and appearance of that window opening would harmfully interrupt the balanced symmetry of the west elevation of the listed building and would detract from, and be harmful to, the special architectural or historic interest of the building contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and with Policy CH1 of the adopted East Lothian Local Development Plan 2018, The Scottish Historic Environment Policy Statement: June 2016 and Scottish Planning Policy: June 2014.*

## **BACKGROUND TO APPLICATIONS**

The owners of 20C West Bay Road are an older couple, who have increasing mobility concerns, and are primarily seeking to adapt their home for their continued occupation. As part of this, internally, they are considering fitting a platform lift for access to upper floors. Externally, the only entrance door to their property is on the north side, and is a route that involves going down and up steps. Due to the nature of the original property, and the manner of the subdivision proposals, the only private garden space for the house is the front garden, facing West Bay Road. This means, unlike a more usual arrangement, the elevation facing into the garden is the west, street-facing elevation, rather than being a rear elevation. The owners had two objectives in applying for permission to alter their front window to become doors. Firstly, they wished to create a more accessible route and entrance from the street to the house for their use, both in terms of a shorter distance, and involving less steps. The proposed alteration would have created a direct level/ramped access from the entrance gate at West Bay Road to the proposed door location, with only a single step from the external paved area into the house. Secondly, they wished to create a more direct and accessible route from the house to their only private garden space. The proposed alteration would have done this by having direct connection from their kitchen to the external terrace area.

The applicants and agent believed that the alteration to form doors was a reasonable proposal and accordingly submitted applications for planning permission and listed building consent. It was recognised as a possibility that the planning department might not support the proposal exactly as submitted, but the agent expected, based on experience, that if this were the case that the planning department would make contact, to seek a negotiated solution.

However the planning department moved to refuse the applications within their 2-month target date without making any contact to the applicant to indicate that this was their intention. It is accepted that the planning department's statutory role is to determine applications, and there is not statutory obligation to consult an applicant or agent, however it has been the custom and practice of the planning department to indicate in advance if their intention is to refuse, and to give the applicant the option of withdrawing the applications. This did not happen in this case.

Subsequent to the refusal the applicant's agent has explained to the planning department the purpose of the applications, and has asked whether the option of simply retaining the window opening at its current width, but altering the wall beneath to create a single door opening, would be supported. The planning department have advised that this would not be supported, stating that it would still detract from the symmetry of the building.

To the applicant and agent this seems an unnecessarily purist point of view, given the circumstances of the applicant as house owner and occupier, and also in relation to the actual setting and context of the building.

The applicant therefore seeks review of the decisions to refuse planning permission and listed building consent, and sets out below the grounds for review.

## REFERENCE TO LISTING NOTICE

The following text is the listing notice of 20 West Bay Road from the Historic Environment Scotland Website

### *Description*

*Mid 19th century. 3-bay, 2-storey and cellar house made 5-bay by sympathetic addition of outer recessed bays. 1896 Peddie and Washington Browne attic and other additions. Squared and snecked rubble, coursed at W front; ashlar dressings. Rusticated quoins to original house. Raised margins to W front. Simple eaves cornice.*

*W ELEVATION: pedimented doorway set in advanced ashlar ground floor extension with cornice and blocking course and flanking tripartites (1896). Panelled double doors with leaded and coloured glass fanlight. 4 canted dormers with centre pediments and poor modern aluminium windows.*

*E ELEVATION: various extensions and window designs.*

*Sash and case windows with plate glass, 4-pane or small-pane glazing patterns. Green slates to piend roof. Harled stacks.*

*INTERIOR: altered for hotel and licensed premises, with some features retained. Depressed panelled arch in lounge.*

*RETAINING WALL: low rubble parapet wall to W with ashlar coping. Semi-circular coping to rubble boundary wall at rear.*

This description clarifies the historical evolution of the property, that the central part was the original house, and that the recessed bays to either side, the dormers, and the pedimented doorway were all later additions. The listing notice makes no reference at all to symmetry, so it could reasonably be inferred from this that the symmetry in itself was not considered an essentially important and intrinsic feature of the building and the reason for listing.

The applicant wishes to draw attention to another listed building at 10 West Bay Road. This building similarly was originally a house, and had balanced wings added subsequently. This property has also been latterly subdivided, and in this case, a window in one of the wings was altered to form a door, which is referred to in the listing notice

### *Description*

*Mid 19th century. 3-bay, 2-storey classical house with single storey wings made into 6-bay, 2-storey and attic villa, R S Lorimer, 1911, by raising wings and adding 1 bay to S. Roofs added to sides 1925. Squared and snecked rubble; lime washed over ashlar at centre to W front. Ashlar dressings. Raised band course and rusticated quoins to original house. Raised margins to W front with chamfered arrises.*

*W ELEVATION: pedimented, channelled doorpiece, flanking tripartites and single lights to outer bays with arched blind slits above 3 1st floor windows at centre with lying-pane glazing. Eaves raised by 3 courses. Segmentally arched dormers at centre, flat-roofed to outer bays, all with studded flashings.*

*E ELEVATION: plainly detailed, 2 full-height canted window bays N and S gables, cast-iron balcony at 1st between bays; extensions of 1911. Variety of glazing patterns; sash windows with 4-pane in flanks, plate glass sashes at rear. Small-pane casements to dormers. Grey slated mansard roof, swept at eaves, lead flashings. Moulded copes to ashlar roof and S gable stacks.*

*BOUNDARY WALLS: rubble with ashlar coping, abutted at S by slate-roofed outbuilding.*

### *Statement of Special Interest*

*Currently divided into 2. New door to W formed from bipartite window. Additions of 1911 for Rev W T Houldsworth of 4 bedrooms, servants offices. House formerly known as Anchor Villa. Interesting garden path detail to No 10.*

It should be noted that although this change to a door is noted in the listing notice it is not highlighted as 'unfortunate' which sometimes appears in a listing notice to record a later feature which detracts from the property.

## REFERENCE TO PLANNING POLICY

The reason for refusal cites particular planning policies. The relevant parts of these are noted below.

The relevant part of Policy CH1: Listed Buildings states:

***Internal or external alterations or extensions to listed buildings will only be permitted where they do not harm the architectural or historic character of the building.***

The listing notice makes no reference at all to symmetry, as part of the character of the building, however this appears to be the key justification for refusal of the application. Therefore it can be reasonably argued that the proposed change is not harmful and therefore complies with this policy.

The introductory text to this policy states in relation to work to listed buildings:

*Successful work to listed buildings is as a result of the full understanding of the historic asset, its special interest and character. Proposed alterations or extensions to listed buildings should ensure that the value of the building is not lost or its character undermined by insensitive changes. They should be complementary and of a high quality, both in design and use of materials. Planning decisions will be taken in accordance with the advice contained in national historic environment policies and guidance.*

The proposed alteration is undeniably complementary, and high quality in design and use of materials, as both the proposed doors, and the stonework, match in every detail the existing building in design, material, and colour. Therefore it can reasonably be argued that the proposal complies with this guidance.

The relevant part of Policy CH2: Development Affecting Conservation Areas states

***All development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area.***

The assessment of whether a proposal will or will not harm a special architectural or historic character of the Conservation Area is largely subjective. Within North Berwick Conservation Area there are many examples of original, balanced, symmetrical properties to which alterations and additions have been made in an asymmetrical manner. A clear and visible example would be Dirleton Avenue, originally predominantly large Victorian semi-detached houses, of a symmetrical form, which have then been subdivided to upper and lower flats. In some cases the street elevations have been altered to add the additional entrance doors required, and in other cases entrances and staircases have been added to the sides in a variety of styles. This process has been part of the natural evolution of these properties to enable their continued use and occupation, and many of these changes are very prominent when viewed from a public place. Nevertheless it would not be reasonable to argue that these changes are harmful to the Conservation Area.

Policy DP5: Extensions and Alterations to Existing Buildings states:

***All alterations and extensions to existing buildings must be well integrated into their surroundings, and must be in keeping with the original building or complementary to its character and appearance. Accordingly such development must satisfy all of the following criteria:***

- 1. It must not result in a loss of amenity with neighbouring uses or be harmful to existing residential amenity through loss of privacy from overlooking, or from loss of sunlight or daylight;***
- 2. For an extension or alteration to a house, it must be of a size, form, proportion and scale appropriate to the existing house, and must be subservient to and either in keeping with or complementary to the existing house;***
- 3. For an extension or alteration to all other buildings, it must be of a size, form, proportion and scale appropriate to its surroundings and, where the existing building has architectural merit be in keeping with or complement that existing building;***

***Development that does not comply with any of the above criteria will only be permitted where other positive planning and design benefits can be demonstrated.***

The proposed alteration is of a size, form, proportion and scale appropriate to the existing house. It only seeks to widen an existing window opening, and is proposed to be carried out in a matching manner.

Most of the Supplementary Planning Guidance 2018, Cultural Heritage and the Built Environment document mostly describes types of work other than that proposed in this application, so it is unclear in what respect the proposal is contrary to the contents of this document, other than the generality of

***'proposals that neither preserve nor enhance the character and appearance of a conservation area should not be supported',***

which is a very subjective judgement, and open to interpretation in wide and contradictory terms depending upon personal preference.

The guidance does specifically state:

***Permission to replace a window will only be granted where the design and construction of the window does not harm the character and appearance of the building or its surroundings.***

As the proposed french doors are to be of timber, profiled, white painted, all in a traditional style to match closely the detail of the existing windows of this elevation of the building, it can reasonably be argued that the design and construction of the new french doors will not harm the character and appearance of the building, and will hence comply with this guidance.

**CONCLUSIONS**

Part of allowing a building to remain in use, and be upkept, is through allowing it to evolve to new uses, rather than become redundant. 20 West Bay Road was originally a house, it was then extended as a house, it then became Pointgarry Hotel, it was then split into 3 separate dwellings. Further aspects of evolution are making changes to suit modern lifestyles. One aspect of modern life is making buildings accessible both externally and internally to allow owners to remain in their homes for much longer and after the onset of health and mobility issues. This is a key aspect of this proposal for the owners of 20C West Bay Road. Another aspect of evolution is the relationship of house to garden. Traditionally in Scotland, for practical reasons, there was limited access from house to garden, reflecting earlier lifestyles. Now, there is a greater emphasis on informal lifestyle, and better links from house to garden are a desire, and the subject of numerous alterations and extensions to older properties. In the case of 20C West Bay Road, a very minor change is sought to allow ready and informal access to the garden, again with the limited mobility of the owners in mind.

If this were the rear elevation, it is extremely likely that this desire and this application would not be met with disapproval. It is very likely that it is only because this is a street elevation that the proposal is deemed an unacceptable change, and as noted above, refusal seems to be substantially justified on the grounds of detracting from the symmetry.

In the case of 20 West Bay Road, as already stated, the private garden spaces for each of the three properties formed from the earlier subdivision are at the front, facing West Bay Road. To create privacy for the occupiers, these private garden spaces are separated from one another by hedges that are above head height, and there is also a hedge above head height on the boundary with West Bay Road. It is therefore not possible, either from a public place ie the road or pavements of West Bay Road, or from any of the private gardens of 20 West Bay Road, to be able to view the entire frontage of the west elevation of the building. There is therefore no opportunity from street level to be aware of the symmetrical appearance of the west elevation. It does therefore appear to be a spurious reason for refusal to place a high value on the symmetrical appearance of the building.

**APPENDED PHOTOGRAPHS**

Appended to this submission are a number of photographs as follows:

A Google Earth photo of 20 West Bay Road. The purpose of including this is that it is from an elevated position, which is the only viewpoint from which the entire frontage can be seen. This also shows the extent of subdivision of the front garden areas.

Photograph from street level of 20 West Bay Road from street level, which shows the lack of visibility of the ground floor street elevation, and hence the inability to perceive or value the overall symmetry of the ground floor.

A Google Earth photo of 10 West Bay Road. The purpose of including this is that it is from an elevated position, which is the only viewpoint from which the entire frontage can be seen, and shows the previous door alteration to the right (south) end of the property.

**FINAL CONCLUSION**

In final conclusion, the applicant contends, that in consideration of all policies and guidance stated within the reason for refusal, the proposed alteration does comply with the policies and guidance. Therefore the applicant requests that the decision by the planning department to refuse planning permission and listed building consent on the basis of the proposed development being in conflict with these policies and guidance should be overturned by the review.

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Legend



Google Earth

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# Untitled Map

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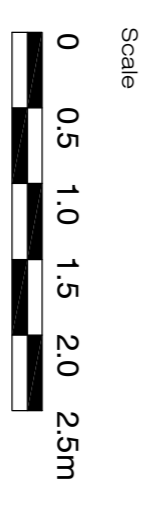
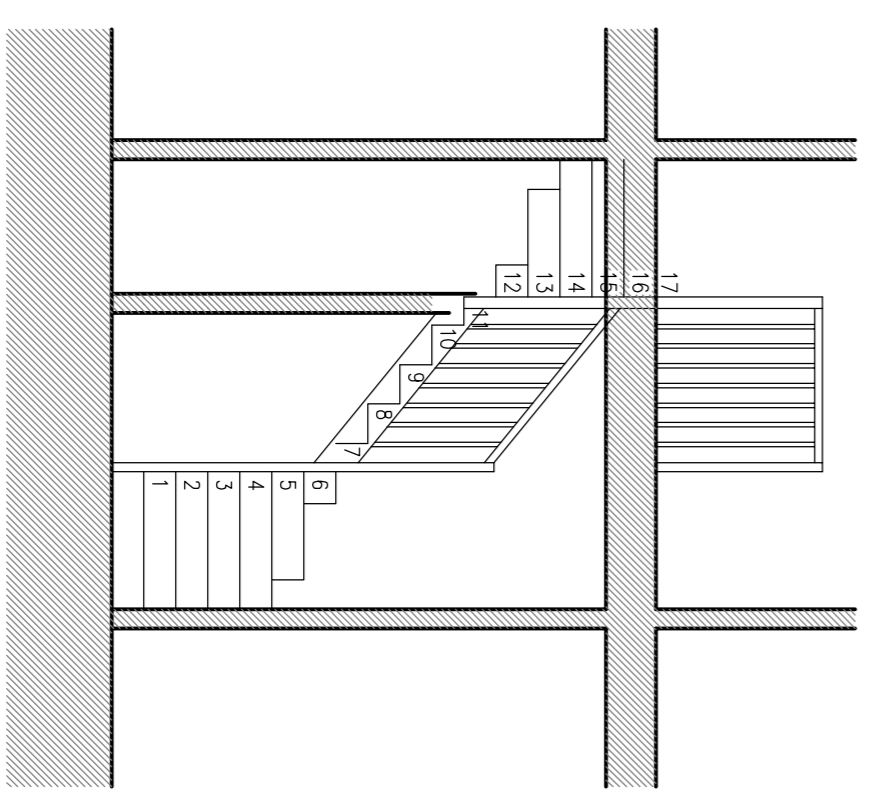
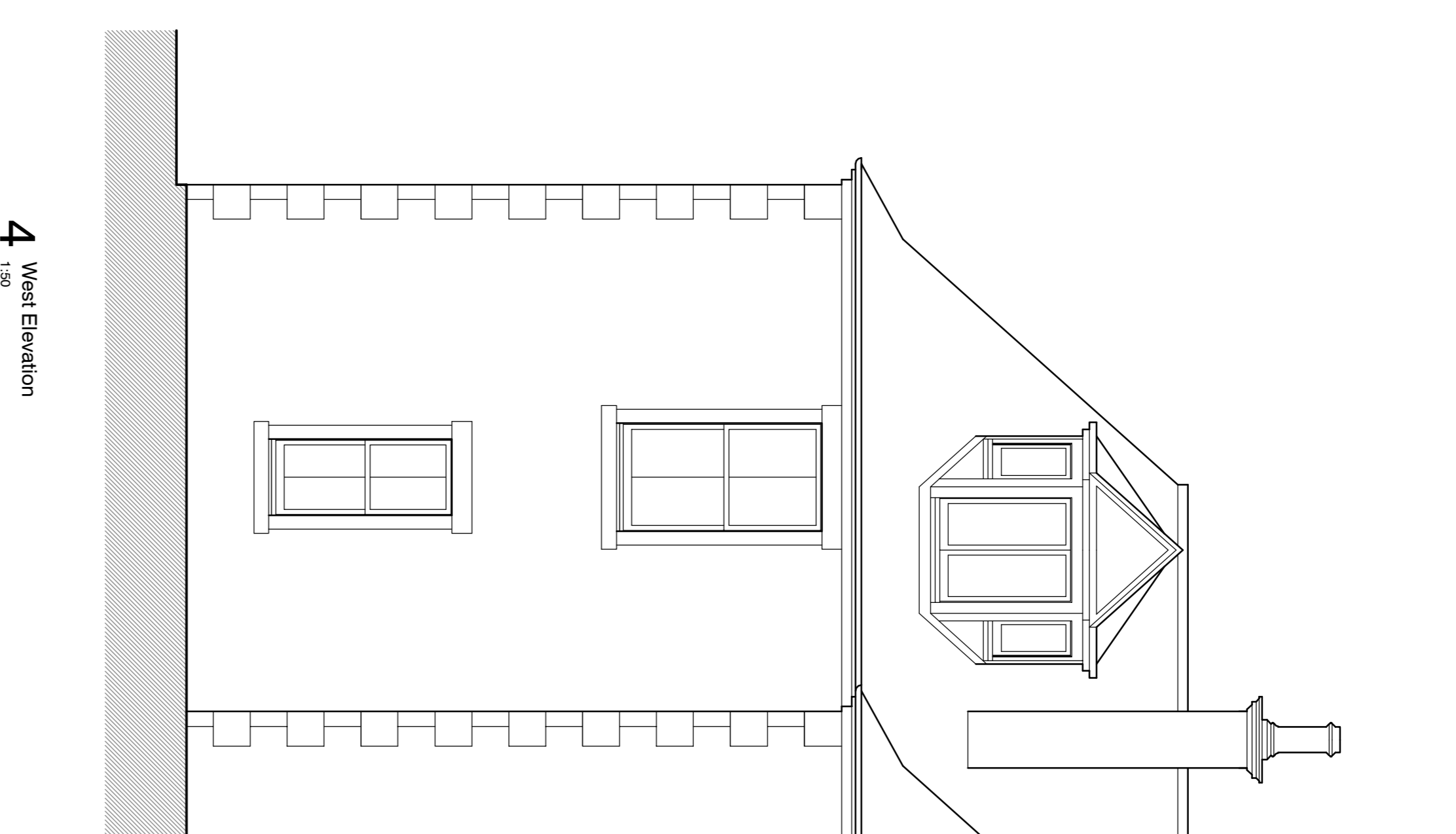
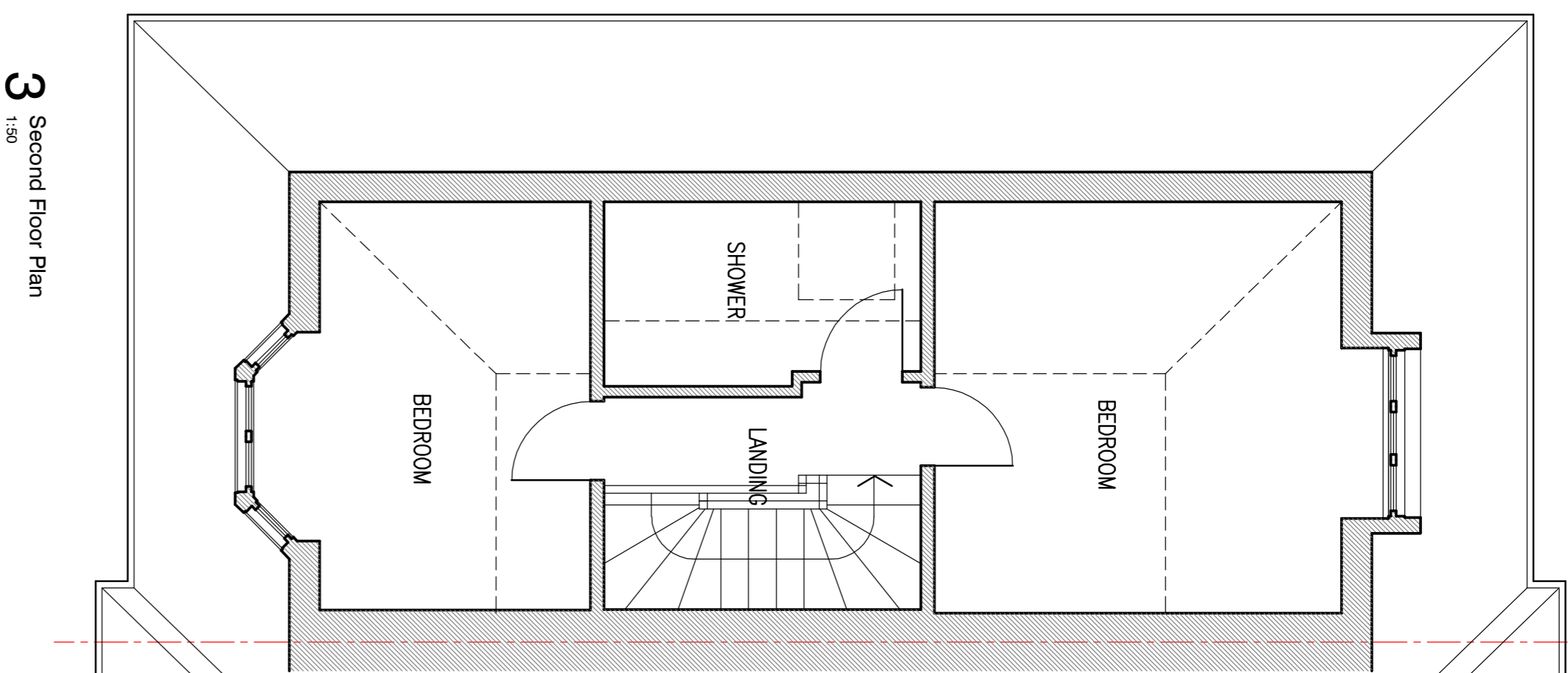
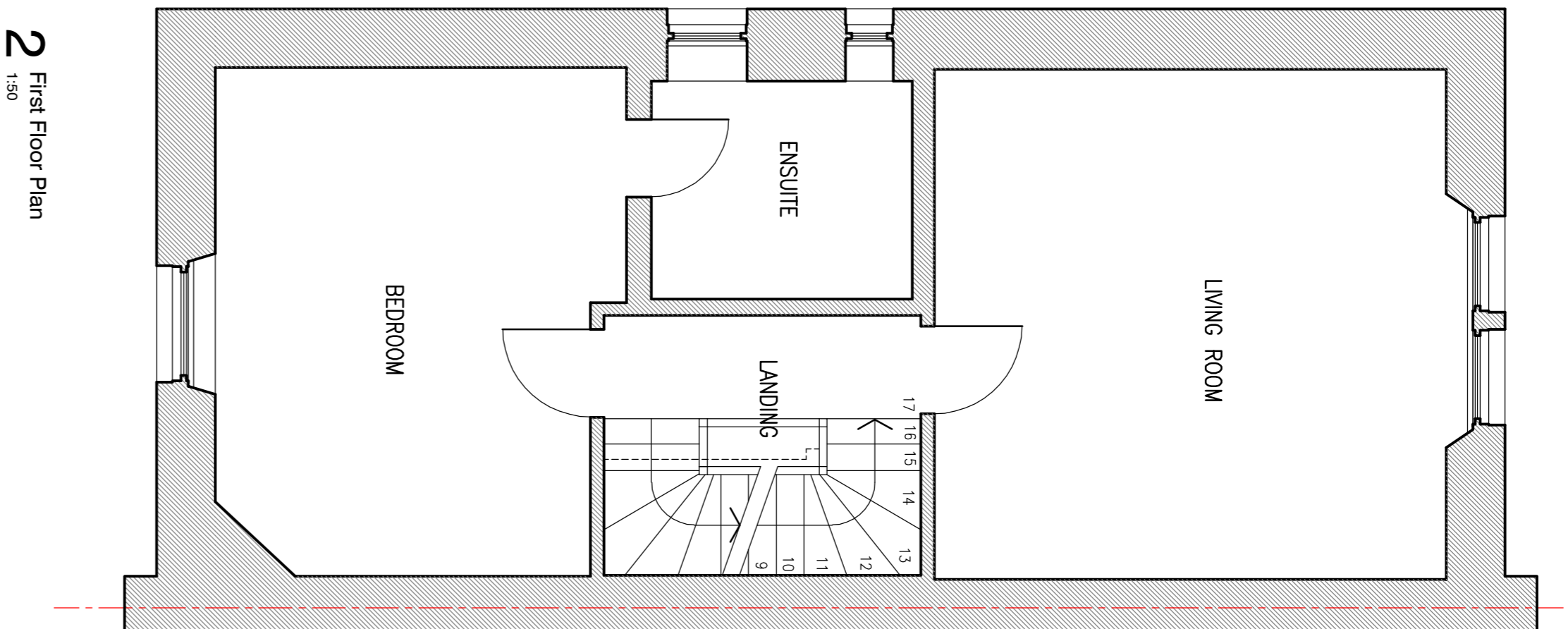
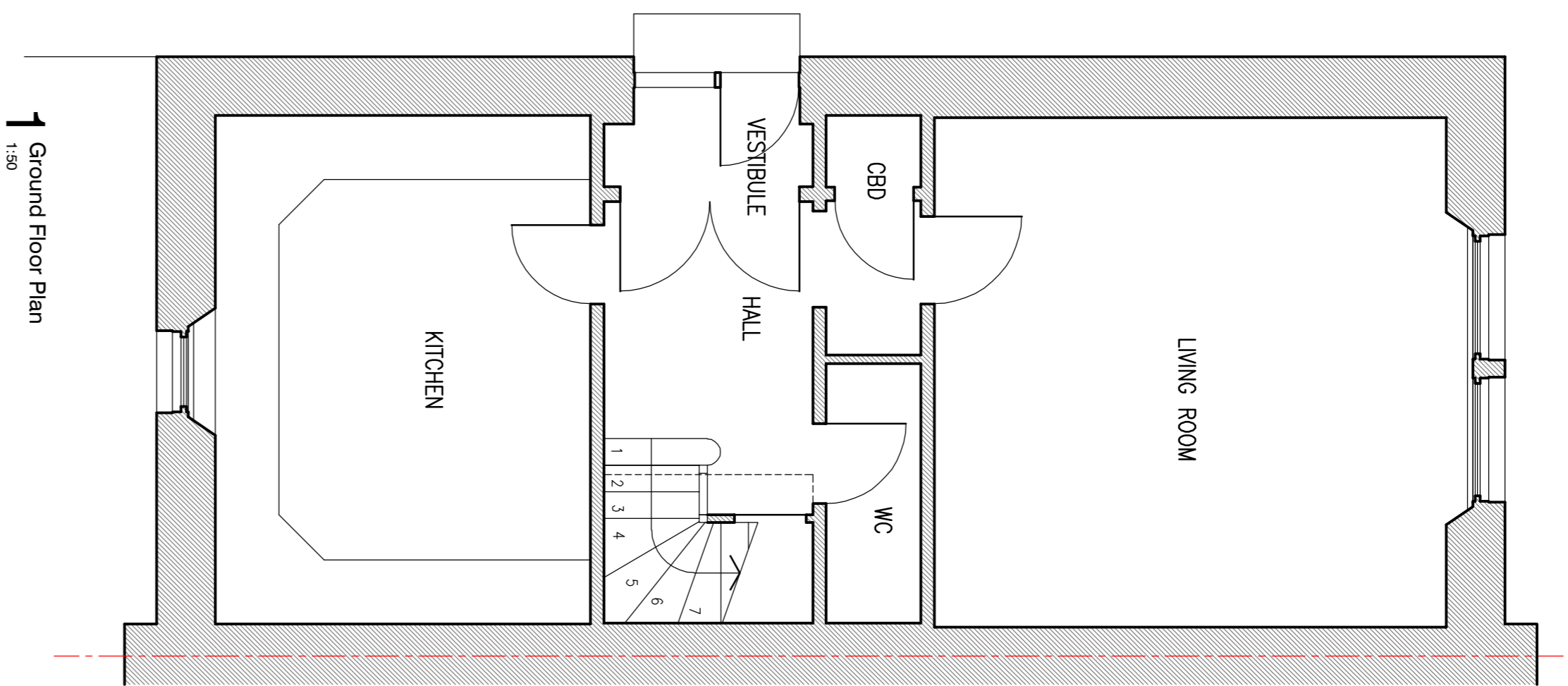












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1 Ground Floor Plan  
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2 First Floor Plan  
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3 Second Floor Plan  
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4 West Elevation  
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Project Address:  
**20c West Bay Road North Berwick**

Project Title:  
**Alterations to House**

The:  
**Existing Plans Elevations Sections**

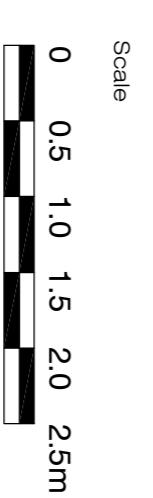
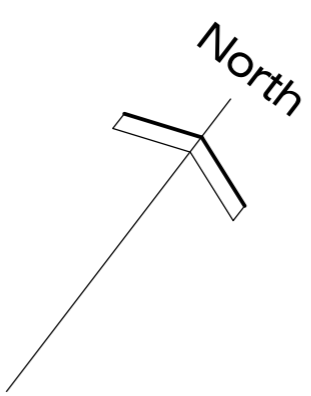
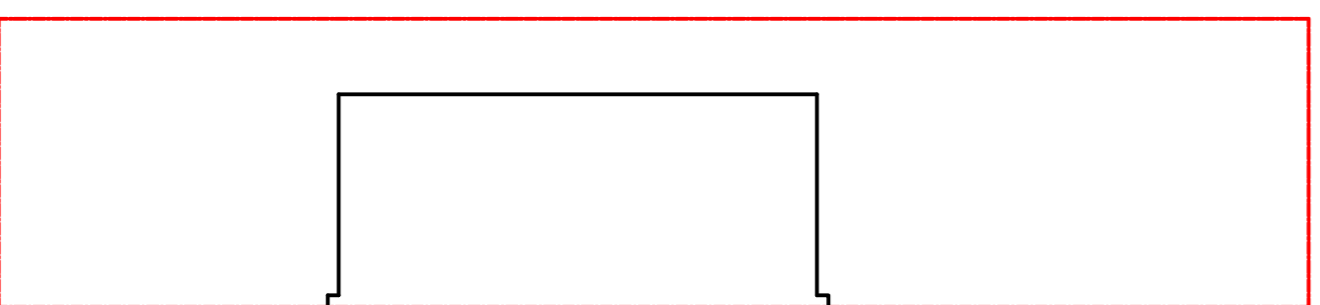
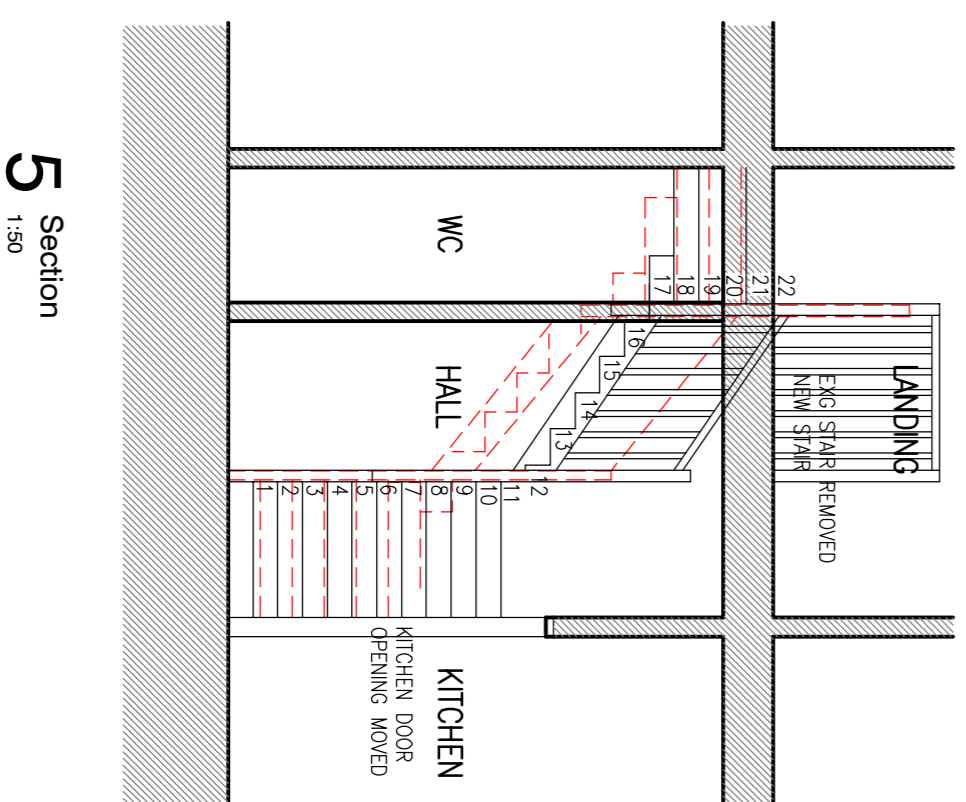
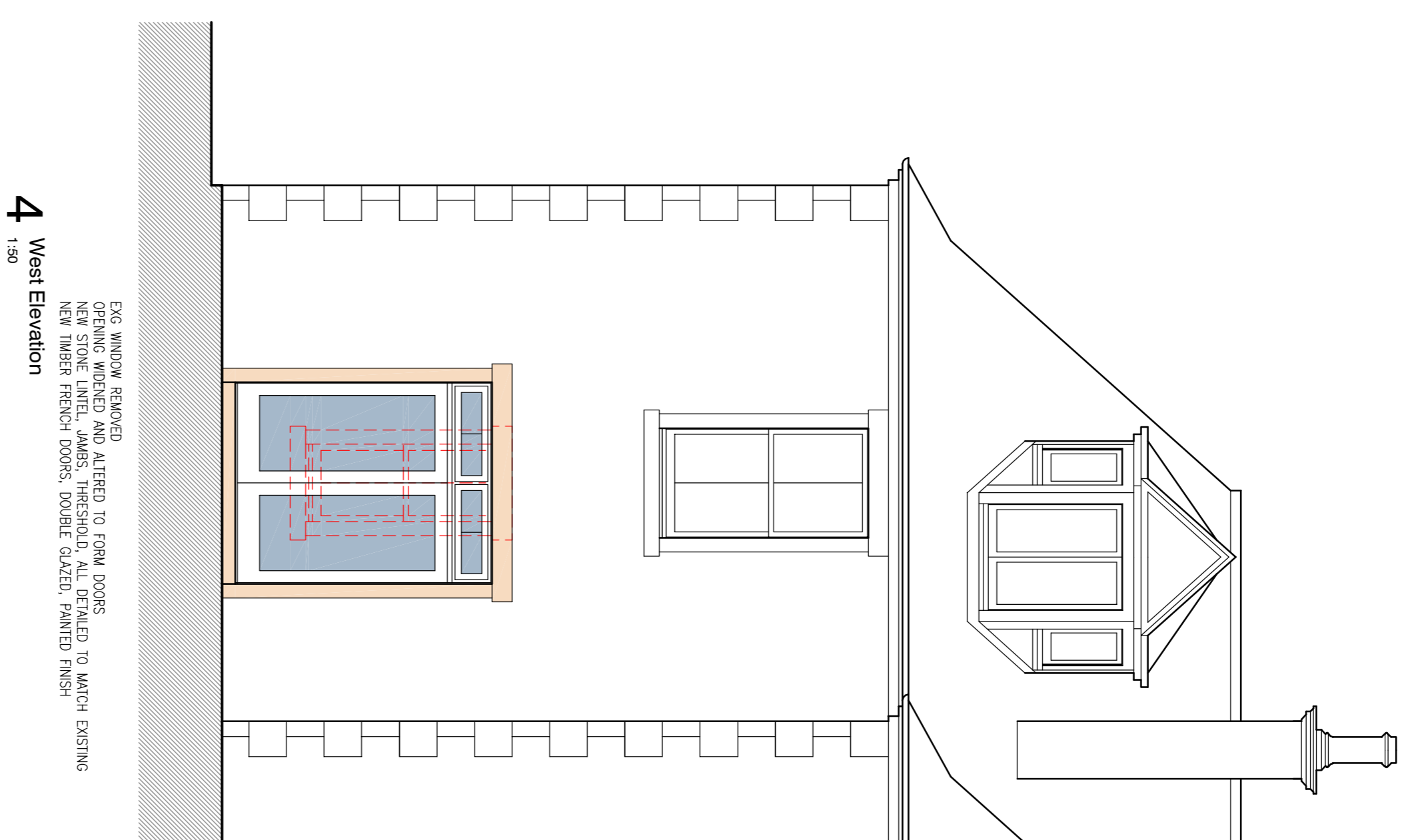
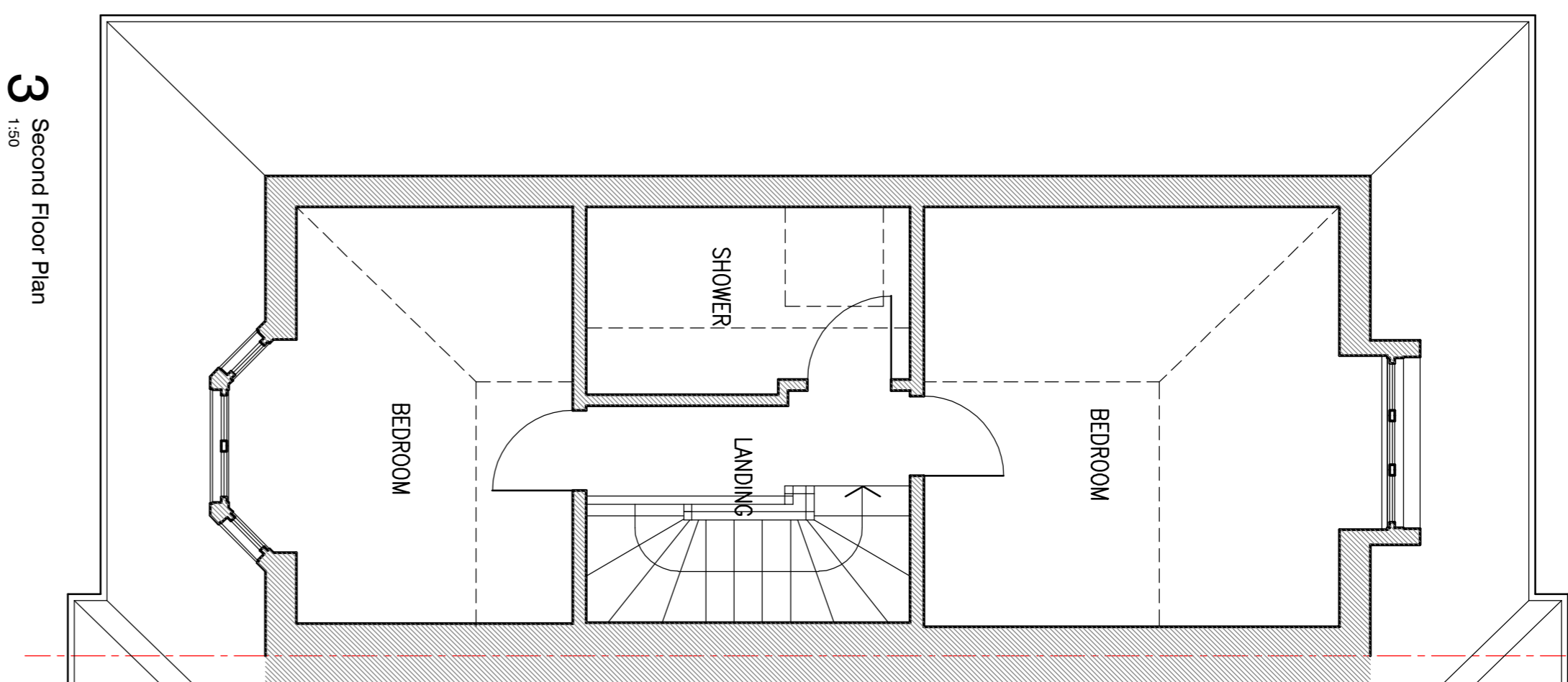
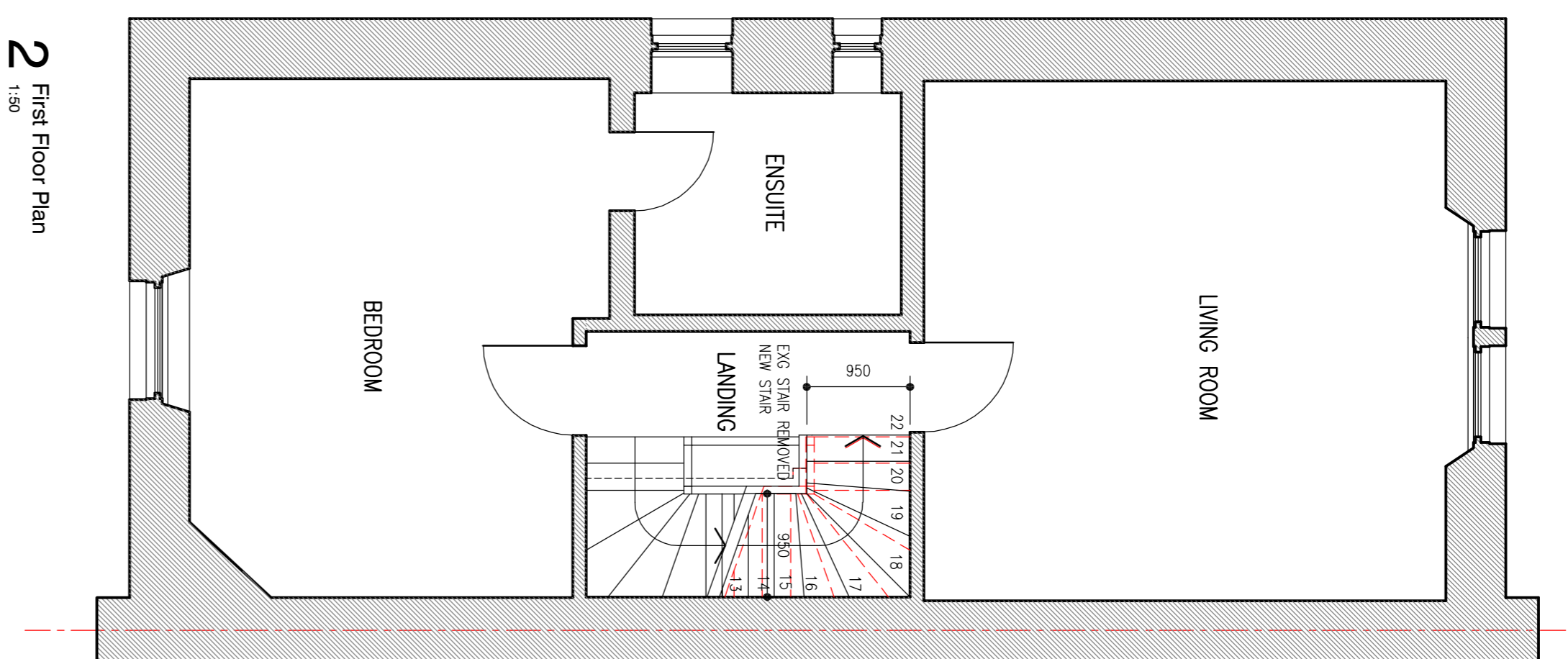
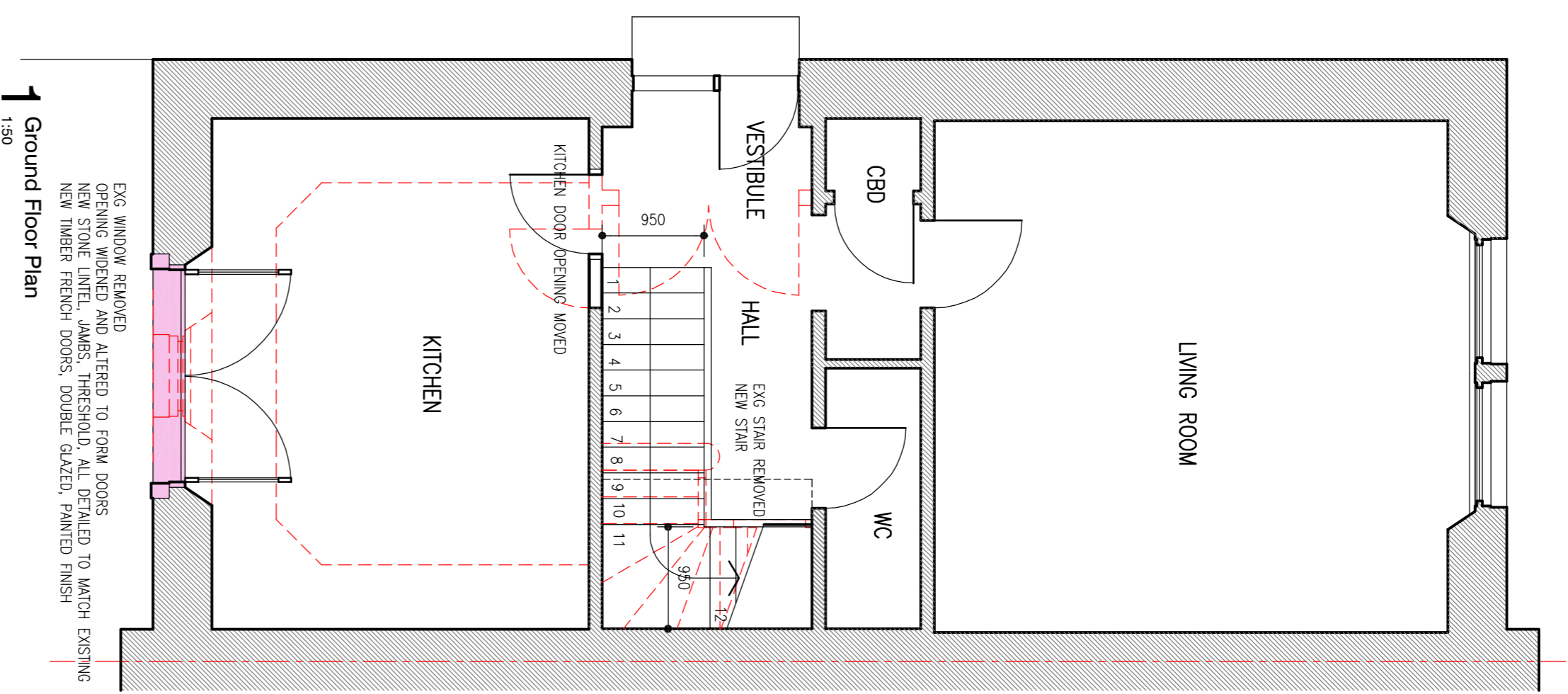
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Revision C 3 September 2018 'Finalist' adjusted drawing updated for planning application.

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Project Title:  
**Alterations to House**

Title:  
**Proposed Plans Elevations Sections**

Drawing Number:  
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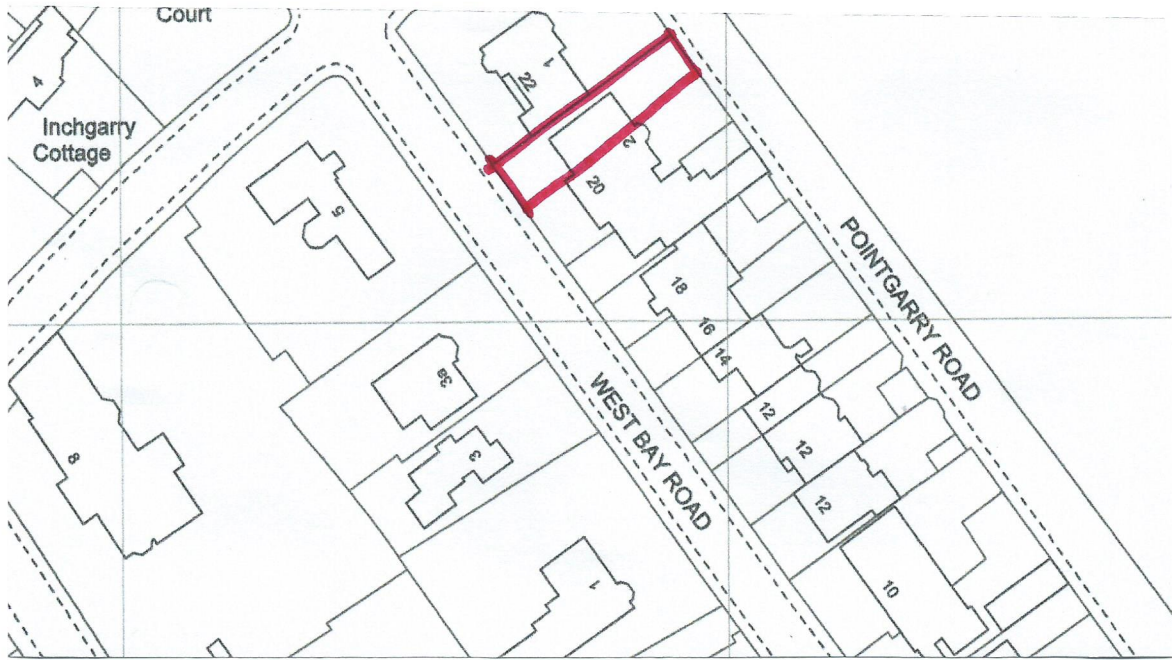
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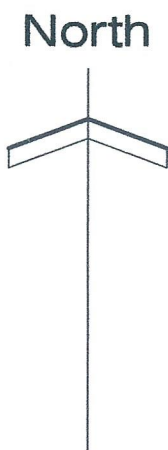
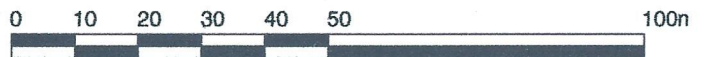
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Project Title:

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Title:

**Site Location Plan**

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