

## **REVIEW DECISION NOTICE**

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

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Application for Review by Rory Shearer of 7 Springfield Cottages, Whitecraig against refusal of Planning Permission for the extension to house and conversion of existing garage to form ancillary residential accommodation to house.

Site Address: 7 Springfield Cottages, Whitecraig

Application Ref: 18/00410/P

Application Drawing: 16-15-EX1 Revision A; 16-15-EX2; 16-15-PL101; 16-15-PL102;  
16-15-PL103; 16-15-PL104; and 16-15-PL105

Date of Review Decision Notice: 7 December 2018

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### **Decision**

The ELLRB unanimously made the decision to uphold the review and approve planning permission subject to conditions 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, 15 November 2018. The Review Body was constituted by Councillor W Innes (Chair); Councillor J Findlay, and Councillor N Gilbert. All three members of the ELLRB had attended an accompanied 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 L Taylor, 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 extension to house and conversion of existing garage to form ancillary residential accommodation to house.

2.2. The planning application was registered on 26 April 2018 and was refused under delegated powers on 19 June 2018. The notice of review is dated 5 September 2018.

2.3. The reasons for the condition are set out in full in the Decision Notice and are, in summary, that:

By its size, scale, height and floor area the proposed extension would be a dominant addition to the west side elevation of the existing existing house. It would not be subservient to or in keeping with the architectural form, character, appearance and integrity of the house, contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan), Policy DC1 (Part 5), DC2 and DP6 of the adopted East Lothian Local Plan 2008.

The effect of the proposed extension is tantamount to the creation of a new house in the countryside. No case has been made for this to meet an agriculture, horticulture or forestry need. No other operational need has been submitted which justifies the transformation of the existing house by the addition to it of the proposed extension. Extending the existing house in the manner and to the degree proposed would radically alter its appearance and visual impact within its Green Belt location and gives greater emphasis to it being sporadic development in the countryside. Assessed on the basis that through the resultant radical transformation of the size, form, character and appearance of the existing house the proposed extension is tantamount to the creation of a new house in the countryside and Edinburgh Green Belt, contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan), Policy DC2 of the adopted East Lothian Local Plan 2008 and Government policy guidance regarding the control of new housing development in the countryside expounded in Scottish Planning Policy: June 2014).

### 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 26 April 2018
3	The Appointed Officer's Report of Handling
4	A copy of the Decision Notice dated 19 June 2018
5	Strategic Development Plan for Edinburgh and South East Scotland June 2014  Policy 1B (The Spatial Strategy: Development Principles)  Local Plan 2008 policies:  DC1 (Development in the Countryside and Undeveloped Coast) DC2 (Development in the Edinburgh Green Belt) DP6 (Extensions and Alterations to Existing Buildings)  Proposed Local Development Plan policies:  DP1 (Landscape Character) DP5 (Extensions and Alterations to Existing Buildings) DC7 (Development in the Edinburgh Green Belt)
6	Notice of Review dated 5 September 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 decision to refuse planning permission permitted them to consider the application afresh and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it. 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 the next item for review is a refusal of planning permission 18/00410/P which sought consent for the erection of an extension to the existing house and the conversion of the existing garage to form ancillary accommodation. The property is a single storey cottage style located within a collection of properties to the south east of Whitecraig adjacent to the A6124. The application proposed to extend the property in a single storey linear manner by erecting an approximately 33.6m long extension in a south westerly direction, attached by an extended hallway to the north west elevation of the existing property. The extension would comprise of a garage, games room, sitting area, gym and swimming pool (with room in roof above swimming pool). The extension would be finished with areas of facing brickwork and wet dash render to match the existing house, with slate roof also to match. Relevant to the determination of this application was SDP policy 1B and Local Plan 2008 policies DC1, DC2 and DP6. Again, proposed LDP policies were also relevant. In considering the application, Officers noted the size and scale of the proposed extension which would see a significant increase in overall floor space. It would also be partially visible from the A6124 public road.
- Consultation with ELC Landscape and ELC Roads resulted in no objection however conditions were required by Landscape relating to protection of trees during construction. Officers determined that the extension would fundamentally alter the architectural form, character and appearance of the existing house, and would have a detrimental visual impact upon the landscape character and appearance of the wider area which is a countryside location and designated green belt land. Officers also noted the planning history of the site whereby planning permission was sought and granted for the extension of the garden ground – firstly by change of use of green belt land, and then again by change of use of woodland and agricultural land. The original dwelling has also previously been extended. Officers concluded that, notwithstanding there being no detrimental impact on the amenity of neighbouring properties by the proposed extension, and that the conversion of garage to form ancillary accommodation would not impact upon visual amenity or neighbour amenity and its use could be controlled through planning conditions, the extension itself would, due to its size, scale, height, floor area, proportions and positioning, be a dominant addition to the western elevation of the existing house and would not be subservient to the original (already extended) house, contrary to Local Plan policy DP6
- 4.3. Councillor Findlay commented that he would have had more concern if this had been more than a one story extension. He was of the view that this was sympathetic to the existing building. He was also of the view that the surrounding area would not be directly affected and local neighbours had not complained. . Councillor Findlay was accordingly minded to uphold the appeal subject to conditions.

4.4. Councillor Gilbert concurred with Councillor Findlay and commented that the building was currently poorly laid out and understood the need for the extension. He was therefore minded to uphold the appeal subject to conditions.

4.5. The Chair commented that the extension was more sympathetic than previous extensions to the building and there would be no detrimental impact. Accordingly he was minded to approve the appeal subject to conditions.

Accordingly, the ELLRB decided unanimously that the appeal should be upheld and planning permission approved subject to the conditions set out below:

Conditions:

1. No development shall take place until temporary protective fencing has been installed in accordance with Figure 3 of British Standard 5837\_2012 "Trees in relation to design, demolition and construction", comprising of 1.8 metres high Heras fencing with weldmesh panels and ground fixings positioned parallel to the front garden boundary with the A6124 to the west side of the entrance driveway offset by 6 metres and returned and tied into the driveway gatepost to the east and the neighbouring boundary to the west; and positioned parallel to the neighbouring property (6 Springfield Cottages) to the west and offset by 3 metres and returned and tied back to the property boundaries.

All weather notices shall be erected on said fencing with words such as "Construction Exclusion Zone – Keep Out" and the fencing shall remain on site and intact through to completion of the development.

The area within the temporary protective fencing is sacrosanct and the following prohibitions must apply:-

- No vehicular or plant access
- No raising or lowering of the existing ground level
- No mechanical digging or scraping
- No storage of temporary buildings, plant, equipment, materials or soil
- No excavations
- No lighting of fires
- No handling, discharge or spillage of any chemical substance, including cement washings

Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

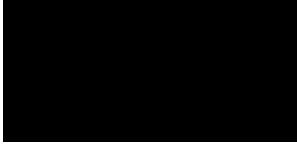
Reason:

To ensure the retention of trees which are important to the landscape character of the area.

2. The ancillary residential accommodation hereby approved shall only be used for purposes incidental to the residential use and enjoyment of the dwellinghouse of Station House, 7 Springfield Cottages, Carberry, Musselburgh and shall at no time form a separate residential unit or be used for any business, trade or other commercial use.

Reason:

To enable the Planning Authority to control the use of the development in the interests of safeguarding the character and residential amenity of the area and that of the dwellinghouse of Station House, 7 Springfield Cottages, Carberry, Musselburgh



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.