

Application No: 19/00240/P

15 Mayfield Place
Musselburgh

Applicant's
Supporting Documents

SUPPORTING STATEMENT

This document to be read in conjunction with the Planning Application Architects drawings

Project: 15 Mayfield Place, Musselburgh EH21 6HS

Subject: Supplementary supporting statement to planning application lodged by hLp architects ref no. 18/00832/P and in support of the removal of condition in the above

Date: 12.03.19

Client: Ms Fiona Mitchell

Author: Colin Gibson (hLp architects)

Reference no: 1863

Grounds of Appeal

The site in question is part of a larger housing scheme consisting of several hundred houses, built in the 1970s in the South West of Musselburgh. The scheme is characterised by one and a half storey terrace houses with original living spaces within the pitched roof. The head height in these rooms is usually supplemented by dormer roof windows which span the length of the terraces. There are examples in the area of houses with terraced dormers on both front and rear elevations.

The property is located within this scheme towards the end of dog leg cul-de-sac in Mayfield place. It has a front facing terraced dormer only. To the rear, as a result of the cul-de-sac design the gardens are irregular and do not run parallel to the dwelling's boundary separating walls.

Our client appointed hLp Architects to produce design proposals that would allow her growing family additional rooms to live in. The property was a two bedroom house; our client has a young child and at the time was pregnant with a second due over the Christmas period.

The proposal was to form a long flat roof dormer window to the rear elevation within the site boundaries. Similar to many in the area and to match the style and format of the front facing dormer. This would increase the number of bedrooms from 2 to 3 with a second bathroom and small home office. Planning was approved on 10.10.2018 with the condition that the window to the new master bedroom be made opaque due to privacy concerns caused by the irregular garden boundary line cutting across the site line from that window at less than the planning guidelines stipulate.

Taking cognizance of the issue that an opaque window in what would become the master bedroom is not an ideal scenario, hLp architects re-designed the proposal to reduce the length of the window thereby improving the distance to the boundary from 3.8m to 4.9m. We are aware this is still shorter than the planning guidelines recommend.

However we do believe there to be several valid reasons that on this occasion this particular condition should be revoked. Firstly, the window in question when looking straight ahead (as is the parameter) views the mid-ground of the garden to No. 13 Mayfield Place. It does not look directly into a property.

Any potential future extension at No.13 will have no impact on this or make the situation worse, as there is no possibility of worsening the loss of amenity. To cross the line of sight described above and as per hLp architects site plan (1863/017) would be almost unbuildable, having to return around the kink in the garden which would be an expensive exercise given the site situation and accessibility. Furthermore any development of this scale into the garden of No.13 would raise its own planning issues, namely its own breach of privacy, create problematic overshadowing, and be a significant over development of the land of which there is no precedent for in the area.

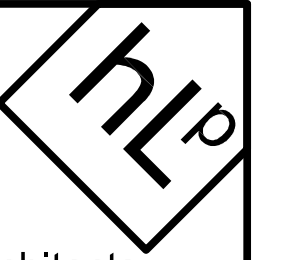
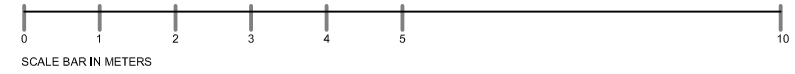
Our final reason is also precedent. As alluded to in the opening paragraph there are numerous examples of supposed loss of amenity dotted all across this housing scheme. Some are original to when the houses where first built with dormers looking across the irregular gardens which were laid out after we assume planning permission for the scheme was granted. Others are later additions in which the issue raised on this site do not appear to have been considered to be a significant issue previously.

A quick search of google maps or a stroll around the neighbourhood reveals at least 9 other properties on Mayfield Crescent, a further 6 on Stoneybank Grove, 2 on Stoneybank Crescent and several more in Mucklets Drive, Mucklets Court, and Mucklets Crescent. We would contest that this is more than enough precedent to establish that the 9m guidance to properties overlooking neighbouring gardens should be relaxed in this area.

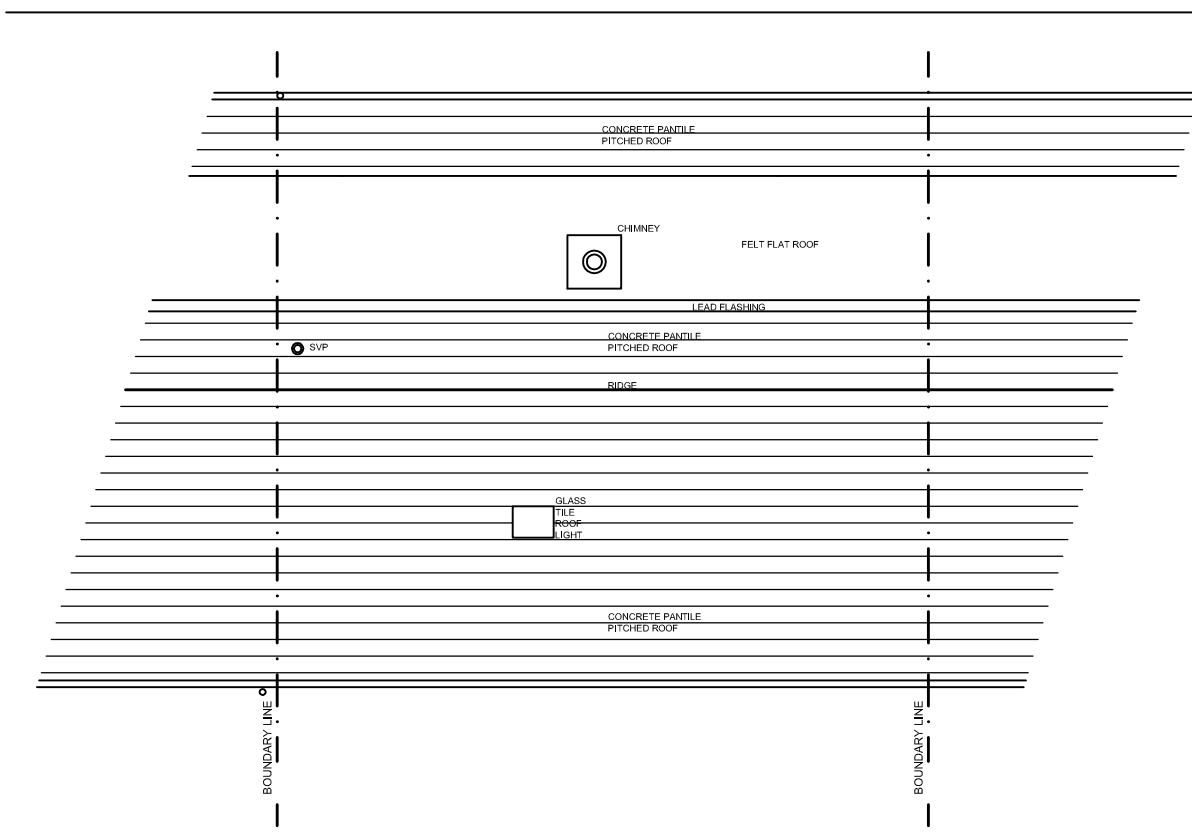
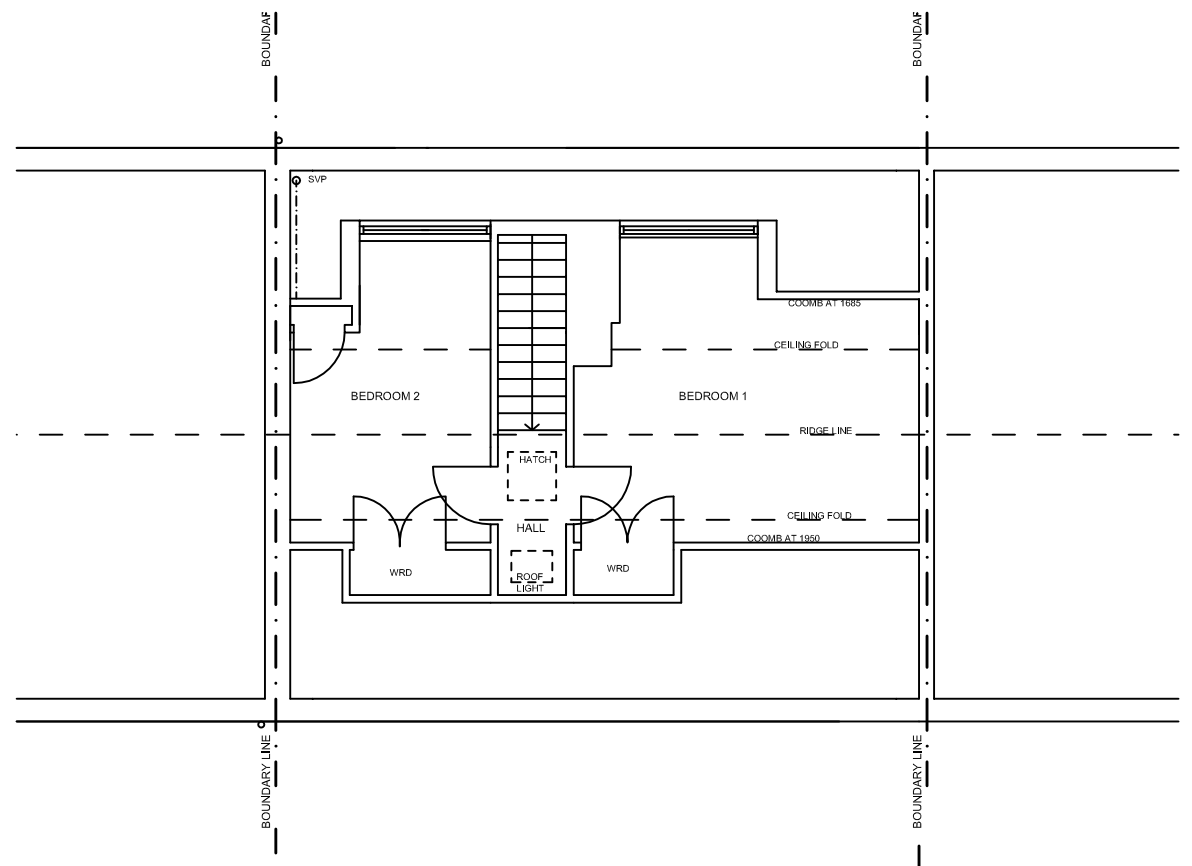
In summary, we acknowledge the comments raised by the planning department and understand there is a breach of the guidelines. However steps have been taken to reduce the extent of the issue, whilst still managing to deliver what our clients really needed for their young family, without causing significant delay, stress and disruption to their lives. We contend that the issue is not unusual in the surrounding area, or is it the most egregious example. We therefore submit on the basis of the above that the condition of installing opaque glazing should be revoked.

Signed Colin Gibson BArch(Hons)DipArch

Dated 12.03.19

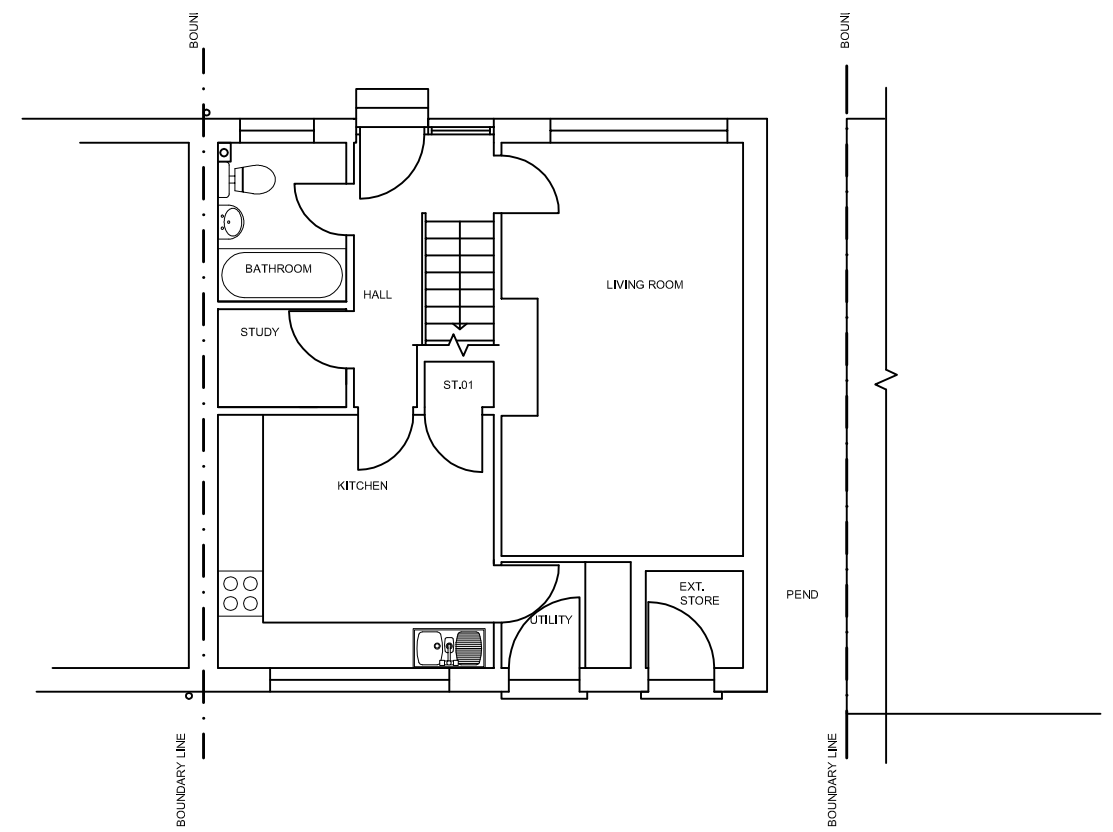


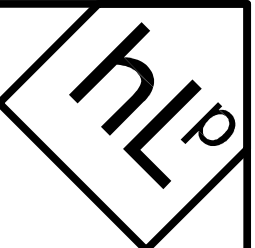
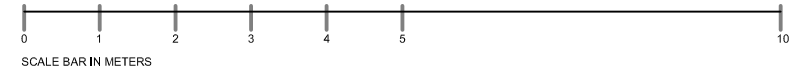
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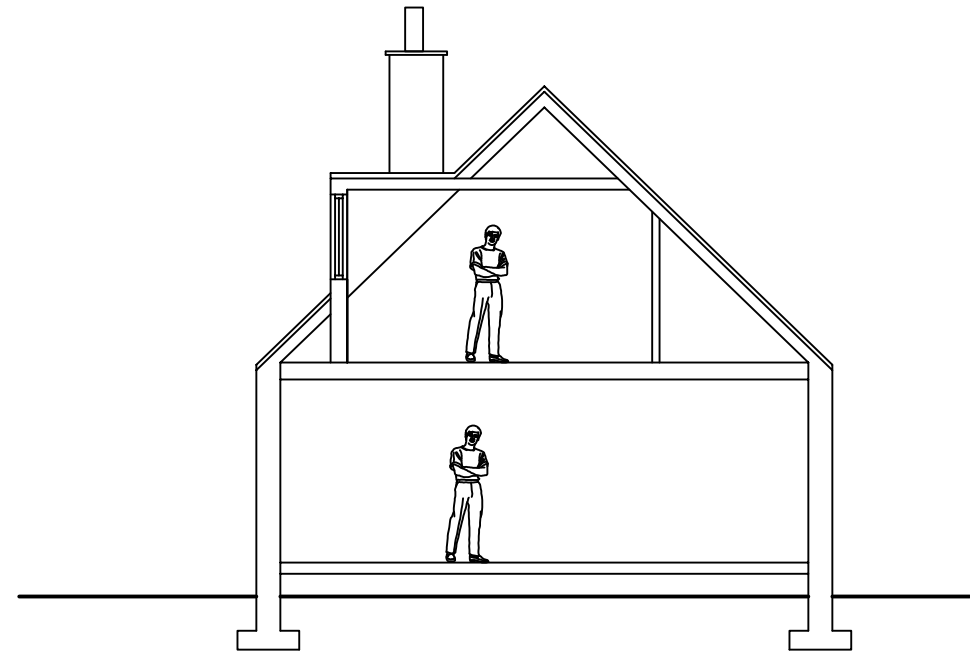
- Notes
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 3. These drawings are not to be used as construction drawings without prior agreement with hLp Architects
 4. Dimensions notified on this drawing may vary due to existing site conditions. Contractor to notify the Client or Architect prior to proceeding where dimension adjustment required.

Rev	Description	Date
CLIENT		
15 MAYFIELD PLACE MUSSELBURGH EAST LoTHIAN EH21 6HS		
TITLE		
EXISTING PLANS		
Date	JULY 2018	
Drawn	JE	Checked
Scale	1:100 @ A3	
Drwg No	1863/002	Rev B
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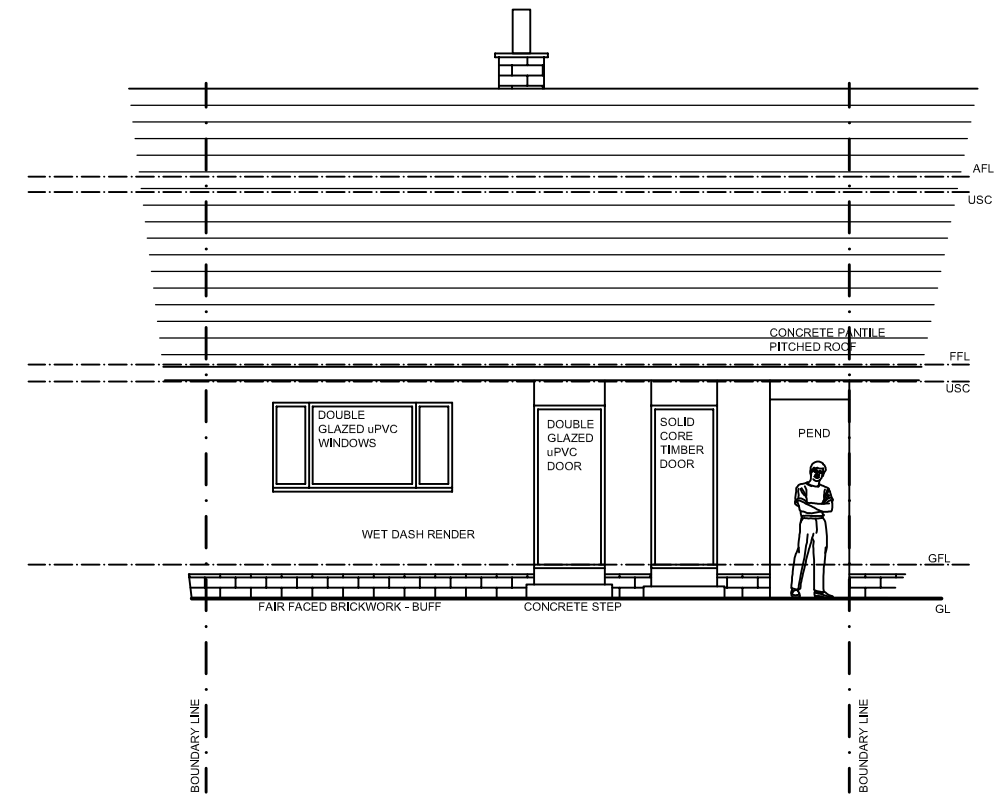




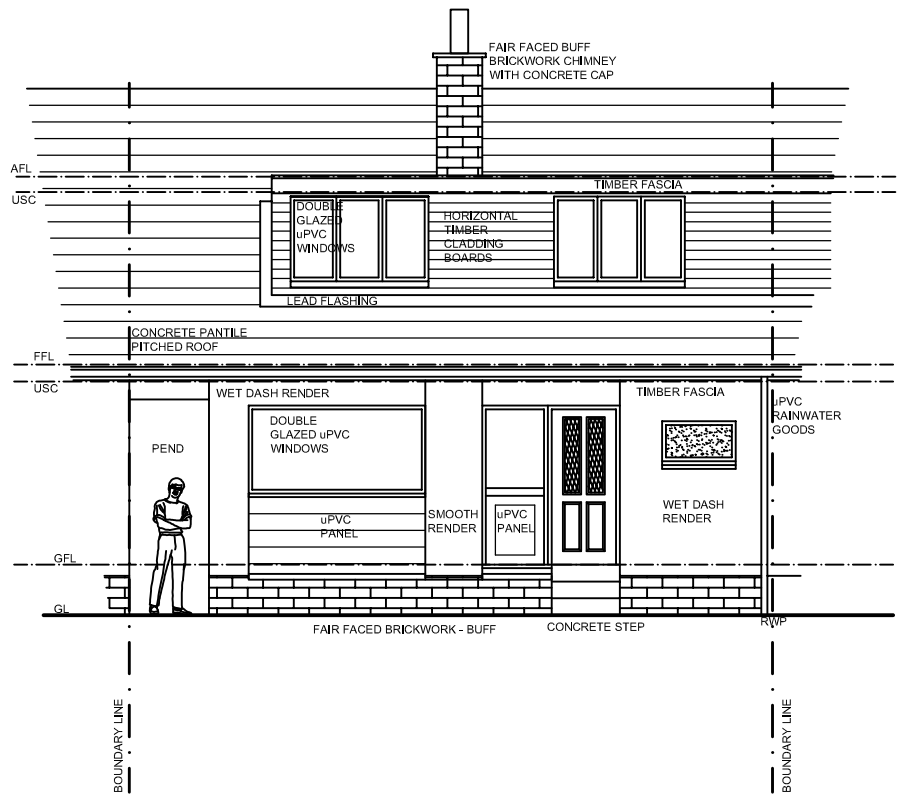
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EXISTING CROSS SECTION



EXISTING REAR ELEVATION



EXISTING FRONT ELEVATION

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Rev	Description	Date
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CLIENT
 15 MAYFIELD PLACE
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 EAST LOTHIAN
 EH21 6HS

TITLE
 EXISTING ELEVATIONS
 EXISTING SECTION

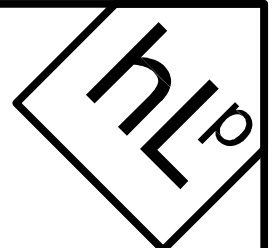
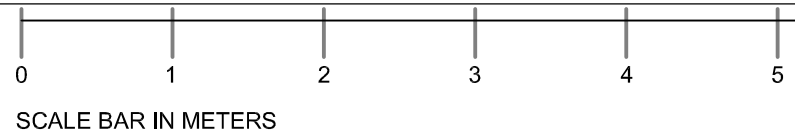
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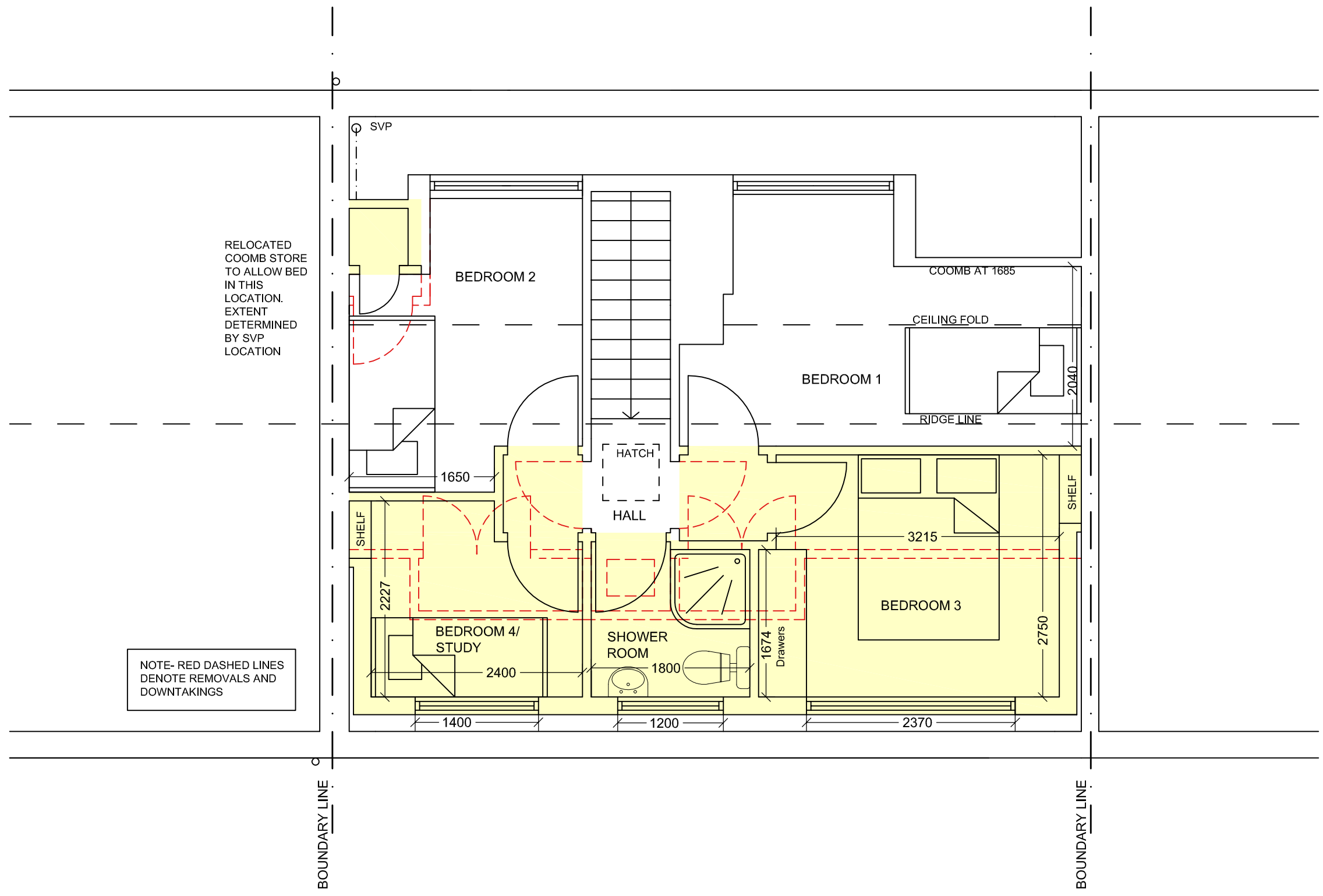
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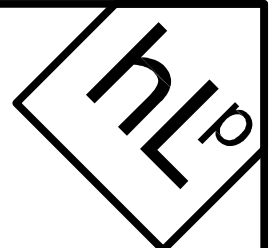
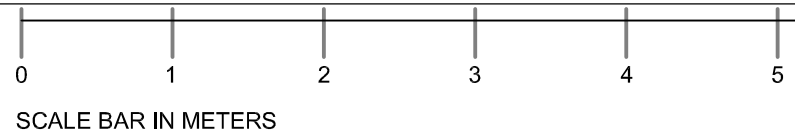


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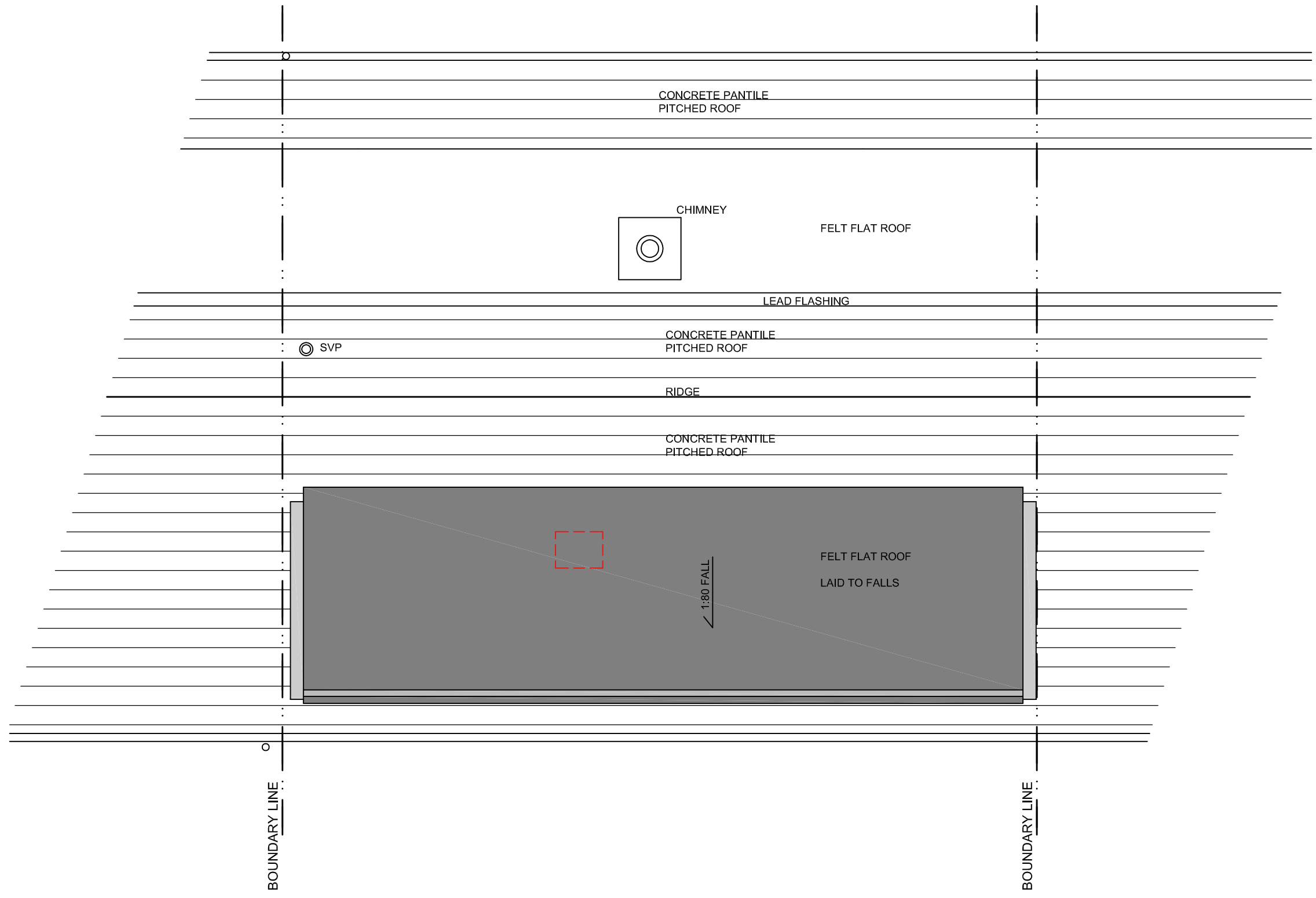
Rev	Description	Date
CLIENT		
15 MAYFIELD PLACE MUSSELBURGH EAST LOTHIAN EH21 6HS		
TITLE		
PROPOSED FIRST FLOOR PLAN		
Date	JULY 2018	
Drawn	CG	Checked
Scale	1:50 @ A3	
Drwg No	1863/004	Rev B
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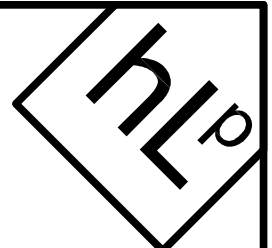
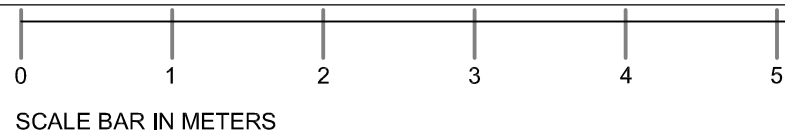
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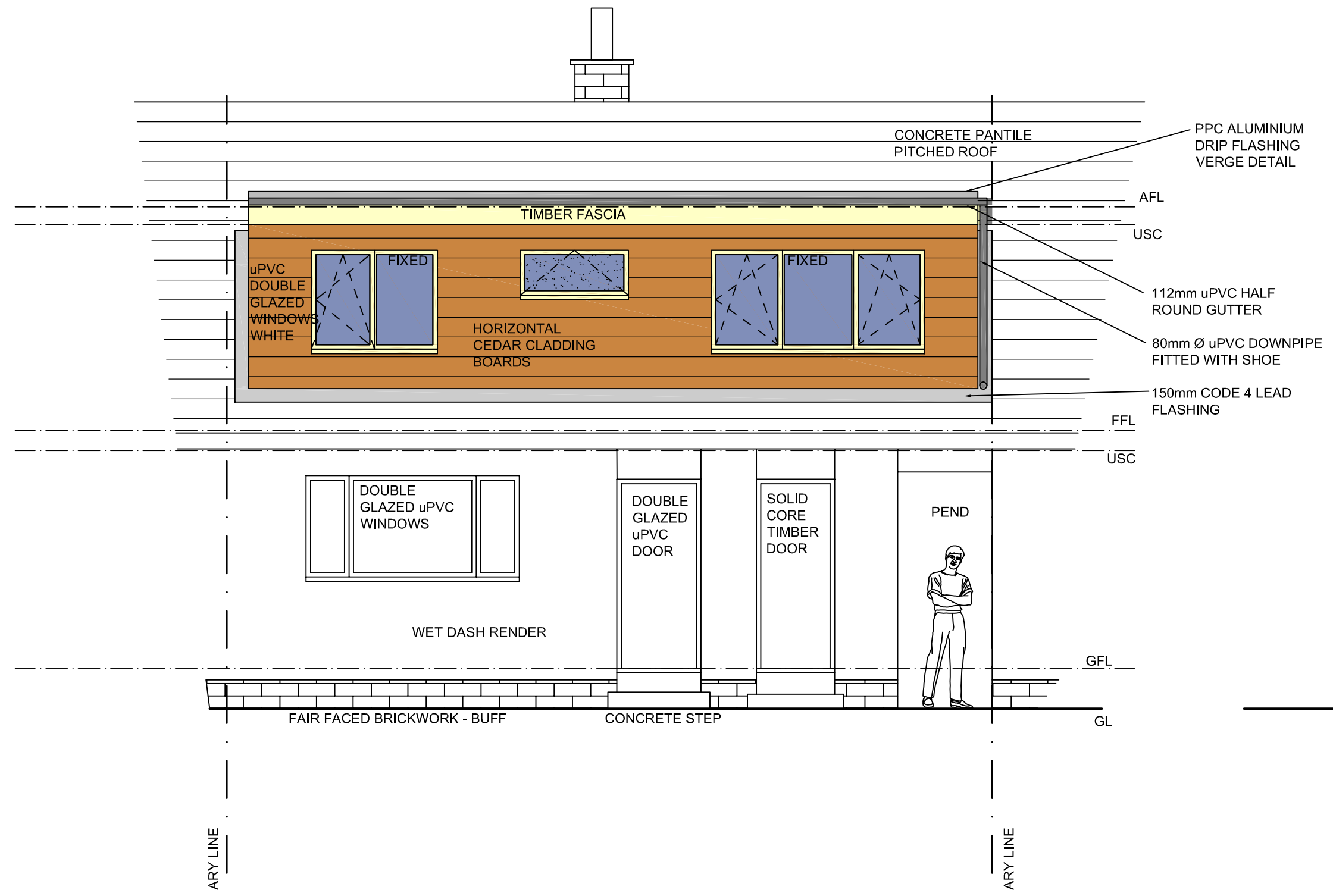
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TITLE	PROPOSED ROOF PLAN	
Date	JULY 2018	
Drawn	CG	Checked
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Drwg No	1863/004	Rev A
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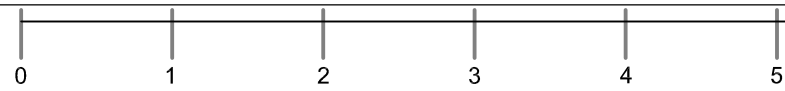


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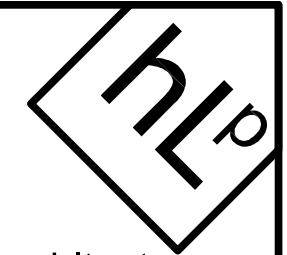
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Rev	Description	Date
CLIENT	15 MAYFIELD PLACE MUSSELBURGH EAST LoTHIAN EH21 6HS	
TITLE PROPOSED REAR ELEVATION		
Date	JULY 2018	
Drawn	CG	Checked
Scale	1:50 @ A3	
Drwg No	1863/006	Rev B
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SCALE BAR IN METERS

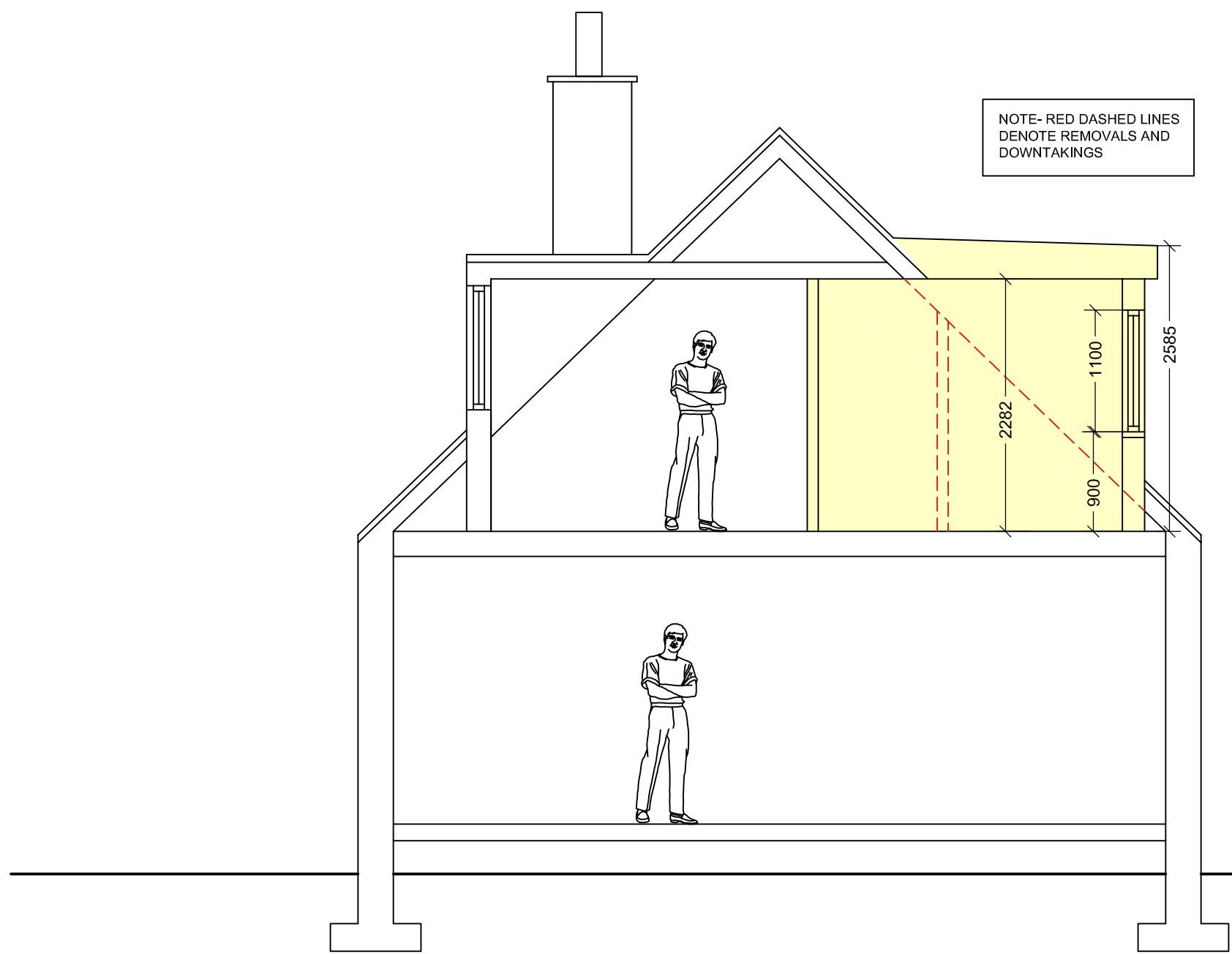


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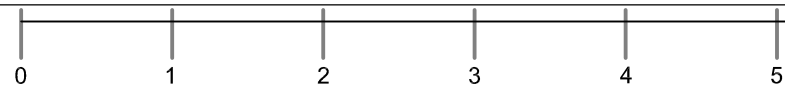
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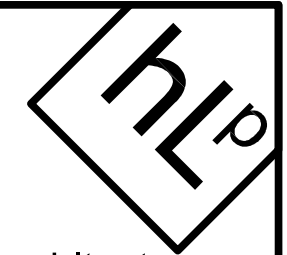
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TITLE	PROPOSED SECTION A-A	
Date	JULY 2018	
Drawn	CG	Checked
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Drwg No	1863/007	Rev A

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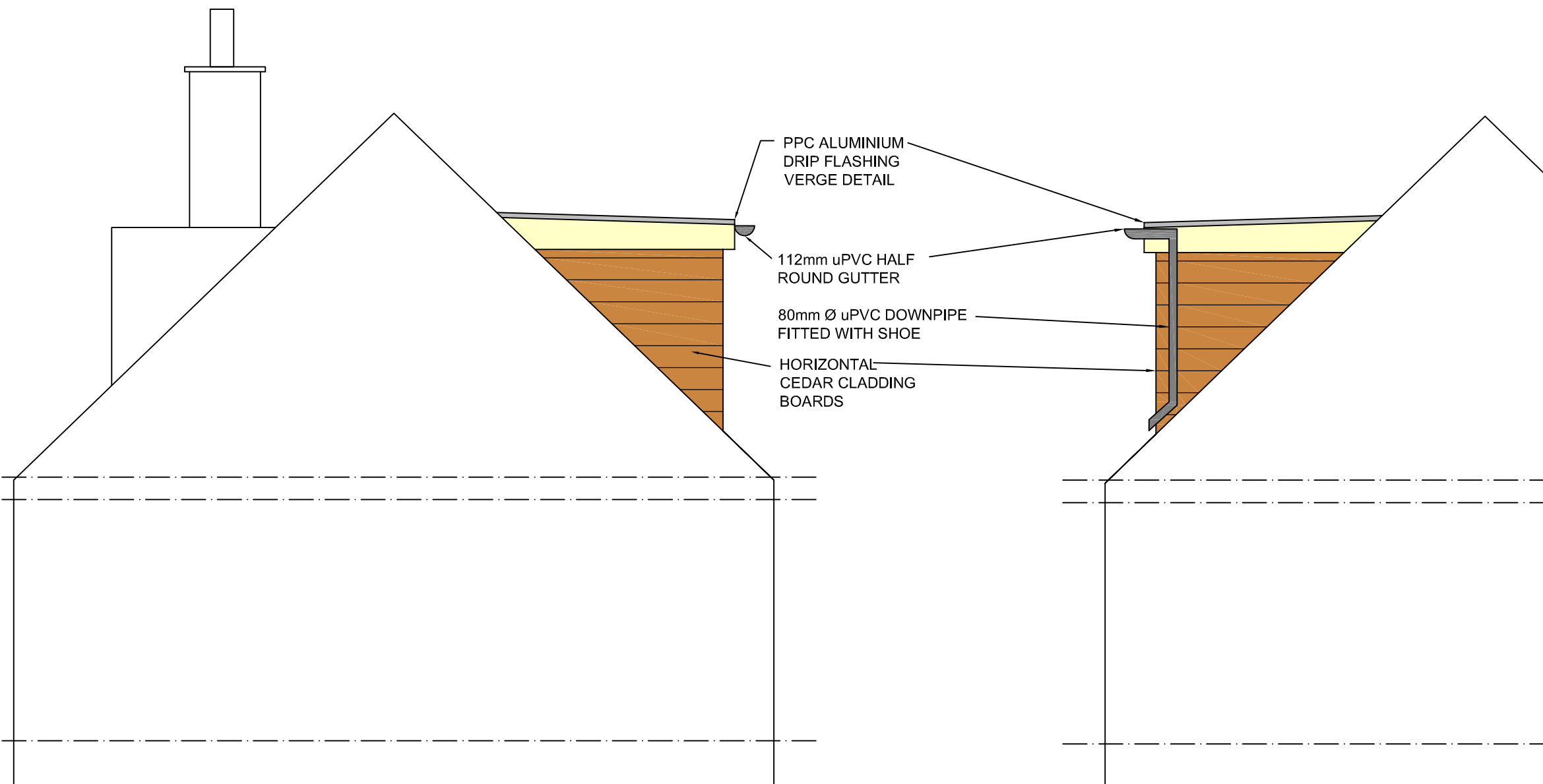


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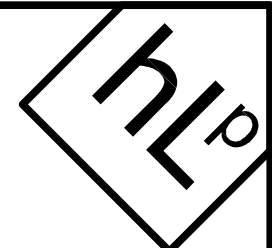
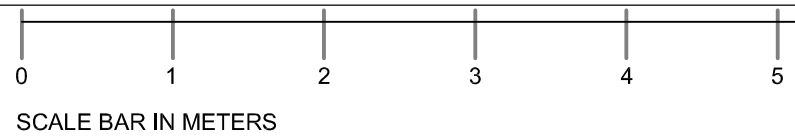
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PROPOSED NORTH ELEVATION

PROPOSED SOUTH ELEVATION

Rev	Description	Date
CLIENT		
15 MAYFIELD PLACE MUSSELBURGH EAST LOTHIAN EH21 6HS		
TITLE		
PROPOSED SIDE ELEVATIONS		
Date	AUGUST 2018	
Drawn	CG	Checked
Scale	1:50 @ A3	
Drwg No	1863/008	Rev A
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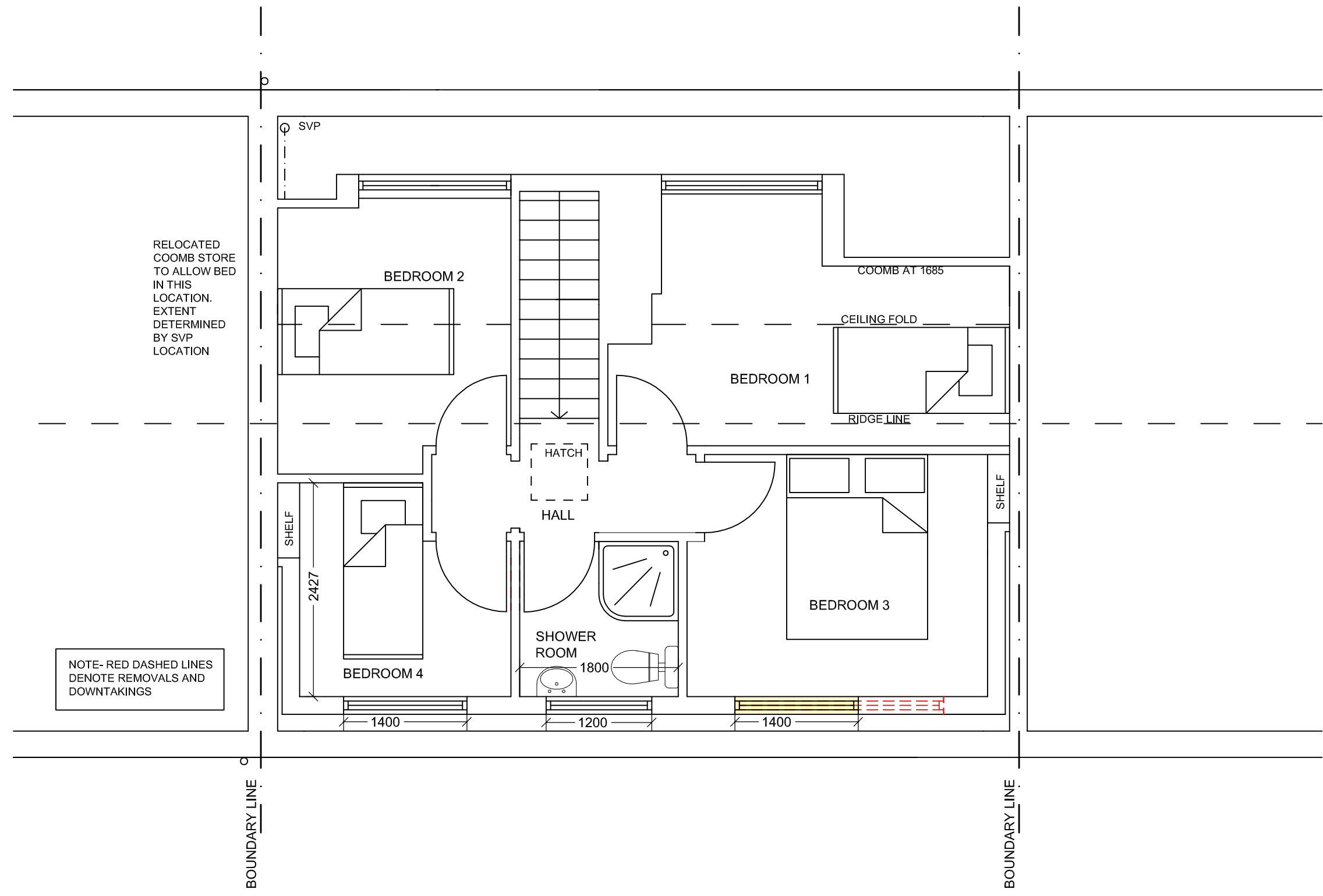


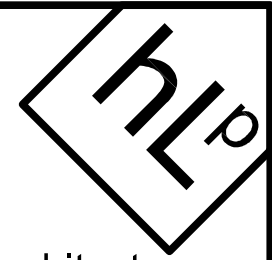
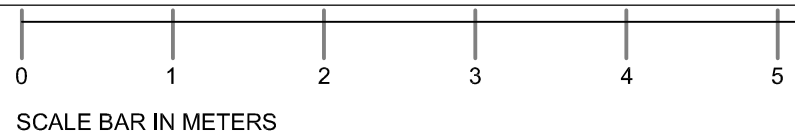
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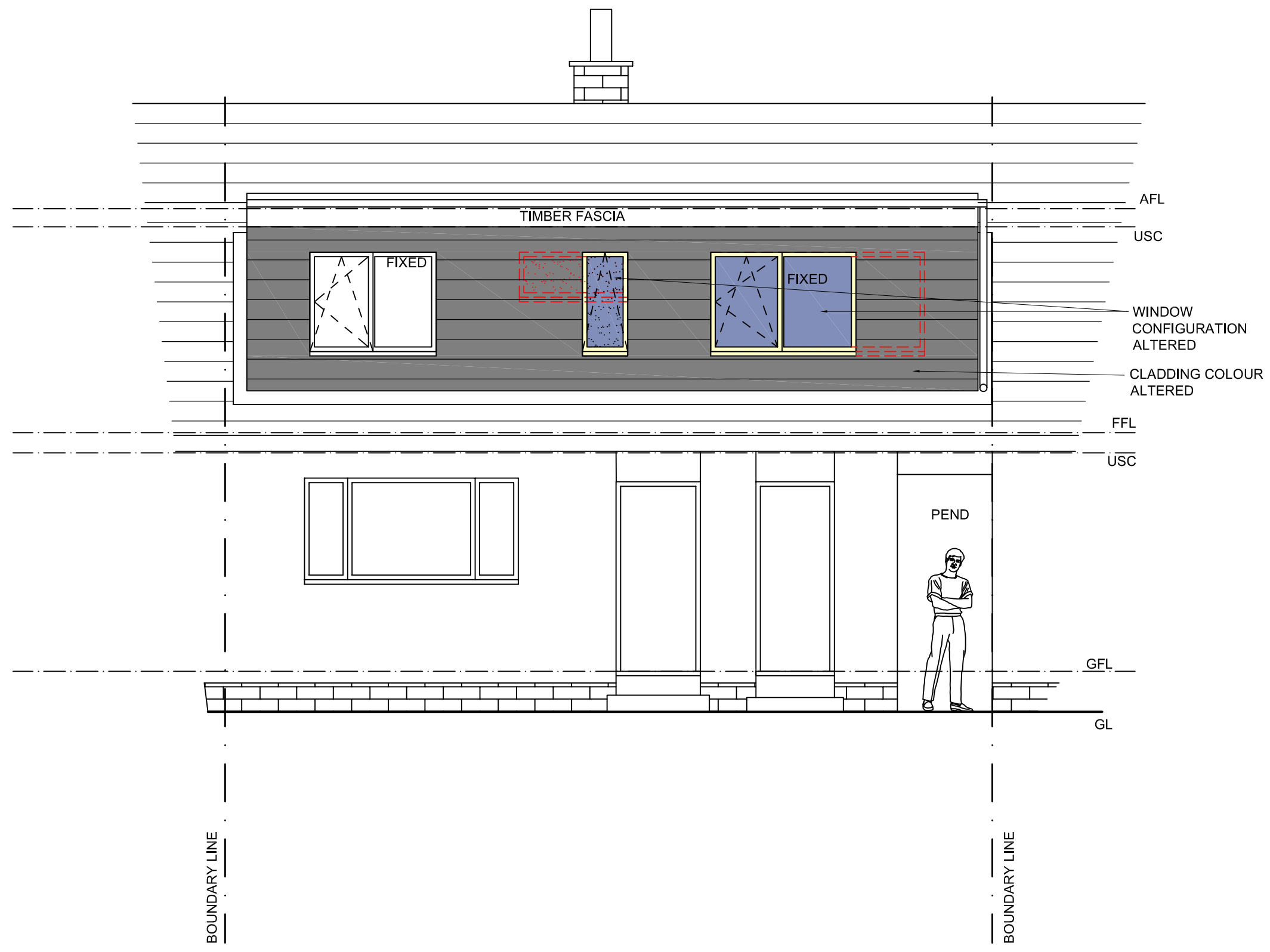
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15 MAYFIELD PLACE MUSSELBURGH EAST LOTHIAN EH21 6HS		
TITLE		
PROPOSED FIRST FLOOR PLAN		
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Drawn	CG	Checked
Scale	1:50 @ A3	
Drwg No	1863/004PL-V	Rev H

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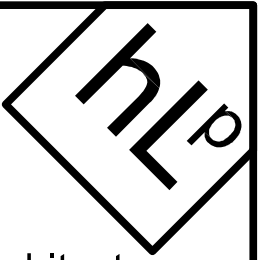


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TITLE		
PROPOSED REAR ELEVATION		
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Drwg No	1863/006PL-V	Rev H
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Rev	Description	Date
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CLIENT		
15 MAYFIELD PLACE		
MUSSELBURGH		
EAST LOTHIAN		
EH21 6HS		

TITLE		
SITE PLAN		

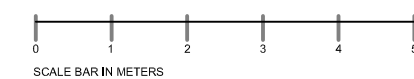
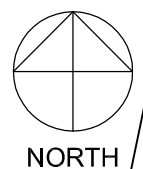
Date	JANUARY 2019
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Drawn	CG	Checked
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Scale	1:100 @ A3
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Drwg No	1863/017PL-V	Rev
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App No. 19/00240/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**Ms Fiona Mitchell
c/o HLP Architects
Per Colin Gibson
35 Joppa Road
Edinburgh
United Kingdom
EH15 2HB**

APPLICANT: Ms Fiona Mitchell

With reference to your application registered on 14th March 2019 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Design changes to the scheme of development the subject of planning permission 18/00832/P
at
15 Mayfield Place
Musselburgh
East Lothian
EH21 6HS**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 1 The dormer window serving bedroom 3, without obscure glazing, allows for direct overlooking of the neighbouring garden serving the occupants of 13 Mayfield Place, resulting in an unacceptable loss of privacy and amenity to those occupants. The development is therefore contrary to Policy DP5 of the East Lothian Local Development Plan 2018.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
1863/004PL-V	H	12.03.2019
1863/017PL-V	-	12.03.2019
1863/006PL-V	H	12.03.2019
1863/001	A	13.03.2019

17th May 2019



Iain McFarlane
Service Manager - Planning

NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

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 5 of the Town and Country Planning (Scotland) Act 1997.

OFFICER REPORT

9th May 2019

App No. 19/00240/P

Application registered on 14th March 2019
Target Date 13th May 2019

Proposal	Design changes to the scheme of development the subject of planning permission 18/00832/P	SDELL	Y
		CDEL	N
Location	15 Mayfield Place Musselburgh East Lothian EH21 6HS	Bad Neighbour Development	N

APPLICANT: Ms Fiona Mitchell

Is this application to be approved as a departure from structure/local plan? N

**c/o HLP Architects
Per Colin Gibson
35 Joppa Road
Edinburgh
United Kingdom
EH15 2HB**

DECISION TYPE: **Application Refused**

PLANNING ASSESSMENT

The property to which this application relates is a one and a half-storey, terraced house and its garden located within a predominantly residential area. The property is not located within a Conservation Area or any area of special character and is not listed.

In August 2018 planning permission (Ref: 18/00832/P) was sought for the formation of a dormer in the rear elevation roof of the house. The proposed dormer would span the full width of the house and would facilitate the extension of the property to form two additional bedrooms and a bathroom.

In October 2018 the planning case officer emailed the planning agent for the application to explain that he had concerns with the dormer and its impact on the privacy of the neighbouring garden. He stated that "given the layout of the neighbouring garden, the dormer would feature a window to the large double bedroom which would be within 9 metres of the boundary of the neighbouring garden and as such would detrimentally impact on the amenity of the neighbouring property". As such, the planning case officer advised the planning agent that the application could not be supported in its current form. To overcome this unacceptable

overlooking of the neighbouring garden of 13 Mayfield Place, the agent emailed the planning agent emailed the planning case officer to confirm his agreement that a condition could be imposed on the grant of planning permission to require that the larger bedroom be obscure glazed.

Planning permission for the dormer was subsequently granted in October 2018. Condition 1 of planning permission 18/00832/P states:

“Prior to any use being made of the dormer hereby approved the windows serving the shower room and bedroom 3 shall all be obscurely glazed in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of their use on the dormer. The obscure glazing of those windows shall accord with the sample so approved and thereafter they shall remain obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

In order to safeguard the privacy and amenity of the adjoining residential property of No 13 Mayfield Place”.

A dormer has since been formed in the rear elevation roof of the house. It has not however been formed in accordance with the drawings docketed to planning permission 18/00832/P.

Moreover, the windows serving bedroom 3 has not been obscure glazed in accordance with the requirements of condition 1 of planning permission 18/00832/P.

Planning permission is now sought for design changes to the scheme of development the subject of planning permission 18/00832/P. The design changes consist of:

- a) A reduction in the width of the dormer window serving bedroom 3 to 1.4, instead of the 2.37 metre wide dormer window previously approved;
- b) The installation of a vertically aligned UPVC window to serve the shower room instead of the horizontally aligned UPVC window previously approved; and
- c) The installation of a clear glazed dormer window serving bedroom 3 instead of the obscure glazed window required by condition 1.

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.

The development plan is the South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no policies within the approved South East Scotland Strategic Development Plan (SESplan) which are relevant to the determination of this application. Policy DP5 (Extensions & Alterations to Existing Buildings) of the adopted East Lothian Local Development Plan 2018 is relevant to the determination of the application.

One letter of objection in respect of the proposed development has been received. The objections raised relates to the appearance of the proposed dormer and overlooking from the window of bedroom 3 to the neighbouring garden. As such, they object to the removal of any condition requiring the shower room window and window to bedroom 3 being obscurely glazed.

In its position on the rear roof slope, the dormer is not readily visible from public view. It is reflective of the architectural form of the existing dormer at the front of the house as well as other dormers within other houses within the immediate area. The alterations to the size and alignment of the dormer windows serving the shower room and bedroom 3 are minor changes that do not alter the visual impact of the dormer. In its position the dormer as it has been built is not harmful to the character and appearance of the house or to the character and appearance of the surrounding area.

The Council's Road Services and the Council's Environmental Protection both raise no objection to this planning application.

The Council normally regards a distance of 18 metres between directly facing windows and 9 metres between a window and a garden boundary as a sufficient separation distance to prevent harmful overlooking of neighbouring residential properties.

With regards to privacy and amenity, the windows within the rear (west) elevation of the dormer face onto the applicants rear garden as well as the neighbouring garden of No 13 Mayfield Place given the angled layout of rear gardens to these properties. In this regard, the northern most bedroom window to the west elevation of the dormer, which serves 'bedroom 4/ study, is sited in excess of 9 metres from the boundary. As such there is no detrimental loss of amenity by way of overlooking from these windows to neighbouring residential properties.

The window serving the shower room, and the windows serving bedroom 3, are both within 9 metres of the boundary with No 13 Mayfield Place. As such, there would be harmful overlooking to this neighbouring property from those windows.

The application drawings appear to show that the glazing to the shower room window is obscurely glazed. Were planning permission to be granted then a condition could be imposed to ensure that this obscure glazing were retained. Subject to this planning control, there would be no detrimental impact on neighbouring properties by way of overlooking from this window.

It is not intended to install obscure glazing to the window of the bedroom 3. It is acknowledged that this window has been reduced in width so that it now lies 4.984 metres from the boundary as opposed to 3.8 metres for the previous planning permission (Ref: 18/00832/P). However, it still clearly fails to comply with the Council's normal standard that such windows should not fall within 9 metres of the boundary with an adjoining residential property where there are no mitigating circumstances such as screening. As such, the clear glazing of the window serving bedroom 3 results in an unacceptable loss of privacy and amenity by way of increased overlooking to the neighbouring property at No 13 Mayfield Place.

The planning agent has submitted a statement in support of their client's application, in which they confirm that bedroom 3 will become the master bedroom of the house. The agent states that as they think that an opaque window serving the master bedroom is not an ideal scenario, they have re-designed the proposal to reduce the length of the window thereby improving the distance to the boundary from 3.8m to 4.9m. They acknowledge that 4.9 metres is still shorter than the planning guidelines recommend. They however believe that the requirement for obscure glazing should be removed given that the window faces the mid-ground of the garden to No. 13 Mayfield Place. It does not in their view look directly into a property. They believe that any potential future extension at No. 13 will have no impact on this or make the situation

worse, as in their view there is no possibility of worsening the loss of amenity. Finally the agent argues that there is already precedent for this type of development, as in their view there are numerous examples of supposed loss of amenity within this housing scheme.

In terms of precedent, it is not clear which properties the planning agent is referring to. The planning case officer is unaware of a dormer having been approved in this development where it overlooks a neighbouring garden at a distance of only 4.9 metres. It is not clear whether or not the house of 13 Mayfield Place will be extended in the future. However this, together with the fact that the dormer window serving bedroom 3 does not directly overlook the house of 13 Mayfield Place, does not alter the conclusion that the dormer window serving bedroom 3, without obscure glazing, allows for the direct overlooking of the neighbouring garden serving the occupants of 13 Mayfield Place, resulting in an unacceptable loss of privacy and amenity to those occupants.

On this consideration the development is contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018. There are no material considerations that would outweigh this conflict with the development plan.

REASON FOR REFUSAL:

- 1 The dormer window serving bedroom 3, without obscure glazing, allows for direct overlooking of the neighbouring garden serving the occupants of 13 Mayfield Place, resulting in an unacceptable loss of privacy and amenity to those occupants. The development is therefore contrary to Policy DP5 of the East Lothian Local Development Plan 2018.

LETTERS FROM



9th May 2019

Mayfield Housing Estate Local Area Map

Base map © Google Maps

Ref: 1863 PR 01

JULY 2019



Highlighted in blue are 14 examples of properties with rear facing dormers that overlook neighbouring gardens.

There are even more front facing dormers which also overlook neighbour plots. All of these dormers house bedrooms - the floor plan is the same in everyone after all. The front dormers tend to look onto semi public/private spaces and are therefore less egregious, as such they have not been highlighted but they still set an important precedent of generally reduced private amenity in the area.

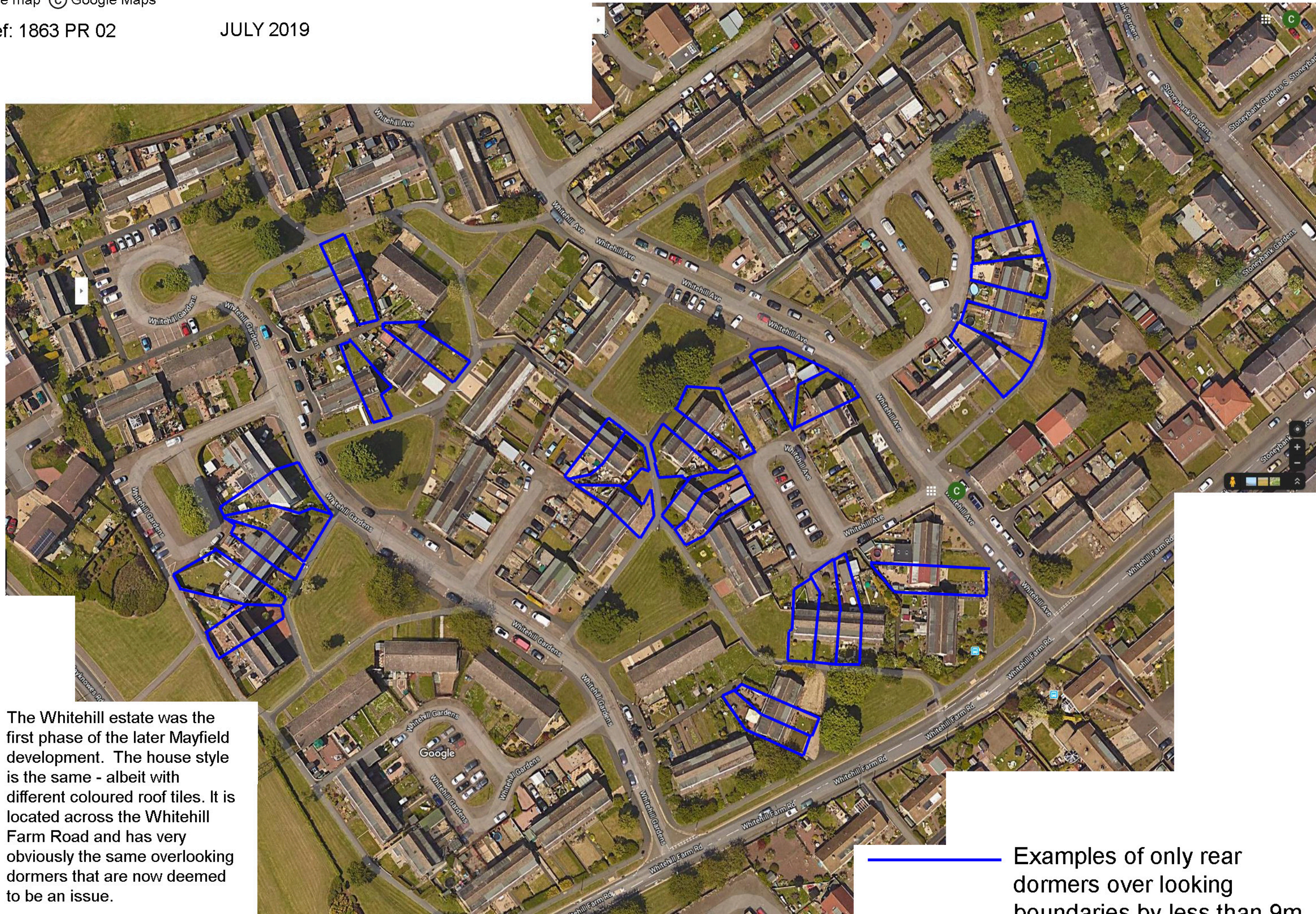
- Site
- Examples of only rear dormers over looking boundaries by less than 9m
- Single storey extensions with overlooking issues

Whitehill Housing Estate Local Area Map

Base map © Google Maps

Ref: 1863 PR 02

JULY 2019



The Whitehill estate was the first phase of the later Mayfield development. The house style is the same - albeit with different coloured roof tiles. It is located across the Whitehill Farm Road and has very obviously the same overlooking dormers that are now deemed to be an issue.

Examples of only rear dormers over looking boundaries by less than 9m



3 separate plots all have dormer windows looking across each other's boundaries.



Corner plots site lines cross. Red dormer on right is within 9m of both corner plots.





Left end of terrace neighbours look across each other's land and into the land of the white dormer adjacent.



More corner plots with dormers looking over skewed boundary lines.



Centre dormer of right hand terrace overlooks neighbours on both sides due to reducing width of garden



Right hand side dormer looks straight into the garden at the back door of No12. Whilst dormers in the background also look straight at the land belonging to the first.



Another corner plot with the same design.



Site as above photo, the house in the centre has a side extension with a non-opaque window which looks directly into the land and house of the one on the right.





Corner of Mayfield and Stoneybank Crescents. Dormer windows in background belong to semi-detached houses with gardens at oblique angles to the property.



Another prominent feature of the neighbourhood are windows on gable ends at both ground and first floor level. These are also non-opaque and tend to look directly over boundaries.



Gable end and dormer windows overlooking neighbour land.



Two gable end windows with site lines directly crossing each other.



Gable windows looking straight into neighbour front garden.



In one 45 minute survey around the neighbourhood we counted over 40 examples of gable end windows looking into neighbouring plots.





Two gable end windows. The house on the left owns the green space that the house on the right looks onto. The whole estate is built this way.



The site in question. The window on the right of the new dormer is the item under review. It would be the only opaque window of its type in both the Mayfield and Whitehill sides of the Mucklets estate.



Another view of property under review. Also the house on the right also has a gable end window which looks onto 4 other properties including that of the appellant.