



John Muir House Haddington EH41 3HA Tel: 01620 827 216 Email: planning@eastlothian.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100170191-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Alterations to house comprising lowering of window cill to form door and associated external works (revised proposal similar to that refused in planning application ref 18/00962/P)

Has the work already been started and/ or completed? *

No Yes - Started Yes – Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Somner Macdonald Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Keith	Building Name:	2a
Last Name: *	Macdonald	Building Number:	
Telephone Number: *		Address 1 (Street): *	Law Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	North Berwick
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH39 4PL
Email Address: *			

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr and Mrs	Building Name:	
First Name: *	M	Building Number:	20C
Last Name: *	Spiller	Address 1 (Street): *	West Bay Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	North Berwick
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	EH39 4AW
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

East Lothian Council

Full postal address of the site (including postcode where available):

Address 1:

POINTGARRY HOUSE

Address 2:

20C WEST BAY ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

NORTH BERWICK

Post Code:

EH39 4AW

Please identify/describe the location of the site or sites

Northing

685431

Easting

354677

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Keith Macdonald

On behalf of: Mr and Mrs M Spiller

Date: 24/06/2019

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

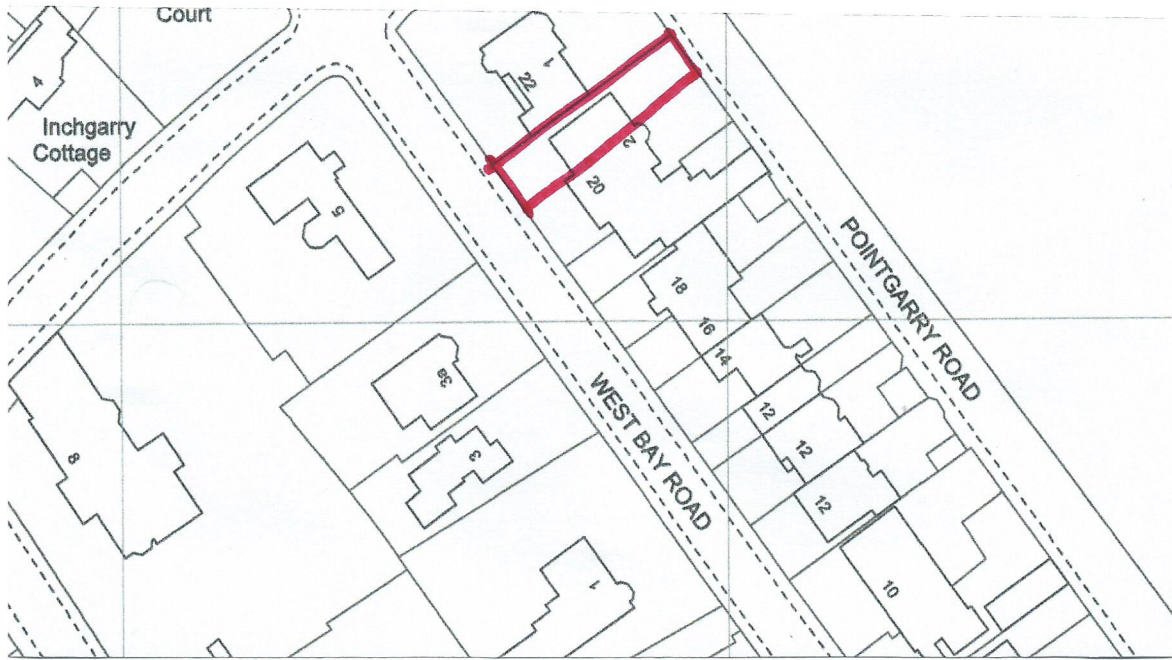
You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

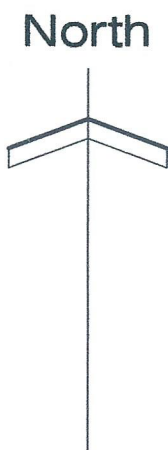
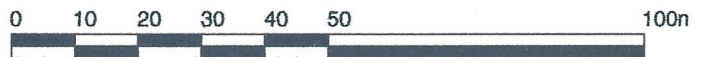
I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Keith Macdonald

Declaration Date: 24/06/2019



Scale



somnermacdonaldarchitects

2a Law Road • North Berwick • EH39 4PL • [REDACTED]
www.somnermacdonald.co.uk

Project Address:
20c West Bay Road North Berwick

Project Title:
Alterations to House

Title:
Site Location Plan

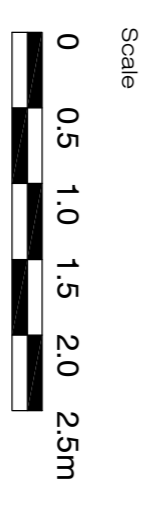
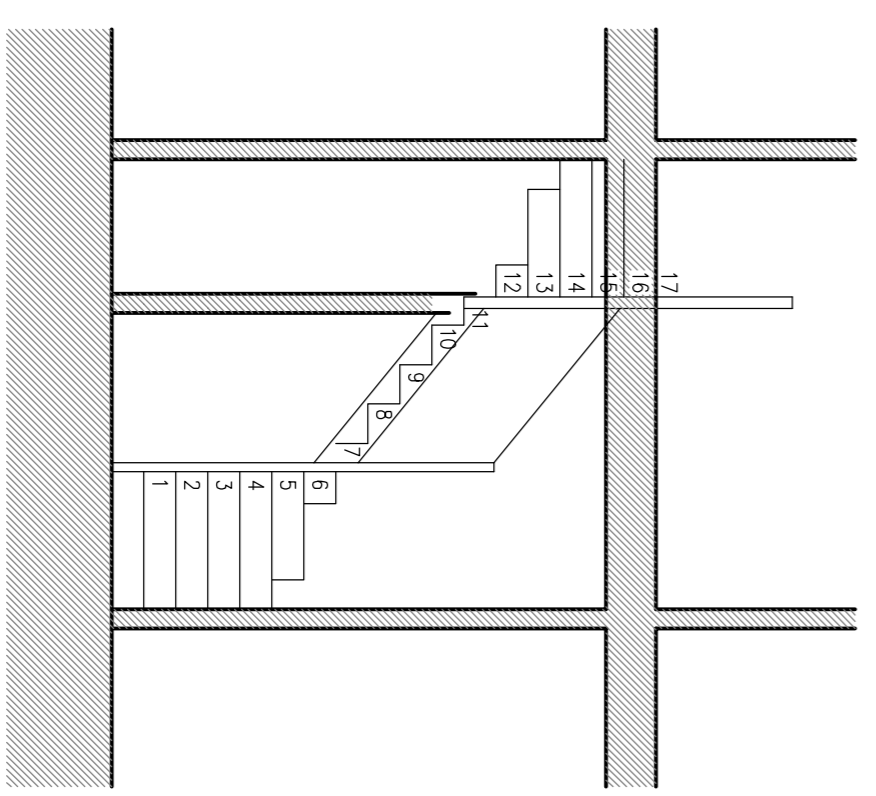
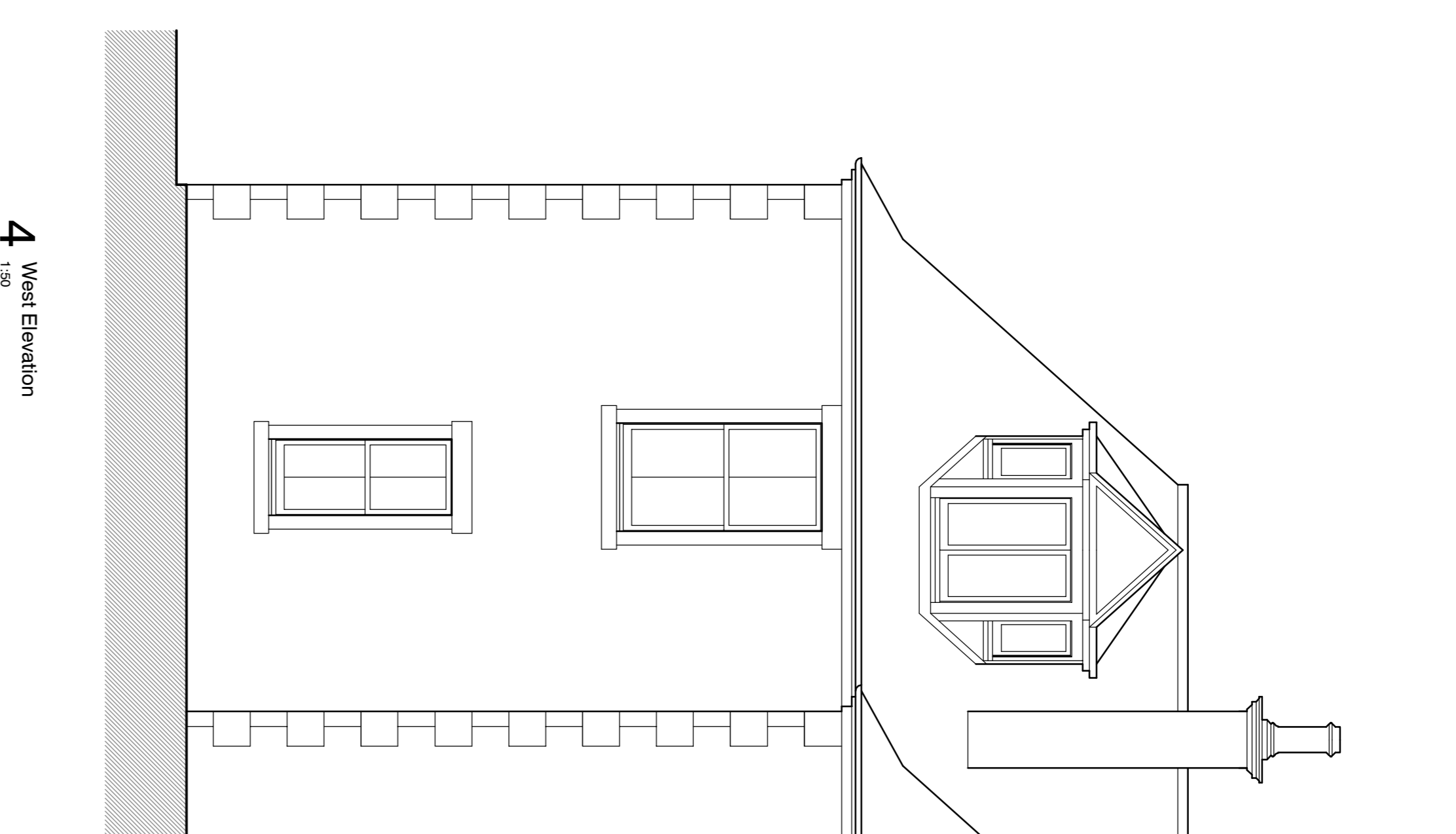
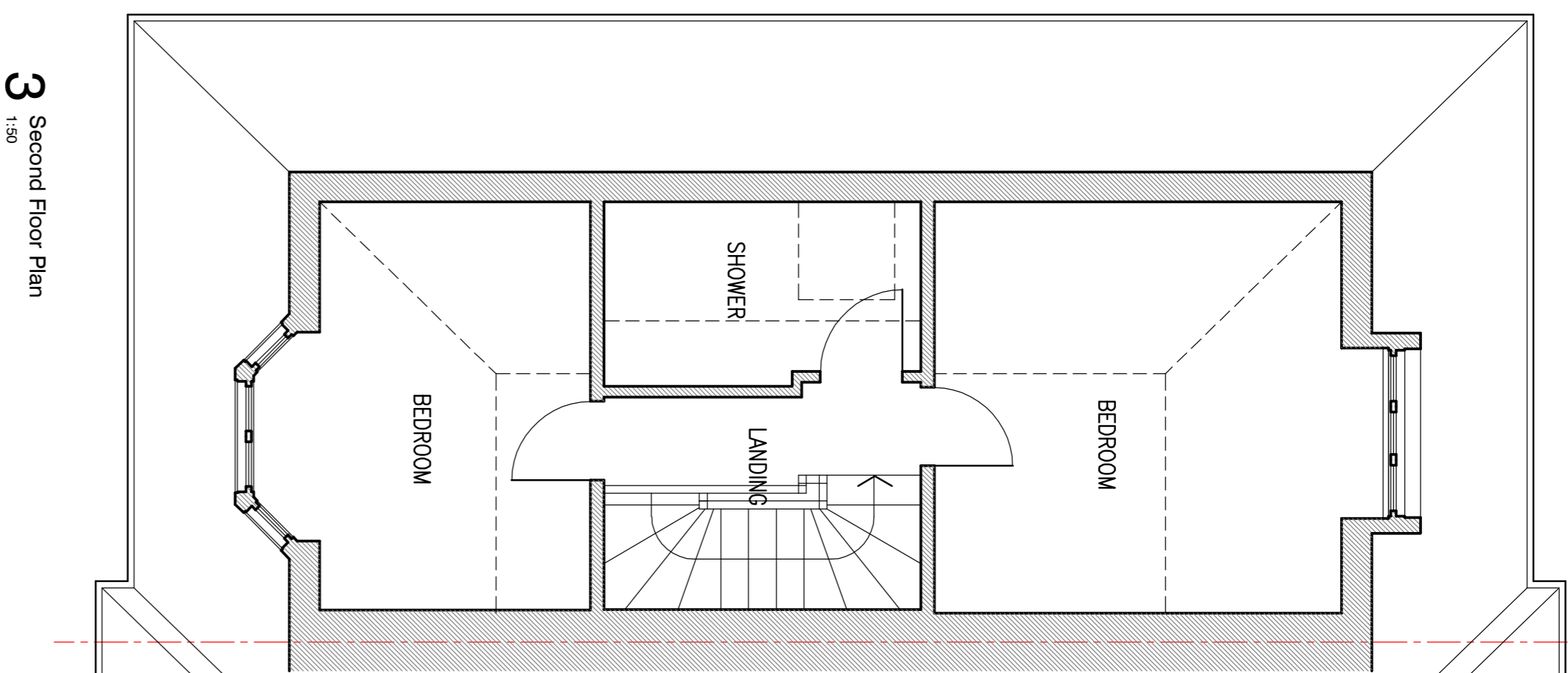
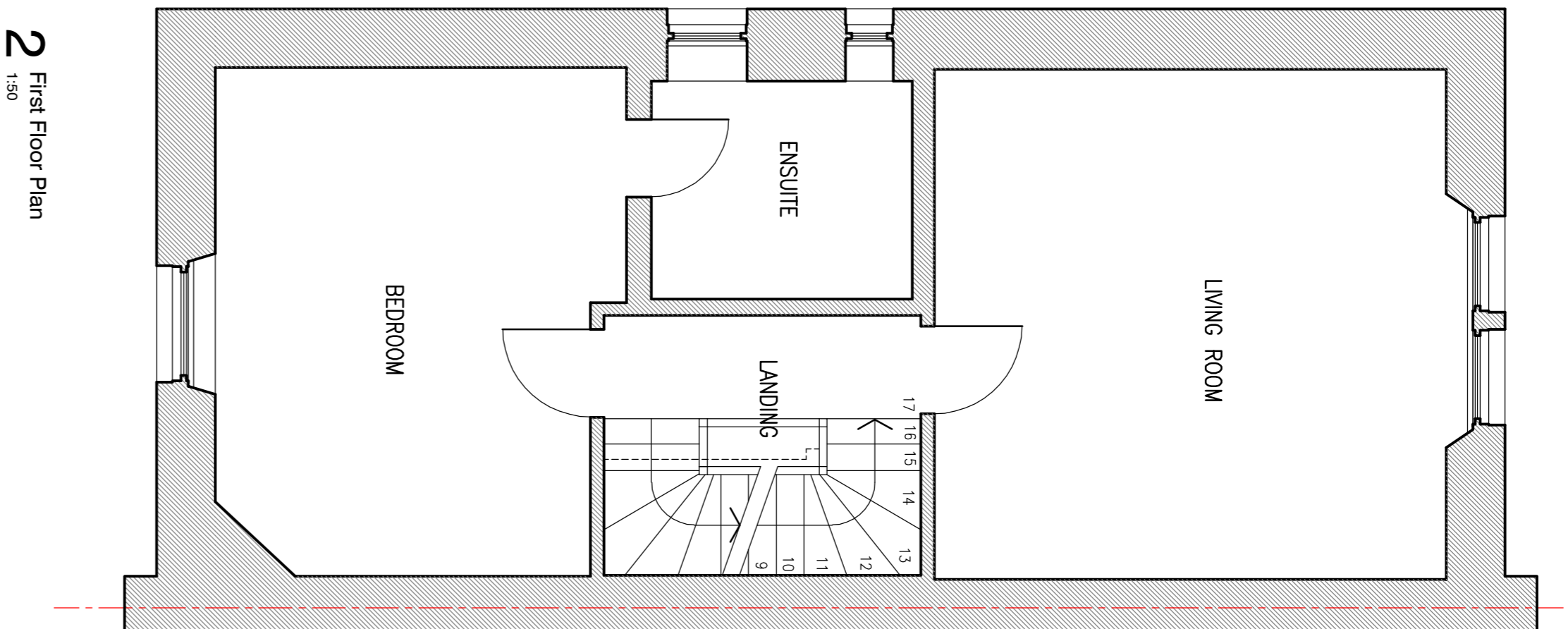
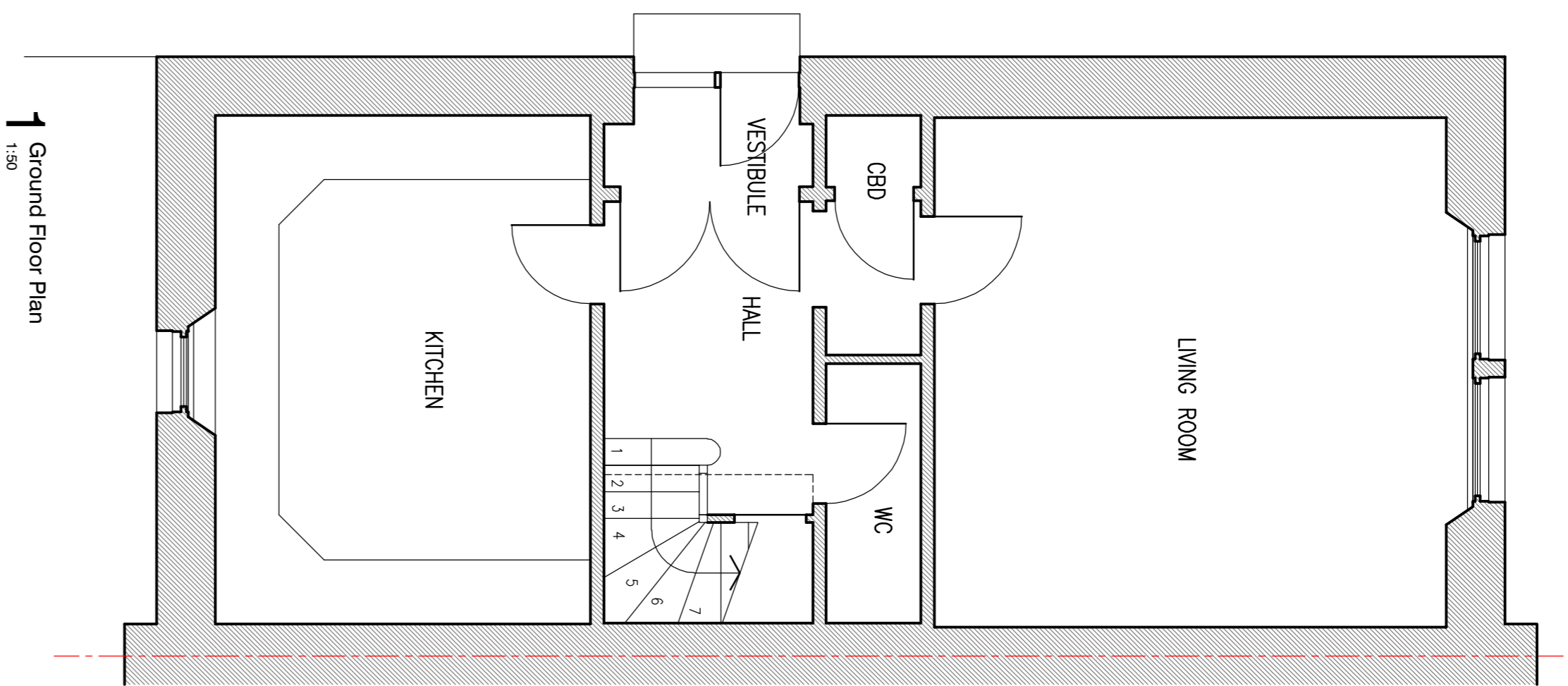
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1857-03

Paper Size:
A4

1st Issued:
June 2018

Stage:

Dimensions stated are in millimetres unless specifically noted otherwise.



sommermacdonaldarchitects
25a Linn Road North Berwick Edinburgh EH13 9JL
www.sommermacdonald.co.uk

Project Address:
20c West Bay Road North Berwick

Project Title:
Alterations to House

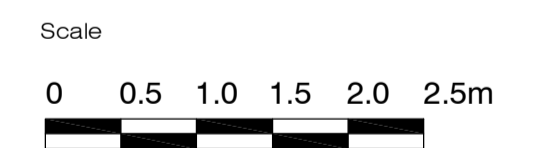
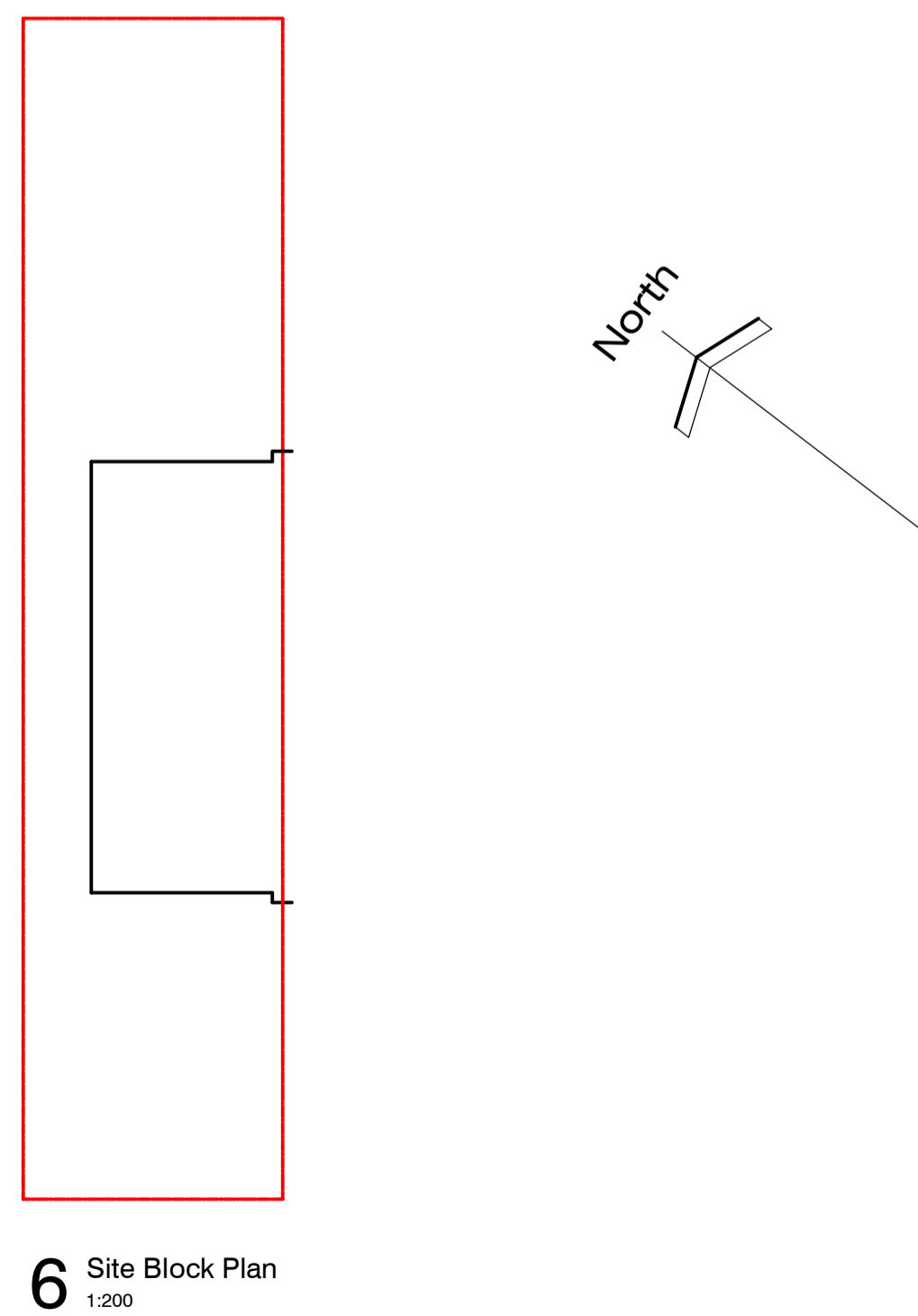
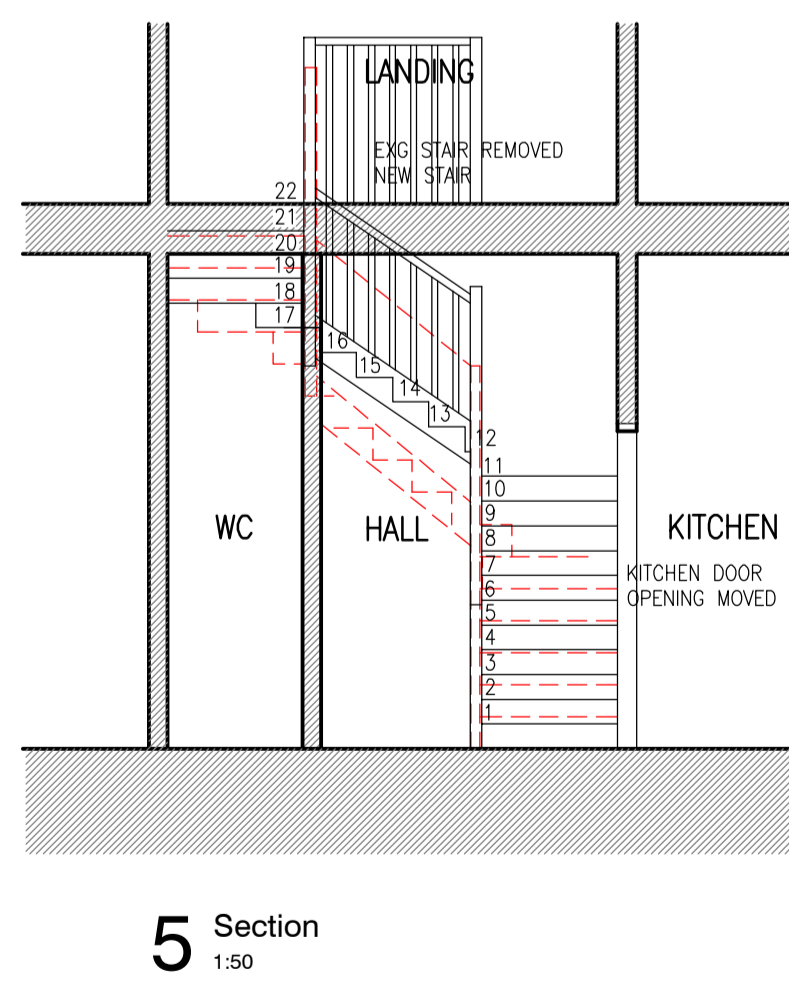
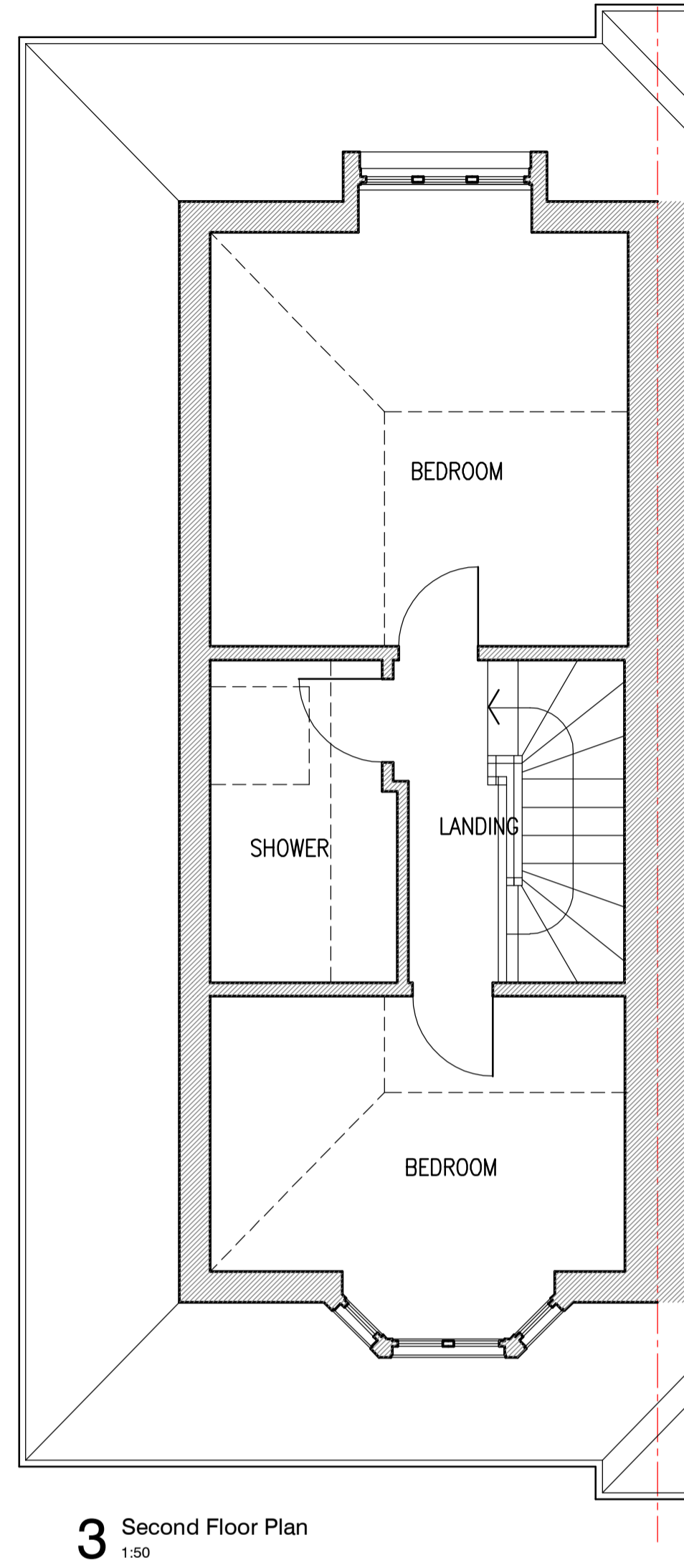
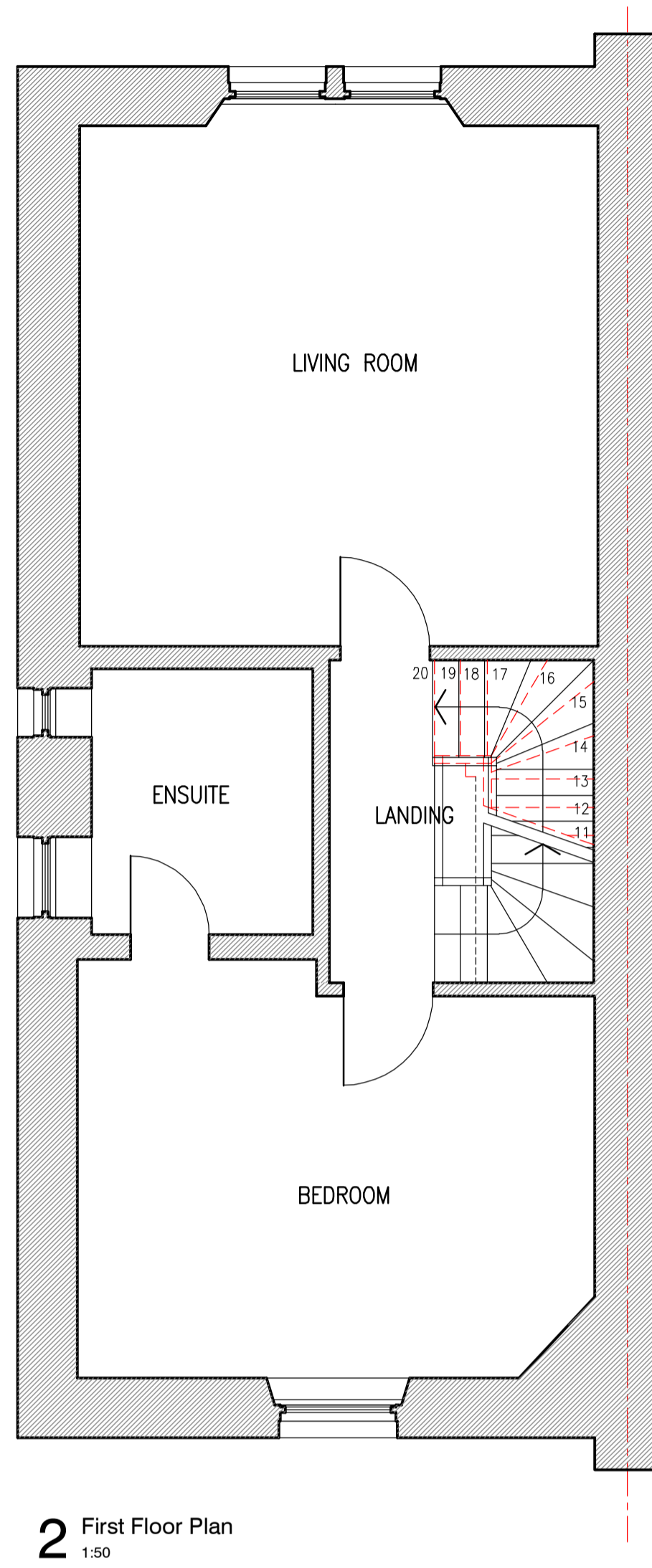
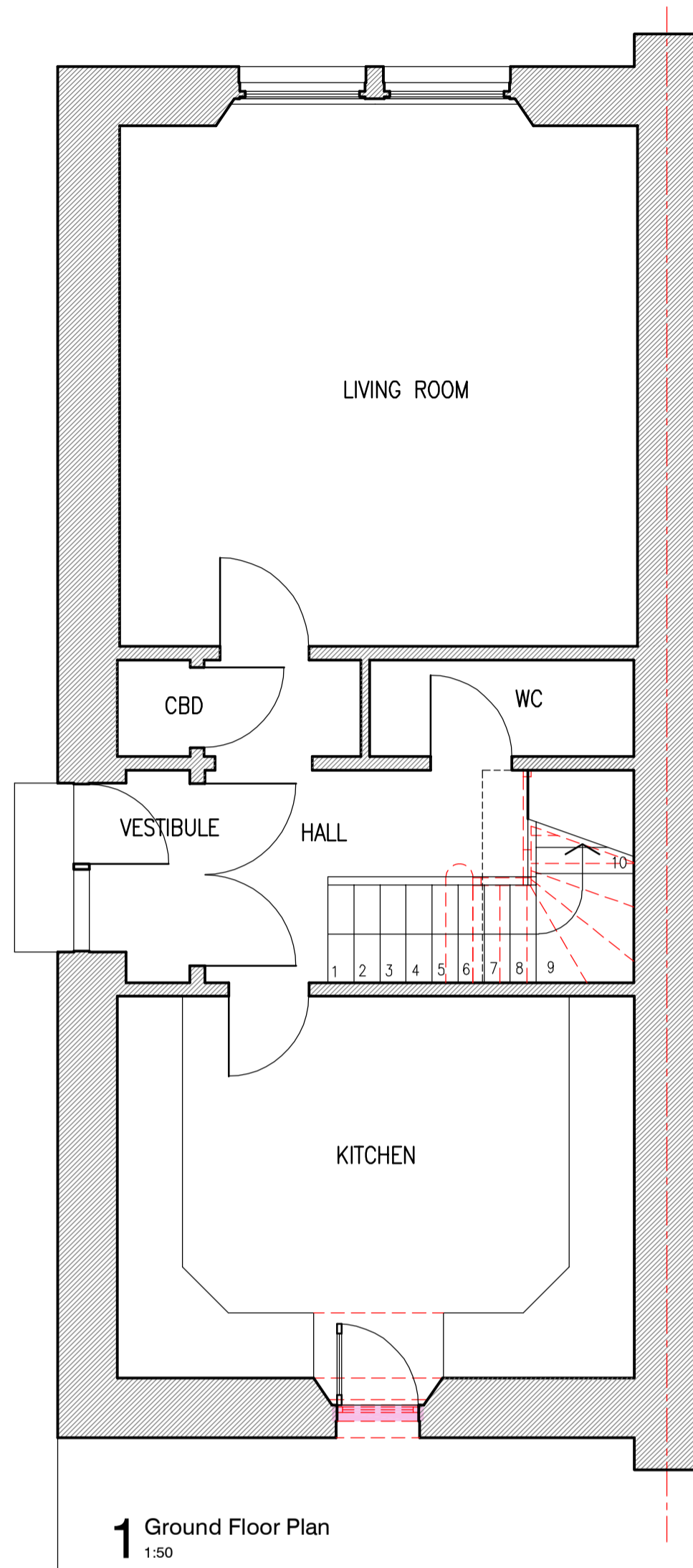
The:
Existing Plans Elevations Sections

Drawing Number:
1857-01

Paper Size:
A1

1st Issue:
June 2018

Stage:
PLANNING
Dimensions stated are in millimetres unless specified / noted otherwise.



Revision D 24 June 2019 Proposed door opening changed to single door, within existing opening width.

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Project Address:
20c West Bay Road North Berwick

Project Title:
Alterations to House

Title:
Proposed Plans Elevations Sections

Drawing Number:
1857-02-D

Paper Size: **A1** 1st Issued: **June 2018**

Stage:
PLANNING
Dimensions stated are in millimetres unless specifically noted otherwise.

SUPPORTING AND ACCESS STATEMENT

ORIGINAL SITE CONTEXT

The original property at 20 West Bay 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.

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 have two objectives in applying for permission to alter their front window to become a door. Firstly, they wish 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 create 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 wish to create a more direct and accessible route from the house to their only private garden space. The proposed alteration would achieve this by having direct connection from their kitchen to the external terrace area.

ACCESS STATEMENT

The main means of access to the house is the main entrance on the north elevation, and will remain unaffected as a result of this proposal. This is a stepped entrance up from the entrance path, comprising two steps each of 150mm.

The proposed alterations are to the west elevation of the existing house to create a new access from the house to the front garden.

At the new door constructed as part of the alterations, there will be one step of 150mm up from the existing paved ground level up to the house floor level. The existing paved ground level is one step up of 150mm from the entrance path level.

The proposal will thus improve accessibility to the dwelling.

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 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

Within the adopted East Lothian Local Plan, the relevant parts of planning policies which apply to this application 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 door, 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 lower the cill of 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 door is to be 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 door 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.

Whilst it is the case that future owners could remove the hedges, and make the street elevation of the building more visible, the fact that these hedges protect and screen the only private garden spaces of these properties means that removal of the hedges is in reality unlikely.

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 believes that the proposed alteration does comply with the policies and guidance. Therefore the applicant requests that planning permission and listed building consent be granted for this proposal.



20 WEST BAY ROAD VIEWED ON GOOGLE EARTH.



20 WEST BAY ROAD VIEWED FROM STREET LEVEL.



10 WEST BAY ROAD VIEWED ON GOOGLE EARTH.

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GROUNDS OF REVIEW

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 19/00655/P

The decision notice for application for planning permission ref 19/00655/P is dated 30 August 2019 and states that the reason for refusal of planning permission is:

- 1 The enlargement of the window opening and the installation of a door 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 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.*

GROUNDS OF REVIEW

The applicants believe that in consideration of all policies and guidance stated within the reason for refusal, the proposed alteration does comply with the policies and guidance. The applicants believe that their case is set out fully and justifiably in their supporting statement for the planning application, which forms part of this submission.

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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