

REVIEW DECISION NOTICE

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

Application for Review by Mr and Mrs M Spiller of Pointgarry House, 20C West Bay Road, North Berwick EH39 4AW for refusal of Planning Permission for alterations to house.

Site Address: Pointgarry House, 20C West Bay Road, North Berwick EH39 4AW

Application Ref: 19/00655/P

Application Drawing: DWG(s): 1857-01; 1857-02 rev D; 1857-03

Date of Review Decision Notice: 12 February 2020

Decision

The ELLRB unanimously agreed to refuse the application 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, 16 January 2020. The Review Body was constituted by Councillor J Findlay (Chair), J McMillan and K McLeod. All three members of the ELLRB had attended an unaccompanied site visit in respect of this application prior to the meeting.

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

Mr M Mackowiak, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser/Clerk to the LRB
Fiona Currie, Clerk.

2. Proposal

2.1. The planning application is for refusal of Planning Permission for the alterations to house comprising lowering of window cil to form door and associated external works at 20C West Bay Road, North Berwick EH39 4AW. In summary the reasons for refusal are:

2.1.1. 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 balance 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 listed 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.

2.2. The planning application was registered on 25 June 2019, determined for refusal on 30 August 2019 and the notice of review is dated 24 October 2019.

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 25 June 2019
3	The Appointed Officer's Submission
4	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 and HES guidance Managing Change in the Historic Environment – Windows
5	Notice of Review dated 24 October 2019 together with Applicant's Submission with supporting statement and associated documents.

4. Findings and Conclusions

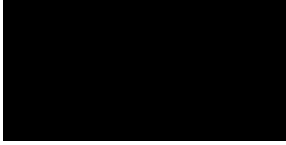
4.1. The ELLRB confirmed that the application for a review of the planning application permitted them to consider the application afresh and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it. They confirmed that they had access to the planning file in respect 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 proposal was for alterations to the house that consist of the removal of the existing ground floor window to the front of the property, the enlargement of the opening (from 2.1m to 2.85m in length) to form a doorway and the installation within that enlarged opening of a glazed door with white painted timber frames. A similar scheme that sought alterations to the same window was refused in November 2018 and the decision was appealed to the Council's LRB on the 16th May 2019 where members again refused the application for the reasons set out in the original Decision Notice. The current planning application and an associated listed building consent application were refused in August 2019. An appeal that was made to the DPEA against the listed building consent refusal was dismissed on the 15th of January 2020 due to the proposal being contrary to the relevant legislation and policy CH1 of the adopted EL local development plan. The Application was refused for the following reason – "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 listed 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";
- 4.3. The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.
- 4.4. Councillor McMillan stated that at the site it was important to retain the overall appearance of the area including the symmetry and glimpses of the sea between buildings that are available and it is important to preserve this. This is supported by the Planning Officer's Report. Accordingly he was minded to support the Planning Officer's determination to refuse the application and accordingly would refuse the appeal.
- 4.5. Councillor McLeod agreed with Councillor MacMillan and further commented that if these alterations were taken forward the frontage of the building would change. Accordingly he was minded to support the Planning Officer's determination to refuse the application and accordingly would refuse the appeal.
- 4.6. The Chair agreed with the other members and accordingly he was minded to support the Planning Officer's determination to refuse the application and accordingly would refuse the appeal.

Accordingly, the ELLRB unanimously agreed to refuse the application for the reasons set out in the Planning Officers Report dated 22 August 2019.

The Review Application was accordingly dismissed.



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.