

**REVIEW DECISION**  
**NOTICE**

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Decision by East Lothian Local Review Body the (ELLRB)

Site Address: 20 Burnside Haddington

Application for Review by Mr & Mrs Alistair and Natalie Biggs against decision by an appointed officer of East Lothian Council.

Application Ref: 16/00730/P

Drawings No: DWG01, UD16/011/EXIST/001. UD16/011/EXIST/002, UD16/011/EXIST/006

Date of Review Decision Notice - 3 April 2017

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**Decision**

The ELLRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review.

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 16<sup>th</sup> March 2017. The Review Body was constituted by Councillor Jim Goodfellow (Chair), and Councillor John MacNeill. All four members of the ELLRB had attended an unaccompanied site visit in respect of this application on 16<sup>th</sup> March 2017.

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

Iain Macfarlane, Planning Adviser (in attendance on the Site Visit)

Catherine Molloy – Legal Advisor

Fiona Stewart - Clerk

**2 Proposal**

The property to which this application relates is a two storey semi-detached house and its garden located within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. The property is not listed and is not located within a conservation area.

The property is bounded to the north by the adjoining residential property and garden ground of 22 Burnside to the east and south by the adjoining residential property and garden ground of 18 Burnside and to the southwest by the public road and footpath of Burnside. Planning permission is sought for the addition of a two storey "L" shaped extension formed in two components that would wrap around the south east side and south west front elevation of the property.

The application was registered on 28 September 2016 and refused planning permission under delegated powers on 30<sup>th</sup> November 2016

### 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
3	The Appointed Officer's Report of Handling
4	A copy of the Decision Notice dated 30 November 2016
5	Copy of Policy 1B of the approved South East Scotland Strategic Development Plan
6	Copies of Policies DP6 of the Adopted East Lothian Local Plan 2008
7	Copy of Representation received from Transportation Planning Officer
8	Schedule of Suggested Conditions
10	Notice of Review dated 23 January 2017 and supporting review statement and drawings

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#### Findings and Conclusions

The ELLRB confirmed that the application for a review of the original decision 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 refuse planning permission.

The Members 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 Members should give due consideration to the integrity of the original design of the house. Whilst this was of particular importance with historic properties, it was also significant when considering newer ones, particularly if the house formed part of a wider grouping of houses of a particular style. The Planning Adviser also stated that, whilst how a design looks on elevation was important, roofscape was also a key consideration, particularly if it was considered to be prominent in public views. He also stated that Members might wish to consider the proposals in the context of other alterations/extensions in the area.

The Planning Adviser stated that the Case Officer had considered that the roof of the proposed extension would be incongruous with the existing form of the house and therefore harmful to the character and appearance of the area, contrary to Policy DP6. It was for Members to decide if this was the case. He reminded Members that matters of taste should not take precedence over due consideration of whether or not the design was appropriate to the building and its place.

The Chair sought further clarification on the terms of Policy DP6 from the Planning Adviser and then proceeded to ask his fellow Members if they had sufficient information to determine this application today. They unanimously agreed to proceed.

Councillor McNeil stated that, having had the benefit of the site visit and studied the plans for the proposed extension, he considered that the proposals would look incongruous against the neighbouring property. He was therefore minded to uphold the Case Officer's decision to refuse planning consent.

Councillor McMillan had expected to see a number and variety of extensions in the area of the application site and had been surprised to find this was not the case. Having gained an appreciation of the impact the proposals would have at this location and studied the submissions, particularly Policy DP6, he was also minded to support the original decision of the Case Officer to refuse the application.

The Chair stated that it was evident on the site visit that a number of other properties with extensions had been designed in such a way that their mono-pitched roofs were integrated with the roof slopes of the property they had been added to. In his view, therefore, the Case Officer had been correct in his judgement that a mono-pitched roof on this property would look incongruous.

### Decision

The ELLRB unanimously agreed to uphold the original decision of the Case Officer to refuse the application for the reason stated in the Decision Notice of 29 November 2016.

1. By virtue of its hipped roof form and lack of integration with the mono-pitched roof slope of the existing property, the proposed extension would be a prominent, imposing and obtrusive physical feature on the side elevation of the property. It would not be in keeping with the simple mono-pitched roof form of the property, and would be markedly at odds with the architectural design and layout of the built form of the row of similarly distinctively styled houses within this part of Burnside, the streetscape and the area as a whole, contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DP6 of the adopted East Lothian Local Plan 2008.



// Catherine Molloy  
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.