

**REVIEW DECISION**  
**NOTICE**

---

Decision by East Lothian Local Review Body the (ELLRB)

Site Address: 11 Fidra Avenue, Dirleton

Application for Review by Mr & Mrs David & Maria Greenan against decision by an appointed officer of East Lothian Council.

Application Ref: 16/00701/P

Drawings No: AD(0)01 AL(0)01

Date of Review Decision Notice- 3 April 2017

---

**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:-

1.3 Iain Macfarlane, Planning Advisor (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 within Dirleton Conservation Area. The house is one of a group of 12 similarly designed semi-detached houses in the street (numbers 1-12 Fidra Avenue) which are listed as being of special architectural or historic interest (Category B).

The property is bounded to the north by the B1345 public road beyond which there are neighbouring residential properties, to the east by an adjoining residential property, to the south by a neighbouring residential property and to the west by the public road of Fidra Avenue beyond which there are neighbouring residential properties.

Planning permission is sought for (i) the addition of a single storey pitched and hipped roofed extension onto the east side and rear (south) elevations of the house; (ii) the formation of an area of hardstanding that would abut the east side and rear (south) elevations of the proposed extension; (iii) the erection of a 8 metres length of 1.8 metres high close boarded timber fence along part of the east boundary of the rear garden of the house; and (iv) the erection of a detached, single storey, timber framed pitched roofed garage as a replacement for the existing timber framed pitched roofed garage that exists within the southeast corner of the rear garden of the house.

Planning permission is also retrospectively sought for (v) the erection of a 1.8 metres high close boarded timber fence and gate within the southern end of the rear garden of the house.

The application was registered on 23 September 2016 and refused planning permission under delegated powers on 18<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 23 September 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 and the AHSS
8	Schedule of Suggested Conditions
10	Notice of Review dated 26 January 2017 and supporting review statement and drawings

### 4 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 Advisor to summarise the planning policy position in respect of this matter. The Planning Advisor gave a brief presentation to Members advising that the main determining considerations here are whether Members consider the proposed extension would be harmful to the conservation area and the architectural interest of the B listed building, taking account of the integrity of the original design and the appearance of the building and its context, including its immediate neighbour and the other similar houses. The symmetry of this particular duo of houses and the extent to which this has or has not been retained is an important factor here and the impact on conservation area. A further consideration is whether the proposal is seen to result in an undue loss of historic fabric of the building. In respect of the design modern extensions to historic houses can be appropriate in principle and it is important that Members are content with how successful the juxtaposition of new and old is in the particular case and not whether their own taste in design empathises or not with the proposal. It is important that any extension to a historic building is distinct in some way from the original to allow the history of the building to be understood.

The Chair noted that the applicant had referred to a similar property in Gullane, asking why an extension to that house had been acceptable and yet his proposals had not been acceptable. The Chair also asked if the property referred to was within a Conservation Area. The Planning Advisor replied that the Gullane property was C Listed whilst the property which was the subject of the application was B Listed. The Adviser had circulated drawings of houses of a similar period and design in Gullane and pointed out that, in each case, the

siting of each extension was to the rear of the build and well contained in the site. The extension designs were also striking and contemporary, in sharp contrast to the older buildings.

The Chair referred to correspondence from Historic Scotland on the proposals and asked if Members could assume that this organisation was now comfortable with the proposals. The Planning Advisor stated he could not confirm this and advised that Historic Scotland had said only that they had no further comment to make on the proposals. He also clarified the remit of Historic Scotland for Members.

The Chair enquired if plans for an extension across the back of the property would make the application more acceptable and the Planning Advisor replied that symmetry was a key part of the integrity of the house.

Councillor McNeil enquired if the applicant would be required to remove the hardstanding area should the review be refused today and the Planning Advisor replied that the applicant could submit an application for the garage, fencing and gate separately. In response to further questioning, the Planning Advisor identified each of the elevations of the house on the plan and confirmed that the proposed extension could be seen from the road.

The Chair asked if it was open to the ELLRB to uphold the Case Officer's decision in part and the Planning Adviser advised that, while it was possible in certain circumstances to refuse part of an application, it was not appropriate in this case as the extension was a major part of the application.

There being no further questions, the Chair asked his fellow Members if they had sufficient information to proceed to determine this application today and they unanimously agreed to proceed.

The Chair invited comments from Members.

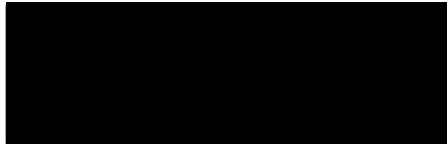
On seeing the houses in Fidra Avenue on the site visit, Councillor McMillan was persuaded to uphold the decision of the Case Officer. He considered that the extension would be incongruous in size, form, proportion and scale.

Councillor McNeil noted that the houses in Fidra Avenue had been built by the Council in 1919, just after the war and described them as beautiful houses in a beautiful village. He stated that the Council had a duty to protect them and he was therefore minded to uphold the decision of the Case Officer to refuse the application.

The Chair stated that he had found the site visit valuable and had also looked at the homes in Gullane referred to by the applicant as well as the plans circulated by the Planning Advisor. He agreed that the homes in Gullane were similar to the applicant's property and had modern extensions. While that was relevant to the decision the ELLRB had to make today, two important points had to be considered; the homes in Gullane were B Listed and the applicant's property was C Listed (a higher level), and the extensions in Gullane were hidden from view. He stated that the Council was very fortunate to have B Listed houses built as Council houses and it would be difficult to give approval to any development which would detract from the character of such houses. He agreed with the Case Officer that the proposed extension would not serve to enhance the character and appearance of the house and would be contrary to policy 1B.

4.4 Accordingly, the ELLRB unanimously decided that the Review should be dismissed for the reasons that the proposed extension would not, due to its position on the east side and rear (south) elevations of the house, be in keeping with the symmetrically designed, and distinctively unaltered, east side and rear (south) elevations of the house or of the adjoining house of 12 Fidra Avenue to the east to which the pair of houses are seen as one. It would be markedly at odds with the architectural design and layout of the built form of the group of similarly designed houses, which are listed as being of special architectural or historic interest (Category B). It would not serve to preserve or

enhance, but instead, would harm the character, integrity and appearance of the house as a building listed of special architectural or historic interest. It would be harmful to the character and appearance of this part of the Dirleton Conservation Area contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies ENV3, ENV4 and DP6 of the adopted East Lothian Local Plan 2008 and with Scottish Planning Policy: June 2014.



|| 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.