

REVIEW DECISION NOTICE

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

Application for Review by Mr Nic and Mrs Sarah Wood, c/o Ian Forbes Architect, The Station Masters Office, Dalmeny Station, Station Road, South Queensferry for the refusal of Planning Permission for the replacement glazing in windows and formation of dormer at 11 Victoria Road, North Berwick.

Site Address: 11 Victoria Road, North Berwick

Application Ref: 18/01280/P

Application Drawing: Drawing Number: 23/18-101

Drawing Number: MANU LITERATURE 1

Drawing Number: 23/18-102 rev A

Drawing Number: 23/18-103

Date of Review Decision Notice: 18 August 2020

Decision

The ELLRB unanimously agreed to uphold the original decision of the Planning Officer to refuse the application and rejected the appeal 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, 20 June 2019. The Review Body was constituted by N. Hampshire (Chair), Councillor L Bruce, Councillor N Gilbert, and Councillor S Kempson. All four 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 P Zochowski, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser/Clerk to the LRB
Fiona Stewart, Clerk.

2. Proposal

2.1. The planning application sought planning permission for replacement glazing in windows and formation of dormer at 11 Victoria Road, North Berwick.

2.2. The planning application was registered on 7 December 2018 and the decision notice refusing planning permission was issued on 1 February 2019.

2.3. The reasons for refusal of planning permission are:

2.3.1. that the proposed dormer by virtue of its large, bulky, box like form, and large glazed openings with associated safety barrier would be a radical change to the rear (west) elevation roof slope of the applicant's house and to the uniformity of architectural form and appearance of the rear (west) elevation roof slopes of this section of Victoria Road. It would appear as a disproportionate, dominant and incongruous feature harmful to the character and appearance of the house, a listed building and harmful to the character and appearance of the North Berwick Conservation Area contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and 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 and Scottish Planning Policy: June 2014; and

2.3.2. the change from single glazing to much thicker double glazing would be noticeable and would be seen to alter the character and appearance of the traditional sash and case windows. Such a change would be harmful to the special architectural or historic interest of the listed building and harmful to the character and appearance of the 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 and Scottish Planning Policy: June 2014.

2.4. The Notice of Review against the decision to refuse Planning Permission was dated 26 April 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 7 December 2018
3	The Appointed Officer's Submission
4	<p>East Lothian Local Development Plan 2018 policies:</p> <ul style="list-style-type: none"> - Policies CH1 (Listed Buildings); - CH2 (Development Affecting Conservation Areas); and - DP5 (Extensions & Alterations to Existing Buildings). <p>The South East Scotland Strategic Development Plan (SESplan):</p> <ul style="list-style-type: none"> - Policy 1B <p>Scottish Planning Policy: June 2014</p>
5	Notice of Review dated 26 April 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 decision to refuse planning permission 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 property at 11 Victoria Road, North Berwick was in a prominent location within the North Berwick Conservation Area and was also a listed building Category C. The proposed alterations and extension were for the replacement of the single glazed sash and case windows on the front elevation of the property with double glazed windows and the formation of a large box dormer with a balcony as a replacement for the two small dormers that currently exist on the rear elevation of the house. There was also a separate application for listed building consent for these alterations which had been appealed and will be dealt with by the Scottish Government's Planning and Environment Appeal Division (DPEA).

The Planning Adviser advised that a material consideration in the determination of this application was the Supplementary Planning Guidance on Cultural Heritage and the Built Environment which contains detailed guidance on replacement windows in a listed building. This states that original windows in a listed building should be retained

and, where necessary repaired, and only where repair is shown to be impossible should replacement accepted. Permission should not be granted for a replacement window that is visibly different to an existing original window.

The Planning Adviser advised that one letter of objection had been received from the Architectural Heritage Society of Scotland (AHSS) objecting to both the replacement windows and the proposed box dormer which it considered would be an intrusive and asymmetrical addition to the property.

The Planning Adviser then advised the Members that the applicant, in his review statement, now felt that, while the two small dormers may emulate those in the area, they look out of place on top of the contemporary extension and that a timber clad contemporary dormer with glass balustrade would complement the look of the rear extension formed in 2009. The Applicant believes that a larger dormer in this location would not look out of place in context with the contemporary ground floor of the house and would not be dominant because it could be set back from at the original line of the roof and look subservient to the ground floor.

- 4.3. The Chair asked the members if they had any questions for officers. The Legal Adviser reminded the members that it was open to the members to review the application and grant permission in full or in part or to refuse permission.
- 4.4. 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.
- 4.5. Councillor Bruce stated that he agreed with the Case Officer that the proposed dormer window would be harmful to the character and appearance of the building. However, he considered that 12mm width double glazing, replacing the single glazing in the front elevation windows would be acceptable.
- 4.6. Councillor Gilbert stated was of the view that the large dormer window, which would be in full public view, would be dominant in its setting and not an appropriate replacement for the present windows. He was, however, minded to approve the 12mm replacement double glazing on the front windows.
- 4.7. Councillor Kempson supported the decision of the Case Officer. She considered that the proposals would set an undesirable precedent and would not enhance the appearance of the property. She also suggested that secondary insulation to the front windows could be an acceptable alternative to the proposals in the application.
- 4.8. The Chair agreed with his colleagues on the proposals for the dormer window. In his view the proposed dormer would be harmful to the property as a whole and take over the whole of the roof space. With regard to the front windows, he stated that the Council had a policy of reducing the carbon footprint, and he was content that the proposals would reduce heat loss from the property.

The ELLRB unanimously agreed to uphold the original decision of the Planning Officer to refuse the planning consent for the dormer window but by a majority of three to one to allow the replacement glazing 12mm in width for the other windows.

Accordingly, the Planning Permission was approved in part only with refusal for the dormer window. The reason for refusal for the development of the dormer window is:

1. The proposed dormer by virtue of its large, bulky, box like form, and large glazed openings with associated safety barrier would be a radical change to the rear (west) elevation roof slope of the applicant's house and to the uniformity of architectural form and appearance of the rear (west) elevation roof slopes of this section of Victoria Road. It would appear as a disproportionate, dominant and incongruous feature harmful to the character and appearance of the house, a listed building and harmful to the character and appearance of the North Berwick Conservation Area contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and 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 and Scottish Planning Policy: June 2014;



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.