

REPORT TO: Planning Committee

MEETING DATE: 30 March 2021

BY: Executive Director for Place

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor McGinn for the following reasons: There is significant public concerns about this application and I think the Planning Committee should visit this site and consider the public concerns about this proposal before they take a decision on this application.

Application No. **20/01388/P**

Proposal Extension to house

Location **4 Sandersons Grove
Tranent
East Lothian
EH33 1JY**

Applicant Mr Mujahid Nazir

Per Architecturejfltd

RECOMMENDATION **Consent Granted**

REPORT OF HANDLING

PROPOSAL

The property to which this application relates is a two storey, detached house with associated garden ground. It is located within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. It is also situated within the Battle of Prestonpans Historic Battlefield Site.

The property is bounded to the north and south by neighbouring residential properties, to the east by the public road of Sandersons Grove and to the west by a public footpath.

Planning permission is sought for the addition of a two storey, pitched roof extension onto the side (north-west) elevation of the existing house.

The proposed extension would extend along the side (north-west) elevation some 12.2 metres; project out some 5.2 metres and would have a height of some 7.6 metres, at its

apex. The proposed extension would be finished predominantly in red facing brick, to match the existing house. The roof of the proposed extension would be clad in concrete roof tiles, to match the existing roof. The proposed window and door frames would be of uPVC construction and would be brown, to match the existing fenestration. The proposed rainwater goods would be of uPVC construction.

The front (north-east) elevation of the proposed extension would contain a window at ground floor level and a window with associated balustrade at first floor level. The rear (south-west) elevation would contain a window at ground and first floor level. The side (south-east) elevation would contain a glazed sliding door opening at ground floor level and no glazed openings at first floor level. The side (north-west) elevation would not contain any glazed openings at ground or first floor level.

Subsequent to the registration of the application the agent has submitted revised drawings which shows the first floor window on the rear (south-west) elevation re-positioned to the first floor of the side (south-east) elevation of the proposed extension.

The drawings also show an intention to (i) in-fill an existing single door opening in the rear (south-west) elevation of the existing house; (ii) extend the existing terrace slabs and steps to the rear (south-west) of the existing house; and (iii) extend the existing monoblock driveway to the front (north-east) of the existing house. These proposals do not require planning permission and as such do not form part of the application.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Policies CH5 (Battlefields) and DP5 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

REPRESENTATIONS:

A total of 6 public letters of objection have been received in relation to the application. The main grounds of objection are:

- i) The proposed extension is very large and would increase the size of the property by approximately 50%;
- ii) Due to its height the extension would block a fairly open westerly aspect from a bedroom window of a neighbouring house;
- iii) The front facing windows are extremely large and out of proportion and character to the existing windows of the property and neighbouring properties. Additionally, the balustrade is at odds with neighbouring properties;
- iv) On street parking can, at times, be very difficult which objectors' feel would be exacerbated by the proposed extension;

v) the extension could be to convert the property into a house of multiple occupancy;

vi) The extension would dominate and overshadow neighbouring properties and the amenity of their homes would be greatly reduced which would also affect the value of the property;

vii) An objector asks if the impact of the extension on the neighbouring premises in Sandersons Wynd which falls under the Tranent Conservation Area and the Battle of Prestonpans Historic Battlefield Area have been considered;

viii) The extension would completely block out sunlight and daylight and cast a gloomy dark shadow over an objectors' sunroom as well as their whole garden. This would have a great impact of the light is restricted and will greatly impact the health of the occupants;

ix) The extension would result in a loss of privacy to neighbouring residential properties; and

x) what is the purpose of the extension and what arrangements for the construction of the extension will be made And will there be consideration of neighbours in any construction arrangements and/or engagement with the considerate constructor's scheme and/or specific parameters set for the construction activities.

With regards to the above comments, the loss of a view is not in itself a material planning consideration relevant to the determination of a planning application.

There is no evidence to suggest the proposed extension would be to facilitate either a commercial or letting use or for use as a house of multiple occupancy. What is proposed is an extension to be attached to an existing residential property. Planning permission would be required to convert the house into a House in Multiple Occupation (HMO). Any planning application submitted for that would be determined on its merits.

As a householder type development that is not uncommon in a residential area the details relating to the arrangements and timelines for the construction of the extension are not required in the determination of the planning application.

The impact of development upon the prices of residential properties within the locality is not a material planning consideration.

PLANNING ASSESSMENT

The proposed two storey extension would be attached to the side (north-west) elevation of the existing house. It would be readily visible from the public road of Sandersons Grove and from the public foot path to the rear of the house. However, the proposed two storey extension would be of a size, scale and massing that would be appropriate for attachment to the existing house. The ridge of its roof would not project above the ridge height of the existing house and it would not occupy the whole of the back garden of the house. Therefore and as its external finishes would match the external finishes of the house it would not be an addition to the house that would be overly large or dominating. It would be subservient to and in keeping with the existing house. Therefore and as it would be seen against the backdrop of the existing two storey house and of the neighbouring houses of Sandersons Grove the proposed extension would by virtue of its architectural form, size, design, proportions, materials, and positioning the proposed extension be appropriate to its setting and would not be harmfully unsympathetic to the

house or its surroundings. The proposed extension would not result in an overdevelopment of the house or its garden ground. The proposed extension would not be harmful to the character and appearance of the house or to the character and appearance of the wider area.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new development and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new development and the windows of existing neighbouring residential properties.

In relation to the above, the glazed openings to be formed at ground and first floor levels in the front (north-east) elevation would face over the applicants' front garden for some 5.5 metres and beyond to the public road of Sandersons Grove. In addition, the glazed openings would not fall within 18 metres of any directly facing windows of any neighbouring residential properties. Therefore they would not allow for any harmful overlooking of any neighbouring residential properties.

The glazed opening to be formed at ground floor level in the rear (south-west) elevation would face over the applicants' rear garden for some 5.2 metres and onto a high fence boundary treatment and as such would not allow for any harmful overlooking of any neighbouring residential properties.

There are no proposals to form openings in the first floor of the rear (Southwest) elevation of the proposed extension. If formed at first floor level in the rear (south-west) elevation the glazed openings would face over the applicants garden for some 5 metres and would fall within 9 metres of the private rear garden of the neighbouring residential property to the immediate rear and as such would allow for harmful overlooking of that property. Therefore, it would be prudent to remove permitted development rights for the formation of first floor windows in the rear (south-west) elevation of the proposed extension in order to protect the privacy and amenity of the neighbouring residential property to the south-west. This can reasonably be achieved by attaching a condition to any grant of planning permission.

The glazed opening to be formed at ground floor level in the side (south-east) elevation would face over the applicants' rear garden for some 11 metres and beyond to a high fence boundary treatment and as such would not allow for any harmful overlooking of any neighbouring residential properties.

The glazed opening to be formed at first floor level in the side (south-east) elevation would face over the applicants' rear garden for some 11 metres and would not fall within 18 metres of any directly facing windows of any neighbouring residential property. Therefore, the glazed opening to be formed at first floor level in the side (south-east) elevation would not allow for any harmful overlooking of any neighbouring residential property.

There are no proposals to form windows at ground or first floor level within the side (north-west) elevation of the proposed extension. Additionally, there are no proposal to form windows or other glazed openings at first floor level within the rear (south-west) elevation of the proposed extension. Windows or other glazed openings could be formed in these elevation walls at a later date with permitted development rights and thus without the need for planning permission.

If formed at ground floor level in the side (north-west) elevation the glazed openings would face over the applicants' garden and beyond to a high fence boundary treatment and as such would not allow for any harmful overlooking.

If formed at first floor level in the side (north-west) elevation the glazed openings would face over the applicants' garden and beyond to the blank side elevation of the neighbouring residential property to the south-east. However, if a glazed opening were to be formed towards the western end of the proposed extension then the glazed opening would face over the applicants' garden and beyond to the rear garden of the neighbouring residential property to the north-west. Therefore, it would be prudent to remove permitted development rights for the first floor level of side (north-west) elevation of the proposed extension in order to protect the privacy and amenity of the neighbouring residential property to the north-west. This can reasonably be achieved by attaching a condition to any grant of planning permission.

Subject to the imposition of conditions the proposed extension would not allow for harmful overlooking of any neighbouring residential properties.

Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice by P.J. Littlefair gives guidance on the impact of a proposed extension on the daylight and sunlight received by neighbouring properties. With regard to daylight, the Guide gives a two-part test, one part measured horizontally and the other vertically. The Guide advises that there will not be a harmful loss of daylight if a proposed extension passes at least one part of the test when applied to a window of a neighbouring house.

Application of the daylight tests on the proposed extension, given in The Guide demonstrates that given its orientation and siting in relation to neighbouring residential properties, it would pass both the horizontal and vertical tests when applied to neighbouring residential properties. Therefore the proposed extension would not lead to a harmful loss of daylight received by neighbouring residential property.

Application of the sunlight test given in The Guide demonstrates that on the 21st March there would be overshadowing of the rear garden of 5 Sanderson's Grove. This would however be limited to between the hours of 09.00 and 13.00pm. Due to the size of the garden of the neighbouring property, 5 Sanderson's Grove the extension would not lead to more than 50% of the garden area of this property being in shadow at any time. Therefore in accordance with The Guide there would be no detrimental impact on the levels of sunlight received by that neighbouring residential property or by any other property.

On those matters of amenity the proposed extension does not conflict with Policy DP5 of the adopted East Lothian Local Development Plan.

The **Council's Road Services** have been consulted on the application and advise the proposed extension would result in an increase in residential accommodation within the house. However given that it is proposed to increase the size of the driveway that this would accommodate the additional parking demand created by the extension. Therefore the Council's Road Services raise no objection to the application, however, they recommend that a dropped kerb application be made to extend the dropped kerb across the extension to the driveway for ease of access.

The proposed developments would not have a significant adverse effect on the key features of the Battle of Prestonpans Historic Battlefield Site.

The proposals are consistent with Policies CH5 and DP5 of the adopted East Lothian Local Development Plan 2018 and with Scottish Planning Policy: Revised December 2020.

RECOMMENDATION

That planning permission be granted subject to the undernoted conditions:

- 1 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any subsequent Order amending, revoking or re-enacting that Order, no windows or other openings shall be formed at first floor level within the side (north-west) elevation wall of the extension hereby approved.

Reason:

To safeguard the privacy and residential amenity of the neighbouring residential property to the north-west.

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any subsequent Order amending, revoking or re-enacting that Order, no windows or other openings shall be formed at first floor level within the rear (south-west) elevation wall of the extension hereby approved.

Reason:

To safeguard the privacy and residential amenity of the neighbouring residential property to the south-west.

- 3 No use shall be made of the extension hereby approved unless and until the driveway has been extended in accordance with the drawings docketed to this planning application and made available for use. Thereafter the enlarged driveway shall be retained and available for use for the parking of vehicles unless otherwise agreed by the Planning Authority.

Reason:

In the interests of road safety.