

**REPORT TO:** Planning Committee

**MEETING DATE:** 30 March 2021

**BY:** Executive Director for Place

**SUBJECT:** Application for Planning Permission for Consideration

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***Note** - this application was called off the Scheme of Delegation List by Councillor Hampshire for the following reasons: The stair case is an addition to the original Whittingehame House Listed Building and I think the impact of its removal can only be judged properly by a site visit by members of the Planning Committee. So I am requesting that this application is removed from the Delegated List and come before the next Planning Committee.*

Application No.     **20/01348/LBC**

Proposal             Removal of condition 4 of listed building consent 18/00401/LBC

Location            **Apartment 2  
West Wing  
Whittingehame House  
Stenton  
East Lothian  
EH41 4QA**

Applicant            Mr Michael Gilmartin

Per                    REM Associates

**RECOMMENDATION        Application Refused**

## **REPORT OF HANDLING**

### **PROPOSAL**

This application relates to 'Whittingehame House', an early 19th Century Greek-style neo-classical mansion house designed by Sir Robert Smirke, which is listed as being of special architectural or historic interest (Category A).

Whittingehame House was sub-divided into apartments in 1988 and the property to which this application relates is Apartment number 2, referred to as 'West Wing', which occupies part of the northwest corner of the building over three floors.

In July 2018, listed building consent (Ref: 18/00401/LBC) was granted for a number of

alterations to the building. Those alterations comprised of:

- (i) the removal and erection of partition walls and doors within the building;
- (ii) the replacement of the existing solid timber garage doors in the north end of the west elevation of the building;
- (iii) the infilling of the existing solid timber door and glazed fanlight in the south elevation of the building and for the installation of a white painted, timber framed, sash and case window with astragals within that door opening;
- (iv) the erection of an aluminium framed glazed roof that would be positioned above the pend entrance between the north elevation of the building and the south elevation wall of the existing garage; and
- (v) the installation of a rectangular shaped roof light that would be positioned above the flat roofed top of the existing garage component on the north end of the building.

The internal alterations proposed in application 18/00401/LBC also included the removal the masonry, scale and platt, service stair within the southwest end of the building.

Historic Environment Scotland (HES), in their consultation response to application 18/00401/LBC, stated that the proposals would result in the removal of the wing's service stair in its entirety within the southwest corner of the building. The masonry scale and platt service stair contributes to the character, special interest and social history of the house and should be retained.

Therefore to safeguard the special architectural or historic interest of the listed building, listed building consent 18/00401/LBC was granted subject to a number of conditions; one of which (Condition 4) was that the internal service stair within the southwest end of the building shall not be removed. Condition 4 states that:

'Listed building consent is not hereby granted for the removal of the service stair within the southwest end of the building.

Reason:

The proposed removal of the service stair, which is the only staircase that provides access to all three levels within the building, is an important historic feature within the building. The proposed removal of the service stair would result in a significant loss of historic fabric to the detriment of the special architectural or historic interest of the listed building, contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV3 of the adopted East Lothian Local Plan 2008, The Scottish Historic Environment Policy Statement: June 2016 and Scottish Planning Policy: June 2014'.

Listed building consent is now sought for the removal of Condition 4 of listed building consent 18/00401/LBC to allow for the removal of the internal service stair within the southwest end of the building.

The applicant's agent has submitted a Planning and Design Statement, a Heritage Briefing Report, a Supporting Statement Appendix and an Accommodation Needs Report in support of this application.

## **DEVELOPMENT PLAN**

Material to the determination of the application is Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building given in the Historic Environment Policy for Scotland (HEPS): April 2019 and Scottish Planning Policy: Revised December 2020.

The Historic Environment Policy Statement and Scottish Planning Policy echo the statutory requirements of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant listed building consent for any works to a listed building the planning authority shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses.

Non-statutory guidance document 'Managing Change in the Historic Environment: Interiors (published in June 2016 and updated in February 2020) is also relevant to the determination of the application.

Policy CH1 (Listed Buildings) of the adopted East Lothian Local Development Plan 2018 is relevant to the determination of this application.

## **REPRESENTATION**

One written objection to this application has been received. It is made on the grounds that the removal of the staircase may have a negative impact on Whittingehame House, which is a listed building.

## **COMMUNITY COUNCIL COMMENTS**

None.

## **PLANNING ASSESSMENT**

The Planning and Design Statement submitted with this application states that the apartment has a traditional room layout which has become unsustainable to meet the living accommodation required to facilitate the family's needs, particularly a younger member of the family with mobility issues. It states that the ground floor level of the applicant's apartment currently has no bedrooms at that level and that a bedroom, with adequate WC facilities, is required for one of the family members residing in the property on the ground floor. However, the family lounge and the main bedrooms for the residential property are and will continue to be on the first floor. Therefore even if a new bedroom with WC/bathroom facilities is formed on the ground floor of the property there will be a need for continued access to that first floor. At present that access to the first floor is via the stairs. It is proposed to remove that stair and replace it with a lift. The Accommodation Needs Report sets out the reasons as to why the removal of the service stair is required in order to accommodate health care needs and specialist bathroom facilities required by the dependants of the owner.

The Heritage Briefing Report, which has also been submitted with this application, considers that the scale and platt staircase that is proposed for removal has a basic functional design with a decorative support at the ground level with curtail and right-hand turn-out detail at the base of the stair. It states that the service stair makes a limited contribution to the special character of the listed building and that it is not integral to an understanding of the plan form and functioning of Whittingehame House as a whole. It states that the removal of the service stair would have a minimal impact on the special interest of the listed building as a whole. However, it suggests that the preparation of an 'options appraisal', should be carried out to show that there are no other available options that would allow the staircase to be retained and other rooms be altered to facilitate the needs and requirements for the family.

In accordance with the Heritage Briefing Report three alternative options for meeting the

needs of the family have been explored. The Supporting Statement Appendix submitted with this application sets out those three alternative options which would allow the retention of the existing service stair located within the southwest end of the building. Those three options are described below:

Option 1: demonstrates how the existing internal partition walls and doors separating the two store rooms within the south end of the ground floor component of the building could be removed to create a bedroom and an en-suite. It also shows that the existing playroom within the west end of the north part of the building could be converted into a utility room with a bathroom.

Option 2: demonstrates how the existing dining room, at ground floor level within the west end of the south part of the building, could be converted into a bedroom with an en-suite. It also shows that the existing playroom within the west end of the north part of the building could be converted into a store room with a bathroom.

Option 3: demonstrates how the existing dining room, at ground floor level within the west end of the south part of the building, could be converted into a bedroom with a new opening formed to create a door opening providing access to the inner hallway. It also shows that the existing playroom within the west end of the north part of the building could be converted into a two separate bathrooms.

The Planning and Design Statement advises that all three alternative options would not result in adequate accommodation to meet the healthcare requirements of the family's needs. Accordingly, none of these options have been formally discussed with Historic Environment Scotland or with the Council, as Planning Authority.

Notwithstanding the information set out in those supporting documents/reports the determination of an application for listed building consent must, in accordance with planning statute, be limited to the consideration of whether or not the development the subject of the application would preserve or enhance the listed building. In other words, that it would not harm the special architectural or historic interest of the listed building. Therefore the consideration of the layout of the accommodation within the property and its ability to meet the needs of the family is not a material consideration relevant to the determination of this application for listed building consent.

Historic Environment Scotland's guidance on interiors of listed buildings states that the interior of a historic building is important in defining its character and special interest. It states that the interior makes a substantial contribution to the special architectural or historic interest of a building. The significance of a historic interior, or part of an interior, is usually derived from a number of factors, including the degree to which an interior remains intact from key periods in its history. The 'plan form' is the arrangement and division of internal spaces into rooms and circulation spaces such as halls, staircases and corridors, which is a key component of the character and special interest of any building. The interrelationship of rooms and circulation space is a reflection of the building's design, function, status and period.

**Historic Environment Scotland**, in their consultation response to this application, state that proposals to alter and/or extend a listed building must be informed by, and respond to, an understanding of the building's special architectural interest and of its character and appearance. The significance of a listed building's interior, or part of its interior, is usually derived from a number of factors, including the degree to which an interior remains intact from key periods in its history. The plan form, that is the arrangement and division of internal spaces into rooms and circulation spaces such as halls, staircases and corridors, is a key component of the character and special interest of any building.

They note that the proposals would result in the removal of the wing's service stair in its entirety. Accordingly, HES state that the existing masonry scale and platt service stair in the southwest corner of the west wing of this category A listed building contributes to the character, special interest and social history of the house and should be retained. HES also advise that whilst the proposals do not raise historic environment issues of national significance, and do not object to this listed building consent application, they also state that their decision not to object should not be taken as their support of the proposals.

Whittingehame House is a building that is listed as being of special architectural or historic interest (Category A). The service stair proposed for removal, is the only staircase that provides simultaneous access to all three levels within the building and is an important historic feature of the listed building. It makes a significant contribution to the layout of the building and to our understanding of the form and function of that large mansion house prior to its subdivision. Through the subdivision of that large mansion house into separate apartments, the important historic features of the building, including the service stair, were retained to ensure that the alterations to the building to facilitate its subdivision into apartments did not harm the special architectural or historic interest of the listed building.

The proposed removal of the service stair would result in the loss of this significant historic feature of the listed building which would be to the detriment of the special architectural or historic interest of the listed building. Therefore the removal of the service stair would be harmful to the special architectural or historic interest of the listed building. Accordingly, the removal of Condition 4 of listed building consent 18/00401/LBC to allow for the removal of the service stair within the southwest end of the building would be contrary to Policy CH1 of the adopted East Lothian Local Development Plan 2018, the Historic Environment Policy for Scotland (HEPS): April 2019 and Scottish Planning Policy: Revised December 2020.

In all of this there is no material change in circumstance since the determination of listed building consent 18/00401/LBC which would justify the removal of condition 4 of listed building consent 18/00401/LBC.

## **RECOMMENDATION**

That planning permission be refused for the following reasons:

- 1 The removal of the service stair would result in the loss of this significant historic feature of the listed building which would be to the detriment of the special architectural or historic interest of the listed building. Therefore the removal of the service stair would be harmful to the special architectural or historic interest of the listed building. Accordingly, the removal of Condition 4 of listed building consent 18/00401/LBC to allow for the removal of the service stair within the southwest end of the building would be contrary to Policy CH1 of the adopted East Lothian Local Development Plan 2018, the Historic Environment Policy for Scotland (HEPS): April 2019 and Scottish Planning Policy: Revised December 2020.

