

REVIEW DECISION NOTICE

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

Application for Review by Mr David Mitchell of 3 Park Lane, Haddington for Planning Permission for replacement of flat roof with pitched roof, at 3 Park Lane, Haddington.

Site Address: 3 Park Lane, Haddington

Application Ref: 19/00467/P

Application Drawing: Please refer to the Drawings/Plans detailed at 3.1 (i)

Date of Review Decision Notice: 10 August 2021

Decision

The ELLRB resolved that the Review should be dismissed for the reasons set out 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

The above application for Planning Permission was considered by the ELLRB, at a meeting held on Thursday, 21 November 2019. The Review Body was constituted by Councillor N Hampshire (Chair), Councillor L Bruce, Councillor J Findlay, and Councillor J Williamson. All four members prior to the meeting of the ELLRB had attended a site visit accompanied by the Planning Advisor in respect of this application.

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

Mr M Mackowiak, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser/Clerk to the LRB
Ms F Currie, Clerk

2. Proposal

2.1. The planning application is for review of decision of Planning Officer to refuse planning permission for replacement of flat roof with pitched roof, at 3 Park Lane, Haddington

2.2. The planning application was registered on 14 May 2019 and the decision notice refusing the application is dated 5 July 2019.

2.3. The reason for refusal is more particularly set out in full in the said Decision Notice dated 5 July 2019. The reasons for refusal is also summarized below:

Reason:

1. *The proposed pitched roof would significantly alter the architectural form of the house and in doing so interrupt the harmonious appearance of this homogenous group of houses the flat roofs and deep fascias of which are a deliberate and distinctive design element. Consequently, by its size, form, proportions and scale the proposed pitched roof would not be well integrated with its surroundings. Therefore, the proposed pitched roof is contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018.*

2.4. The notice of review is dated 2 October 2019.

3. Preliminaries

3.1. The ELLRB members were provided with copies of the following:-

i.	The drawings accompanying this application are referenced and numbered as follows: <ul style="list-style-type: none"> - DWG00 (Received 09.05.2019) - DWG01 (Received 09.05.2019) - DWG02 (Received 09.05.2019) - DWG03 (Received 09.05.2019) - DWG04 (Received 09.05.2019) - DWG05 (Received 09.05.2019)
ii.	The Application for planning permission registered on 14 May 2019
iii.	The Appointed Officer's Submission
iv.	Policies of the adopted East Lothian Local Development Plan 2018 relevant to the determination of the application: <ul style="list-style-type: none"> - DP5: Extensions and Alterations to Existing Buildings
v.	Notice of Review dated 2 October 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 planning application 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 conditions, including all drawings and copies of all representations and objections received in respect of the original application. They also confirmed they had received and reviewed the Applicant's Submission and further representations made in connection within this appeal before the ELLRB today.
- 4.2. The Planning Adviser outlined the details of the review against a refusal of planning permission for the replacement of the existing flat roof of a house with a pitched and hipped roof. He summarised the proposals including the size, elevation and materials, and advised Members that no public letters of objection or any other comments were received in relation

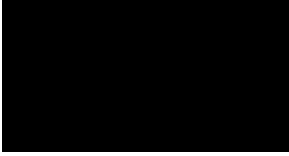
to the application. He explained that planning applications must be determined in accordance with relevant planning policies unless material considerations indicated otherwise. In this case, policy DP5 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Development Plan (2018) was relevant to the determination of the application. This Policy stated that all alterations and extensions to existing buildings must be well integrated into their surroundings, and must be in keeping with the original building or complementary to its character and appearance. The alteration must also be of a size, form, proportion and scale appropriate to the existing house, and must be subservient to, and either in keeping with, or complementary to the existing house. Policy DP5 also stated that where a development did not comply with any of the above criteria it would only be permitted where other positive planning and design benefits could be demonstrated. The Planning Adviser summarised the case officer's report. It confirmed that owing to the orientation and positioning of the applicant's house the proposed roof, would not give rise to harmful overshadowing of neighbouring residential properties and the proposed roof light would not give rise to harmful overlooking of any neighbouring houses. It noted that the applicant's house was one of 4 similarly designed, single storey houses that featured flat roofs with deep timber fascia boards. These houses were of a distinctively different architectural form to the other groups of houses that formed the remainder of the built form of Park Lane. The proposed pitched and hipped roof would significantly alter the character and appearance of the house, which forms part of a homogenous group of houses whose construction with flat roofs and deep fascia boards was a deliberate and distinctive design element. The proposed pitched roof by its size, form, proportions and scale would not be well integrated with its surroundings, but instead would compromise the distinctive architectural form of the house. The case officer also assessed that the proposal would compromise the architectural harmony of the distinctive group of houses of which the applicant's house was part. Therefore the proposed pitched roof was contrary to Policy DP5. The Planning Adviser then summarised the applicant's submission which maintained that the reasoning used by the planning officer was factually incorrect and contradicted by previous planning approvals. The applicant raised the following points: (i) their immediate neighbour at 1 Park Lane, received planning permission in 2013 (13/00289/P) to alter and extend the property. This approval gave permission to the building with a lead fascia which is substantially shallower in depth than that of the original house. This previous decision stood in contradiction with part of the basis for refusal of the current application, namely that deep fascia boards were a deliberate and distinctive design element of this grouping of houses: (i) the applicant argued that the continuity had already been lost for this design feature and this was evident when the current application was submitted; (ii) their immediate neighbour at No. 5 also had their fascia board renewed with PVC resulting in a significantly shallower fascia. This was also present on submission of the current application; (iii) these houses were not built to be part of a group, and differ in their external appearance, therefore the point within the refusal about harmonious appearance of this homogenous group of houses was incorrect; (iv) 3 Park Lane backs on to the property accessed via the West Road that was also a single storey, flat roofed house, but was granted planning permission (01/00128/FUL) in 2001 to have a pitched roof with accommodation installed. This roof alteration was substantially greater and the previous decision was clearly contradictory to the current position taken by planning officers; (v) the applicant's house was largely surrounded by two storey housing; and (iv) the flat roof had been a continuous problem in relation to maintenance and in its current form was not sustainable. Summing up, the Planning Adviser indicated that the Local review Body was being asked to consider whether the proposed pitched roof would significantly alter the architectural form of the house and in doing so interrupt the harmonious appearance of this homogenous group of houses that had a deliberate and distinctive design element in a form of flat roofs and deep fascia boards; and whether the

proposed pitched roof would be well integrated with its surroundings.

- 4.3. The Members then raised the questions pertinent to the application which the planning advisor responded to.
- 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 had found the site visit helpful in clarifying the context of the application. He noted that the buildings opposite and further down the street were of different designs but that No. 3 sat within a group of four houses with flat roofs. As a result, he was not convinced that the proposals would be well integrated and considered that a pitched roof among flat roofs would be too much of a visual contrast. He was therefore minded to refuse planning permission.
- 4.6. Councillor Williamson said that having walked around the area of Park Lane he had noted that many of the properties had been altered in some way, whether by replacement of fascia boards or other changes. He was also of the view that flat roofs were less sustainable than other types and would require increased maintenance. The properties were of no special architectural merit and he did not think that a pitched roof would interfere with the integrity of the surrounding properties or that there would be any loss of amenity. In his view, the proposals did not contravene policy DP5 and he was minded to grant planning permission.
- 4.7. Councillor Findlay said while it was clear that originally all four houses had been harmonious and homogenous in design, subsequent alterations to fascias had destroyed much of that uniformity of appearance. In addition, the four flat roofed houses were surrounded by other properties with pitched roofs. For these reasons he was minded to recommend that planning permission be granted.
- 4.8. The Chair said that the property formed part of a row of bungalows with flat roofs and although there had been some minor alterations it remained an attractive row of flat roofed properties. He also commented that there had been significant improvements in insulation and maintenance of flat roofs which made them more sustainable. In his view, introducing a pitched roof among other flat roofs would look odd and would not enhance the character of the area. He agreed with the case officer's conclusion that a pitched roof would significantly alter the architectural form of the house and he was therefore minded to refuse planning permission.
- 4.9. The Legal Adviser noted the divergence of opinion and votes: two for upholding the decision of the case officer; and two for overturning that decision. The Chair was invited to add his casting vote and he voted to uphold the decision of the case officer to refuse planning permission

Accordingly, the ELLRB decided that the Review should be dismissed and Planning Permission refused for the reasons more particularly set out in the Planning Officer's Report.

Planning Permission is hereby refused.



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.