

LOCAL REVIEW BODY

27th January 2022

Application No: 21/00654/P

23 Edinburgh Road, Cockenzie

Applicant's Supporting Information

23 Edinburgh Rd.,
Cockenzie
East Lothian

PLANNING DECISION APPEAL
Application No: 21/00654/P

23rd. October 2021

We are writing to appeal your decision to refuse Planning Permission for this application.

The assessment that begins the report contains an inaccuracy. Although the North part of the site (the back garden to 23 Edinburgh Rd.) provides vehicular access from New Street, most of the area is laid to lawn and does not include parking spaces for the house.

As all of our neighbours are aware we currently share the available parking spaces on New Street with them.

Crucially, this means that by creating 2 new parking spaces within the back garden of 23 Edinburgh Rd., the creation of a new house on New Street will not increase the demand for parking. I am quite sure that this is one of the reasons that no objections to our proposal were raised.

The Cockenzie Business Centre, our commercial neighbour to the West, is a Victorian school building. This was built with large windows set high in the walls to allow in lots of daylight, but which offer no views of the outside at all. This is so that the pupils would not be distracted. The cill heights prevent overlooking and the ground floor windows are also fitted with obscure glass. Although small, the new garden area will actually have a good degree of privacy and will function well as an outdoor extension to the living space without creating a significant maintenance burden.

Number 3 New Street, the property immediately opposite our proposed new dwelling, is offset to it. The west most first floor window, to their bedroom, is at an oblique angle to the nearest proposed new window. It is a dormer window set into a pitched roof with slated cheeks. This means that it has an angled line of sight to the bedroom across the street and could not constitute harmful overlooking. The other window is the bathroom window which is obscured. The distance across the street between the existing houses and the proposed new dwelling is the same as all the other houses opposite each other in the rest of the lane. Many of these now have dormer extensions with windows right on the building line. Respectful privacy is readily maintained at this level of proximity by the use of blinds and curtains. Within the context of the close knit urban streetscape the new development would not constitute crammed infill housing as much as a continuation of the residential nature of the rest of the street. The existing flat roofed outbuilding with its boxed in water tank on top currently makes very little architectural sense in the lane. Although our address is currently 23 Edinburgh Rd., we rarely use our front door. We come and go via New Street and are very much part of its tight knit little community. We have worked hard to design a building that can fit effectively and comfortably into the lane. We have shown our neighbours the drawings of our proposed new dwelling and they understand how it will fit alongside their properties and into the built environment that we all share. I am sure that this is the other reason that there were no objections to our proposal.

Gardner and Angela Molloy

My wife and I were both brought up in Port Seton. In the course of the last 30 years we have lovingly restored two historic properties in Cockenzie, worked locally and brought up our family. It is time to move on to the next phase of our lives. We would like to build a modern, efficient and green dwelling in what was originally the toilet block for the old school next door. This building currently serves as a store for the tools and equipment I need to run my stone carving business. Although our address is Edinburgh Road, this building and our current back yard is on New Street and we always come and go out the back. We consider ourselves very much part of the New Street community, participating in the social life of the lane and organising the communal gala flags and Christmas lights. We do not want to leave this lovely locality or make any detrimental changes to it.

Now that our family has grown up and left us we no longer fit the large and spacious rooms of what was the headmasters' house to the Victorian school building next door. Although we have carefully and conscientiously restored and reinstated the period features of our old house and established a mature garden, the maintenance requirements of all this are onerous. As we get older we would like to be in a smaller, more convenient building with much lower energy usage.

As a stone mason I have always worked on old and historic buildings. I understand how these work, why they were made the way they were and how they come to have the appearance they do. I also understand why many modern buildings that try to use traditional materials fail to realise their potential. We have designed the building to fit with the existing rubble stone built frontage to New Street, and into the street itself. The use of lime render with some natural stone detailing will ensure that the new building quickly blends in with its neighbours. It is a contemporary building that sits well within the traditional context. The larger roof to the rear will allow a large, integrated solar PV advantage to help minimise utility bills and carbon emissions. Its' low wall head will not overwhelm the small galley garden we propose, to allow the Old School House to have 2 car parking spaces with room to turn. This means that the new development will not result in any extra parking on the lane.

Gardner Molloy



John Muir House Haddington EH41 3HA Tel: 01620 827 216 Email: planning@eastlothian.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100415987-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

convert existing workshop (former school toilet block) in rear ground of 23 Edinburgh Road, Cockenzie to form new dwelling at 18 New Street, Cockenzie

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="architecturejfltd"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Julian"/>	Building Name:	<input type="text" value="Gullane Business Centre"/>
Last Name: *	<input type="text" value="Frostwick"/>	Building Number:	<input type="text" value="12a"/>
Telephone Number: *	<input type="text" value=""/>	Address 1 (Street): *	<input type="text" value="Lammerview Terrace"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Gullane"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH31 2HB"/>
Email Address: *	<input type="text" value=""/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr and Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Gardner & Angela"/>	Building Number:	<input type="text" value="23"/>
Last Name: *	<input type="text" value="Molloy"/>	Address 1 (Street): *	<input type="text" value="Edinburgh Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Cockenzie"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH32 0HL"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

East Lothian Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

18 New Street, Cockenzie

Northing

675673

Easting

340134

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

several email conversations from 061119-200820 defining relevant Policies applicable to determination of a formal application. Principle initial concerns regards use of contemporary form and materials in a Conservation Area and parking provision

Title:

Mr

Other title:

First Name:

David

Last Name:

Taylor

Correspondence Reference Number:

Date (dd/mm/yyyy):

20/08/2020

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

304.00

Please state the measurement type used:

Hectares (ha)

Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

workshop and garden ground to private dwelling

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes

No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes

No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes

No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes

No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

recycling box and wheelie bin provision shown

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Julian Frostwick

On behalf of: Mr and Mrs Gardner & Angela Molloy

Date: 20/05/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

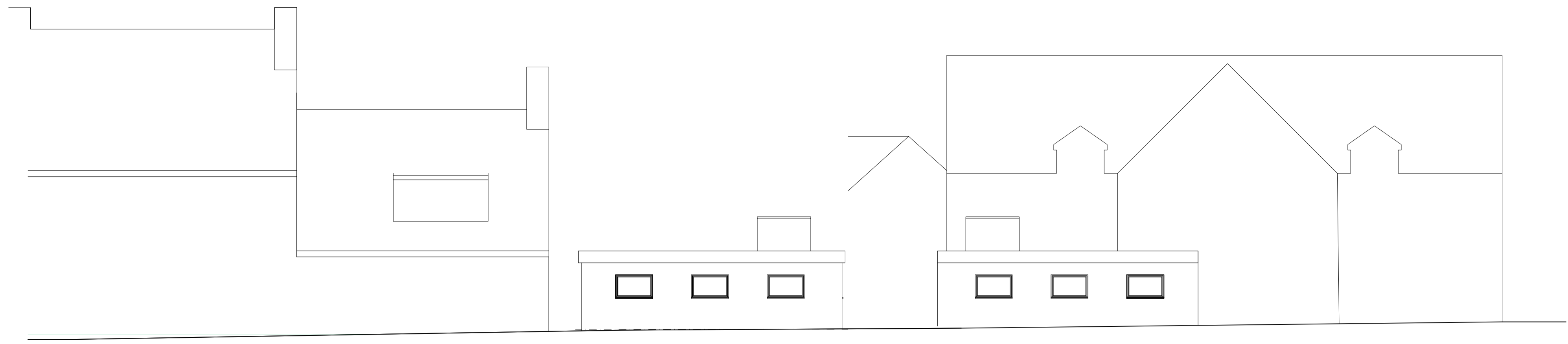
Declaration Name: Mr Julian Frostwick

Declaration Date: 20/05/2021

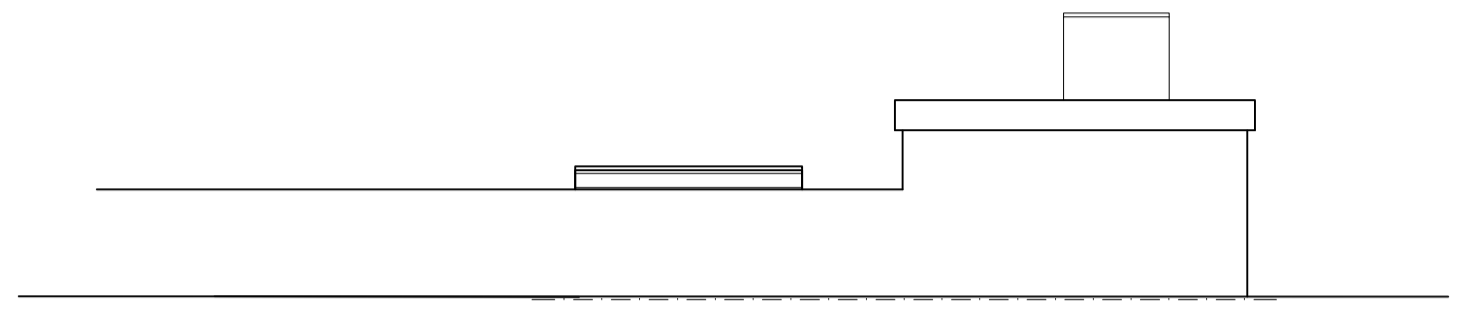
Payment Details

Pay Direct

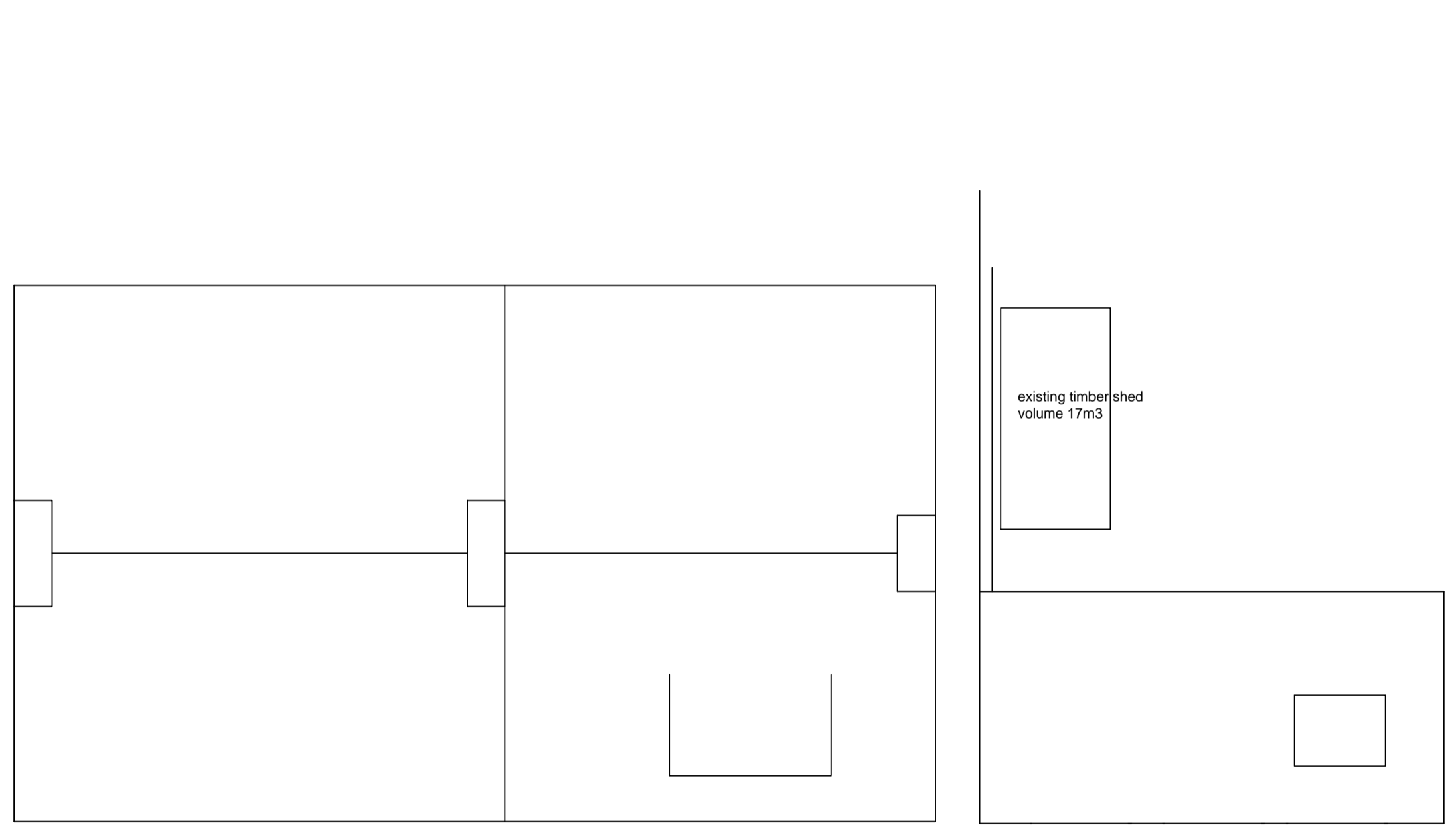
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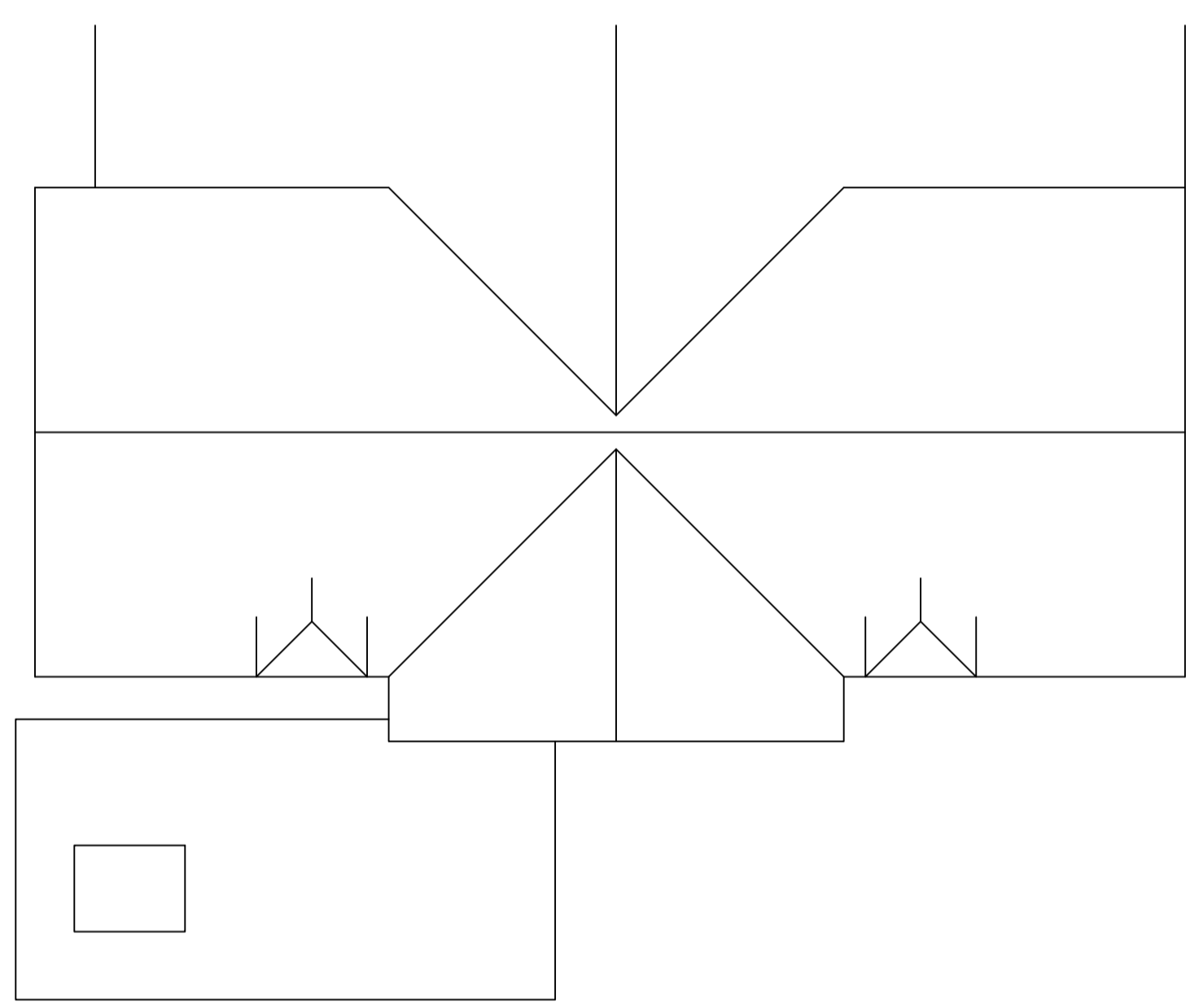
NORTH ELEVATION



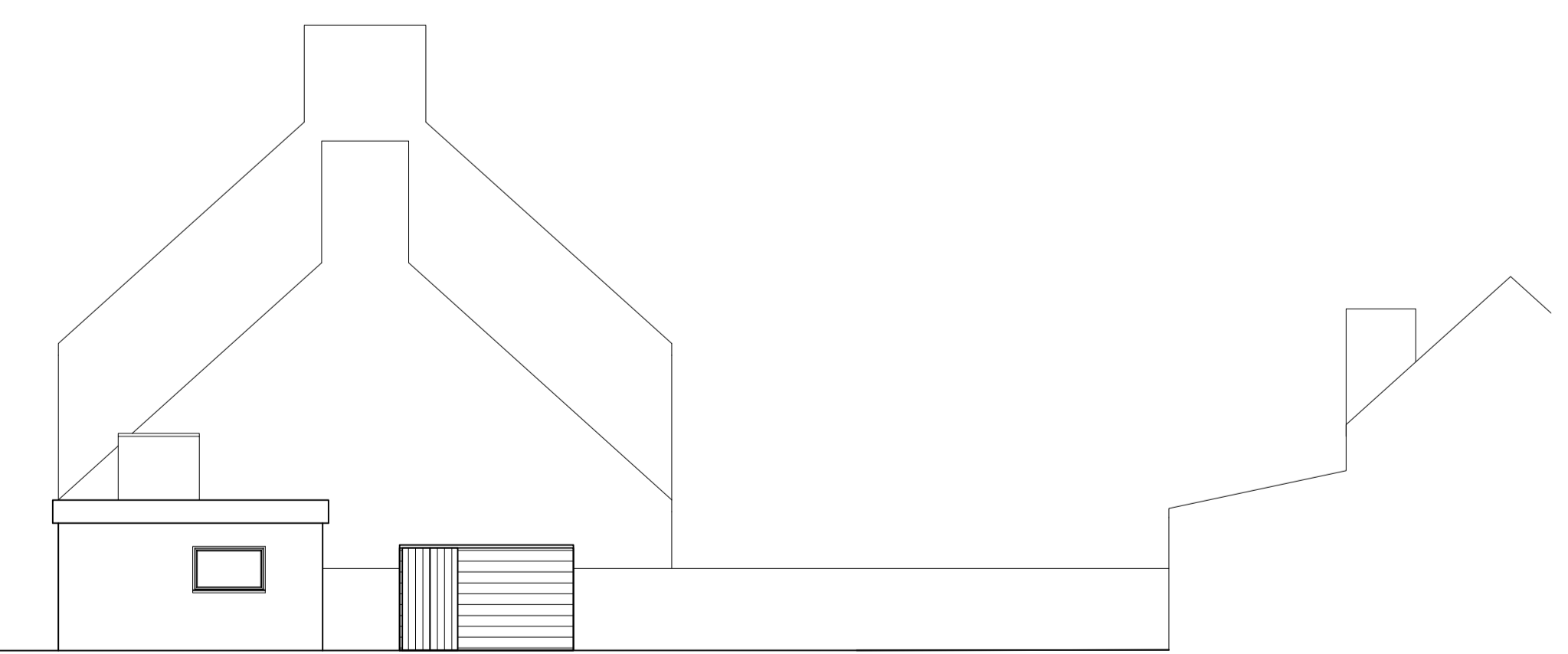
EAST ELEVATION



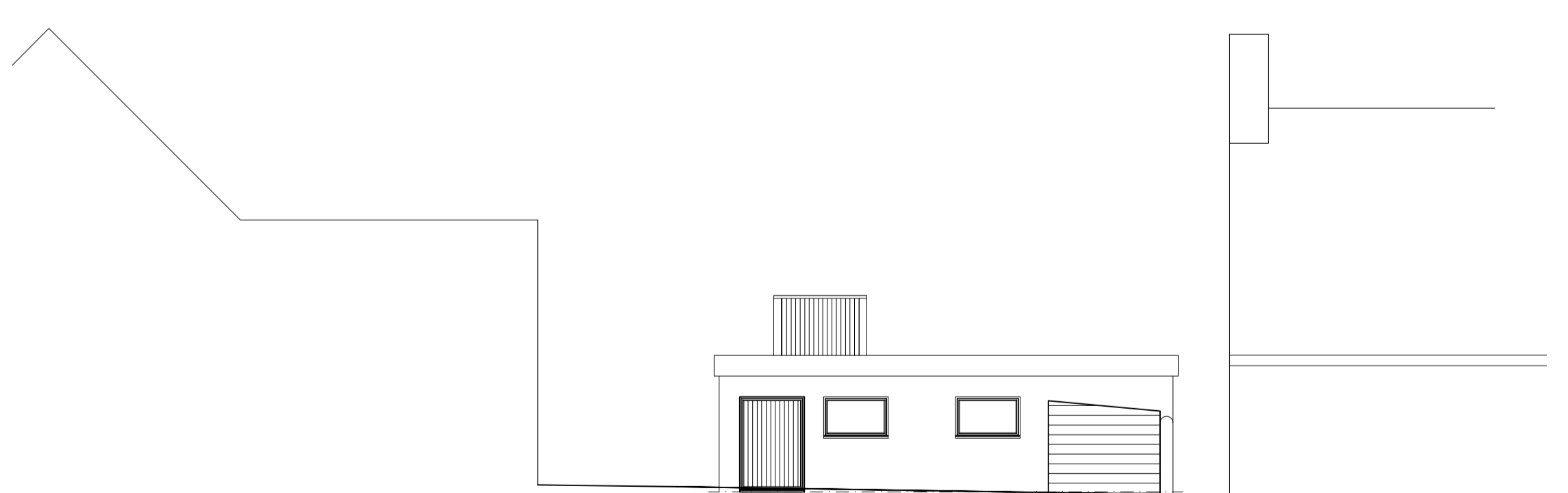
ROOF PLAN



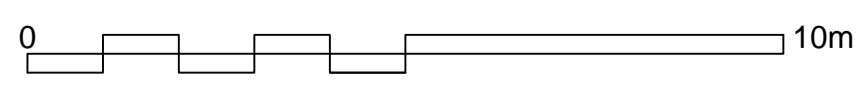
FLOOR PLAN



WEST ELEVATION



SOUTH ELEVATION

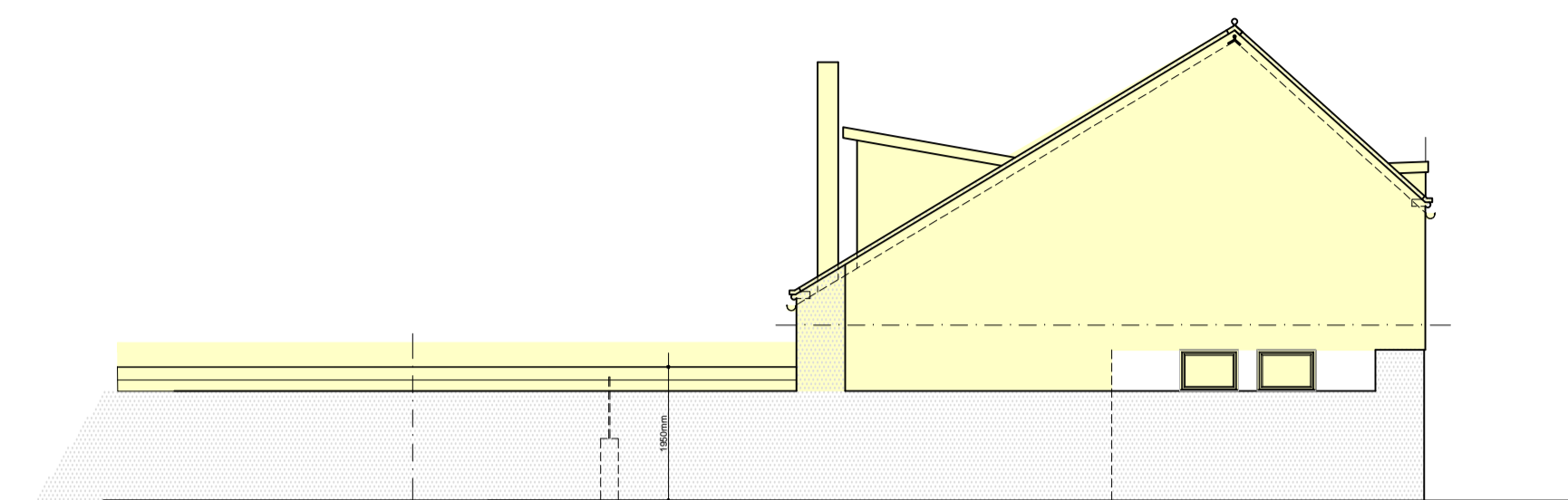


existing timber shed
volume 17m3

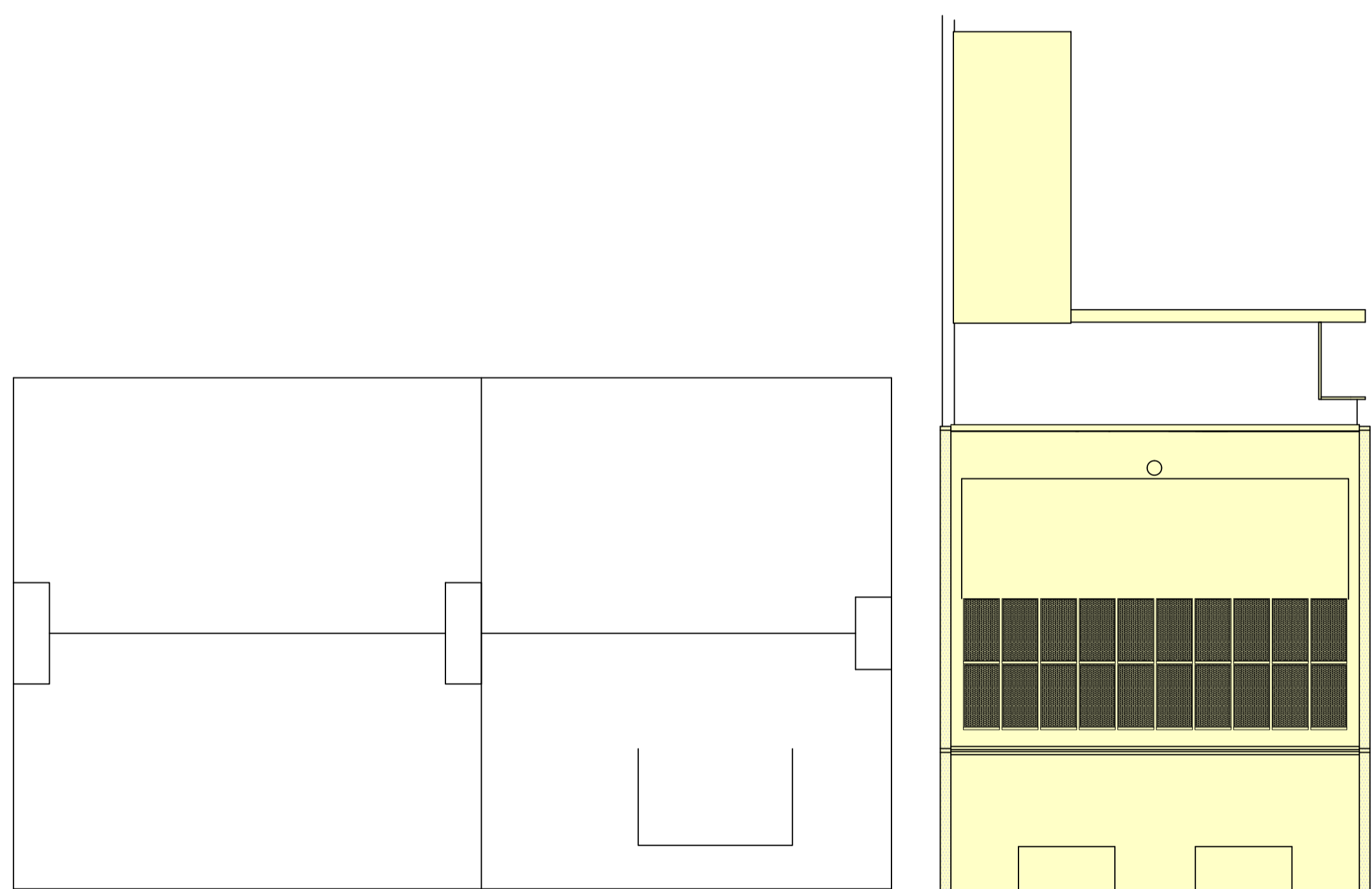
date	description	revision
architecturejfld		
<small>Gullane Business Centre 12a Lammervue Terrace, Gullane, East Lothian EH31 2HB</small>		
<small>t: 01620 84 5555 e: architecturej@btconnect.com f: 01620 84 5559</small>		
project		
Proposed New Dwelling		
18 New Street		
Cockenzie		
for Mr & Mrs G & A Molloy		
drawing		
As Existing		
Plans & Elevations		
scale	date	drawn
1:100@A1	Sep 20	mm/jf
project no.	drawing no.	revision
19:20	AD(0)01	-



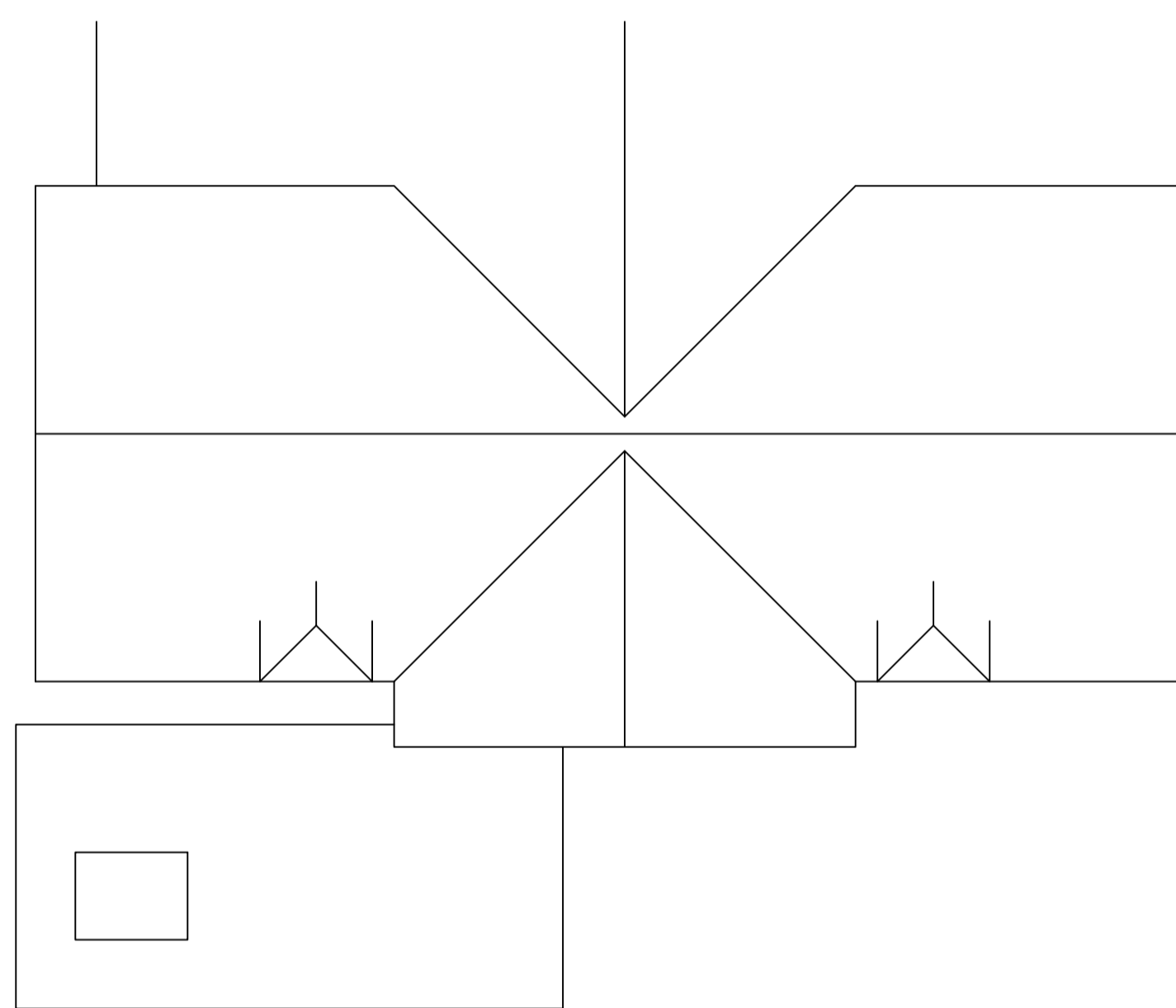
NORTH ELEVATION



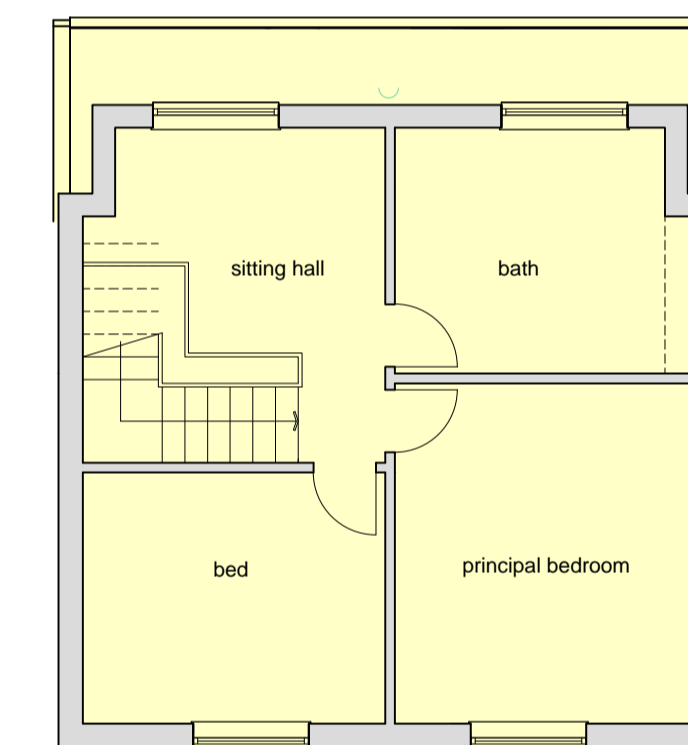
EAST ELEVATION



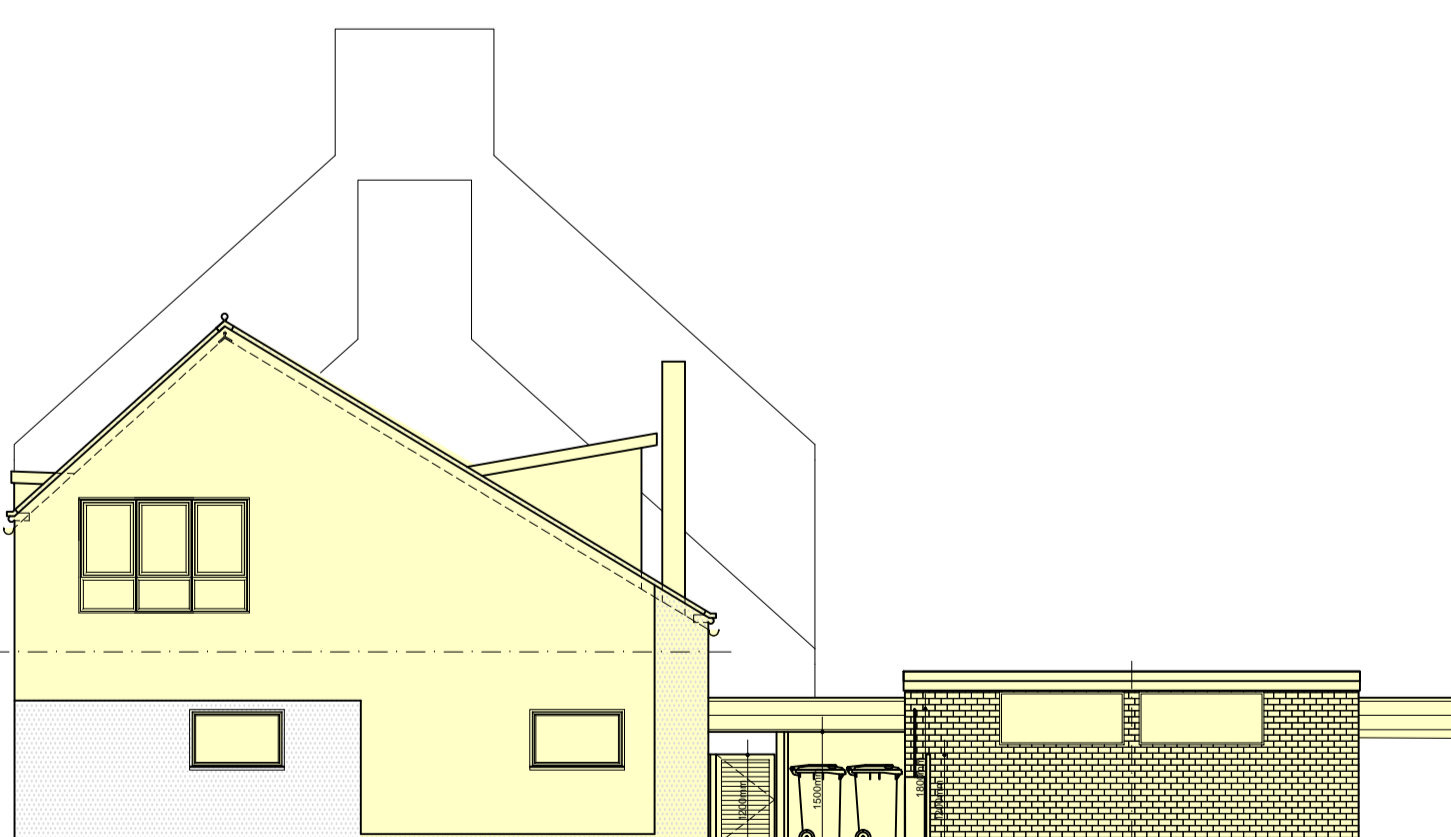
ROOF PLAN



GROUND FLOOR PLAN



FIRST FLOOR PLAN



WEST ELEVATION



SOUTH ELEVATION

External Finishes/Materials

Walls: to proposed house; lime render Mason's Mortar Facade 400 colour 7C, and light buff sandstone - including window surrounds, skews and copes. *note stonework shown dotted hatch. To sheds and low rear garden wall; reclaimed buff colour brick

Roofs: to street front; reclaimed welsh slate, Redbank roll top clay ridge tile colour buff, St.Astier traditional lime mortar skew. To rear; slate and in line solar photovoltaics GB-Sol integrated panels. Dormer; dark grey single ply membrane. Shed roofs: flat reclaimed Sterreberg Courtrai Belgian Pantiles, orange/ochre colour

Rainwater goods: 110mm semi elliptical deepflow steel gutter and 75mm diameter circular downpipes; unpainted galvanized finish

Front door: INTERNORM GA ref AT410 colour Biege Grey RAL 7006

Rear Sliding doors: aluminium framed colour Biege Grey RAL 7006, clear glazing

Shed doors: vertical timber boarding, untreated

Windows: white aluclad timber, clear glazing (obscure to bathroom and No.18 shed)

Flue: Poujolat STI Chimney self supported chimney stack with rain cap, colour black

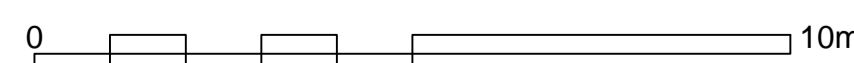
Slabs: Marshalls Fairstone Sawn Versuro Linear; colour Antique Silver

Fence: 1000mm height (atop 800mm high brick wall) 'Screen with Envy 'Alhambra' panels to total height 1800mm. Screen to back of bin storage height 1500mm. Screen colour Dove Grey. Horizontal timber boarding atop east stone boundary wall: 700mm height atop wall to obscure sheds; painted dove grey

Gates: pedestrian and vehicular; 1200mm height horizontal larch boarding in 80x40mm galvanized steel box section frame

Shared driveway: paviers

Car chargers: Chargestorm Connected 2 910-17028 or equal single wall mounted charger



date	description	revision
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architecturejfltd

Gullane Business Centre
12a Linnervue Terrace, Gullane, East Lothian EH31 2HB
t: 01620 84 5555 e: architecturej@btconnect.com f: 01620 84 5559

project
**Proposed New Dwelling
18 New Street
Cockenzie
for Mr & Mrs G & A Molloy**

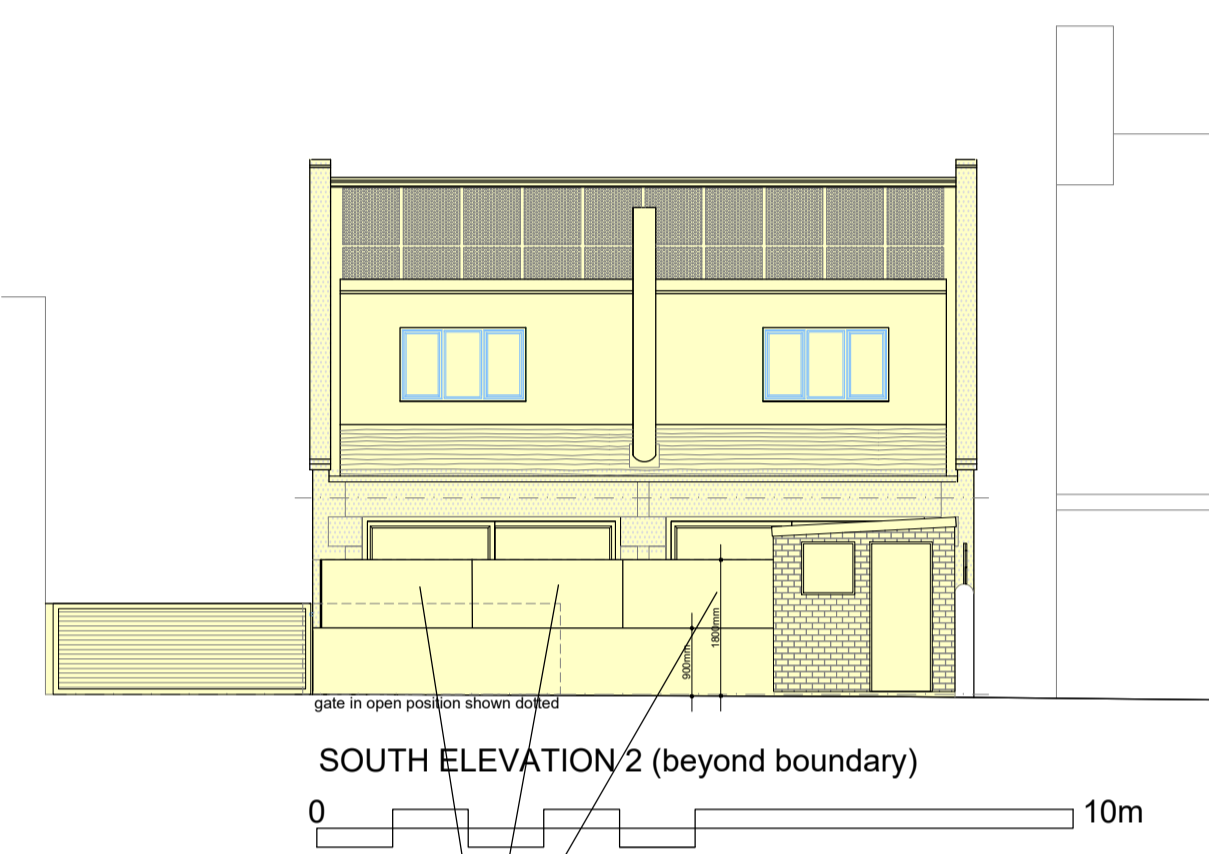
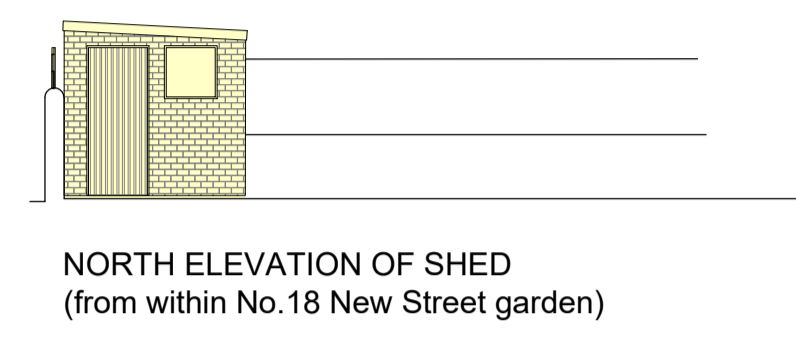
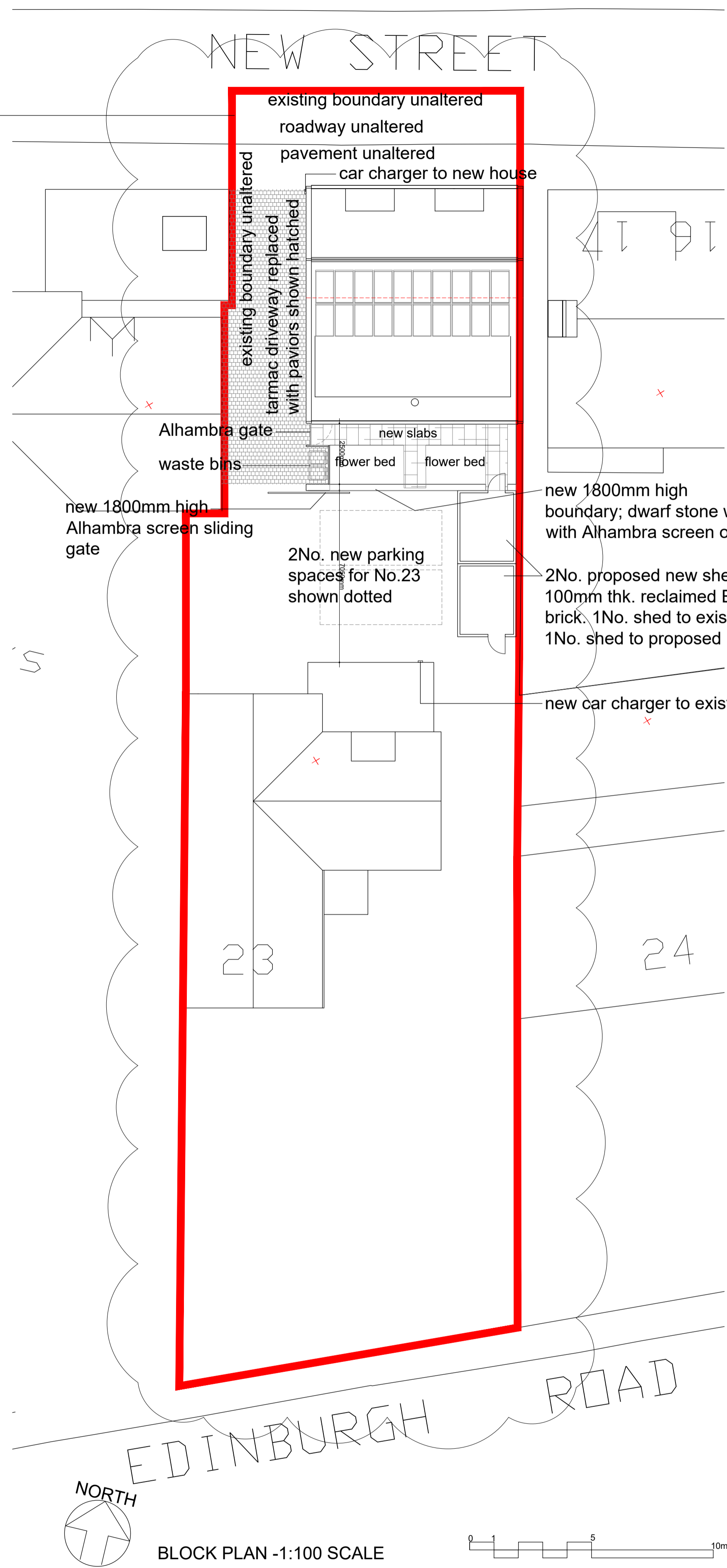
drawing
**Proposed
Plans & Elevations**

scale date drawn
1:100@A1 Nov 20 mm/jf

project no.	drawing no.	revision
19:20	AL(0)01	110521

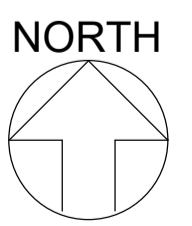
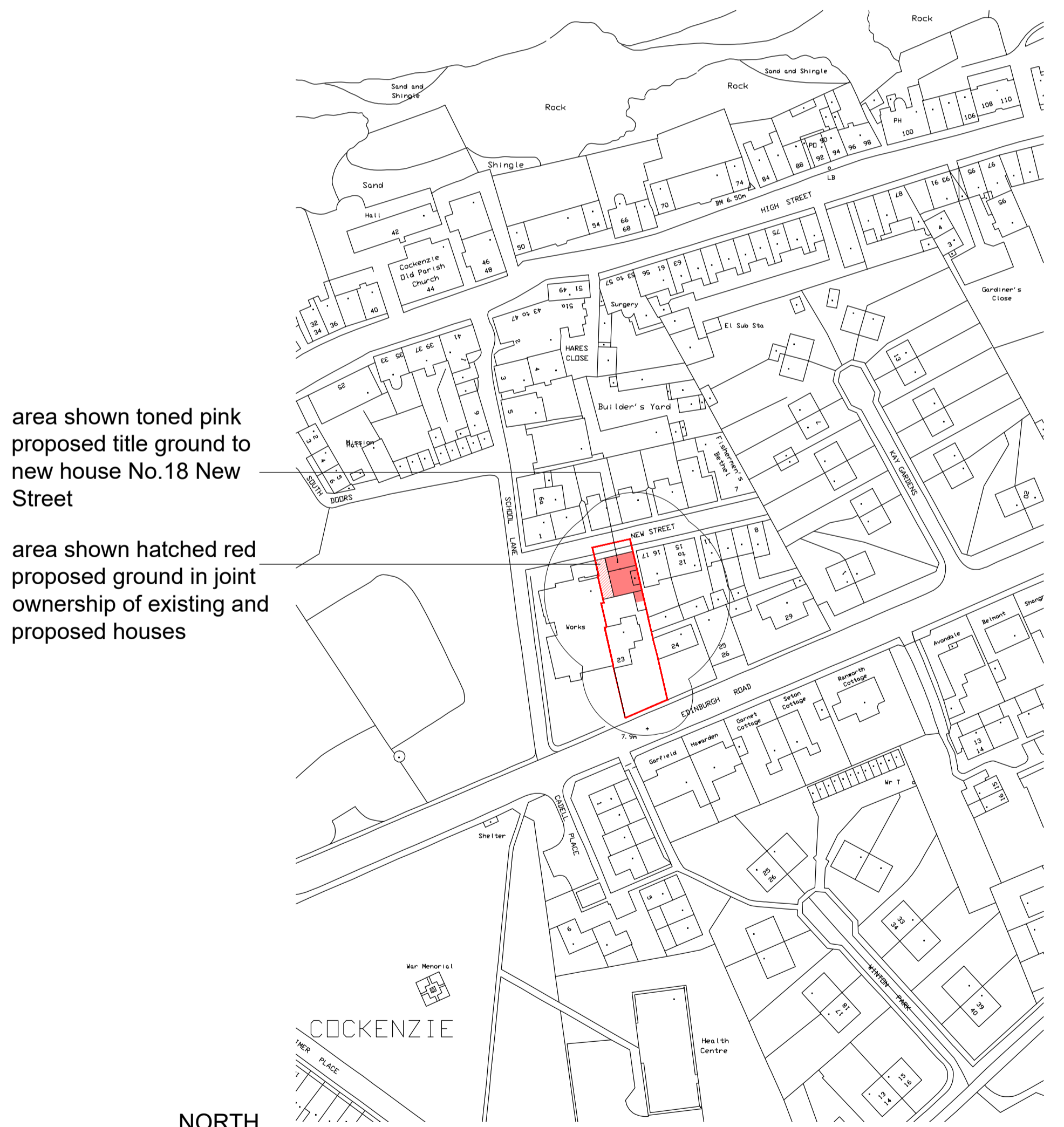
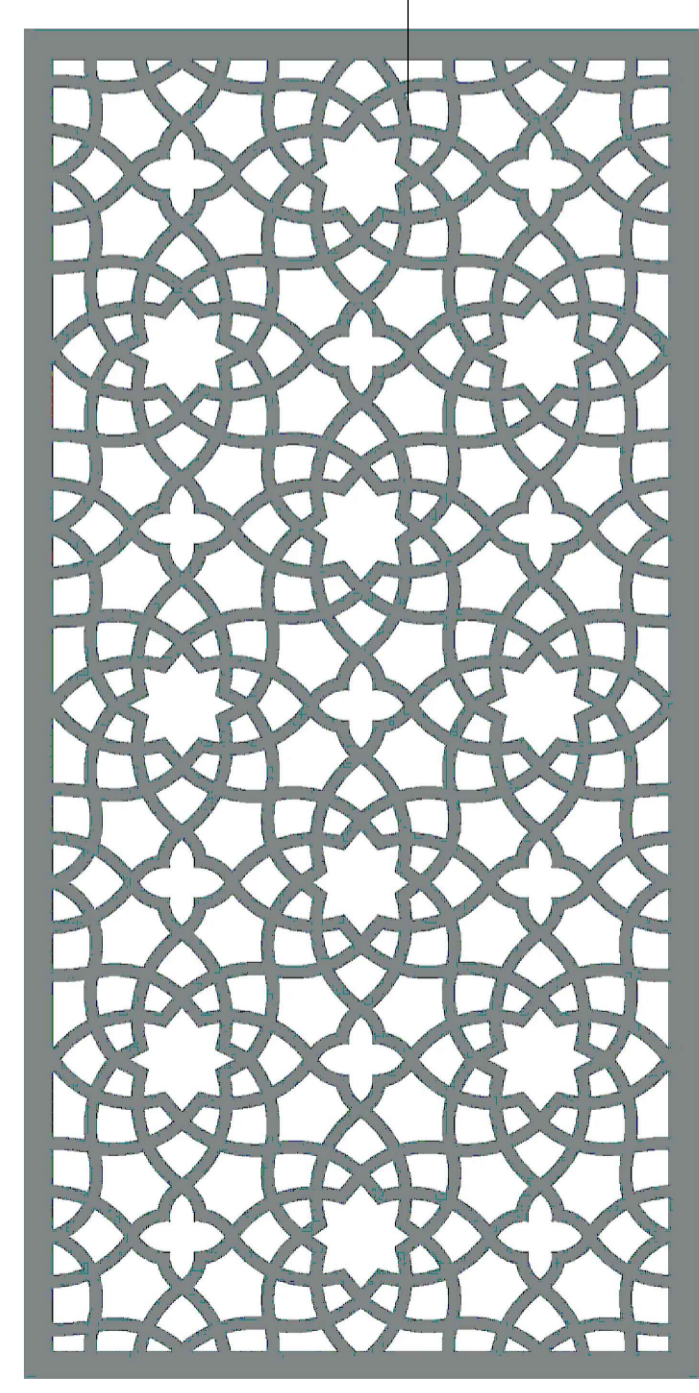
application site boundary shown solid red line, site area 682.40sq.m

*all works within application boundary and within ground in ownership of the applicant

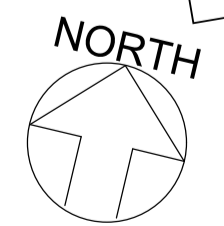


Alhambra screen detail as gate below (rotated)

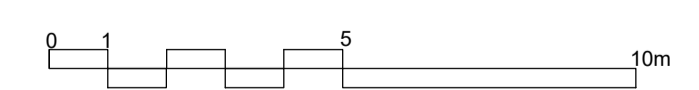
Alhambra pedestrian gate detail NOT TO SCALE (900mm x 1800mm)



LOCATION PLAN -1:1250 SCALE



BLOCK PLAN -1:100 SCALE



Jun 21 - red line application site boundary amended - RevA
date description revision

architecturejfltd

Gullane Business Centre
12a Lammermuir Terrace, Gullane, East Lothian EH31 2HB
t: 01620 84 5555 e: architecturej@btconnect.com f: 01620 84 5559

project
Proposed New Dwelling
18 New Street
Cockenzie
for Mr & Mrs G & A Molloy
drawing
Location and Block Plans, shed elevation, South Elevation 2, screen & gate detail

scale	date	drawn
1:100, 1:1250 & nts@A1	Sep 20	jf
project no.	drawing no.	revision
19:20	AL(0)100	100621

OFFICER REPORT

9th August 2021

App No. **21/00654/P**

Application registered on **10th June 2021**
Target Date **9th August 2021**

Proposal	Conversion and extension to domestic outbuilding to form 1 house, erection of 2 sheds, formation of 2 vehicle parking spaces and associated works.	SDELL	N
		CDEL	N
Location	Rear Garden Of 23 Edinburgh Road Cockenzie East Lothian	Bad Neighbour Development	N

APPLICANT: **Mr And Mrs Molloy**

Is this application to be approved as a departure from structure/local plan? N

**c/o Architecturejfltd
Per Julian Frostwick
Gullane Business Centre
12A Lammerview Terrace
Gullane
EH31 2HB**

DECISION TYPE:

Application Refused

PLANNING ASSESSMENT

The application relates to the 2-storey semi-detached house of 23 Edinburgh Road and its garden ground located within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. It is within Cockenzie and Port Seton Conservation Area.

The application site is rectangular in shape and measures some 682 square metres in size. The house at 23 Edinburgh Road is oriented to face south and abuts a former school building, now in use as the Cockenzie Business Centre, to the west. To the south of the house is its front garden ground with the public road of Edinburgh Road and residential properties beyond. The northern part of the site constitutes the rear garden ground of the house at 23 Edinburgh Road and provides vehicle parking for that house with a vehicular access onto New Street beyond. A small detached outbuilding is located in the northeast corner of the rear garden adjacent to the northern boundary of the application site. That building is in use as storage associated with the existing house and is accessed from its garden ground to the south. An existing timber shed is also located within that rear garden ground. The site is enclosed to the east by a stone boundary

wall. To the southeast of the site is the residential property of Duncan Cottage and to the northeast is the house at 16 New Street.

Planning permission is sought for the (i) conversion of the outbuilding located in the northeast corner of the application site to a house. To facilitate its conversion to a house it is proposed to add a part first floor extension and part single storey extension with dormers to the building to form a 1 two-bedroomed house. (ii) the erection of 2 sheds one for each of the existing house and one for the proposed new house in the rear garden of 23 Edinburgh Road and (iii) the formation of 2 new parking spaces with associated electrical charging point in the rear garden of 23 Edinburgh Road for use by the occupants of that existing house.

The outbuilding the subject of the proposed conversion is finished in stone and has a flat roof. It is some 9 meters in length, 4.5 meters in width and some 2.6 meters high. A tank compound projects some 1.2 meters from its flat roof. Two door openings and two window openings are featured on its south elevation. There are a further three small windows within the north elevation onto New Street and one window opening on the west elevation.

It is proposed that the house resulting from the conversion of the outbuilding would front directly on to New Street. Detailed works of alteration to facilitate the proposed conversion of that outbuilding to form one house would involve:

- (i) removal of the existing flat roof;
- (ii) raising of the eaves height of the north elevation wall of the building by some 1800mm, including the infilling and alteration of existing window openings and the formation of a door opening within that wall;
- (iii) demolition of the south elevation wall and the erection of a new south elevation wall with eaves height raised by some 450mm and repositioned some 4.8 meters to the south, including the formation of 2 sets of patio-style sliding doors within that wall;
- (iv) the extension of the east and west elevation walls some 4.8 meters to the south and the raising of the eaves height of those walls by 1800mm to the north and by 450mm to the south through the formation of gable walls at the east and west ends of the building extending to a ridge height of some 7 meters from ground level, including the formation of 2 window openings in the east elevation wall, alteration of an existing window opening in the west elevation wall, and the formation of window openings at ground floor and first floor levels in the new west gable wall; and
- (v) erection of a new asymmetrical pitched gabled roof to a ridge height of some 7 meters from ground level to provide roofspace accommodation and composed of a steep north roofslope pitch featuring 2 dormers and a longer gradual south roofslope pitch featuring 2 dormers, photovoltaic panels and a flue.

The heightened and new external walls of the proposed house would be finished in lime render with some use of buff sandstone on window surrounds, skews and copes. The pitched roof would be finished in reclaimed welsh slate. Window openings would feature white aluclad timber frames and the external front door would be of timber coloured to beige grey. The patio-style sliding doors on the south (rear) elevation of the proposed house would be finished in beige grey aluminium frames. All rainwater goods would be of galvanised steel.

A small area of land to the south of the building would be enclosed by a 0.9 meters high stone wall topped with Alhambra screening to an overall height of 1.8 meters and an Alhambra-style gate to provide an area of garden ground and a footpath to serve the proposed house.

The shed proposed for use by occupants of the new house would be erected to the south of the proposed house. It would be finished in brick with a mono-pitched roof finished in orange pantiles that would feature a door and window opening on the north elevation and a window on the west elevation. An electric vehicle charging point would be installed within the west elevation wall of the proposed house.

Planning permission is also sought within the application for: i) the erection of a further shed that would sit adjacent to the shed proposed for the new house;; ii) installation of an electric vehicle charging point; and iii) formation of 2 vehicle parking spaces, all within what would remain of the garden ground of the existing house of 23 Edinburgh Road and to serve the occupants of that house.

The proposed shed would be located to the north of the existing house and would abut that proposed for the new house. It would be finished in brick with a mono-pitched roof finished in orange pantiles and would feature a door and window opening on the south elevation and a window on the west elevation. The proposed electric vehicle charging point would be installed within the north elevation wall of the existing house of 23 Edinburgh Road.

The proposed vehicle parking spaces would be formed within part of the garden that would remain as garden ground of 23 Edinburgh Road. These vehicle parking spaces would be to the north of that existing house and would be accessed through the existing hardsurfaced driveway which is to be surfaced with pavements. This access is taken from New Street and to the west of the proposed new house. No off-street parking is proposed for the house to be formed from the conversion of the existing outbuilding.

In support of the application the applicant has submitted a statement informing that the conversion of the existing outbuilding to a house would allow the occupants of 23 Edinburgh Road to move into a smaller, more suitable property whilst remaining in the immediate area. The statement further informs that the proposed conversion has been designed to provide a contemporary house that will accord with the existing streetscape of New Street through use of lime render with some natural stone and will benefit from reduced carbon emissions. It goes on to purport that the layout of the proposed house will permit the formation of 2 new off-street vehicle parking spaces to serve the existing house at 23 Edinburgh Road thus resulting in no additional on-street parking.

The applicants agent has stated in drawings submitted as part of the application that the area of land to the north of the existing house of 23 Edinburgh Road and to the west of the proposed new house on which a driveway would be formed would be in the joint ownership of the applicant and any future occupants of the proposed new house.

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 (ELLDP).

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Policies RCA1 (Residential Character and Amenity), CH2 (Development

Conservation Areas), DP2 (Design), DP5 (Extensions and Alterations to Existing Buildings), DP7 (Infill, Backland and Garden ground Development), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the ELLDP are relevant to the determination of the application.

Material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development within a conservation area given in Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

Also material to the determination of the application is Supplementary Planning Guidance (SPG) on 'Cultural Heritage and the Built Environment' adopted by the Council on 30th October 2018. The SPG expands on policies that are set out in the East Lothian Local Development Plan 2018 and it provides policy guidance on replacement windows in buildings which are in a conservation area.

No public objection to the application has been received.

Cockenzie & Port Seton Community Council have made no comment on the application. The Council's Landscape Officer has been consulted and has responded that the proposals raise no landscape concerns.

The Council's Environmental Health Service have been consulted and have responded no comment.

The application site is part of a wider area characterised as being of residential character and amenity by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. Policy RCA1 does not actively promote the development of land for new residential development. The principal purpose of Policy RCA1 is to ensure that the predominantly residential character and amenity of existing housing areas is safeguarded from the adverse impacts of uses other than housing. However, Policy RCA1 does state that proposals for new development will be assessed against appropriate local plan policies, which in the case of infill, backland and garden ground development is Policy DP7 of the adopted East Lothian Local Development Plan 2018.

The conversion and extension of the existing outbuilding, due to its location within a predominantly residential area. There are neighbouring residential properties to the east, north and south. The proposed use of the building as a house is a use that would be compatible with the residential character of this area of Cockenzie consistent with Policy RCA1 of the adopted East Lothian Local Development Plan 2018.

Thereafter, the material consideration in this case is whether, having regard to national, strategic and local planning policies and guidance, and other material considerations, the conversion of and alteration to the building to use as a house would have an adverse impact on the character and amenity of the area, including its impact on neighbouring residential properties, and the character and appearance of the conservation area, and whether the proposed development could be provided with a safe means of vehicular access and a satisfactory provision of on-site parking and turning.

The existing outbuilding is single storey in height and has a footprint of some 40 square meters. It has a flat concrete roof and its external walls are finished in stone. Together with the existing driveway which would continue to serve the existing house, it occupies the entire width of the northern part of what currently is the garden of the house of 23 Edinburgh Road. The part of that garden adjacent to the north elevation of the outbuilding is hardsurfaced and is presently used as an informal storage area for the house.

The proposed scheme of conversion for the outbuilding would create a house with a footprint of some 77 square meters within a plot of some 109 square meters. That house would be composed of a main entrance taken from New Street and a living/dining area, kitchen and WC/shower room at ground floor level, with two bedrooms, a sitting hall and a bathroom within its roofspace. A small area of rear garden ground would be provided to the south of the house. The proposed use of the building as a house would be in keeping with the predominantly residential area in which the building is located.

The existing outbuilding occupies a prominent position on the south side of New Street where it sits alongside houses and buildings of a variety of architectural forms and character.

The existing out building whilst of a flat roofed form is, with its stone walls, of some character. The principal alterations to the outbuilding consist of the addition of first floor and rear extensions and the addition of a replacement roof. These extensions would significantly change the character of the building. However the proposed new first floor extension would be of an appropriate scale and character to ensure it would sit comfortably on the existing building. It would not in its addition to the outbuilding be an overdevelopment of it. Whilst the use of lime mortar for its walls would appear different to the stone walls of the existing building, this difference would not in the context of New Street be harmful to either the character and appearance of the building or to the streetscape of this part of New Street. It would create a building that would sit comfortably in its setting within New Street and alongside the variety of existing houses and buildings that front onto it. Therefore the proposed first floor and rear extensions would be visible, they would not be harmful to either the character and appearance of the building or to the character and appearance of this part of the Cockenzie and Port Seton Conservation Area.

The other proposed alteration to the enlarge an existing window opening on the north elevation of the building to form a door would not radically alter the appearance of the building or cause it to appear harmfully dominant and intrusive within the streetscape. It and would not be harmful to the character and appearance of this part of the Cockenzie and Port Seton Conservation Area.

All of the windows of the proposed extension and the replacement windows proposed for the outbuilding would have white aluclad timber frames. The use of aluminium as the construction material for the frames of new glazed door openings is not usually supported in a conservation

area. However very few traditional timber framed sash and case windows remain on the buildings in New Street and the extensive window replacement which has, in a variety of window styles and materials, already taken place in New Street now defines the character of this part of the Conservation Area. Therefore in this context the use of aluclad windows would not appear intrusive and would not harm the character and appearance of this part of the Cockenzie and Port Seton Conservation Area.

By virtue of their size, form, appearance, and their positioning on the proposed south (rear) roof slope of the building, the proposed photovoltaic panels and flue would not be readily visible from public views and would not be an overdevelopment of that roof slope on which they would be installed. Therefore they would not harm the character and appearance of this part of the Cockenzie and Port Seton Conservation Area.

A number of buildings in the locality of this part of the Cockenzie and Port Seton Conservation Area have roof-mounted flues of differing sizes. Thus, subject to the proposed flue being coloured to match as closely as possible the colour of the surface of the roof or wall on which it would be installed, a detail that can be controlled by a condition attached to a grant of planning permission for the proposed development, it would not be harmful to the character and appearance of the proposed house or of this part of the conservation area.

All of the proposed alterations to the building would be in keeping with the character and appearance of the building and the wider conservation area. As sympathetic alterations to the building, they would not cause the building to appear harmfully dominant and intrusive within the streetscape and would not be harmful to the character and appearance of this part of the Cockenzie and Port Seton Conservation Area.

The proposed sheds, enclosures and hardsurfaces by virtue of their positioning to the north of the existing outbuilding and due to their size, scale, form, style, materials and finishing, would not be inappropriate to the character of this part of conservation area. They would not harm the character and appearance of this part of the Cockenzie and Port Seton Conservation Area.

Notwithstanding that the alterations and extension of the outbuilding to form a house would not be harmful to the character and appearance of this part of the Cockenzie and Port Seton Conservation Area Local Development Plan policies DP2 and DP7 require, amongst other considerations, that new development should not result in any significant loss of daylight, sunlight to adjoining properties as a result of overshadowing or overlooking, and that the occupiers of the proposed development should also enjoy sufficient privacy and amenity.

Policy DP7 supports infill and garden ground development in settlements provided that a number of criteria are met. It is stated in Policy DP7: Infill, Backland and Garden Ground Development of the adopted East Lothian Local Development Plan that development will be supported where 1) the site can accommodate the entire development, including an appropriate amount of open space, satisfactory vehicle and pedestrian access, car parking and where necessary vehicle turning; and 2) The occupants of the existing neighbouring development experience no significant loss of privacy and amenity and occupants of any new development must also enjoy privacy and amenity.

Given the location of the building in relation to neighbouring residential properties the proposed use of the building as a house would not harmfully affect the amenity of the occupants of neighbouring residential properties through loss of daylight or sunlight.

On the matter of privacy and amenity it is the practice of the Council, as Planning Authority in the case of a proposed new development to apply the general rule of a 9 metres separation distance between the windows of a proposed new building/extension and the garden boundaries of neighbouring residential properties and a 18 metres separation distance between directly facing windows of the proposed new building/extension and the windows of existing neighbouring residential buildings.

The ground floor windows proposed for the north (front) elevation of the house proposed from the conversion of the existing outbuilding would serve a kitchen area. These windows would face towards the ground floor windows on the south elevation of the house of 3 New Street at a distance of less than 18m. However those windows would not allow for overlooking of the ground floor windows of 3 New Street that would significantly differ to that already possible from the public road of New Street. Therefore they would not allow for harmful overlooking.

The proposed windows within the dormers to be formed in the south (rear) elevation roof slope of the proposed extension would face towards what would remain of the rear garden ground of the existing house of 23 Edinburgh Road to the south at a distance of less than 9 metres. Floor plans show that the window within the south elevation of the easternmost dormer proposed for the south (rear) roof slope would serve a sitting hall and that the window within the south elevation of the westernmost dormer proposed for that roof slope would serve a bathroom and would be obscurely glazed. Furthermore, the area of garden ground of 23 Edinburgh Road onto which they would face is already overlooked by existing windows within the east elevation of the adjacent Cockenzie Business Centre building to the west. Therefore as that area of rear garden ground of the house at 23 Edinburgh Road is already overlooked it does not currently enjoy any degree of privacy and amenity. Therefore the windows of the dormers to be formed on the south elevation roof slope of the proposed extension would not allow for harmful overlooking.

The outbuilding sits on a tightly constrained site that fronts onto and is readily visible from New Street. Floor plans for the proposed house show that the windows to be formed within the north elevation of the two dormers to be formed on the north (front) elevation roof slope would both serve bedrooms. These windows would face towards the first floor windows on the south elevation of the house of 3 New Street at a distance of only 9 meters. Thus as there would be significantly less than 18 metres between those windows they would allow for harmful overlooking of the windows of that neighbouring house contrary to Policies DP5 and DP7 of the adopted East Lothian Local Development Plan 2018.

Likewise the first floor windows of 3 New Street would overlook the first floor bedroom windows of the proposed house. Therefore the occupants of the proposed new house would not enjoy sufficient privacy and amenity contrary to Policy DP7 of the adopted East Lothian Local Development Plan 2018.

A small area of garden ground some 2.7m in width and some 8.5m in length would be enclosed to the south of the outbuilding for use by the occupants of the new house to be formed within it. That area of garden would be enclosed by a 0.9 meters high stone wall topped with Alhambra

screening to a height of 1.8 meters. However, that area of the garden is overlooked by the windows in the ground floor and first floor in the east elevation of the building that occupies the site to the west – Cockenzie Business Centre. Therefore and as there is no room to provide alternative an area of private garden within the site the occupants of the proposed new house would have no private amenity space associated with the house. Therefore the site is not of sufficient size for the occupants of the proposed house to be provided with any private garden ground for their privacy and amenity contrary to Policy DP7 of the adopted East Lothian Local Development Plan 2018.

The Council's Road Services have been consulted on the application. They advise that no off-street parking is to be provided for the proposed house that would be formed through the conversion of the existing outbuilding. The driveway to the west side of the proposed house would continue to serve as the only access to the two proposed vehicle parking spaces that are to be formed within the rear garden ground of the house at 23 Edinburgh Road for use by the occupants of that existing house. As there is no space to provide a parking space for the proposed house and as any parking demand would have to be accommodated on New Street the Council's Road Services cannot support the application and recommend that the application be refused planning permission. Accordingly, based on these circumstances that no off street parking would be provided for the proposed house and nor is there any land on which such parking could be provided, and due to the narrow constrained nature of the road of New Street, the proposed conversion and extension of the outbuilding to form a house would be contrary to Policies T2 and Policy DP7 of the adopted East Lothian Local Development Plan 2018.

Consequently the conversion and extension of the existing outbuilding to form one house would be a crammed form of infill housing development on a site not capable of accommodating the house without allowing for harmful overlooking of a neighbouring residential property or capable of providing any off street parking. The conversion and extension of the outbuilding to form 1 house would therefore be an overdevelopment of the site contrary to Policy DP7 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014.

In conclusion there are no material planning considerations that outweigh the fact that the proposed development is contrary to Policies DP5, DP7 and T2 of the adopted East Lothian Local Development Plan 2018.

REASONS FOR REFUSAL

- 1 The conversion and extension of the existing outbuilding to form one house would be a crammed form of infill housing development on a site not capable of accommodating the house without allowing for harmful overlooking of a neighbouring residential property or capable of providing any off street parking. Consequently the conversion and extension of the outbuilding to form 1 house would be an overdevelopment of the site contrary to Policy DP7 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014.
- 2 Due to its constrained nature, the proposed house resulting from the conversion of the existing outbuilding would fail to provide the future occupants of the proposed house with any private garden ground or amenity space to ensure that they would enjoy sufficient privacy and amenity. Furthermore as the windows in the first floor of the north elevation of the proposed first floor extension would be within 18 metres of the first floor windows of 3 New Street the occupants of the proposed house would not enjoy sufficient privacy and amenity in the bedrooms they would serve contrary to Policy DP7 of the adopted East Lothian Local Development Plan 2018.
- 3 As there would be significantly less than 18 metres between the windows of the dormers to be formed on the north elevation roofslope of the first floor component of the extension and the first floor windows in the south elevation of 3 New Street they would allow for harmful overlooking that neighbouring residential property. As the site is not of a size capable of accommodating the formation of a house within the outbuilding without allowing for harmful overlooking the proposal is contrary to Policies DP5 and DP7 of the adopted East Lothian Local Development Plan 2018.
- 4 As no on-site parking provision would be provided for the proposed house and as there is no land on which such parking could be provided the occupants of the proposed new house would have to park on New Street. As the site is not of a size capable of providing any off street parking for the proposed house the proposed development would be contrary to Policies DP7 and T2 of the adopted East Lothian Local Development Plan 2018.

LETTERS FROM

9th August 2021

App No. 21/00654/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**Mr And Mrs Molloy
c/o Architecturejfltd
Per Julian Frostwick
Gullane Business Centre
12A Lammerview Terrace
Gullane
EH31 2HB**

APPLICANT: Mr And Mrs Molloy

With reference to your application registered on 10th June 2021 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Conversion and extension to domestic outbuilding to form 1 house, erection of 2 sheds, formation of 2 vehicle parking spaces and associated works.

**at
Rear Garden Of 23 Edinburgh Road
Cockenzie
East Lothian**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 1 The conversion and extension of the existing outbuilding to form one house would be a crammed form of infill housing development on a site not capable of accommodating the house without allowing for harmful overlooking of a neighbouring residential property or capable of providing any off street parking. Consequently the conversion and extension of the outbuilding to form 1 house would be an overdevelopment of the site contrary to Policy

DP7 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014.

- 2 Due to its constrained nature, the proposed house resulting from the conversion of the existing outbuilding would fail to provide the future occupants of the proposed house with any private garden ground or amenity space to ensure that they would enjoy sufficient privacy and amenity. Furthermore as the windows in the first floor of the north elevation of the proposed first floor extension would be within 18 metres of the first floor windows of 3 New Street the occupants of the proposed house would not enjoy sufficient privacy and amenity in the bedrooms they would serve contrary to Policy DP7 of the adopted East Lothian Local Development Plan 2018.

- 3 As there would be significantly less than 18 metres between the windows of the dormers to be formed on the north elevation roofslope of the first floor component of the extension and the first floor windows in the south elevation of 3 New Street they would allow for harmful overlooking that neighbouring residential property. As the site is not of a size capable of accommodating the formation of a house within the outbuilding without allowing for harmful overlooking the proposal is contrary to Policies DP5 and DP7 of the adopted East Lothian Local Development Plan 2018.

- 4 As no on-site parking provision would be provided for the proposed house and as there is no land on which such parking could be provided the occupants of the proposed new house would have to park on New Street. As the site is not of a size capable of providing any off street parking for the proposed house the proposed development would be contrary to Policies DP7 and T2 of the adopted East Lothian Local Development Plan 2018.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;

- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
AD(0)01	-	21.05.2021
AL(0)01	110521	21.05.2021
AL(0)100	100621	10.06.2021

13th August 2021



Keith Dingwall
Service Manager - Planning

NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

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 5 of the Town and Country Planning (Scotland) Act 1997.