

REPORT TO: Planning Committee
MEETING DATE: 6 December 2022
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

7

Application No. **22/00990/P**

Proposal Erection of garden room/store as changes to the scheme of development the subject of planning permission 13/00650/P

Location **Plot 2 - Land South Of Turners House
High Road
Spott
Dunbar
East Lothian**

Applicant Mrs Michelle MacSorley

Per William Harley

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSAL

In June 2014, planning permission (Ref: 13/00650/P) was granted for the erection of 2 detached houses and associated works on an area of scrubland located to the south of Turner's House (formerly known as 'The Steading'), High Road, Spott. Planning permission 13/00650/P has been implemented.

This application relates to the one and a half storey detached house, and its garden, which occupies the eastern part of the site the subject of planning permission 13/00650/P. It is referred to as 'Plot 2' and has yet to be occupied. The property is located within a predominantly residential area as defined by Policy RCA1 of the East Lothian Local Development Plan 2018. It is located within Spott Conservation Area and within the Doonhill to Chesters Special Landscape Area. The 'Turner's House', is listed as being of special architectural or historic interest (Category C).

The property is bounded to the east by a neighbouring residential property, to the south by an access road which leads to Spott Farm, to the west by the neighbouring residential property named 'Treetops' and to the north by the neighbouring residential property named 'Turner's House' which is listed as being of special architectural or historic interest (Category C).

Planning permission is now sought, as design changes to the scheme of development the subject of planning permission 13/00650/P, for the erection of a single storey flat roofed garden room/store building within the rear garden of the house referred to as 'Plot 2'.

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 CH1 (Listed Buildings), CH2 (Development Affecting Conservation Areas), DC9 (Special Landscape Areas) and DP2 (Design) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

Material to the determination of the application are Section 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building and within a conservation area given in Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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.

REPRESENTATION

One objection to this application has been received. The main grounds of objection are:

(i) the proposed garden room/store building will, due to its elevated position within the application site, result in a loss of privacy to the house and garden of a neighbouring

residential property;

(ii) the proposed garden room/store building will detract from the view of Turner's House, a listed building;

(iii) the beech hedge has yet to be planted on Plot 2 and will take several years before it provides any level of screening. The planting conditions imposed on the grant of planning permission 13/00650/P stipulates that each of the two approved houses within the site shall not be occupied unless and until the beech hedge has been planted along the boundaries of its plot. It states that the western most house within the site has been occupied for nearly a year.

In response to point (iii) raised by the objector above, Condition 5 of planning permission 13/00650/P states that the house to be erected on the eastern part of the site (which is the house the subject of this planning application) shall not be occupied unless the beech hedging has been planted along the length of the west, north, east and south boundaries of its plot as shown in docketed drawing AL(0)101 Revision F. It states that the beech hedging shall be allowed to grow to and thereafter maintained at a minimum height of 1.8 metres.

Whilst the beech hedge serving plot 2 has yet to be implemented, the house within the eastern part of the site remains unoccupied and thus there has been no breach of Condition 5 of planning permission 13/00650/P at this time. Moreover, any alleged breach of any condition on the grant of planning permission 13/00650/P would be a matter for the **Council's Planning Enforcement Officer** to investigate.

The remaining points raised by the objector are addressed elsewhere within this report of handling.

COMMUNITY COUNCIL COMMENTS

None.

PLANNING ASSESSMENT

The proposed single storey flat roofed garden room/store building would be rectangular in shape and would measure some 4.6 metres long (measured to its roof overhang), some 3.2 metres wide (measured to its roof overhang) and some 2.4 metres high measured to the upper surface of its flat roofed top above ground level. Its flat roofed top would be clad in a grey coloured single ply roofing membrane. Its external walls would be clad in untreated horizontal timber boarding. It would have timber framed glazed doors formed within its front (southeast) elevation. Its rear (northwest) and side (northeast and southwest) elevations would take the form of solid timber walls. It would be located some 2.3 metres away from the rear (northwest) elevation of the house at its northeast end.

The proposed garden room/store building would, due to its architectural form and external materials, be architecturally different from the applicant's house which has pitched roof slopes clad in slates and external rendered walls. However, due to its single storey height and of its size and scale, the proposed garden room/store building would not be inappropriate for its rear garden setting. By virtue of its architectural form, size, scale, height, proportions and materials, the proposed garden room/store building would be well absorbed into its surroundings. It would not appear as a harmfully dominant, intrusive or incongruous feature. It would not result in an overdevelopment of the rear garden of the house. It would not be harmful to the character and appearance of the house or to the character and appearance of this part of the Spott Conservation Area. It would not harm the integrity of the scheme of development approved by the grant of planning permission 13/00650/P.

The proposed garden room would not, due to its low height and relatively small size and scale, and of its positioning behind the Turner's House, harmfully impact on the setting or primacy of that neighbouring house, which is listed as being of special architectural or historic interest (Category C).

The glazed doors to be formed in the front (southeast) elevation wall of the proposed garden room/store building would face towards the rear gable end of the house and thus they would not allow for harmful overlooking of any neighbouring residential properties.

There is no proposal to form windows or other glazed openings within the rear (northwest) or side (northeast and southwest) elevations of the proposed garden room/store building. However, as the applicant's property is within the Spott Conservation Area where permitted development rights have been removed, the formation of any windows or other glazed openings within them, or within any other part of the southeast elevation of the proposed garden room/store building, would require planning permission and as such they would be within the control of the Planning Authority.

Owing to its size, form, position and orientation, the proposed garden room/store building would not give rise to a harmful loss of sunlight or daylight received by any neighbouring residential properties.

By their nature and scale these proposals would not have a detrimental impact on the Doonhill to Chesters Special Landscape Area.

On these considerations, the proposed garden room/store building is consistent with Policies CH1, CH2, DC9 and DP2 of the adopted East Lothian Local Development Plan 2018 and with Scottish Planning Policy: June 2014. Therefore, the proposal is considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

As otherwise relevant the conditions attached to planning permission 13/00650/P remain effective and must be complied with.

CONDITION:

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.