

LOCAL REVIEW BODY

18th May 2023

Application No: 22/01296/P

**7 Ballencrieff Mains Farm Cottages, Ballencrieff,
Aberlady EH32 0PJ**

Appointed Officer's Submission

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OFFICER REPORT

31st January 2023

App No. **22/01296/P**

Application registered on **5th December 2022**

Target Date **4th February 2023**

Proposal	Extensions to house and alterations to domestic garage/workshop to form ancillary residential accommodation	SDELL	Y/N
Location	7 Ballencrieff Mains Farm Cottages Ballencrieff Aberlady Longniddry EH32 0PJ	CDEL Bad Neighbour Development	Y/N Y/N

APPLICANT: **Mr And Mrs Scott And Louise Fraser**

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

**c/o FGH Architectural & Buidling Design Services
Per Graham Humpage
1 Fentonbarns Farm Cottages
North Berwick
EH39 5AN**

DECISION TYPE:

Application Refused

PLANNING ASSESSMENT

This application relates to a detached single storey house and its garden located in the countryside as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018 to the south east of the village of Aberlady. The site comprises a roughly L-shaped south-facing pitched roof bungalow to the southeast, a single storey garage/workshop building to the northwest and areas of garden ground and vehicle parking. The property is not listed as being of special architectural or historic interest and is not located within a conservation area or any area of special character.

The property is bounded to the west by an area of mature woodland and a private access road taken from the A6137 public road. The site is bounded by further areas of mature woodland to the north and east with agricultural land beyond and by agricultural land to the south.

The elevation walls of the existing house are finished in render. Its pitched roof is finished in slate. At present main access to the house is taken from a mono-pitched entrance porch on the south elevation. The existing living accommodation consists of a main lounge, three bedrooms, a bathroom and a kitchen. The existing garage/workshop building features a pitched roof clad in tiles and elevation walls finished in render. Its current use is as storage.

Planning permission is sought for:

- i) addition of a one and a half storey pitched roof gable extension onto parts of the north and east elevation walls of the house;
- ii) addition of a one and a half storey pitched roof gable extension onto the west elevation of the house;
- iii) alterations to the roof of the house to form living accommodation within its roof space involving the formation of three pitched roof dormer windows within its north roof slope and a pitched roof dormer window within its south roof slope;
- iv) the addition of an entrance porch onto the north elevation of the house; and
- v) conversion of a garage/workshop building to form ancillary residential accommodation.

In order to facilitate the proposed conversion of the existing garage to form residential accommodation a number of further external alterations are required to it. However, those alterations do not require planning permission and thus they do not form part of this application.

No alterations are proposed to existing access and parking arrangements.

A Design Statement and a Tree Survey Report have been submitted in support of the application.

This is a substitute application submitted in favour of planning application (Ref: 22/00693/P) that has been withdrawn. This substitute application is similar to that of the previous scheme but now proposes a smaller extension of the footprint of the existing house and a reduced area of existing elevation walls to be demolished. This application proposes that an existing bay window on the south elevation of the house is retained and no longer proposes its replacement with glazed doors and an attached canopy.

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 policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of this application.

Policies DC1 (Rural Diversification) DC4 (New Build Housing in the Countryside) and DP5 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Development Plan 2018 (ELLDP) are relevant to the determination of the application.

The Scottish Government is preparing National Planning Framework 4 (NPF4). A revised draft of NPF4 has been laid in Parliament and represents the settled view of the Scottish Ministers. NPF4 is a material consideration in the determination of this application at this time. Having considered the relevant policies in NPF4, there are none that would conflict with the policies of the Development Plan which apply to this proposal. NPF4 raises no additional material considerations in relation to this application.

Also relevant to the determination of the application is Scottish Planning Policy: June 2014.

There is no public objection to this application.

As is proposed, the existing house would be re-oriented to face north. The proposed pitched roof timber porch erected onto the north elevation of the house would provide a new main entrance. Sections of the existing north and east elevation walls of the house would be demolished and the one and a half storey extension proposed for parts of those elevation walls would tie in with existing pitched roof sections of the house to form a new pitched roof. The existing ridge height would remain unchanged. The proposed new roof would be clad in clay tiles featuring stone copings. The proposed new roof would feature three pitched roof dormer windows within its north roof slope and a pitched roof dormer within its south elevation roof slope. A new chimney would be formed on the new south roof slope and an extract flue installed within its north slope. Ground floor window and door openings would be formed within the north and east elevations of the proposed extension. New ground floor window and door openings would also be formed within the original north and south elevation walls of the house.

Owing to its size, form, orientation and position, the proposed new pitched roof would not give rise to a harmful loss of sunlight or daylight received by any neighbouring residential properties.

The one and a half storey pitched roof extension proposed for the west elevation of the house would project some 4 meters to the west. It would measure some 9.8 meters north to south and would extend along a part of the west elevation of the house for some 8.8 meters and would project some 1 meter beyond its north elevation building line. It would have a ridge height of some 7 meters and would feature a first floor balcony accessed from glazed doors and enclosed by a glazed balustrade and ground floor glazed patio doors providing access to a covered patio area, all on its south elevation. It would further feature ground floor windows within its north elevation, ground and first floor windows within its west gable elevation and a pitched roof dormer window within its north elevation roof slope.

All of the proposed window and door openings would be double glazed and constructed of timber. All rainwater goods would be finished in black cast iron.

Owing to their sizes, forms, orientations and positions, the proposed extensions, roof alterations and entrance porch would not give rise to a harmful loss of sunlight or daylight received by any neighbouring residential properties.

The existing garage/workshop building to the northwest of the house would be altered to create ancillary residential accommodation consisting of two bedrooms, a lounge, kitchen, bathroom and garage. Main access to the ancillary accommodation would be taken from a door opening on the south elevation. The existing elevation walls would be stripped back and

re-rendered to match those proposed for the main house. It is proposed that existing roof trusses are replaced and the pitched roof of the building re-clad in tiles to match those proposed for the main house. An extract flue would be installed within its south elevation roof slope.

None of these proposed alterations to the existing building would harm the privacy or amenity of a neighbouring residential property.

The proposed conversion of the existing garage/workshop building would form residential accommodation comprising of two bedrooms, a lounge, kitchen, bathroom and a garage. If used as living accommodation ancillary to the use of and not separate from the existing house the proposed use would continue to be part of the one residential use of the property and as such would be an acceptable ancillary residential use. The conversion of the garage/workshop building to ancillary accommodation would not therefore result in an adverse impact on the privacy and amenity of neighbouring residential properties. Were planning permission to be granted for the proposed development, then a condition could be reasonably imposed restricting the use of the proposed ancillary residential accommodation to a use incidental to the use and enjoyment of the house and not to be used as a separate dwelling or for any business, trade or other commercial use.

The Councils Senior Environmental Health Officer has been consulted on the application and has responded no comment.

The Councils Roads Service raise no objection to the proposals.

On these considerations the proposals are consistent with Policy DP5 of the ELLDP.

Notwithstanding the above, the principle components of the scheme of development the subject of this planning application relate to the applied for one and a half storey extensions to be added onto parts of the north and east elevations of the house and onto its west elevation and the proposed roof alterations.

In respect of an extension to a house, Policy DP5 of the ELLDP states extensions and alterations must be well integrated into their surroundings and must be in keeping with the original building or complementary to its character and appearance. For an extension or alteration to a house, it must 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 does not differentiate between whether or not the extension would be seen from a public place or not.

The elevation walls of the existing single storey pitched roof house are finished in white render. The elevation walls of the proposed extensions would be finished in a mix of natural stone and render. The remaining elevation walls of the existing house would be stripped back and re-clad in natural stone and render to match.

The existing house measures some 14.5 meters in length and some 7.6 meters in width providing a floor area of approximately 110 square metres. It has a height of some 7.8 meters to the ridge of its pitched roof. It contains single-storey accommodation consisting of three bedrooms, a lounge, kitchen and bathroom.

The house as it is to be altered and extended would measure some 20 meters in length at its longest point and some 9.8 meters at its widest point. The ridge height of the proposed new pitched roof of the house would be some 7.8 meters. The ridge height of the extension proposed for the west elevation of the house would be some 7 meters. Thus there would be no increase in the overall height of the house. The floor area of the house as it is to be altered and extended would consist of approximately 180 square meters of ground floor accommodation consisting of an entrance hall, two bedrooms, a lounge, kitchen, bathroom and study and some 44 square meters of roof space living accommodation providing an en-suite master bedroom and dressing room.

In this instance the character of the existing house is derived from its distinctly small size and scale. The proposed changes to be made to the existing house, including its re-orientation to face north and by the other new additions, would result in the shape and size of its footprint and its appearance being significantly altered. The proposed extensions and alterations to the existing house would be essentially new build with a new roof, new windows and door openings, new dormers, new external wall finishes and a new entrance feature. They would not appear as an integral part of the original cottage but instead would be additions to it that would significantly overwhelm it. Consequently due to their form, size, scale, massing and proportions, the proposals would not be of a size, form, proportion and scale appropriate to the existing house, would not be subservient to it and therefore would not be either in keeping with or complementary to it. As such the proposals would be contrary to Policy DP5 (Extensions and Alterations to Existing Buildings) of the ELLDP.

The effect of the proposed extensions and alterations to the original house would be tantamount to the creation of a new house in the countryside. No case has been made for this to meet an agriculture, horticulture or forestry need or any other use supported by Policy DC1. No other operational need has been advanced to justify the transformation of the existing house to such an extent. Changing the existing building in the manner and to the degree proposed would radically alter its character and appearance giving greater emphasis to it being isolated, sporadic development in the countryside. Assessed on the basis that through the resultant radical transformation of the size, form, character and appearance of the existing house the proposals are tantamount to the creation of a new house in the countryside, the proposal is contrary to Policies DC1 (Rural Diversification) and DC4 (New Build Housing in the Countryside) of the adopted ELLDP 2018 and Government policy guidance regarding the control of new housing development in the countryside expounded in Scottish Planning Policy: June 2014.

Furthermore, if approved the proposal would set an undesirable precedent for the development of new houses in the countryside, the cumulative effect of which would result in a detrimental impact on the rural character of the open countryside in East Lothian.

There are no material planning considerations that outweigh the fact that the proposed development is contrary to Policies DC1, DC4 and DP5 of the ELLDP, and Scottish Government policy guidance regarding the control of new housing development in the countryside given in Scottish Planning Policy: June 2014. NFP4 raises no additional material considerations in relation to this application.

REASONS FOR REFUSAL:

- 1 The proposed extensions and roof alterations would, by their greater size, massing and floor area, be dominant and incompatible additions to the built form of the existing house. They would not appear as an integral part of the original house but instead would be an addition to it that would significantly overwhelm it. Therefore due to their form, size, scale, massing and proportions, the proposed extensions and roof alterations would not be of a size, form, proportion and scale appropriate to the existing house, would not be subservient to it and therefore would not be either in keeping with or complementary to it contrary to Policy DP5 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Development Plan 2018.
- 2 The effect of the proposed extension is tantamount to the creation of a new house in the countryside. No case has been made for this to meet an agriculture, horticulture or forestry need. No other operational need has been advanced to justify the transformation of the existing house by the addition to it of the proposed extension. Changing the existing building in the manner and to the degree proposed would radically alter its appearance and visual impact such as to make the resultant built form more prominent and intrusive in the rural landscape and give greater emphasis to it being isolated, sporadic development in the countryside. Assessed on the basis that through the resultant radical transformation of the size, form, character and appearance of the existing house the proposed works are tantamount to the creation of a new house in the countryside, therefore the proposal is contrary to Policies DC1 (Rural Diversification) and DC4 (New Build Housing in the Countryside) of the adopted East Lothian Local Development Plan 2018 and Government policy guidance regarding the control of new housing development in the countryside expounded in Scottish Planning Policy: June 2014.
- 3 If approved the proposal would set an undesirable precedent for the development of new houses in the countryside, the cumulative effect of which would result in a detrimental impact on the rural character of the open countryside in East Lothian.

LETTERS FROM

31st January 2023

App No. 22/01296/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**Mr And Mrs Scott And Louise Fraser
c/o FGH Architectural & Buidling Design Services
Per Graham Humpage
1 Fentonbarns Farm Cottages
North Berwick
EH39 5AN**

APPLICANT: Mr And Mrs Scott And Louise Fraser

With reference to your application registered on 5th December 2022 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Extensions to house and alterations to domestic garage/workshop to form ancillary residential accommodation

**at
7 Ballencrieff Mains Farm Cottages
Ballencrieff
Aberlady
Longniddry**

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 proposed extensions and roof alterations would, by their greater size, massing and floor area, be dominant and incompatible additions to the built form of the existing house. They would not appear as an integral part of the original house but instead would be an addition to it that would significantly overwhelm it. Therefore due to their form, size, scale, massing and proportions, the proposed extensions and roof alterations would not be of a size, form,

proportion and scale appropriate to the existing house, would not be subservient to it and therefore would not be either in keeping with or complementary to it contrary to Policy DP5 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Development Plan 2018.

- 2 The effect of the proposed extension is tantamount to the creation of a new house in the countryside. No case has been made for this to meet an agriculture, horticulture or forestry need. No other operational need has been advanced to justify the transformation of the existing house by the addition to it of the proposed extension. Changing the existing building in the manner and to the degree proposed would radically alter its appearance and visual impact such as to make the resultant built form more prominent and intrusive in the rural landscape and give greater emphasis to it being isolated, sporadic development in the countryside. Assessed on the basis that through the resultant radical transformation of the size, form, character and appearance of the existing house the proposed works are tantamount to the creation of a new house in the countryside, therefore the proposal is contrary to Policies DC1 (Rural Diversification) and DC4 (New Build Housing in the Countryside) of the adopted East Lothian Local Development Plan 2018 and Government policy guidance regarding the control of new housing development in the countryside expounded in Scottish Planning Policy: June 2014.
- 3 If approved the proposal would set an undesirable precedent for the development of new houses in the countryside, the cumulative effect of which would result in a detrimental impact on the rural character of the open countryside in East Lothian.

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>
DWG 01	-	22.11.2022
DWG 10	A	22.11.2022
DWG 11	A	22.11.2022
DWG 2	H	22.11.2022
DWG 3	H	22.11.2022
DWG 4	H	22.11.2022

DWG 5	H	22.11.2022
DWG 6	H	22.11.2022
DWG 7	H	22.11.2022
DWG 8	H	22.11.2022
DEM/1	-	22.11.2022
LOCBLOK	1	22.11.2022
LOCBLOK	1	22.11.2022
DWG 1	J	05.12.2022
DWG 12	-	16.12.2022

31st January 2023

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.

Currie, Fiona

From: Clark, Colin - EHO
Sent: 14 December 2022 10:54
To: Environment Reception
Cc: Taylor, David (Officer)
Subject: RE: 22/01296/P- Planning Consultation

I refer to your consultation request of 06th December 2022 in connection with the above and would advise I have no comment to make regarding the proposal.

Regards

Colin Clark | Senior Environmental Health Officer, Public Health & Environmental Protection | Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA |
Tel. 01620 827443 [REDACTED] | Email. cclark1@eastlothian.gov.uk | Visit our website at www.eastlothian.gov.uk

-----Original Message-----

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 06 December 2022 10:34
To: [REDACTED]

Subject: FW: 22/01296/P- Planning Consultation

-----Original Message-----

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 06 December 2022 09:19
To: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Subject: 22/01296/P- Planning Consultation

Please see attached document in relation to the following application: Extensions to house and alterations to domestic garage/workshop to form ancillary residential accommodation

at 7 Ballencrieff Mains Farm Cottages
Ballencrieff
Aberlady
Longniddry
EH32 0PJ
NHS Coronavirus Information

[https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg]

Currie, Fiona

From: Hunter, Liz
Sent: 06 December 2022 12:15
To: Environment Reception; Taylor, David (Officer)
Cc: [REDACTED]
Subject: TRANSPORT PLANNING RESPONSE: 22/01296/P - David Taylor - Planning Consultation

Categories: Kirsty

EAST LoTHIAN COUNCIL ROAD SERVICES

From: Asset & Regulatory Manager

To: Service Manager, Planning

Proposal: Extensions to house and alterations to domestic garage/workshop to form ancillary residential accommodation at 7 Ballencrieff Mains Farm Cottages Ballencrieff Aberlady Longniddry EH32 0PJ

I have no objections to the proposals.

Please advise the applicant that all works within or affecting the public road including works on the footway must be authorised in advance by the Council as Roads Authority.

Send on behalf of IAN LENNOCK
ROADS SERVICES, ASSET & REGULATORY MANAGER

If telephoning, please ask for:

Liz Hunter
Project Manager, Musselburgh Active Town

East Lothian Council | Transport Planning | Roads Services | Infrastructure | Partnerships & Community Services
John Muir House | Haddington | East Lothian | EH41 3HA
lhunter1@eastlothian.gov.uk



NHS Coronavirus Information



Policy DC4: New Build Housing in the Countryside

New build housing development will only be supported in the countryside outwith the constrained coast where there is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality and:

(i) In the case of a single house, the Council is satisfied that it is a direct operational requirement of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use supported in principle by Policy DC1. The Council will obtain independent advice from an Agricultural and Rural Advisor on whether there is a direct operational requirement for an associated house; or

(ii) In the case of other small scale housing proposals, it is for affordable housing and evidence of need is provided, and the registered affordable housing provider will ensure that the dwellings will remain affordable for the longer term. Proposals should be very small scale and form a logical addition to an existing small-scale rural settlement identified by this plan.

(iii) The proposal satisfies the terms of Policy NH1.

NPF4 Policies

1. Tackling the climate and nature crisis
2. Climate Mitigation and adaptation
3. Biodiversity

14. Design, quality and place
15. Quality homes

29. Rural development

Condition

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.

