

LOCAL REVIEW BODY

15th June 2023

Application No: 22/01125/P

14 Rhodes Cottages, Lime Grove, North Berwick

Appointed Officer's Submission

22/01125/P – REVIEW AGAINST DECISION – PLANNING OFFICER’S SUBMISSION

Planning Application Review Against Decision (Refusal): Erection of garden room and formation of decked area at 14 Rhodes Cottages, Lime Grove, North Berwick.

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3. Copy of the Decision Notice and reasons for refusal relating to planning application 22/01125/P.
4. Copy of the 5 representations received to application 22/01125/P.
5. Copy of Policies DP2 (Design) and CH1 (Listed Buildings) of the adopted East Lothian Local Development Plan 2018.
6. Additional submission relating to NPF4 Policies 7 (Historic Assets and Places) and 16 (Quality Places).
7. Scottish Planning Policy: June 2014*

*Not included due to its size but it is available to view online or in the LRB shared area.

12th April 2023

Scott Robertson
Assistant Planner (Planning Delivery)

OFFICER REPORT

5th December 2022

App No. **22/01125/P**

Application registered on **7th October 2022**
Target Date **6th December 2022**

Proposal	Erection of garden room and formation of decked area (retrospective)	SDELL	Y
		CDEL	N
Location	14 Rhodes Cottages Lime Grove North Berwick EH39 5NL	Bad Neighbour Development	N

APPLICANT: **Mr Kenneth Walker**

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

**c/o Christopher Thomson Design
Per Christopher Thomson
63 Queen Charlotte Street
Edinburgh
Scotland
EH6 7EY**

DECISION TYPE: **Application Refused**

REPORT OF HANDLING

PROPOSALS

The property to which this application relates is a single storey, stone built terraced cottage at the east side of Rhodes Cottages, Lime Grove, North Berwick. It is located within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. The property is not within a conservation area but is however listed as being of special architectural or historic interest (Category B) as part of a group of properties at 7-14 Rhodes Farm Cottages.

Planning permission is sought retrospectively for the erection of a garden room with associated decked area in the rear garden of the house.

The garden room is rectangular in shape with a flat roof, located in the rear garden of the house. It measures some 5.0 metres long and some 4.0 metres wide, and is some 2.8 metres in height at its tallest point. The garden room is finished predominantly in timber cladding, painted 'off white' with the roof being constructed of metal. The garden room contains two glazed openings

in the form of bi fold doors in the front (north) elevation and a window within the side (east) elevation.

The associated timber decked area is situated adjacent to the front (north) of the garden room. The area of timber decking measures some 7 square metres and would be some 0.15 metres in height.

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 and Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no relevant policies of the approved South East Scotland and Strategic Development Plan (SESplan) relevant to the determination of this application. Policies CH1 (Listed Buildings), and DP2 (Design) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Material to the determination of the application is Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Ministers' policy on the historic environment as given in The Historic Environment Policy for Scotland (HEPS): April 2019 and 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.

Revised Draft National Planning Framework 4 (NPF4) was published by the Scottish Government on the 08 November 2022. The Town and Country Planning (Scotland) Act 1997 (as amended) requires that NPF4 must be approved by the Scottish Parliament before it can be adopted by Scottish Ministers. On adoption the Scottish Government will commence the provisions in the Planning Act which will make NPF4 part of the statutory development plan. The Existing National Planning Framework 3 and Scottish Planning Policy remain in place until NPF4 has been adopted by Scottish Ministers.

REPRESENTATION

Five objections to this application have been received. The main grounds of objection are:

- (i) The garden room is too large and overwhelms the garden and the adjacent cottage. The design of the garden room has no relationship with the vernacular architecture of the B listed cottages;
- (ii) The difference in ground levels means the decking sits at a higher level and will allow for overlooking;

- (iii) The garden room is in open view from the Glen Golf Course and obscures the view of the end of the cottage;
- (iv) The garden room is not in keeping with the listed building and row of cottages;
- (v) The garden room cuts out light to the communal path;
- (vi) It has been built to use as a holiday let;
- (vii) The building blocks light into neighbouring windows;
- (viii) Trees have been cut back to allow for construction;
- (ix) People using the building have been creating noise and unpleasant smells;
- (x) The building will increase traffic and increase parking demand;
- (xi) The room destroys the visual appearance of the cottages as the garden room looks alien next to the cottages;
- (xii) There is potential for anti-social behaviour at the garden room;

The building does not have a bathroom or kitchen and as such could not be used as separate accommodation to the house at present. Therefore, as the building is used as ancillary to the existing house this would not lead to an increase in the demand for parking as the possible number of people staying at the property remains the same.

The use of the garden room as a holiday let would require planning permission. Any application submitted would be assessed and determined on its own merits in accordance with the development plan unless material planning considerations indicate otherwise.

The behaviour of persons using the garden room would be a matter for colleagues in Environmental Protection to investigate under legislation other than planning legislation. Consequently it is not a material planning consideration relevant to the determination of this planning application.

The trees on the boundary of the property are not protected by a Tree Preservation Order. Therefore and as the property is not within a conservation area then the lopping or topping of those trees does not need consent from the Planning Authority.

PLANNING ASSESSMENT

The decking does not allow for overlooking that is significantly different to that already possible from the within from the garden prior to the decking being erected.

The garden room is positioned such that its glazed openings face over the applicant's garden for some 12m. As such they do not directly face any windows of any neighbouring residential properties and therefore does not allow for harmful overlooking.

The garden room is positioned to the rear of the applicant's house and does not cause a harmful loss of daylight to the windows of any neighbouring properties. Neither does it cause a loss of sunlight to any neighbouring gardens.

On those matters of amenity the garden room and decking are not harmful to the residential amenity of any neighbouring residential properties.

Notwithstanding the above, Policy CH1 (Listed Buildings) of the adopted East Lothian Local Development Plan states that new development that harms the setting of a listed building will

not be permitted. Furthermore, Policy DP2 states that new development must be appropriate to its setting in terms of its positioning, size, form, massing, proportion and scale.

The applicant's house is one of a range of 18th Century single storey farm cottages made into in a symmetrical U-plan by the addition of wings in the 19th century at Lime Grove, North Berwick. The cottages all have stone walls and pantile roofs and together are listed as being of special architectural or historic interest (Category B).

The range of cottages face southwards onto an access road beyond which is Lime Grove. A public footpath - a public right of way leads from the eastern end of Lime Grove across the golf course beyond and leads to the public car park path at the eastern end of Haugh Road. The rear of the cottages are characterised by their narrow rear gardens separated from the houses by a communal access path. The gardens are enclosed by low stone boundary walls. Consequently the cottages are visible from the public right of way leading across the golf course to Haugh Road.

The applicant's house is positioned at the eastern end of the range of the cottages. Its rear elevation and rear garden are readily visible from the public right of way leading from the eastern end of Lime Grove.

The garden room is some 5 metres in length and some 4 metres in width. It sits adjacent to the south boundary of the rear garden in a position some 3m away from the rear (east) elevation of the house. The associated decking is attached to and protrudes out from the north (front) elevation of the garden room. At its highest it is some 0.5m in height above ground level.

Due to the low boundary enclosures of the rear garden the garden room is readily visible in public views from the public footpath. The garden room is of an architectural form and character that is quite different to that of the applicant's house. It occupies most of the width of the narrow rear garden of the house in a position some 3m away from the house. Due to the difference in its character to the house, of its size and scale and of its close proximity to the house the garden room appears overly large and overbearing in its relationship with the applicant's house. It is, therefore in terms of its close positioning to the house and of its size and scale relative to the size and scale of the applicant's house, inappropriate to its setting. Furthermore, the garden room with associated decking due to its positioning in relation to the house and of its size and scale, masks and draws focus away from that listed building in views from the public footpath and golf course. It is therefore a form of development that is harmful to the setting of the listed building and the terrace of listed buildings of which the applicant's house is a part. By being an inappropriate form of development that is harmful to the setting of a listed building the garden room and associated decking is also harmful to the character and appearance of the wider area. Therefore the garden room with associated decking are contrary to Policies CH1 and DP2 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014 and Scottish Ministers' policy on the historic environment as given in The Historic Environment Policy for Scotland (HEPS).

The garden room and decking are not in accordance with the development plan and there are no material planning considerations that outweigh the fact that they do not accord with the development plan.

The erected garden room and associated decking are unauthorised and are therefore a breach of planning control. If, within three months of the date of this refusal to grant planning permission

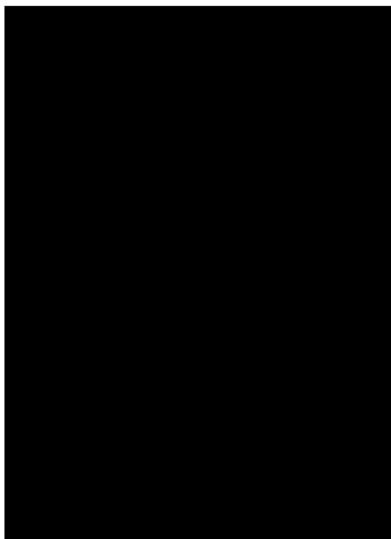
for them, the garden room and associated decking have not been removed, then enforcement action will be taken to secure the removal of the unauthorised structures, with the period for compliance with the enforcement notice being a further period of three months.

REASON FOR REFUSAL:

- 1 The garden room due to its close positioning to the house and of its size and scale relative to the size and scale of the applicant's house and garden, is inappropriate to its rear garden setting contrary to Policy DP2 of the adopted East Lothian Local Development Plan 2018.

- 2 The garden room with associated decking due to its positioning in relation to the house and of its size and scale, masks and draws focus away from that listed building in views from the public footpath and golf course. It is therefore a form of development that is harmful to the setting of the listed building and the terrace of listed buildings of which the applicant's house is a part. By being an inappropriate form of development that is harmful to the setting of a listed building the garden room and associated decking is also harmful to the character and appearance of the wider area. Therefore the garden room with associated decking are contrary to Policy CH1 of the adopted East Lothian Local Development Plan 2018, Scottish Planning Policy: June 2014 and Scottish Ministers' policy on the historic environment as given in The Historic Environment Policy for Scotland (HEPS).

LETTERS FROM





5th December 2022



LAND REGISTER
OF SCOTLAND

Officer's ID / Date

5408
5/2/2009

TITLE NUMBER

ELN15378



ORDNANCE SURVEY
NATIONAL GRID REFERENCE

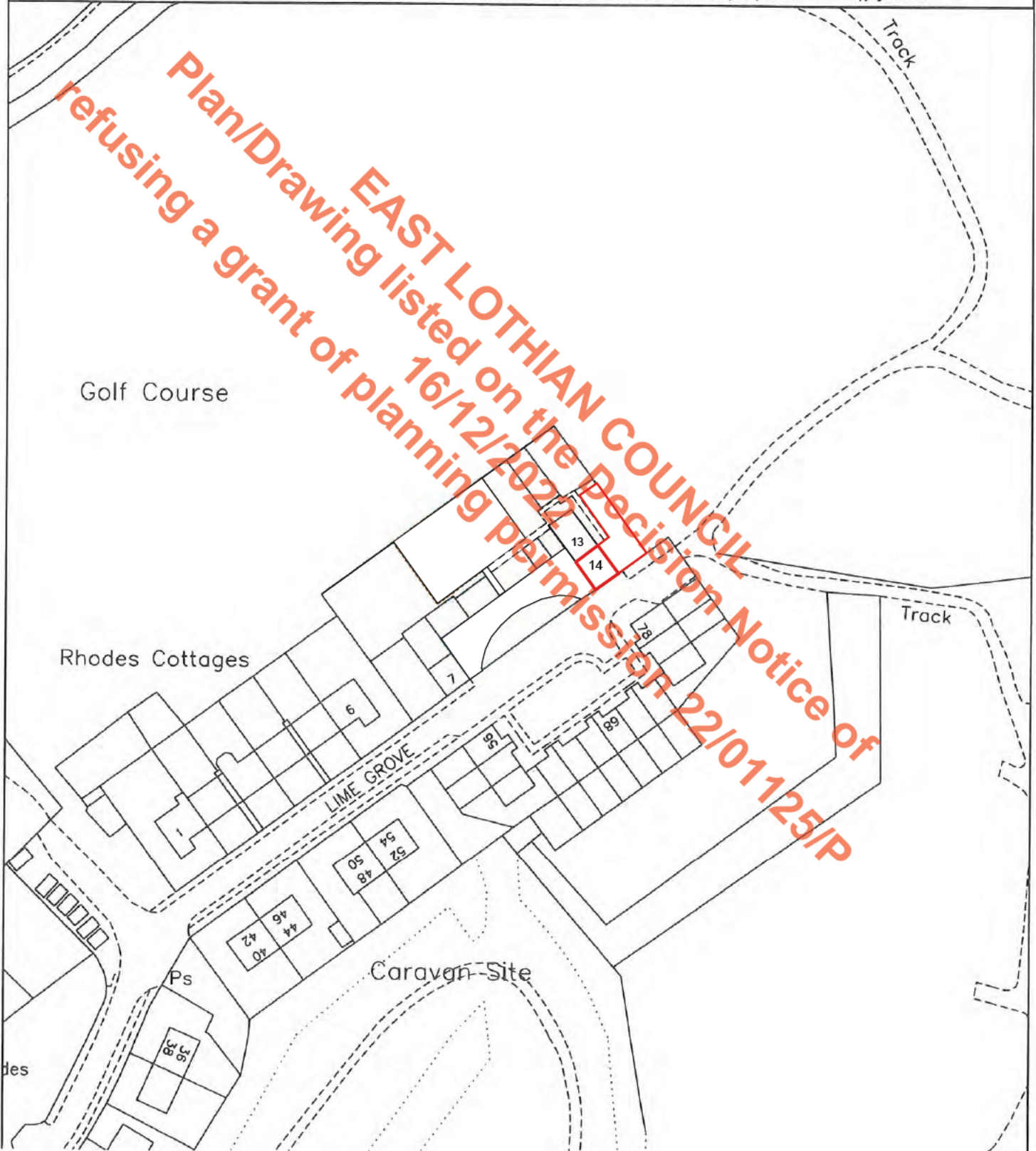
70m

NT5684 NT5784 NT5685 NT5785

Survey Scale

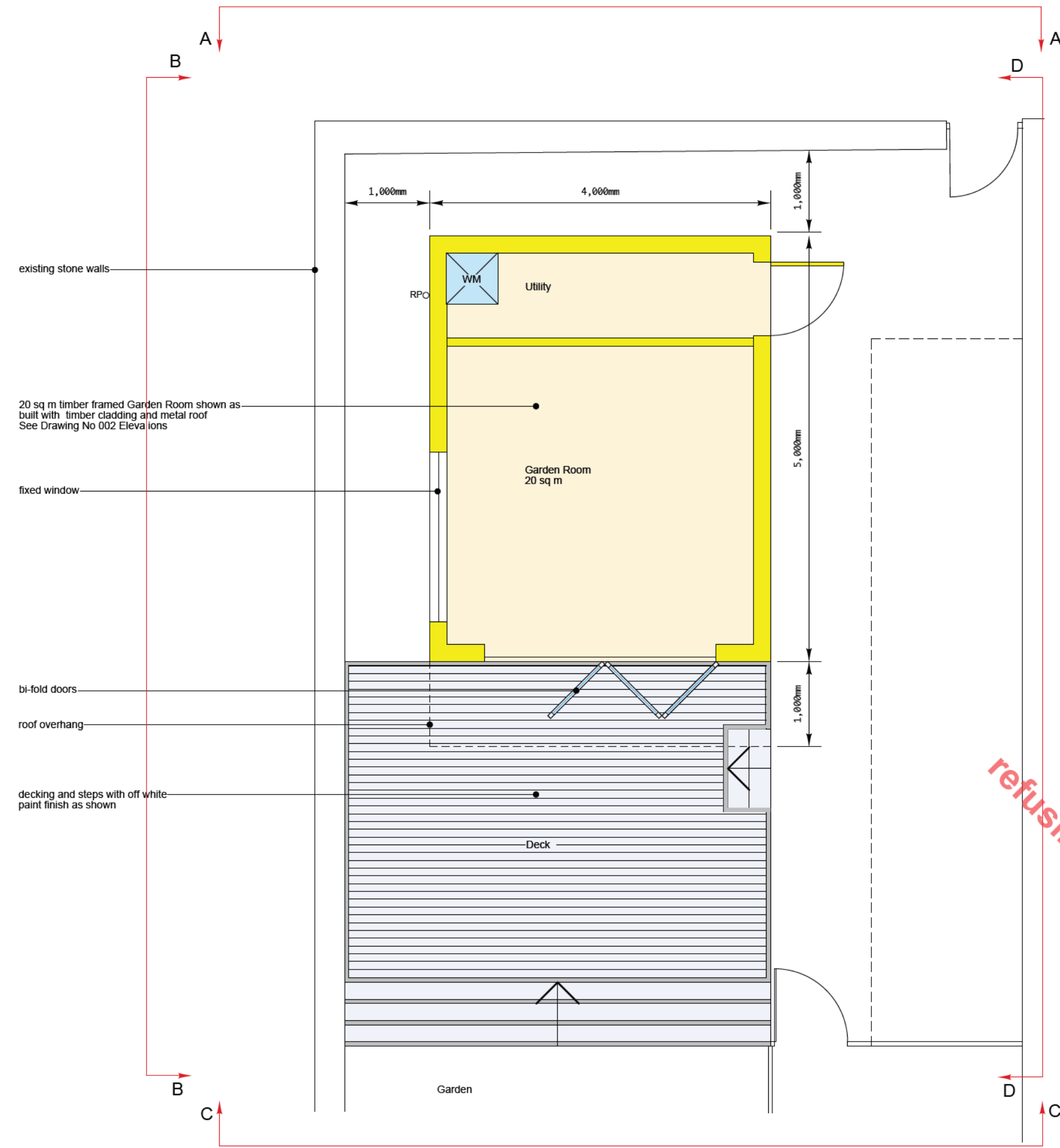
1/2500

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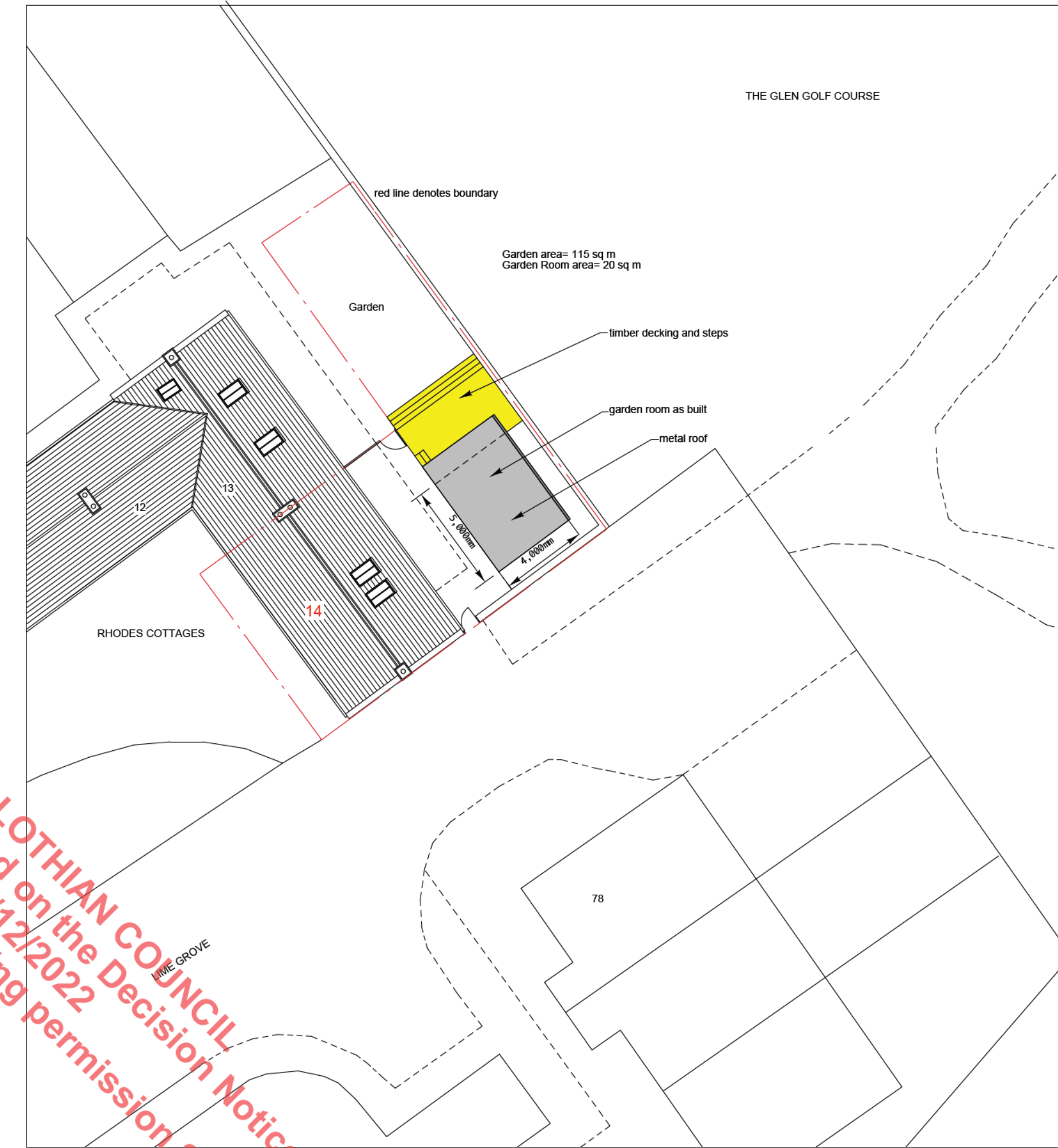


PLANNING NOTES

- 1 This drawing is copyright.
- 2 The purpose of this drawing is solely for the purposes of obtaining Retrospective Planning Consent.
- 3 Timber framed Garden Room shown as built with off white timber cladding, decking and steps as shown with metal roof.
- 4 All materials relating to the retrospective planning application are coloured.



Ground floor plan
scale 1.50



Site plan
scale 1.200

EAST Lothian Council
 Plan/Drawing listed on the Decision Notice of
 16/12/2022
 refusing a grant of planning permission 22/01125/P

001



Photographs taken 26.-9.2022

PROJECT: RETROSPECTIVE PLANNING APPLICATION
Re: GARDEN ROOM AS BUILT AT:
14 RHODES COTTAGE, NORTH BERWICK.

CLIENT: MR & MRS K. WALKER.

PLANNING

PLANS AS BUILT

Christopher Thomson D.A. (Edin.)
ARCHITECTURE + DESIGN

63 Queen Charlotte Street
Edinburgh EH6 7EY
t: 07801 515 781
e: christhompson10@gmail.com

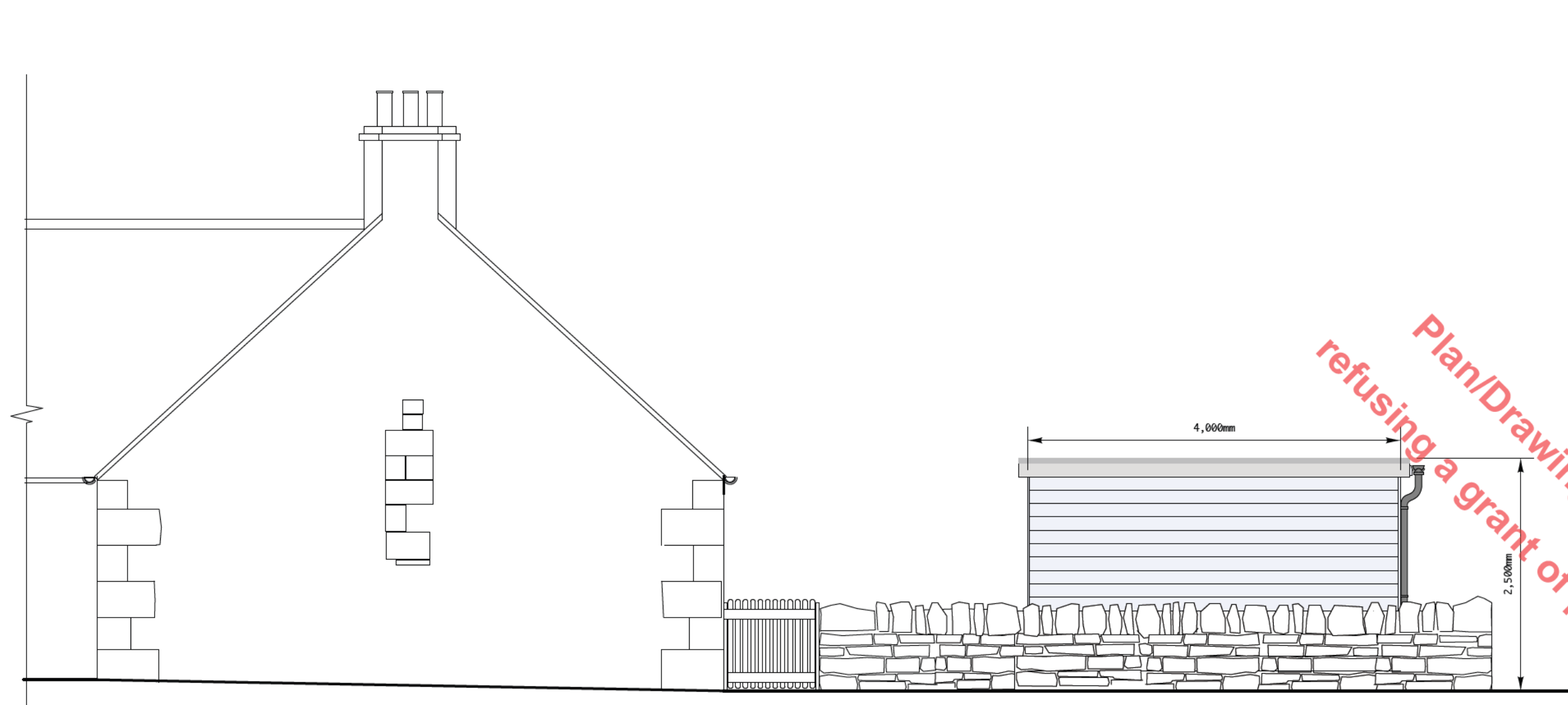
Drawing No 001 Date: 30.09.2022

Scale 1.50 1.200 @ A1

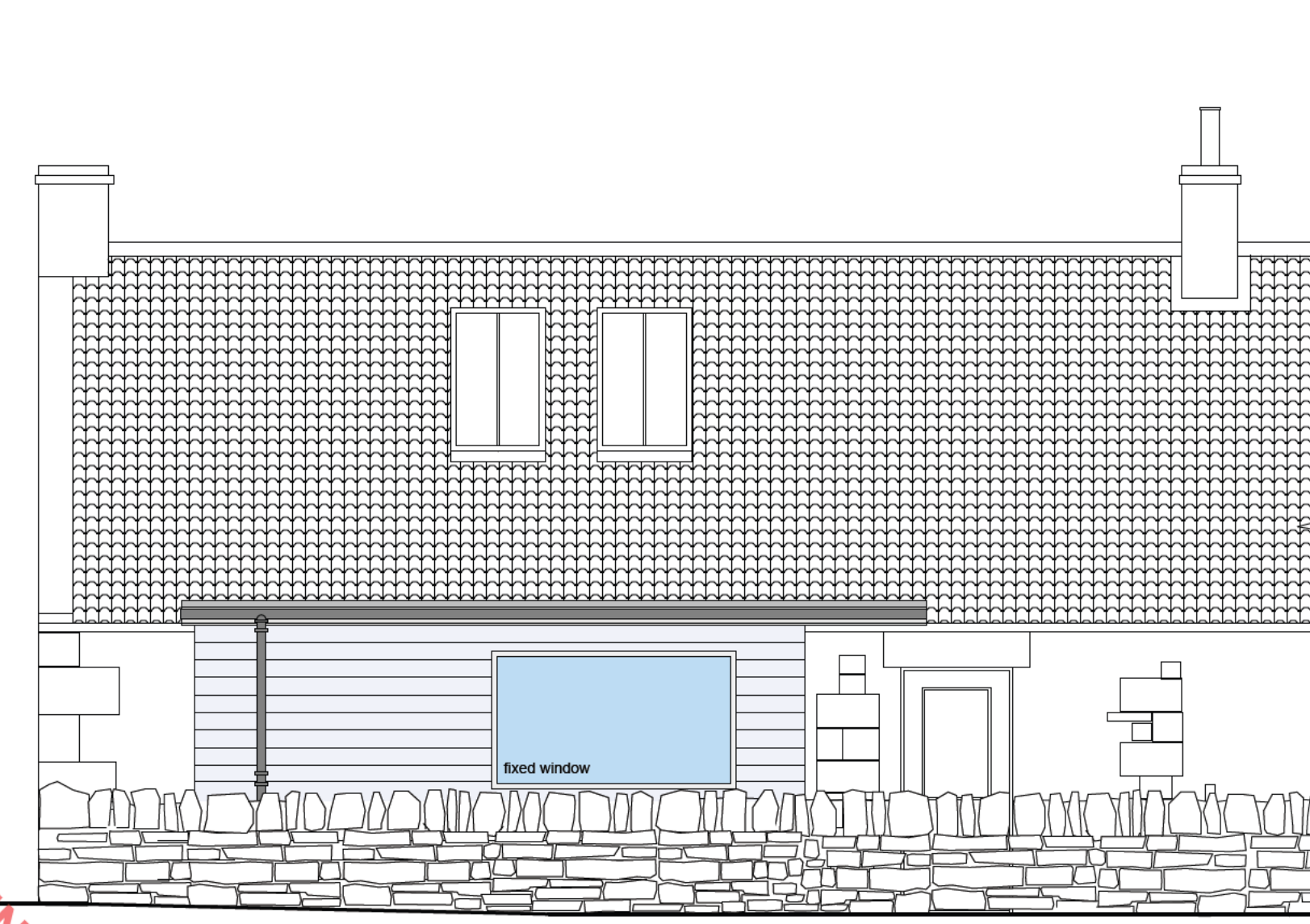
PLANNING NOTES

- 1 This drawing is copyright.
- 2 The purpose of this drawing is solely for the purposes of obtaining Retrospective Planning Consent.
- 3 2500mm high 20sq m timber framed Garden Room shown as built timber cladding, decking and steps with off white paint finish and metal roof.
- 4 All materials relating to the retrospective planning application are coloured.

002



Elevation A-A



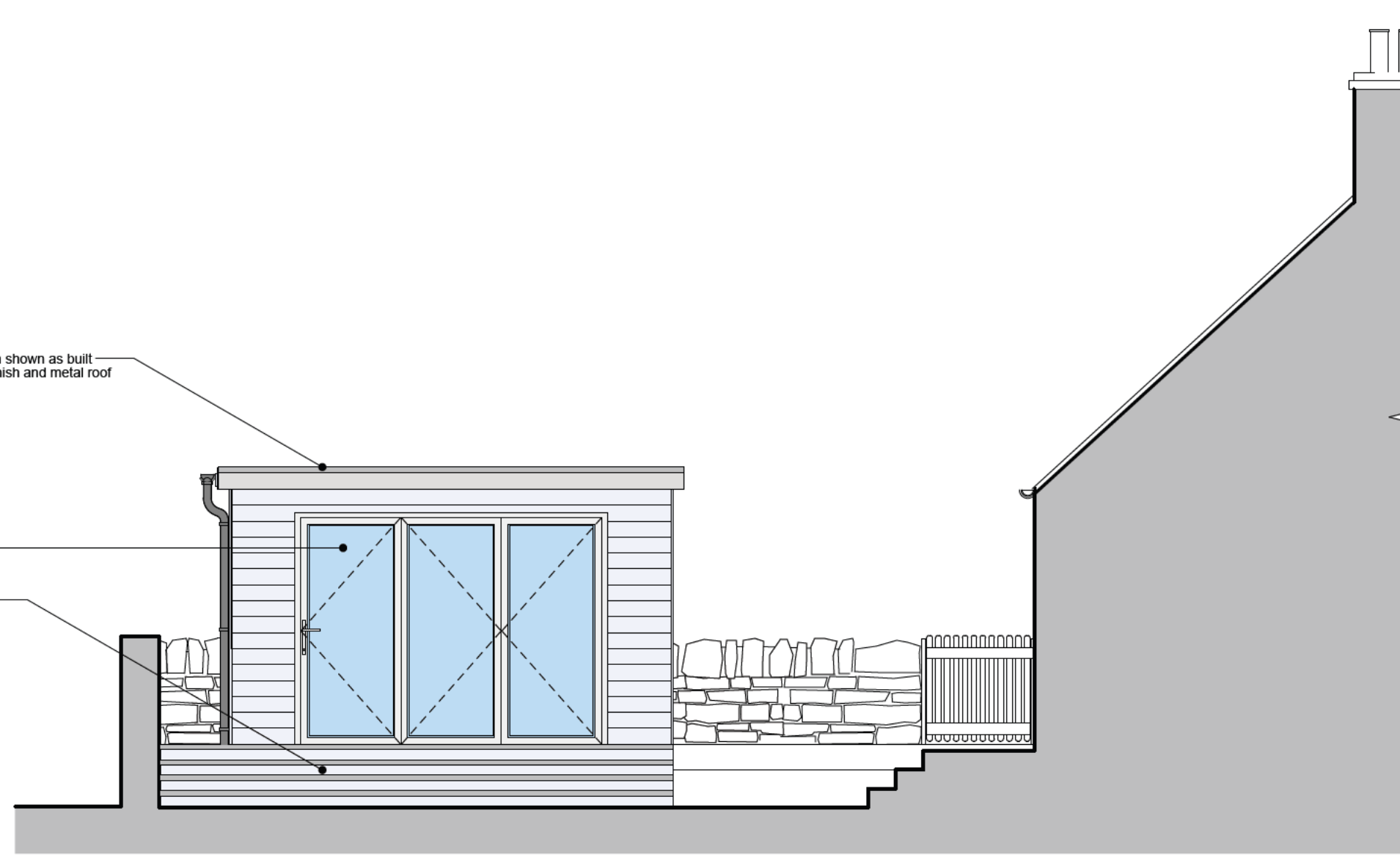
Elevation B-B

*EAST LoTHIAN COUNCIL
16/12/2022
refusing a grant of planning permission 22/01125/P
Plan/Drawing listed on the Decision Notice of*

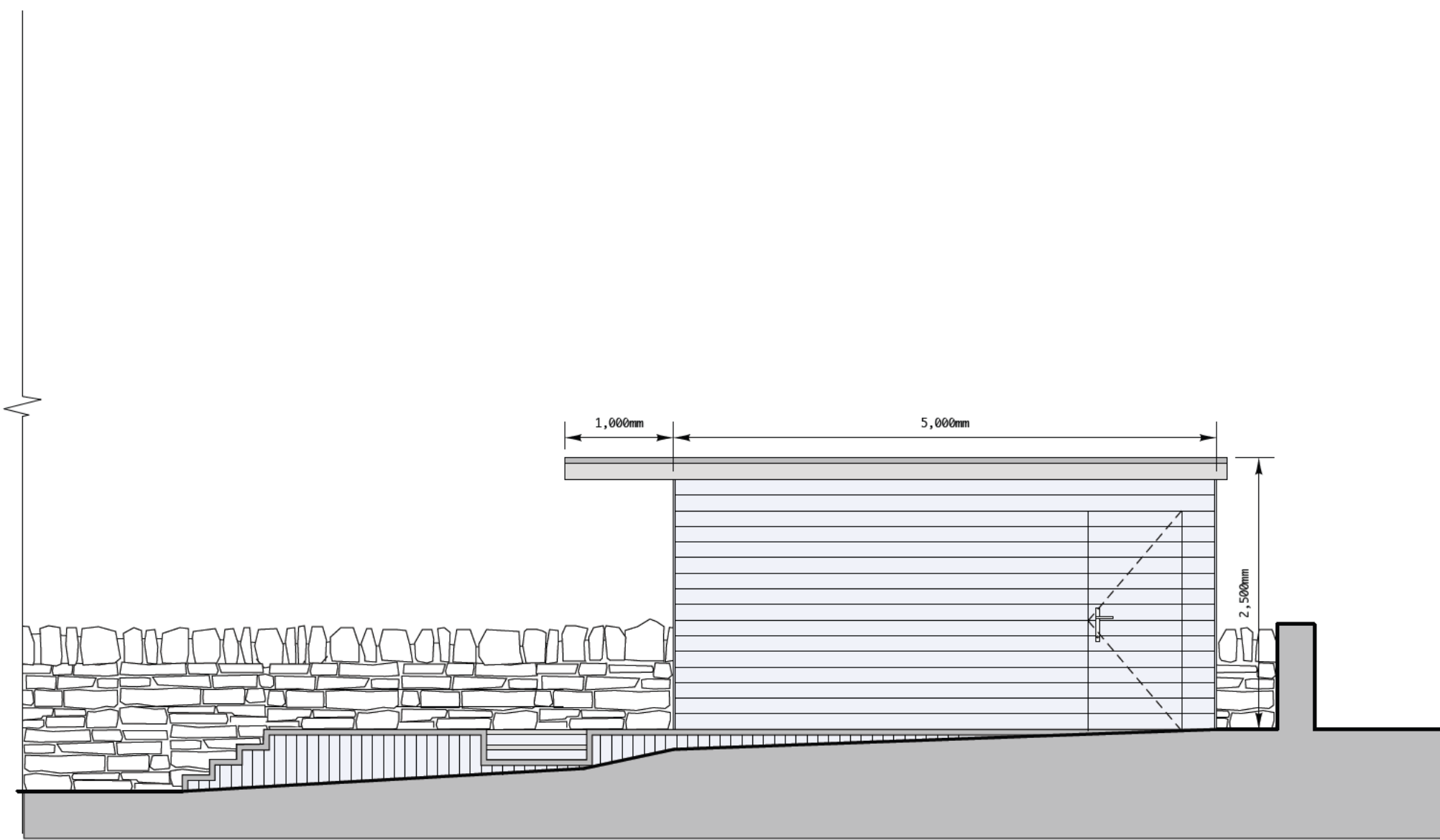
20 sq m timber framed Garden Room shown as built timber cladding with off white paint finish and metal roof

bi-fold doors

decking and steps with off white paint finish as shown



Section/Elevation C-C



Section/Elevation D-D



PROJECT: RETROSPECTIVE PLANNING APPLICATION
Re: GARDEN ROOM AS BUILT AT:
14 RHODES COTTAGE, NORTH BERWICK.

CLIENT: MR & MRS K. WALKER.

PLANNING

ELEVATIONS AS BUILT

Christopher Thomson D.A. (Edin.)
ARCHITECTURE + DESIGN

63 Queen Charlotte Street
Edinburgh EH6 7EY
t: 07801 515 781
e: christhompson10@gmail.com

Drawing No 002

Date: 30.09.2022

Scale 1.50 @ A1

App No. 22/01125/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

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

**Mr Kenneth Walker
c/o Christopher Thomson Design
Per Christopher Thomson
63 Queen Charlotte Street
Edinburgh
Scotland
EH6 7EY**

APPLICANT: Mr Kenneth Walker

With reference to your application registered on 7th October 2022 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Erection of garden room and formation of decked area (retrospective)

**at
14 Rhodes Cottages
Lime Grove
North Berwick
EH39 5NL**

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 garden room due to its close positioning to the house and of its size and scale relative to the size and scale of the applicant's house and garden, is inappropriate to its rear garden setting contrary to Policy DP2 of the adopted East Lothian Local Development Plan 2018.

- 2 The garden room with associated decking due to its positioning in relation to the house and of its size and scale, masks and draws focus away from that listed building in views from the public footpath and golf course. It is therefore a form of development that is harmful to the setting of the listed building and the terrace of listed buildings of which the applicant's house is a part. By being an inappropriate form of development that is harmful to the setting of a listed building the garden room and associated decking is also harmful to the character and appearance of the wider area. Therefore the garden room with associated decking are contrary to Policy CH1 of the adopted East Lothian Local Development Plan 2018, Scottish Planning Policy: June 2014 and Scottish Ministers' policy on the historic environment as given in The Historic Environment Policy for Scotland (HEPS).

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	-	05.10.2022
001	-	05.10.2022
002	-	05.10.2022

16th December 2022



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.

Comments for Planning Application 22/01125/P

Application Summary

Application Number: 22/01125/P

Address: 14 Rhodes Cottages Lime Grove North Berwick EH39 5NL

Proposal: Erection of garden room and formation of decked area (retrospective)

Case Officer: Scott Robertson

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to say that this building is not in keeping with the cottages number 8 - 14 Rhodes Cottages buildings and garden areas to the stone walls (boundary walls) inclusive which are B listed. There has been no attempt to have it blend with the area at all.

It also diminishes the light for walking down the communal path. I also have concerns regarding the trees around the property on the other side of the boundary wall their future growth as the current owners have already trimmed them to fit this building which they continued to build whilst knowing it was outside of permissible building requirements and without planning permission.

I would also like to mention the privacy issue for number 13 and the fact that the height and position does infringe on this property and although this issue does not affect me personally I do believe it should be taken into consideration.

I do have concerns about this studio style garden rooms future use at this property which as described and confirmed verbally by owners is going to be a "high end holiday let"

Comments for Planning Application 22/01125/P

Application Summary

Application Number: 22/01125/P

Address: 14 Rhodes Cottages Lime Grove North Berwick EH39 5NL

Proposal: Erection of garden room and formation of decked area (retrospective)

Case Officer: Scott Robertson

Customer Details

Name: [REDACTED]

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:- Loss of privacy for my family: the ground level has been raised, both indoors and outdoors, such that my child's bedroom window and our kitchen and living room are now overlooked. It is so intrusive that we have had to shut the blinds during the day while I have been breastfeeding, eating and playing with my young child.

- Loss of daylight: the building, particularly the roof, blocks light that used to come into our kitchen and living room and my child's bedroom. It also blocks light to number 14's windows, a listed building. In addition it blocks natural light to the communal path and to the road/walkway.

- Loss of trees: the trees on the other side of the boundary wall, which should have been protected, have been substantially cut back to allow for the new construction.

- Visual appearance: the construction is out of keeping with the surrounding, listed buildings. The scale and style of it would be better suited to a ranch in North America. The glare off the vast glass is tacky and annoying. The grey paint on the deck is consistently filthy, which we have to look at every day. The owners do not have to look at it, as it is a holiday let investment rather than their home.

- Noise or smell: people at the building have been talking loudly, playing music and smoking, so far mostly during the day as no one is staying in the extension yet. At naptimes I have had to crank up lullaby music to drown out the noise, but it does not work and my child frequently wakes startled by the noise from the development. Once holidaymakers at night-time are added into this equation, my infant's night-time sleeping will also be badly affected. I will also remain unable to open the window because of the smoke.

- Development plan: the owner's primary objective is to increase lettings revenue. The owner has confirmed to me that this is intended as a holiday let. Furthermore, this article from May 2022 confirms that the owner lives at a highly desirable address in Lanarkshire:

[https://www.dailyrecord.co.uk/in-your-area/lanarkshire/lanarkshire-home-misses-out-finalist-](https://www.dailyrecord.co.uk/in-your-area/lanarkshire/lanarkshire-home-misses-out-finalist-27047799)

27047799 The fact that he states his address in the planning application as 14 Rhodes Cottages

would be laughable if it were not so deeply upsetting and offensive.

- Impact on listed buildings and/or conservation areas: this eyesore detracts from the beauty of the listed buildings next to it and the boundary wall around it. (Mysteriously, the conservation area status that was in place when I bought in 2020 no longer applies.) In addition, the protected trees have been vandalised.

- Impact of increased activity: the area was previously a garden with a normal shed, deck and grass. Now it can be used as entertainment space all year round, increasing activity outside and overlooking my child's bedroom window.

- Traffic generation and road safety: by increasing the number of holidaymakers number 14 can accommodate with this extension, the already strained parking situation will be exacerbated.



19th October 2022

Dear Mr Dingwall,

Re Planning Application No. 22/01125/P

I am writing to you regarding the above planning application which concerns the construction of a building in the garden of a property at No 14 Rhodes Cottages. I would like to state my objections to this development.

The main objection is the alien appearance of this construction. This is a conservation area and the property is a listed building. It is a two-hundred-year-old farm cottage and it now has been completely spoiled by this plastic, grey coloured building which is so big it takes up almost the entire garden space. It completely spoils the visual aspect of these dwellings and the view afforded over the Glen Golf Course to the Firth of Forth and the Bass Rock and so on. For surrounding properties such as my own we now have no pleasure in the visual enjoyment of this area as all we can see is this huge plastic box. Putting a MacDonald's right next to the Taj Mahal would be a simile to demonstrate how alien this "garden room" looks against the old cottage next to it.

The second objection I have is the potential this place has for creating anti-social behaviour. The intended use for this building is, seemingly, to be used by holiday-makers while they use a hot tub in the garden. (currently not installed as yet) My concern is that since people have no sense of responsibility for their behaviour now, there will be alcohol involved and noisy and disruptive behaviour will be the obvious result. This is a particular concern for me as I am registered blind and have to walk past this property en route to North Berwick or to exercise my guide dog. The absolute last thing I need is the fear of anti-social behaviour caused by holiday-makers using this tiny garden. This is a quiet residential area with a strong community spirit and it is not appropriate to have something like this here.

My final objection is the impact this will have on the properties immediately surrounding No. 14 Rhodes Cottages. Their privacy has been totally destroyed by this building and also their visual enjoyment of the area has completely gone. As already stated, the size, colour and appearance of this large building in such a small space and in such a unique historic environment could not be more out of character.

I sincerely hope you will give these points serious consideration and that you will withdraw planning permission for this construction so that the garden can be restored to a sympathetic and natural state which will give everyone enjoyment of this beautiful area.

Yours sincerely

A solid black rectangular box redacting the signature of the sender.

Speaking for
Scotland's Buildings
AHSS East Lothian Cases Panel,



Planning and Environment
East Lothian Council
John Muir House
Brewery Park
Haddington
East Lothian EH41 3HA

Our ref.: 22.EH39 5NL

by email: environment@eastlothian.gov.uk

21 October 2022

Dear Mr Robertson

14 Rhodes Cottages Lime Grove North Berwick EH39 5NL : Erection of garden room and formation of decked area (retrospective)

Planning app. no.: 22/01125/P Listed Building Affected by Development

The Society strongly **OBJECTS** to this application for the following reasons contrary to East Lothian Council Local Development Plan 2018 policies, **CH1**, **DP5** and **DP7**.



Vernacular style of cottages at front

Chairman: Martin Robertson

AHSS Cases Panels | National Office | 15 Rut and Square, Edinburgh EH1 2BE
0131 557 0019 | nationaloffice@ahss.org.uk | www.ahss.org.uk

1. The garden room is too high and too wide and has too big a floor area. It overwhelms the garden and it appears far too dominant in terms of its visual relationship with the adjacent cottage. The design of the garden room has no relationship with the vernacular architecture of the B listed cottages nor is it subservient in form or size.



Design at odds with traditional style of cottages, dominant in size and form, visually incongruous

2. The cottages are built on falling ground and the decking at the northern end of the garden room extends to the junction with adjacent cottage, No. 13. At this point the decking is level with the rubble coping of the boundary wall and the height of the room above ground level is greater than 2.5M. This difference in height means that the windows of No.13 will be overlooked by people sitting on the decking resulting in loss of privacy for the occupants of No. 13

Chairman: Martin Robertson

AHSS Cases Panels | National Office | 15 Rut and Square, Edinburgh EH1 2BE
0131 557 0019 | natonaoffice@ahss.org.uk | www.ahss.org.uk



Loss of privacy for neighbouring property, height over 2.5m above ground level, dominant and intrusive to neighbouring properties, 'blights' rear of adjacent properties.

3. The garden room is in open view from the Glen Golf course and obscures the view of the end cottage distracting the eye and affecting appreciation of the farm cottages as a whole.



Chairman: Martin Robertson

AHSS Cases Panels | National Office | 15 Rut and Square, Edinburgh EH1 2BE
0131 557 0019 | nationaloffice@ahss.org.uk | www.ahss.org.uk

The Society notes that the present application states the applicant was unaware this development required planning permission. It also notes that the applicant has been granted planning permission for this property in the recent past.

Without doubt this unconsented construction seriously infringes ELC policy.

Yours faithfully,

The AHSS East Lothian Cases Panel

c.c. Historic Environment Scotland steven.robbs@hes.scot
AHSS National Office nationaloffice@ahss.org.uk

31/10/22

Ref: 22/01125/P
14 Rhodes Cottages
North Berwick
EAST LoTHIAN
EH34 5NL

OBJECTION TO THE ERECTION OF GARDEN ROOM
AT THE ABOVE PROPERTY
FURTHER TO MY PREVIOUS OBJECTIONS

My Reasons are it was built knowingly outside of
permissible limits.

The trees on the stone boundary walls were cut
back to allow the build.

My main issues are it is not in keeping with
the listed building area which includes cottages
7 to 14 gardens and stone boundary walls.

Its high and casts out light on the communal path
Its been built to add room for a holiday let out,
this raise my concerns about activities and parking
in the area.

Yours faithfully



Policy DP2: Design

The design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

1. Be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings;
2. By its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site's context, and create a sense of identity within the development;
3. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security;
4. Provide a well connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement;
5. Clearly distinguish public space from private space using appropriate boundary treatments;
6. Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;
7. Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate;
8. Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.

Policy CH1: Listed Buildings

Internal or external alterations or extensions to listed buildings will only be permitted where they do not harm the architectural or historic character of the building.

The demolition of a listed building will not be permitted unless the building is no longer of special interest, is incapable of repair or there are overriding environmental or economic reasons, and it must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use.

New development that harms the setting of a listed building will not be permitted.

22/01125/P – REVIEW AGAINST DECISION – PLANNING OFFICER’S FURTHER SUBMISSION IN RESPECT OF POLICY 7 AND 16 OF NATIONAL PLANNING FRAMEWORK 4

When planning application 22/01125/P was determined on 16th December 2022 it was assessed against Section 25 of the Town and Country Planning (Scotland) Act 1997 which requires the application be determined in accordance with the development plan unless material considerations indicate otherwise.

However, since the determination of planning application 22/01125/P, National Planning Framework 4 (NPF4) was approved by the Scottish Government on 11th January 2023 and adopted on 13th February 2023. NPF4 is now part of the development plan and is a material consideration in the assessment of this planning application. In light of the above, I have assessed planning application 22/01125/P against Policy 7 (Historic Assets and Places) and Policy 16 (Quality Places) of NPF4.

Part c) of Policy 7 (Historic Assets and Places) of NPF4 states that:

‘Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest’.

A material consideration in the determination of this application is whether or not the garden room and associated decking preserves the character and special architectural or historic interest of the listed building it relates to. As set out in the original report of handling, the erected garden room has already been assessed in terms of the impact it has on the special architectural or historic interest of the listed building. Due to the position of the garden room and its size and scale, the garden room draws focus away from listed building. It is therefore harmful to the character and special architectural or historic interest of the listed building and the terrace of listed buildings it is a part of. The erected garden room does not comply with the Policy 7 of NPF4.

Part g) (i) of Policy 16 (Quality Places) of NPF4 states that:

‘Householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials’.

A material consideration in the determination of this application is whether or not the garden room and associated decking has a detrimental impact on the character or environmental quality of the home and surrounding area. In terms of size, design and materials the garden room features as a dominant and obtrusive structure within its setting of the house and rear gardens of the terraces of

cottages. It therefore detrimentally affects the character of the house and surrounding area it is a part of and would not comply with Policy 16 of NPF4.

