

LOCAL REVIEW BODY

25th January 2024

Application No: 23/00451/P

36 Monktonhall Terrace, Musselburgh

Appointed Officer's Submission

23/00451/P – REVIEW AGAINST DECISION – PLANNING OFFICER’S SUBMISSION

Planning Application Review Against Condition: Planning permission is not hereby granted for the dormer to be formed on the front (east) elevation roof slope of the house at 36 Monktonhall Terrace, Musselburgh.

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2. Copy of the Decision Notice and reasons for refusal relating to planning application 22/01273/P.
3. Copy of Policies 14 and 16 of the adopted National Planning Framework 4 and Policies DP5 (Extensions and Alterations of Existing Buildings) of the adopted East Lothian Local Development Plan 2018.

7th December 2023

Scott Robertson
Assistant Planner (Planning Delivery)

OFFICER REPORT

1st August 2023

App No. **23/00451/P**

Application registered on **2nd June 2023**
Target Date **1st August 2023**

Proposal	Erection of porch and formation of dormers	SDELL	N
		CDEL	N
Location	36 Monktonhall Terrace Musselburgh EH21 6ES	Bad Neighbour Development	N

APPLICANT: **Mr Anton Lewis**

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

**36 Monktonhall Terrace
Musselburgh
EH21 6ES**

DECISION TYPE: **Granted Permission**

PLANNING ASSESSMENT

The property to which this application relates is a two storey semi-detached house and its garden located within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan.

The property is bound to the north, south and west by neighbouring residential properties and to the east by the public road of Monktonhall Terrace.

Planning permission is sought for the (i) a porch to be attached to the south elevation of the house; and (ii) a dormer to be attached to each of the front, side and rear roof planes of the applicant's house.

The proposed porch would project out from the side (south) elevation of the house some 1.7m and extend along it by some 2.9m. The porch would have a -pitched roof measuring some 3.6m in height which would be clad with slate to match the existing. The walls of the proposed porch would be clad externally in vertical timber panels with affixed opening in its south facing side elevation and door and fixed window panel in its east (front) elevation.

The dormers to be formed on each of the east (front) and west (rear) elevation roof slopes of the house and would project out some 3.1m from the plane of the roof, be some 2.2m wide, and

would be some 2.5m in height. They would each be set some 0.4m below the original ridge height. The proposed dormers would be of a gable form and design with slate cheeks and window openings in its principal elevation.

The proposed dormer that would project out from the side hipped roof of the house. It would be set some 0.3m from the main ridge and would project some 3.7m from the plane of the roof. It would measure some 3.5m in height and 2.2m in width. It would also be finished with slate cheeks and front with a window proposed in the south facing elevation.

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 National Planning Framework 4 (NPF4) which was adopted by The Scottish Government on the 13th February 2023 and the adopted East Lothian Local Development Plan 2018.

The relevant policies contained within NPF4 consist of policies 14 (Design, Quality and Place) 16 (Quality Homes). Policy DP5 (Alterations and extension to existing buildings) of the ELLDP is relevant to the determination of the application.

There is no public objection to this application.

In assessing overlooking, the council apply a general guide of 9m between a window and a boundary and 18m between opposing windows.

The proposed porch and dormers would not allow for harmful overlooking of any windows or private garden areas of any neighbouring residential properties.

The proposed porch and dormers would not give rise to harmful overshadowing of any neighbouring residential properties.

The proposed side porch/vestibule would be small in size and scale and would not be inappropriate to its setting. It would not harm the character and appearance of the house or harm the character and appearance of the area.

In its proposed position on the hipped end roof slope of the south elevation of the applicant's property, the proposed dormer would be visible in public views from Monktonhall Terrace and from the rear gardens with a very oblique view from Stoneybank Place. However by being of a pitched and hipped roofed form and external finish the proposed side dormer would be similar in its architectural form to the dormer on the north elevation of the adjoining house. Therefore, when seen in the context of that existing dormer attached to the north elevation of the adjoining house it would not appear as a harmfully dominant, intrusive or incongruous feature on the roof of the property or within the streetscape of Monktonhall Terrace. It would not cause the property or the pair of semi's as a whole to appear incongruous in the streetscape. It would not be harmful to the character and appearance of the area.

The proposed dormer to be attached to the rear (west) facing elevation roof slope of the house would not be readily visible from Monktonhall Terrace. It would be of a form, size and scale

appropriate to its setting and would not be harmful to the character and appearance of the house or be harmful to the character and appearance of the area.

On these considerations, the proposed porch, side and rear dormers do not conflict with Policy DP5 of the adopted East Lothian Local Development Plan 2018 or Policies 14 and 16 of National Planning Framework 4.

Monktonhall Terrace is characterised in part by a long terrace of stonebuilt buildings (1-34 Monktonhall Terrace), and in part by more modern rendered semi detached houses (34-53 Monktonhall Terrace). The applicant's house is one of a pair of the more modern semi detached houses.

The proposed dormer to be formed on the front elevation roof slope of the house would be seen in the context of the other semi detached houses of Monktonhall Terrace. Whilst a number of those houses have roof windows on their front elevations none of those houses have a dormer window formed on its front elevation roof slope.

Therefore the formation of the proposed dormer on the front elevation roof slope would disrupt the form and appearance of the front elevation roof slope of the house in a manner that would not be in keeping with the front elevation roof slopes of the other semi detached houses of Monktonhall Terrace. Consequently the proposed dormer would not be a complementary addition to the front elevation roof slope of the house and would consequently have a detrimental impact on the character of the house and of the surrounding area.

Furthermore, it would set an undesirable precedent for neighbouring properties of Monktonhall Terrace to alter their principal roofslopes in a similar manner to the detriment of the character and appearance of the surrounding area.

Accordingly, the proposed front (east) facing dormer is contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018 and with policy 14 of NPF4.

As the proposed porch, side and rear dormers are all acceptable and form the main components of this planning application they can be granted planning permission. It can reasonably be made a condition of that grant of planning permission that the unacceptable front dormer is refused planning permission.

CONDITIONS:

- 1 Planning permission is not hereby granted for the dormer to be formed on the front (east) elevation roof slope of the house.

Reason:

The formation of the proposed dormer on the front elevation roof slope would disrupt the form and appearance of the front elevation roof slope of the house in a manner that would not be in keeping with the front elevation roof slopes of the other semi detached houses of Monktonhall Terrace. Consequently the proposed dormer would be a harmful addition to the front elevation roof slope of the house that would harm the character and appearance of the house and would have a detrimental impact on the

character of the area contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018 and Policy 14 and 16 of NPF4.

- 2 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.

LETTERS FROM

1st August 2023

App No. 23/00451/P

EAST LoTHIAN COUNCIL

DECISION NOTICE

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Mr Anton Lewis
36 Monktonhall Terrace
Musselburgh
EH21 6ES

APPLICANT: Mr Anton Lewis

With reference to your application registered on **2nd June 2023** for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Erection of porch and formation of dormers

at
36 Monktonhall Terrace
Musselburgh
EH21 6ES

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **GRANT PLANNING PERMISSION** for the said development in accordance with the particulars given in the application, the plan(s) docketed as relative hereto and the conditions set out below:-

CONDITIONS:

- 1 Planning permission is not hereby granted for the dormer to be formed on the front (east) elevation roof slope of the house.

Reason:

The formation of the proposed dormer on the front elevation roof slope would disrupt the form and appearance of the front elevation roof slope of the house in a manner that would not be in keeping with the front elevation roof slopes of the other semi detached houses of Monktonhall Terrace. Consequently the proposed dormer would be a harmful addition to the front elevation roof slope of the house that would harm the character and appearance of the house and would have a detrimental impact on the character of the area contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018 and Policy 14 and 16 of NPF4.

- 2 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.

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;
- any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997; and
- where applicable the summary of the terms of any agreement entered into under Section 75 of the Town and Country Planning (Scotland) Act 1997.

A copy of the Section 75 Agreement can be inspected in the application file on the Council's website.

The docketed plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
(EX)01	-	26.04.2023
(EX)02	-	26.04.2023
(PL)01	-	26.04.2023
(PL)02	-	26.04.2023
(BW)05	-	02.06.2023
(PL)03	-	02.06.2023

ADVISORY NOTES

It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

1st August 2023



Keith Dingwall
Service Manager - Planning

NOTES ABOUT REVIEW OF DECISION

If the applicant is aggrieved by the decision of the Planning Authority to grant permission for the proposed development subject to conditions, 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 decision 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.

Notes to Applicant

The applicant/developer is strongly advised to check the status of utility apparatus for Scotland Gas Networks before progressing with any development on site. Scotland Gas Networks are currently referring prospective applicants/developers to www.linesearchbeforeudig.co.uk to review any apparatus that might be affected by the proposed works. If apparatus is located that would be affected then Scotland Gas Networks should be contacted on <https://www.sgn.co.uk/>

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

Section 27A (1) of the above-mentioned Act requires that this notice must be served to the Council **prior** to the start of work. Failure to do so is a breach of planning control under section 123(1) of the above Act and may result in the Council taking enforcement action.

NOTICE OF INITIATION OF DEVELOPMENT

Notice is hereby given that the under-mentioned scheme of development is expected to commence on/...../20....

Planning authority reference: **23/00451/P**

Date of decision notice: **1st August 2023**

Address/Location of site:

36 Monktonhall Terrace
Musselburgh
EH21 6ES

Name and address of developer:

Name and contact details of site agent:

Owner of land (if not as above):

Signed:

Date:

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

Section 27B (1) of the above-mentioned Act requires that this notice must be served to the Council on completion of the approved scheme of development.

NOTICE OF COMPLETION OF DEVELOPMENT

Notice is hereby given that the under-mentioned scheme of development was completed on/...../20....

Planning authority reference: **23/00451/P**

Date of decision notice: **1st August 2023**

Address/Location of site:

36 Monktonhall Terrace
Musselburgh
EH21 6ES

Name and address of developer:

Owner of land (if not as above):

Signed:

Date:

National Planning Framework 4

Policy 14: Design, Quality and Place

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places: Healthy: Supporting the prioritisation of women’s safety and improving physical and mental health. Pleasant: Supporting attractive natural and built spaces. Connected: Supporting well connected networks that make moving around easy and reduce car dependency Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity. Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions. Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time. Further details on delivering the six qualities of successful places are set out in Annex D.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 16: Quality Homes

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to: i. meeting local housing requirements, including affordable homes; ii. providing or enhancing local infrastructure, facilities and services; and iii. improving the residential amenity of the surrounding area. Part 2 – National Planning Policy National Planning Framework 4 63

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include: i. self-provided homes; accessible, adaptable and wheelchair accessible homes; build to rent; iv. affordable homes; v. a range of size of homes such as those for larger families; vi. homes for older people, including supported accommodation, care homes and sheltered housing; vii. homes for people undertaking further and higher education; and viii. homes for other specialist groups such as service personnel.

d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.

e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where: i. a higher contribution is justified by evidence of need, or ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes. The contribution is to be provided in accordance with local policy or guidance.

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where: i. the proposal is supported by an agreed timescale for build-out; and ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods; iii. and either: delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or the proposal is consistent with policy on rural homes; or the proposal is for smaller scale opportunities within an existing settlement boundary; or the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

g) Householder development proposals will be supported where they: i. 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; and ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

East Lothian Local Development Plan 2018

Policy DP5: Extensions and Alterations to Existing Buildings

All alterations and extensions to existing buildings must be well integrated into their surroundings, and must be in keeping with the original building or complementary to its character and appearance. Accordingly such development must satisfy all of the following criteria:

1. It must not result in a loss of amenity with neighbouring uses or be harmful to existing residential amenity through loss of privacy from overlooking, or from loss of sunlight or daylight;
2. 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;
3. For an extension or alteration to all other buildings, it must be of a size, form, proportion and scale appropriate to its surroundings and, where the existing building has architectural merit be in keeping with or complement that existing building; Development that does not comply with any of the above criteria will only be permitted where other positive planning and design benefits can be demonstrated.