

REVIEW DECISION NOTICE

Decision by East Lothian Local Council Review Body (the “**ELLRB**”)

Application for Review by Mr Anthony Lewis of 36 Monktonhall Terrace, Musselburgh, EH21 6ES (the “Applicant”) of condition 1 imposed on Planning Consent 23/00451/P, the condition appealed is that “Planning permission is not hereby granted for the dormer to be formed on the front (east) elevation roof slope of the house.”

Site address: 36 Monktonhall Terrace, Musselburgh, EH21 6ES

Application Ref: 23/00451/P

Date of Review decision notice: 21 February 2024

1. Decision

- 1.1 The ELLRB unanimously agreed to uphold condition 1 placed by the planning officer on Planning Consent 23/00451/P for the reasons more particularly set out below.
- 1.2 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

2. Introduction

- 2.1 The ELLRB was constituted by Councillor J Findlay (Chair), Councillor A Forrest, Councillor L Allan and Councillor K McLeod. Planning Consent 23/00451/P was granted with conditions by East Lothian Council’s planning officer on 1 August 2023. The review of the condition 1 placed on Planning Consent 23/00451/P was considered by the ELRB at the Local Review Body (LRB) on Thursday 25 January 2024. All four members of the ELLRB had attended a site visit in respect of the application on 25 January 2024.
- 2.2 The following persons were also present at the meeting of the ELLRB:

Ms J Squires, Planning Advisor
Ms F Haque, Legal Adviser/Clerk
Ms F Currie, Clerk

3. Proposal

- 3.1 This application is an appeal against condition 1 placed on Planning Consent 23/00451/P granted on 1 August 2023. The Applicant appealed the condition on 1 October 2023.
- 3.2 The condition for review is as follows:
“Planning permission is not hereby granted for the dormer to be formed on the front (east) elevation roof slope of the house.”

4. Preliminaries

- 4.1 In advance of the LRB meeting, members were provided with copies of the following:

1	Statement of Case: original case officer’s report for planning application 23/00451/P
2	Copy of the Decision Notice containing conditions relating planning application 23/00451/P
3	The policies listed below relevant to the determination of the application. 1. Policy DP5 of the adopted East Lothian Local Development Plan 2018 (ELLDP)

	2. National Planning Framework 4 (NPF4) policies: <ul style="list-style-type: none"> • 14 (Liveable Places); and • 16 (Quality Homes).
4	Applicant's submission
5	Drawings and plans

5. **Findings and conclusions**

- 5.1 The Clerk confirmed that all members of the ELLRB were present and all confirmed that there were no declarations of interest.
- 5.2 The Legal Advisor proceeded to summarise the process for the LRB meeting, confirmed that all attendees had copies of the papers listed above. The members nominated Councillor F Findlay as chair.
- 5.3 The Members requested that the Planning Advisor summarise the application and the related policy position in respect of this matter.

Planning Advisor's summary

- 5.4 The original application sought planning permission as follows: (1) a porch to be attached to the south elevation of the house; and (2) a dormer to be attached to each of the front, side and rear roof planes of the applicant's house.

Planning permission was granted for the works, subject to conditions, condition 1 being that "Planning permission is not hereby granted for the dormer to be formed on the front (east) elevation roof slope of the house."

The majority of the works shown in the application therefore have permission and will not be revisited through this review. The review covers only the matter of condition 1 preventing construction of the front (east) dormer.

The property is a two storey semi-detached building, it is separated from the busy B6145 road by a small garden. This part of the street has houses of similar general appearance to the south, none of which have dormers to the front, and a long row of traditional two storey terraced houses to the north, which have distinctive and uniform roof gable features. Opposite lies parkland by the River Esk.

The proposed dormer would project around 3.1 metres from the plane of the roof and would be at set 0.4m below the original roof ridge. It would have a new double glazed, upvc window coloured white. The dormer roof would be pitched, finished in slate.

The case officer dealing with the original application had considered policies 14 (design, quality and place) and 16 (quality homes) of the NPF4 and DP5 of the ELLDP. The Planning Advisor then elaborated upon the various policies.

- Policy 14 of NPF4 requires that development proposals regardless of scale be designed to improve the quality of an area. Proposals will be supported where they are consistent with the six qualities of successful place. These include 'pleasant', proposals that support attractive built spaces, and 'distinctive'; supporting attention to detail of local architectural styles.
- Policy DP5 of the ELLDP requires that all alterations and extensions to existing buildings be well integrated into their surroundings, and be in keeping with the original building or complementary to its character and appearance. For an extension to a house, it must be of a size, form, proportion and scale appropriate to the existing house.

The Planning Advisor stated that the case officer considered the dormer would be contrary to Policy 14 of NPF4 and DP5 of the ELLDP, as it would be seen in context of the other houses of Monktonhall Terrace, none of which have a front dormer. The dormer would therefore disrupt the

form and appearance of the front elevation of roof slopes, and would not be in keeping with them. It would have a detrimental impact on the character of the house and the appearance of the surrounding area. The dormer was therefore excluded from planning consent for the development by condition as contrary to NPF4 Policy 14 and ELLDP Policy DP5.

The case officer also noted in his report that it would set an undesirable precedent for neighbouring properties which if followed would be to the detriment of the character and appearance of the surrounding area.

The Applicant in his appeal argues that the semi-detached building of which the site forms part is the only one of its kind on Monktonhall Terrace, the others being four in a block type with different roof shapes and designs. The red sandstone terrace buildings to the north are completely different. The southern flats though of similar period to his, are of different colours and different positions relative to the street, with no standard street frontage. Therefore, he considers the proposal is not out of keeping.

The Applicant considers that the size, form, proportion and scale of the proposed dormer is appropriate to the house as it is identical to the approved rear dormer. He considers the dormer is in keeping with the six qualities of successful places. He states it uses natural materials. To note, the materials detailed on the drawings are slate and upvc. The Applicant considers the design complements local architectural styles and will allow his family to remain in the area. The plan will increase the efficiency of the home as further insulation and glazing has been added. Therefore, he considers the proposal is in line with NFP4 Policy 16 as it does not have a detrimental impact on the character of the house and improves its environmental quality. The appellant notes that a front dormer has been approved on a house on this road, which Members saw on the site visit, so there is an existing precedent.

The Planning Advisor stated that she agreed with the case officer's view that the proposed dormer would be out of keeping with the existing housing in Monktonhall Terrace. The local architectural style the housing of the same period, which this house reads with, is of monoplane roof slopes, which the proposed dormer would disrupt. The proposal would also in the Planning Advisor's view, in combination with the consented dormers, have the effect of altering the massing of this building to the detriment of the building itself and the street scene. This would reduce the sense of place of this building group and the street in general. The rear dormer although identical has limited visibility on public areas which the case officer took into account when approving it.

The Applicant states that the proposal will increase the efficiency of his home but has not submitted any further information in support of this. The rear dormer although identical has limited visibility from public areas, which the case officer took into consideration in approving it. The approved dormer on a house on the street is on an originally single storey building, and is not part of the group this building reads with.

Questions and comments

- 5.5 The Chair invited questions for the Planning Advisor.
- 5.6 Councillor McLeod stated that on the site visit that it was clear to him that the proposed dormer would look out of context on the street. The house next door has a dormer on the side, which would not be visible when driving or walking along the street, or on the opposite side of the house. He is of the view that it is well sheltered. The other house with a dormer is circa 500 yards away on a bungalow type house, which was also out of site on that street. As such, he concludes that the proposed dormer would look out of character on that street, he agrees with the Planning Advisor's comments to retain the condition.
- 5.7 Councillor Forrest commented that while the condition stops the formation of a domer, he queried if there would be anything to stop a velux window being constructed. He further stated that he understood that the Applicant was seeking to get as much light in the area especially with the cost of living. The Planning Advisor checked whether this was a permitted development and answered that the Applicant would need planning permission for a velux.

5.8 Councillor Allan and the Chair did not have any questions.

The vote

5.9 The Chair confirmed that all members had attended the site visit on 25 January 2024.

5.10 Councillor Forrest said it had been helpful to attend the site visit. He stated that he agreed with the original case officer's decision and that the proposed dormer would break up the view. He voted not to change condition 1 of Planning Consent 23/00451/P and for it to remain.

5.11 Councillor Allan agreed with the original case officer's decision. She understood the reasoning for larger spaces and light. In this case she did not think it would be fitting with the surrounding buildings. She voted not to change condition 1 of Planning Consent 23/00451/P and for it to remain.

5.12 The Chair agreed with the members and commented that a velux window (as commented by Councillor Forrest) may be an alternative and that a few buildings on the street had them already. He voted not to change condition 1 of Planning Consent 23/00451/P and for it to remain.

5.13 Councillor McLeod voted not to change condition 1 of Planning Consent 23/00451/P and for it to remain.

Accordingly, the ELLRB unanimously decided to refuse the appeal and agreed with the original case officer's decision to impose condition 1 of Planning Consent 23/00451/P and voted for it to remain.

Condition 1 of Planning Consent 23/00451/P is hereby upheld.


Fariha Haque
Legal Adviser to ELLRB

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under Section 43A(8)

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

- 2 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 V of the Town and Country Planning (Scotland) Act 1997.