

REVIEW DECISION NOTICE

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

Application for Review by marchitects limited on behalf of Mr Robert Smith of 7 St Martins Court, Haddington EH41 4BH decision to refuse Planning Permission for the formation of dormers at 7 Queens Drive, Pencaitland EH34 5AW.

Site Address: 7 Queens Drive, Pencaitland EH34 5AW

Application Ref: 23/00664/P

Application Drawing: Please refer to the Drawings/Plans detailed at 3.1 (i)

Date of Review Decision Notice:

Decision

The ELLRB unanimously agreed to dismiss the appeal and refuse planning permission for the formation of dormers at 7 Queens Drive, Pencaitland EH34 5AW for the reasons more particularly set out below.

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.

1. Introduction

The above application for Planning Permission was considered by the ELLRB, at a meeting held on Thursday, 18 January 2024. The Review Body was constituted by Councillor C Yorkson (Chair), Councillor D Collins and Councillor L Allen. All three members of the ELLRB had attended a site visit in respect of this application prior to the meeting.

1.1. The following persons were also present at the meeting of the ELLRB:-

Mr M Mackowiak, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser to the LRB
Ms F Currie, Clerk

2. Proposal

2.1. The planning application is for review of decision to refuse Planning Permission

2.2. The planning application was registered on 14 June 2023 and the Decision Notice refusing the application is dated 3 August 2023.

2.3. The reason for refusal is more particularly set out in full in the said Decision Notice dated 3 August 2023. The reason for refusal is set out as follows:

- 1 *The proposed box dormer due to its size, scale, design, proportions, massing and position would be a radical alteration to the rear elevation roof slope of the house that would be a harmfully dominant, intrusive and incongruous feature. It would not be harmful to the character and appearance of the house. It would instead be harmful to the character and appearance of the house contrary to policies 14 and 6 of NPF4 and policy DP5 of the adopted East Lothian Local Development Plan 2018.*

2.4. The notice of review is dated 14 September 2023.

3. **Preliminaries**

3.1. The ELLRB members were provided with copies of the following:-

i.	The drawings accompanying this application are referenced and numbered as follows: <table border="1"> <thead> <tr> <th><u>Drawing No.</u></th> <th><u>Revision No.</u></th> <th><u>Date Received</u></th> </tr> </thead> <tbody> <tr> <td>DWG01</td> <td>-</td> <td>12.06.2023</td> </tr> <tr> <td>367-0-01</td> <td>1</td> <td>12.06.2023</td> </tr> <tr> <td>MANU LITERATURE 01</td> <td>-</td> <td>14.06.2023</td> </tr> <tr> <td>MANU LITERATURE 02</td> <td>-</td> <td>14.06.2023</td> </tr> <tr> <td>367-0-02</td> <td>-</td> <td>14.06.2023</td> </tr> </tbody> </table>	<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>	DWG01	-	12.06.2023	367-0-01	1	12.06.2023	MANU LITERATURE 01	-	14.06.2023	MANU LITERATURE 02	-	14.06.2023	367-0-02	-	14.06.2023
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ii.	The Application for planning permission registered on 14 June 2023																		
iii.	The Appointed Officer's Submission																		
iv.	Policies relevant to the determination of the application: National Planning Framework 4 (NPF4): <ul style="list-style-type: none"> - Policy 14 (Design, quality and place) - Policy 16 (Quality homes) The adopted East Lothian Local Development Plan 2018: <ul style="list-style-type: none"> - DP5 (Extensions and Alterations to Existing Buildings). 																		
v.	Notice of Review dated 14 September 2023 together with Applicant's Submission with supporting statement and associated documents.																		

4. **Findings and Conclusions**

4.1. The ELLRB confirmed that the application for a review of the planning application permitted them to consider the application afresh and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it. They confirmed that they had access to the planning file in respect of this matter and to all the information that the Appointed Officer had available when reaching the original decision to grant planning permission subject to conditions, including all drawings and copies of all representations and objections received in respect of the original application. They also confirmed they had received and reviewed the Applicant's Submission and further representations made in connection within this appeal before the ELLRB today.

- 4.2. The Members then asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser advised that the planning application relates to a single storey semi-detached house with associated garden ground to its front and rear. The property is located within a residential area as defined by policy RCA1 of the East Lothian Local Development Plan. The property is bounded to the east, south and west by adjoining residential properties. To the north of the site lies the public highway.

Planning permission is sought for the formation of a large 'box' type dormer on the rear (south) facing pitched roof slope of the house. The proposed box dormer would extend along the majority of the rear roof slope being set in from the east boundary by some 0.26m. The dormer would extend up to gable end, measuring some 9.2m. It would measure some 2.4m in height and would project above the main ridge of the property by some 0.18m. The dormer would have 4 window openings in its rear elevation and would be finished in timber cladding. The property is bounded to the east, south and west by adjoining residential properties. To the north of the site lies the public highway.

The Planning Adviser confirmed that 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 and confirmed the policies that were relevant to the determination of this application.

The Planning Adviser then confirmed that the windows to be formed within the rear (south) elevation of the proposed dormer, would face over the rear garden of the applicant's house for some 19 metres. Therefore they would not allow for harmful overlooking of any neighbouring residential properties. The case officer confirmed that owing to its size, form, orientation and position, the proposed dormer would not give rise to a harmful loss of sunlight or daylight received by any neighbouring residential properties. On these considerations of privacy and amenity the case officer concluded that the proposals do not conflict with Policy DP5 of the LDP.

The proposed dormer would be rectangular in shape measuring some 9.2m wide, some 2.4 metres 3.5m deep and some 2.4 metres high to its highest point and would comprise a very minor slope. Its shallow mono-pitched roof would be clad in a single ply roofing membrane. Its cheeks and rear elevation would be clad in timber boarding. It would have four individual, uPVC framed, tilt and turn windows.

In his report the case officer considered Policy DP5 of the adopted East Lothian Local Development Plan 2018 which states that 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.

The officer concluded that the proposed large 'box type' dormer would due to its size, scale, design, proportions, massing, and position, be a radical alteration to the rear elevation roof slope of the house that would be a harmfully dominant, intrusive and incongruous feature. It would occupy some 86% of the existing pitched roof slope of the applicant's house such that it would be harmfully disproportionate to, and result in a gross overdevelopment of, the rear (south) facing pitched roof slope. Moreover, as the proposed dormer would project above the main ridgeline of the roof it would be an alien feature that would be out of keeping with the character and appearance of the house. Consequently, the proposed dormer would not be subservient to, or in keeping with, the character and appearance of the house.

It would instead be harmful to the character and appearance of the house contrary to Policies 14 and 16 of NPF4 and Policy DP5 of the adopted East Lothian Local Development Plan 2018.

The Planning Adviser then summarised the applicant agent's submission and confirmed that the applicant agent states that

- The proposed dormer is situated to the rear of the property and would not be readily fully visible from the street except partially when viewed down the driveway. It would not be a dominant feature given its position on the rear roof slope facing a rear private garden.
- As the dormer is situated to the rear of the property it would not be harmful to the character and appearance of the house or surroundings.
- The existing character of the house would be maintained, remaining as a single storey cottage when viewed in the context of the street and therefore well integrated into its surroundings.
- The formation of the full width dormer to the rear would provide much needed additional bedroom space to allow a family with children to inhabit the property.
- It is proposed to form a raised ridge flashing of 150mm which will allow headroom within the dormer and hence the provision of additional habitable space. This flashing would be finished in lead and dressed over the existing ridge tile. When viewed from the street this would not be alien but rather appear as a traditional replacement ridge roll flashing.
- The applicants house is not within a conservation area and is not a listed building. The existing chimney provides a natural break between the adjoining property's ridge line and that proposed against which the new flashing will abut.

4.3. Members then asked questions of the Planning Adviser and in response to questions the Planning Adviser confirmed that save for the neighbouring building there were to their knowledge no other buildings within the area with similar alterations although it was noted that the neighbouring building's alterations were significantly smaller than what was proposed in terms of this application.

4.4. The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.

4.5. Councillor Allen commented that she felt the proposal was out of proportion and scale with the surrounding area. Accordingly, she was minded to support the planning case officer's recommendation and refuse planning permission.

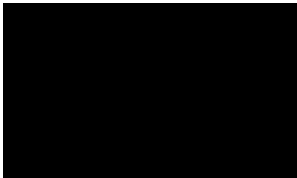
4.6. Councillor Collins comments that the proposed development before them was huge. In her view it was way off scale to the proportions of the building. She commented that the works carried out to the neighbouring building were complimentary to the scale of the building and character of the area. This proposal if approved while mainly to the rear of the property would be partly visible from the road. She then stated as this development was huge she was minded to support the planning case officer's recommendation and refuse planning permission.

4.7. The Chair stated he shared the concerns of his colleagues and was also of the view that

the scale of the proposed development would mean that it would no longer be subservient to the building itself. Accordingly, he was also minded to support the planning case officer's recommendation and refuse planning permission.

Accordingly, the ELLRB unanimously decided to dismiss the appeal and refuse planning permission for the reasons more particularly set out within the planning case officer's report.

Planning Permission is hereby refused.



Carlo Grilli
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.