

REPORT TO: Planning Committee
MEETING DATE: 7 May 2024
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

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Note: *This application has been called off the Scheme of Delegation List by Councillor McFarlane for the following reasons:* I believe it would be beneficial for the Committee to visit the site and fully discuss this application because there are a mix of ages and styles of properties, and other infills, already on this street.

Application No. **23/00484/P**

Proposal Erection of one house and associated works

Location **Garden Ground to the Rear of 1A
West Bay Road
North Berwick
East Lothian**

Applicant Mr Gary Henderson and Ms Linda Stone

Per Somner Macdonald Architects

RECOMMENDATION Application Refused

REPORT OF HANDLING

PROPOSAL

This application relates to the garden ground of the flatted property of 1A West Bay Road, which is to the north side of the flatted building of 1 West Bay Road. The flatted building contains a total of 4 flats, including the applicant's flat. It is within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. The application site falls within the North Berwick Conservation Area.

The application site is bounded to the east by the public road of West Bay Road and to the south, west and north by neighbouring residential properties.

PLANNING HISTORY

In November 2020 planning permission (Ref: 20/00936/P) was granted for the addition of

an extension to the north elevation of the flatted building, the formation of balcony, steps, vehicular access, hardstanding area and erection of a retaining wall all within the garden ground to the north side of the flatted building. Planning permission Ref: 20/00936/P has not been implemented and has now lapsed.

PROPOSAL

Planning permission is now sought for the erection of one house with associated parking, hardstanding, fencing and gates on the garden ground to the northwest of the flatted building of 1 West Bay Road.

Planning permission is also sought for the formation of two off-street parking spaces with associated hardstanding, steps and retaining wall on the area of garden ground to the northeast of the flatted building. These proposed parking spaces would serve the existing flatted property of 1a West Bay Road, North Berwick.

The garden ground to the north side of the flatted building rises up from West Bay Road and currently comprises a sloping driveway leading to three parking spaces for three of the flats within the flatted building. Beyond the three parking spaces is the area of garden ground on which the proposed house would be erected. That area of garden ground also slopes upwards (westwards) and is not flat. It presently has an area of stepped decked terraces on it.

The proposed house would be located on the area of garden ground that presently has the stepped decked terrace on it. To facilitate the erection of the house the decked terrace would be removed and the land beneath in part levelled. The rear (west) elevation of the proposed house would be built into and in part sit upon the steeply sloping banking comprising the western side of the application site.

The proposed house would be a two storey, detached flat roofed, house that would have a length of some 10.7 metres; a width of some 5.7 metres and would have a height of some 5.7 metres.

The proposed house would be of a contemporary form and finish, comprising two flat roofed components that would sit one upon the other. It would be finished externally in a grey composite cladding with a dark grey uPVC flat roof membrane. The flat roof of the upper component of the house would have two rows of PV panels located on it that which would have a length of some 8 metres and a height of some 1.07 metres. The proposed window and door frames would be of grey powder coated aluminium construction, with the exception of the front entrance door which would be of composite construction. The proposed fascias, trims and rainwater goods would be of grey powder coated aluminium construction. The proposed balcony to the front (east) of the house would be enclosed by a 1.5-metre-high obscure glazed glass balustrade to its side (north) and side (south) components and a 1.1-metre-high balustrade to its front (east) component. The proposed areas of hardstanding would comprise of textured paving and the proposed parking space for the house would comprise of monobloc paving.

The proposed house would comprise of a vestibule, hall, two bedrooms with associated en-suites and storage areas at ground floor level. At first floor level the proposed house would comprise of an open plan living, kitchen and utility area and a bathroom. At first floor level access will be provided to the balcony to the front (east) elevation of the proposed house.

Access to the proposed house would be taken by the existing sloping vehicular access which serves the flatted building of 1 West Bay Road and which leads to three parking

spaces. One of those parking spaces is currently associated with the applicant's flat but will become the parking space for the proposed house. Paving would be provided from this parking space to the front and sides of the proposed house.

Amenity space for the proposed house will be provided in the form of a first-floor balcony which would be on the front (east) elevation of the proposed house and a terrace to the rear (west) side of the proposed house respectively. Two further small strips of garden would be situated to the sides of the house.

The north and west boundaries of the property would utilise the existing high stone wall, which varies in height due to the sloping nature of the site. To the south the submitted drawings indicate a 1.8-metre-high close boarded timber fence with associated gate would be provided. A gate would also be provided to the north of the house to allow access to the EV charging point and refuse and recycling storage.

In conjunction with the proposal to erect the house and to compensate for the loss of the parking space for the applicant's flat, it is proposed to provide 2 new parking spaces for this flat on the area of hardsurfaced area of garden ground to the east (front) of the flatted building. To facilitate the formation of these parking spaces, it is proposed to remove part of the existing low stone boundary wall that encloses the front (east) boundary and to remove the existing hardstanding, steps and a section of low fencing in the applicants' front garden. Two off-street spaces with associated steps and retaining wall would be formed on that area of garden ground. The proposed area of hardstanding would comprise of monobloc. The proposed retaining wall would have a height of some 1.1 metres.

A supporting statement has been submitted alongside the application which, in summary notes the applicants' flatted property was granted planning permission (ref: 20/00936/P) for 'Extension to flat, formation of balcony, steps, vehicular access, hardstanding area and erection of retaining wall'. Subsequent to the grant of this planning permission the applicant has reconsidered that their long-term needs would be best met by no longer aiming to stay in their current property, 1A West Bay Road, but instead seek to construct a new, smaller, energy efficient dwelling, making use of their largely unused private rear garden. The supporting statement notes there is a variety of built forms. To the south is a modern brick built, flat roofed, two storey block of flats of West Bay Court; to the north there is a modern detached house, built on land to the side of another neighbouring Victorian villa; and further along West Bay Road to the north are more modern detached single storey houses. The supporting statement concludes that there is not a consistent built form on the west side of West Bay Road, rather a series of different styles, each reflecting the era in which it was constructed. Therefore, the house proposed as part of this planning application can be regarded as following in, and being consistent with, that established pattern of development. Furthermore, the proposed house would be set back from the site boundaries with properties to the north, west and south of the application site and therefore, the house would not be readily apparent in the overall streetscape. The proposed house has been designed to have a contemporary architectural form, proportions and detailing that would sit comfortably within the surrounding area and would not noticeably change the character of the area or be harmful to the character and appearance of the North Berwick Conservation Area.

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 National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 1 (Tackling the climate and nature crises), 3 (Biodiversity), 7 (Historic Assets and Places), 13 (Sustainable Transport), 14 (Liveable Place) and 16 (Quality Homes) of NPF4 and Policies CH2 (Development Affecting Conservation Areas), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), RCA1 (Residential Character and Amenity), T1 (Development Location and Accessibility) and T2 (General Transport Impact) 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 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area.

Planning Advice Note 67: Housing Quality explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

COMMUNITY COUNCIL

In their capacity as a consultee North Berwick Community Council raise questions regarding the proposed development. In summary, these are (i) does the in-fill proposed house constitute overdevelopment of the plot; (ii) does the substantial overshadowing of the neighbouring house and garden set a precedent for future applications; and (iii) does this in-fill development enhance, or at least preserve the character of the conservation area.

REPRESENTATIONS

A total of 27 representations have been received in relation to this planning application 26 of which raise objection to it. However, as neighbours were re-notified, five objectors made more than one objection. In summary, the main grounds of objection are:

- i) The proposed house is intrusive, out of keeping and inappropriate to West Bay Road and the North Berwick Conservation Area;
- ii) The labelling of the drawings is inaccurate and the drawings do not all tie in and

are misleading;

- iii) Building close to boundary wall would make maintenance difficult;
- iv) The form, mass, scale and design of the proposed house bears no relationship to nearby properties;
- v) The proposed house would be an overdevelopment of the site and would not respect the building line of West Bay Road;
- vi) If approved it would set a precedent for future infill development;
- vii) The proposed design and materials are inappropriate for the locality and North Berwick Conservation Area;
- viii) There is no mention of what will happen to the telephone pole situated within the site;
- ix) An objector requests a condition be applied if approved that telephone cables be routed below ground;
- x) Loss of privacy and amenity to neighbouring properties;
- xi) Loss of sunlight and daylight to neighbouring properties;
- xii) The drawings do not show the proposed house in relation to neighbouring properties;
- xiii) There would be a clear view of the proposed house from neighbouring properties and gardens;
- xiv) The application form and land ownership certificate are allegedly incorrect;
- xv) A parking space is proposed on land allegedly not owned by the applicant;
- xvi) No topographical survey, design statement or heritage statement has been submitted;
- xvii) The plans do not show the proposed garden ground for the house and existing property 1A West Bay Road;
- xviii) Insufficient parking for the proposed house;
- xix) Increase in demand for on-street parking on West Bay Road;
- xx) Loss of garden space/habitat for wildlife;
- xxi) Access to the house is via a shared driveway;
- xxii) The proposed house has insufficient garden ground;
- xxiii) Concern is raised regarding the stability of the stone boundary wall and garden ground of neighbouring properties;
- xxiv) A noise impact assessment should be submitted alongside the application due to

proposed house proximity to neighbouring properties;

xxv) The red line boundaries on the submitted drawings allegedly do not reflect the ownership shown on title deeds;

xxvi) There is no red line linkage between the car parking space and the public road;

xxvii) Construction of the house may be impossible given the narrow width of the car space access to the proposed plot;

xxviii) The decking on the site of the proposed house is allegedly unauthorised in Planning terms;

xxix) The proposal does not include provision for rainwater runoff;

xxx) The off-street parking space with electric car charging is not of a suitable size to accommodate a vehicle; and

xxxi) An objector notes they did not receive a neighbour notification regarding the planning application.

Subsequent to the registration of the application the agent has provided multiple amended drawings to address issues regarding inaccuracies and the drawings are now deemed sufficient to assess the proposal and to determine this application. Upon receipt of these drawings the application was re-advertised and neighbours were re-notified.

Furthermore, subsequent to the registration of the application the agent has submitted a copy of his clients Title Deeds to address the alleged land ownership issues. The red line boundary shown on the submitted drawings tie in with the land owned by the applicant on that submitted Title Deed Plan and the application form and land ownership certificate are deemed sufficient to enable to determination of this planning application. Any further disputes regarding land ownership would be a civil matter between affected parties. This is not a matter relevant to the determination of this planning application.

Neighbours within a 20 metres bubble of the application site have been sent neighbour notifications. Furthermore, a site notice has been placed in close proximity to the site and the application was advertised in the East Lothian Courier in accordance with the Council's statutory duties.

Whilst it is noted that access to the proposed house would be via a shared driveway this matter of access to build the proposed house and access it is a civil matter between affected parties and is not a material consideration in the determination of this planning application. Furthermore, this area of shared land is not required to be included in the red line boundary on the submitted drawings.

The maintenance of the proposed house in relation to it being built close to boundary walls is not a material planning consideration in the determination of this planning application.

The comments received regarding to a precedent being set for similar in-fill development if this planning application were to be approved is not a material consideration in the determination of this planning application as each case is determined on its own merits.

Subsequent to the registration of the application the agent has submitted amended drawings which show the existing telephone pole within the site being re-located and a

proposed site plan.

The loss and/or obstruction of a private view is not a material consideration in the determination of this planning application.

The lack of a topographical survey, design statement or heritage statement does not preclude the determination of this planning application. If approved a condition could be imposed to require site setting out details. Furthermore, the application is accompanied by a Supporting Statement.

The stability of the stone boundary walls and neighbouring garden ground as a result of any work to build the proposed house is a civil matter between affected parties and is not a material consideration in the determination of this planning application.

A Noise Impact Assessment is not deemed a requirement to assess and determine this planning application as it is not of a scale and nature that requires such an assessment.

The alleged unauthorised decking on the site of the proposed house has been passed on to the Planning Enforcement Officer to investigate accordingly. This matter is not relevant to the determination of this planning application.

If planning permission were to be granted for the proposed house it could be made a condition of that grant of planning permission that details of the measures to be installed to prevent surface water run off be submitted to and approved prior to development commencing.

The other points raised in the aforementioned objections are addressed in the assessment below.

PLANNING ASSESSMENT

The Council's Senior Environmental Health Officer has been consulted on the application and advises he has no comments relating to the proposed development.

Scottish Water have been consulted on the application and advise there is currently sufficient capacity in the Castle Moffat Water Treatment Works to serve the proposed development. Furthermore, it is advised there is currently sufficient capacity for a foul only connection in the North Berwick Waste Water Treatment works to service the proposed development. However, it is advised that further investigations may be carried out once a formal application is submitted to Scottish Water.

The Council's Road Services have been consulted on the application and note the proposed parking provision and access are acceptable and note the inclusion of an EV charger to the proposed house. They raise no objection to the application being satisfied that the proposals are not contrary to Policy 13 of NPF4 or Policy T1 and T2 of the adopted East Lothian Local Development Plan 2018.

The Council's Biodiversity officer has been consulted on the application and advises she has no objection to this proposal, as development of the garden ground will not significantly impact on priority or protected habitats or species. Subject to a condition being attached to any grant of planning permission requiring the submission of a biodiversity enhancement plan the proposals are not contrary to Policy 3 of NPF4.

The Council's Flooding Officer has been consulted on the application and advises that as the site is not at risk of flooding, he raises no objections to the proposed development on

the grounds of flood risk.

The Council's Landscape Department have been consulted on the application and advise they have no comments to make regarding the proposed development.

The proposed formation of 2 off-street parking spaces which would serve the flatted property of 1a West Bay Road with their associated hardstanding, steps and retaining wall in the garden to the east of the site would be readily visible from public views. However, there are a number of residential properties in the locality that have hard surfaced parking spaces formed in their roadside boundaries. They are a part of the established character of this part of the Conservation Area. The proposed new parking spaces would be seen in relation to the existing vehicular accesses and parking spaces in the locality. In the context of its surroundings, such an additional parking spaces would not appear as an alien or incongruous feature. In such circumstances the proposed vehicular access would not harm the setting of the flatted building, the appearance of the streetscape or the character and appearance of this part of the North Berwick Conservation Area.

The proposed area of hardstanding, comprising of mono-block paving, for use as a driveway and to accommodate two off-street car parking spaces within the front garden of the applicant's flat would, by virtue of its extent, form, materials and positional relationship with the proposed vehicular access, be appropriate to its place and in keeping with its surroundings. It would not be harmful to the setting of the flatted building or to the character and appearance of this part of the North Berwick Conservation Area. The use of it would not give rise to a harmful loss of privacy or amenity to any neighbouring residential properties.

The proposed lengths of retaining walls with steps would replace the existing lengths of timber fencing and concrete steps located within part of the front garden of the applicant's flat. By their extent, form, materials and positions, the proposed lengths of retaining walls with steps would be appropriate to their place, in keeping with their surroundings and would not be harmful to the setting of the flatted building or to the character and appearance of this part of the North Berwick Conservation Area.

The application site is part of a wider area characterised as being of residential character and amenity by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. Policy RCA1 does not actively promote the development of land for new residential development. The principal purpose of Policy RCA1 is to ensure that the predominantly residential character and amenity of existing housing areas is safeguarded from the adverse impacts of uses other than housing. However, Policy RCA1 does state that proposals for new development will be assessed against appropriate local plan policies, which in the case of infill, backland and garden ground development is Policy DP7 of the adopted East Lothian Local Development Plan 2018.

The site is within a predominantly residential area with residential properties to the north, south and west of it. The erection of a house on the site would amount to infill housing development within this part of North Berwick and therefore Policy DP7 would apply.

With respect to infill, backland and garden ground development Policy DP7 of the ELLDP requires that the following design principles are met:

1. The site can accommodate the entire development, including an appropriate amount of open space, satisfactory vehicle and pedestrian access, car parking and where necessary vehicle turning space; and

2. The occupants of existing neighbouring development experience no significant loss of privacy and amenity and occupants of any new development must also enjoy privacy and amenity; and

3. The scale, design and density of the proposed development will be sympathetic to its surroundings, overdevelopment of the site will be unacceptable and landscape and boundary features important to the character of the area must be retained where possible; and

4. There will be no material loss of greenfield land or open space important to the character or recreation and amenity requirements of the area, and no loss of important physical or natural features.

Policy DP2 of the adopted ELLDP requires that all new developments must be well designed and sets out a number of design principles. Amongst these are the requirement that all new development must 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 and retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate.

Therefore, the principal determining factor in this case is whether, having regard to national and local planning policy and guidance and other material considerations the principle of a new house and the works associated with it would be acceptable, with due regard to its potential impact on the character and residential amenity of the area, including the impact on the character and appearance of the North Berwick Conservation Area. Furthermore, due regard has to be placed on the impact of the proposed development on neighbouring residential properties.

Policy DP7 amongst other things requires that the occupants of existing neighbouring properties experience no significant loss of privacy and amenity from new development and that the occupants of any new development must also enjoy privacy and amenity.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the council, as a planning authority to apply the general rule of 9 metres separation distance between the windows of a proposed new development and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new development and the windows of existing residential properties.

In relation to the above, the glazed openings to be formed at ground and first floor level to the front (east) elevation of the proposed house would face over the garden ground of the proposed house, beyond to a shared driveway with parking spaces, beyond to West Bay Road and would not fall within 18 metres of any directly facing windows of any neighbouring residential properties. Whilst these glazed openings would overlook a shared driveway and parking spaces these are areas of ground that do not benefit from any significant degree of privacy at present. They would not allow for harmful overlooking of any neighbouring residential properties.

The glazed openings to be formed at ground floor level in the side (south) elevation of the proposed house would face onto a 1.8-metre-high timber fence and as such would not allow for any harmful overlooking of any neighbouring residential properties.

The glazed opening to be formed at first floor level in the side (south and north)

elevations of the proposed house would be set some 1.5 metres above the finished floor level of the proposed house. At such a height above finished floor level they would not allow for harmful overlooking of the neighbouring residential properties to the south and north.

The glazed opening to be formed at ground floor level in the side (north) elevation would face onto the high stone wall boundary treatment and as such would not allow for any harmful overlooking of any neighbouring residential properties.

The glazed opening to the rear (west) elevation of the proposed house would face onto to the high stone wall boundary treatment and as such would not allow for any harmful overlooking.

The use of the terrace area to the rear of the proposed house would be enclosed by a mix of high stone wall boundary treatment and high fencing and as such the use of it would not allow for any harmful overlooking.

The first floor balcony to be formed on the front (east) elevation of the proposed house would have a 1.5-metre-high opaque glazed screen enclosing its side (north) and side (south) components and as such these screens would prevent harmful overlooking of neighbouring residential properties. The front (east) component of the balcony would feature a 1.1-metre-high clear glazed balustrade. However, this would face over a shared driveway, parking spaces and onto West Bay Road and as such the use of the proposed balcony would not give rise to any harmful overlooking of any neighbouring residential properties.

On the matter of the impact of the proposed house on daylight and sunlight on neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair.

Application of the 25-degree daylight test to the neighbouring residential property of 3 West Bay Road indicates the proposed house would fail in relation to the conservatory situated to the rear of 3 West Bay Road. However, when the 25-degree daylight test is applied to the conservatory of that residential property it fails in respect of the existing high stone wall boundary treatment and as such there would be no harmful loss of daylight to 3 West Bay Road.

Application of the 25-degree daylight test to the 1C West Bay Road indicates the proposed house would not result in a harmful loss of daylight to that neighbouring residential property.

Furthermore, application of the 45-degree daylight test indicates there would be no harmful loss of daylight to any neighbouring residential properties.

The sunlight test has been undertaken on March 21st in line with the guidance set out in "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair. The sunlight test indicates the proposed house would cast a shadow on the garden ground of 8 York Road between the hours of 08.00 and 11.00. The sunlight test also indicates the proposed house would cast a gradual shadow over the garden ground of 3 West Bay Road between the hours of 10.00 and 16.00. However, the guidance states that at least half of a garden should receive at least two hours of sunlight on 21st March. Therefore, the proposed house by virtue of its size, form and positioning would not allow for a harmful loss of sunlight to any neighbouring residential properties.

Notwithstanding all of the above it must now be established whether the building of a

house on this application site would, as required by Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, preserve or enhance the character or appearance of the conservation area, and thereafter whether this form of development would be consistent with national and local planning policy or if not whether there are any material considerations that would outweigh the fact that it would not accord with planning policy.

The land of the application site is garden ground within the confines of the predominantly residential area of North Berwick. It is part of the curtilage of the detached flatted building of 1 West Bay Road which is to the south of the application site. The site for the proposed house is a sloped site which presently has a stepped decked terrace on it. Due to the sloping nature of the application site the proposed house would be constructed on land the ground level of which would be some 2.3 metres higher than the level of West Bay Road. Due to the higher ground level of the site and of its positioning within the garden the proposed house would be readily visible from public views from West Bay Road.

It would in terms of its design and external finishes be of a contemporary form and finish that would be very different in character and appearance to the form and appearance of the other houses and buildings of West Bay Road. Its flat roofed boxed form and appearance and its use of modern non-traditional materials would be at odds with the built form of this part of West Bay Road. Consequently, the proposed house would not be of a design or appearance that would be sympathetic to its setting or well-integrated into its surroundings. Instead it would be of a form and character inappropriate for this part of the North Berwick Conservation Area. Therefore, the proposed house would have an adverse effect on and would neither preserve nor enhance but would be harmful to the character and appearance of this part of the North Berwick Conservation Area contrary to NPF4 Policies 7, 14 and 16 and Policies CH2, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018.

Policy DP7 amongst other things requires that a site for a new development is of sufficient size so that it can accommodate the entire development, including an appropriate amount of open space.

The proposed house would be erected on a tightly constrained site and would occupy most of the plot. Consequently there would be little land on which to form any useable garden ground for the occupants of the proposed house. Whilst it is proposed to form a first floor balcony on the front elevation of the building due to its location on the front of the house, that balcony would not be an area that would have any degree of privacy. Therefore and as the other areas of ground would not be of sufficient size or positioning to afford the occupants of the house any private amenity as useable garden ground the proposed house would be a cramped form of infill development that would be contrary to Policy DP7 of the adopted East Lothian Local Development Plan.

Policy DP7 also requires that consideration must be given to the impact of a development on the occupants of neighbouring properties and that they should experience no significant loss of amenity. The proposed house would be constructed on land the ground level of which would be some 2.3 metres higher than the ground level of the neighbouring house of 3 West Bay Road to the north. It would be so positioned to sit alongside and only some 3.14m away from the conservatory attached to the side and rear elevations of that property. Consequently, due to the difference in ground levels although only some 3m in height when measured from the ground level of the application site, the proposed house would be some 5.1m higher than the ground floor level of the neighbouring house of 3 West Bay Road.

Due to this difference in ground levels and of its proximity to that neighbouring house, the

proposed house would have an overly dominant and overbearing impact on the neighbouring house of 3 West Bay Road to the north and in particular on the conservatory attached to the side and rear elevations of that neighbouring house. This would harm the residential amenity of the occupants of that neighbouring house contrary to Policy DP7 of the adopted East Lothian Local Development Plan 2018.

The proposed house is contrary to Policy 7 (Historic Assets and Places) of NPF4 and Policies CH2 (Development Affecting Conservation Areas), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), of the adopted East Lothian Local Development Plan 2018. In conclusion, the proposal is considered not to be in accordance with the aforementioned provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's discordance with the Development Plan.

REASONS FOR REFUSAL

- 1 The proposed house would in terms of its design and external finishes be of a contemporary form and finish that would be very different in character and appearance to the form and appearance of the other houses and buildings of West Bay Road. Its flat roofed boxed form and appearance and its use of modern non-traditional materials would be at odds with the built form of this part of West Bay Road. Consequently, the proposed house would not be of a design or appearance that would be sympathetic to its setting or well-integrated into its surroundings. Therefore, the proposed house would have an adverse effect on and would neither preserve nor enhance but would be harmful to the character and appearance of this part of the North Berwick Conservation Area contrary to NPF4 Policies 7, 14 and 16 and Policies CH2, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018.
- 2 Due to the difference in ground levels with, and of its proximity to the neighbouring house to the north of 3 West Bay Road, the proposed house would have an overly dominant and overbearing impact on that neighbouring house and in particular on the conservatory attached to the side and rear elevations of that neighbouring house. This would harm the residential amenity of the occupants of that neighbouring house contrary to Policy DP7 of the adopted East Lothian Local Development Plan 2018.
- 3 The proposed house would be erected on a tightly constrained site and would occupy most of the plot. Consequently there would be little land on which to form any useable garden ground for the occupants of the proposed house. Therefore there would be no area of garden ground of sufficient size or positioning to afford the occupants of the house any private amenity space as useable garden ground. Consequently as the application site cannot accommodate the entire development of a suitably proportioned house with private garden space the proposal is contrary to Policy DP7 of the adopted East Lothian Local Development Plan 2018.