

FAO Rebecca Crichton (Committees Officer)
Licensing and Landlord Registration
East Lothian Council
John Muir House
Haddington
East Lothian
EH41 3HA

Ref: EL00136F Old Abbey Cottage, 19 Old Abbey Road, North Berwick, EH39 4BP
Reply to Short Term Let Licence Objection and Licensing Sub-Committee 9 May 2024 2.00pm

Dear Ms Crichton,

I refer to your letter of 26 April 2024, and your email of 1.36pm today, 2 May 2024, notifying me of the objections and committee hearing.

I have set out below all points listed in the objection letter, along with answers, replies or comments to each, and have also provided supporting evidence where required.

However, before doing so I would like to raise that the hard copy letter sent on 26 April was only received today as it had been sent to [REDACTED] and not my correct address of [REDACTED]. Further, that the email was only sent this afternoon too.

I would therefore request some latitude on this reply being sent just one week before the committee hearing which has only been notified to me this afternoon, whilst the objection letter was sent 8 months' ago on 6 September 2023.

Additionally, I note on the public register that the licence is listed as being 'granted' so there seems to be some discrepancy between the register and the current position.

Letter from George Macfarlane, 7 September 2023

Privacy

Objection:

Layout of property and the proximity of the shared pathway to Mr Macfarlane's property.

Reply:

The pathway is communal to all 9 properties (No's 13 – 29, odds only) but it is only used for access to the front doors of No's 17, 19, 21, 23 and 25, as well as the rear garden of No.13 as it has a rear garden gate. Mr Macfarlane's property at No. [REDACTED] has no access from the pathway at all and is not used by him as it fronts directly on to Old Abbey Road and has private side access too.

Layout here to show positions;



Objection:

Our property at No.19 has windows overlooking Mr Macfarlane's garden and property, and different people may lead to lack of privacy.

Reply:

We bought No.19 in March 2016. Mr Macfarlane bought his property at No. [redacted] in November 2017. The layout, style, windows and views from the respective properties in relation to one another has not changed at all since then.

Yes, in theory, it is possible to see across to No. [redacted] from No.19, but that also applies vice-versa too. Our property is primarily let to families with children on holiday, as can be seen from the numerous reviews for the property online. The three windows referred to are split as being two in the main bedroom, and one in the small single room. These rooms are bedrooms and do not have any seating or other furniture which would allow anyone to be at the windows for any period of time.

There may well be different people using these bedrooms from week to week but that in itself doesn't mean less privacy. Mr Macfarlane has our direct contact numbers and has never raised this issue about any guest with us, nor to our knowledge have either the Police or East Lothian Council ever received any communications in this regard either.

Objection:

I am not aware of who is occupying the short term let property.

Reply:

Guests are equally entitled to their privacy as much as Mr Macfarlane is entitled to his and so we would not expect to provide Mr Macfarlane with such information, not least because it would contravene GDPR regulations.

Mr Macfarlane has our direct numbers if there is any issue he would like to bring to our attention, and we have willingly applied for this Short Term Let Licence as we are keen to ensure the property is well managed and take responsibility for doing so.

Nuisance

Objection:

Neighbours don't block the common path with chairs.

Reply:

All of No's 17, 19, 21 and 25 have benches or chairs to the front of their properties. And, yes, the residents of each will sometimes sit in the sun on them, and may drink something. However, none of them, including ours are blocking the communal path, which Mr Macfarlane does not use anyway.

The owners of No's 21 and 25 both have our direct contact numbers too and we communicate on communal matters such as rear communal gardening (North of the row of 5), lighting, roof works etc and get on very well with each other, including exchanging Christmas cards. They use the pathway daily and have never raised this issue with us.

It should be noted that I have annually trimmed all of the communal pathway trees and removed the circa 1.5m² bag of garden and foliage waste for the benefit of our and our neighbours' properties No's 13, and 17 – 25, all of whom use the pathway daily and can do so easily if it is overgrown, particularly when the foliage is wet after rain.

I also regularly cut the grass at the rear (North side of the row of 5) and generally assist my neighbours in ensuring the pathway is in good order.

Mr Macfarlane does not use the pathway as he has no access to any part of his property from it so may not be aware of our activities in this regard.

Objection:

Incorrect use of recycling facilities, including renting guests using my bin.

Reply:

Our wheelie bin is 2m from the front door and numbered. We provide guests with instructions on what to put in it. The blue (cardboard/plastics) box is now in the rear vestibule.

We pay ELC £189.50 per annum for the waste recycling under ref TWOLHO00140. However, to ensure guests arrive with both these bins being empty rather than full, we empty them after each let and take it to recycle the waste at the Heugh Road Recycling Centre.

Mr Macfarlanes suggestion that his bin has 'almost certainly' been used by our guests seems unlikely given that they have their own bin, with instructions, and because Mr Macfarlanes' bin is in his own private garden area and would require entry onto his private land to put anything in it.

Objection:

The guests sometimes leave the interior hallway light on which can be seen from my living room.

Reply:

The light is on the inside of the house in the lower hallway and has been the same light since we refurbished the property in Mar 2016, which was 18 months' prior to Mr Macfarlane purchasing his property. The skylight above the front door is the same as in all other 8 properties in the court too and has not changed either.

The bulbs in the lamp are standard low energy 4w warm glow bulbs and not bright.



We had been asked by Mr Macfarlane in June 2021 to not use the external security carriage lamp and duly tried to help by removing the bulb from it at that time. However, it seems unreasonable for him to also dictate which internal lights can or can't be used in our property or that we should block up the skylight. He could of course elect to have blinds or curtains in his living room if he doesn't want to see anything outside.

It should be noted too that since Mr Macfarlane wrote his objection letter 8 months' ago, the main communal street light above the door of No.23, which is an 80cm x 50cm period street lamp design, has been replaced by ELC with a conservation replica with very bright LED lights which illuminates the whole communal path and all properties fronting onto it with strong white light.

Objection:

Guests do not contribute to the community and community was the reason I moved here.

Reply:

As owners, we do take an interest in ensuring the property is in good order and guests are courteous and considerate. We only accept families and responsible guests and get on well with our neighbours too.

The property was operating as a short term letting property well before Mr Macfarlane bought his property and so hasn't changed since his arrival.

Objection:

I am submitting the objection on behalf of my neighbours, who 'I understand' are more adversely impacted than myself.

Reply:

The neighbours referred to by Mr Macfarlane were fully informed of the application for the Short Term Let licence, both verbally by me as a courtesy to them and by the site notice too. They could have objected directly, or co-signed Mr Macfarlanes's letter. They did neither and it therefore seems assumptive at best for Mr Macfarlane to state that he is speaking on behalf of others without their signed or written consent, and possibly without their knowledge.

As above, all our neighbours know us well and have our direct numbers and we message each other as and when required for any reason.

Other - Fence

I would like to raise a point about the boundary fence which Mr Macfarlane has at the end of his garden and, as he points out, is only 3m from our front door, and may be the real reason for his objection.

In April 2021 Mr Macfarlane took down his rear garden fence without prior notice and erected a new fence which encroached a further circa 0.3m – 0.4m onto the communal land and pathway, and closer to our front door. I have provided photos below to show this. The recycling box in both photos helps to show how far forward the fence had moved. For reference, the green wheelie bin is in exactly the same position in both photos.

We discussed this at the time with Mr Macfarlane who said that it hadn't moved when it clearly had. However, in the spirit of fostering good relations we didn't perpetuate or report the matter and were content to let it go.

However, in December 2021, Mr Macfarlane then added a further 0.8m – 1.0m high trellis section on top of the fence which then made it nearly 3.0m high and made the view from our living room, being just less than 3.0m from the fence, appear more like a prison wall than a garden fence. After further discussion, Mr Macfarlane agreed to reduce the trellis section by 50%, but it is still 0.4m higher than the original, and circa 0.3m-0.4m closer.

Given that most of the objections have either not actually taken place, or are assumed to have happened due to our guests, or that they are supported by other neighbours when they haven't

actually co-objected at all, raises the potential question as to whether this fence matter is the driver for submitting an objection rather than any real issues with either the property or any guests.

For our part, we are content with the fence and have been for the last three years but do not feel that it directly affects the suitability for the property to operate as a short term let, which it has done very successfully and without incident for the last 8 years.

Before



After



Trellis added (the two windows to the left are our living room windows)



Summary

I hope that the above information, site plan and photographic evidence helps to answer the points raised in the objection letter and allows for the licence to be issued accordingly.

I confirm that I will attend the Licensing Sub-Committee hearing in person next Thursday 8th May at 2.00pm and look forward to answering any questions you may have at that time.

Yours sincerely

Steve Coyle

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]