

Extension to Existing Property

**Review Against Refusal Condition of:
Planning Permission 21/01510/P
Listed Building Consent 21/01511/LBC**

South Lodge

Prestonpans
East Lothian
EH32 9RR

On behalf of Mr. Pollock & Mrs Burns-Pollock

Date

By

Apr' 24

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1. Project Information

1. Applicants Background :

Mr. Pollock and Mrs. Burns-Pollock, along with their two young children, recently acquired the property located at South Lodge, Prestonpans in early 2021. Upon purchase, they were confronted with a property in a state of disrepair, posing a threat to the internal environmental conditions, structural integrity, and historical significance.

Recognising the importance of preserving this listed residential building, the family embarked on a journey of restoration and revitalisation, investing a significant amount of resources to bring the property back to a liveable standard.

Their efforts have not only been motivated by the desire to create a safe and comfortable home for their young growing family but also by a deep-seated commitment to safeguarding the architectural heritage of the local community.

By undertaking extensive repairs and maintenance work, Mr. Pollock and Mrs. Burns-Pollock have sought to prevent the property from deteriorating further, a fate that would not only result in a potential impact to an important listed building but also erode the fabric of the community's cultural heritage.

As responsible custodians of the listed building, the family recognised the need to adapt the property to meet the evolving needs of modern living while preserving its intrinsic character and charm. It is within this context that the proposal for an extension has been conceived—not merely as a means of expanding living accommodation but as a strategic initiative to ensure the long-term sustainability and viability of the existing listed building.

The extension project is driven by a dual purpose: to provide the necessary living space for the growing family and to fortify the structural integrity of the listed building, thereby safeguarding its heritage for future generations. By embarking on this endeavour, Mr. Pollock and Mrs. Burns-Pollock are demonstrating their unwavering commitment to responsible stewardship of the property and their dedication to enhancing the architectural legacy of the community.

2. Site Context :

The property to which this appeal relates is a single storey, detached house with associated garden ground.

The property is bounded to the north and east by Royal Musselburgh Golf Course, to the south by the public road of B1361 and to the west by an access road which leads to The Royal Musselburgh Golf Club.

The existing house has been previously extended to its rear (east) elevation. It is situated within the countryside and within the Green Belt as defined by Policies DC1 and DC7 of the adopted East Lothian Local Development Plan 2018. It is also located within the Battle of Pinkie Cleugh Historic Battlefield Site and a Local Gardens and Designed Landscape Area.

The building of South Lodge is listed as being of special architectural or historic interest (Category C).

However it is also included as part of a group of buildings with Prestongrange House, Prestongrange House Boundary Walls, Prestongrange House East Lodge and Prestongrange House North Lodge that are listed as a group Category B.

The above note regarding listing details can be found contained within the Officers Report from East Lothian Council Planning, however the following additional information is taken from Historic Environment Scotland, which we feel is important to highlight if a true representation of the grade of listing is to be noted:

Statement of Special Interest

*B Group with Prestongrange House, Prestongrange House Boundary Walls, Prestongrange House East Lodge and Prestongrange House North Lodge (see separate listings). **Listed primarily for the quality of the gate arch**, and possible association with W H Playfair's work on Prestongrange House, 1830-50 (see separate listing). The gate arch is of similar design to that at Prestongrange House East Lodge (see separate listing).*

3. Reference to Listing Notice :

The following text is the listing notice of South Lodge, Prestonpans cited from Historic Environment Scotland Website:

*Circa 1850. Single storey, 3-bay, T-plan gate lodge with crowstepped gables. Squared and snecked pink sandstone front elevation, random rubble to remainder, with broached and droved dressings. **Modern alterations, especially to rear.***

W (FRONT) RANGE: symmetrical, central doorway with modern glazed timber door, flanked by 2 windows with advanced margins and lintels breaking eaves with flat copes. Blank gables, both with 2 square steel plates.

E (REAR) WING: not seen, 2000. Perpendicular to W section. Door and window to N, window to S.

Plate glass timber sash and case windows. Graded grey-green slate roof, stone ridges. Modern dormer incorporated into N roof of E section; skylight and velux additions. Cast-iron rainwater goods. Gablehead stacks; coped, with circular cans.

INTERIOR: not seen, 2000.

GATE ARCH: symmetrical broached and droved sandstone ashlar gateway. High round arch with chamfered margins, with stepped curvilinear coping, surmounted by ball finial on plinth at apex. Pedestrian gateway to E through Prestongrange Boundary Walls (see separate listing), with modern wrought-iron gate.

The above description offers an insight into the Architectural aspects of the building. Please note the point regarding the **modern** alterations to the rear. This is referenced further into the report when considering refusal condition 1.

4. Applications Timeline :

The application timeline serves not only as a chronological record of events but also as a narrative that encapsulates the challenges and complexities encountered throughout this planning process. We aim to provide a base understanding of the actions and efforts the applicant and the agent has undertaken to navigate regulatory requirements, address concerns, and seek approval for the proposed extension.

Prior to the formal application submission to East Lothian Council Planning Department for Planning Permission and Listed Building Consent, a Pre-Application Enquiry was lodged. Full details of prior correspondence including the pre-application enquiry and response can be found in Appendix 1 however for the purposes of this report can be summarised as follows:

03/09/2021

PSAS (Agent) submission of Pre-Application consultation on the basis of the original design.

Note: Original proposals include for extruding the same form, volume and shape from the East Elevation through to form a new double height living space. The materials all match what is existing all to replicate the existing listed building. Original proposals included within Appendix 2.

16/09/2021

Response received from East Lothian Council Planning's Neil Millar. Summary of such as follows:

- 1. Confirmation property is a Category C listed building.*
- 2. Confirmation property sits within an area identified by the Coal Authority as being a Coal Mining Development High Risk Area.*
- 3. Confirmation that trees within the site are protected by Tree Preservation Order*
- 4. Note to confirm a Coal Risk Assessment would be required to be submitted with formal application.*
- 5. Comments regarding proposed design and concerns raised regarding double height space being visible from public road and masking of the original rubble stone building.*
- 6. Note: Advice given to alter the proposed design to a flat roof form or a shallow mono pitch to reduce its visual impact.*
- 7. Note to email landscape@eastlothian.gov.uk to discuss proposals with the Councils Landscape department.*

16/09/2021

PSAS (Agent) forwarded on response from ELC planning to ELC Landscape seeking discussion regarding proposals and information on the noted TPO and root protected zones.

PSAS responded to ELC Planning / Neil Millar highlighting the following:

- 1. CMRA desktop study had been carried out and further proposed investigations including boreholes are being considered. This would be similar to the major housing developments directly across the road.*

- a. *Noted extensive costs of such investigations is a major risk to the client.*
2. *Comments returned on design proposal amendments as open dialogue.*

22/10/2021

Intrusive Mineral Stability and Coal Mining Risk Assessment report received from M-EMC via McColl Associates.

02/12/2021

Two separate applications were lodged to East Lothian Planning Department on 2nd December 2021 for Planning Permission and Listed Building Consent.

26/01/2021

Applications validated by ELC Planning.

08/02/2022

Email confirmation that ELC Planning issued planning proposals to ELC Landscape on 8th February 2022.

31/03/2022

Email received from ELC Planning / James Allan noting response now received from ELC Landscape.

Request for information regarding information on existing trees to be plotted onto drawings.

Note: East Lothian Council's Planning Registration letters:

Listed Building Consent: "The Council as Planning Authority has two months from the date of registration to deal with this application. If you have not been notified of the Planning Authority's decision by 15th February 2022 you may, within 3 months of that date appeal to the Scottish Ministers."

No response received at this time. Approx 6 weeks overdue and no agreement to extend determination period.

The Council as Planning Authority has a period of 2 months from the date of registration to determine this application, unless an extended period is at any time agreed upon in writing between the applicant and the Planning Authority. If by the end of the 2 months determination period 25th March 2022 or by the end of an agreed extended period you have not been notified of the Planning Authority's decision on the application, you may within 3 months of the end date of either period apply to the Council's Local Review Body for a review on the grounds of the non-determination of the application by the Council's Appointed Officer.

No response received at this time. Now overdue and no agreement to extend determination period.

01/04/2022

PSAS responded noting frustration that information regarding TPO's was requested by PSAS back in September 2021 and no response was received.

Noted Landscaping drawings already submitted including positions of nearest existing tree within proximity to new development.

Request to review root protection detail to find an acceptable solution to all parties.

06/04/2022

Email response from ELC Planning noting client and agent frustrations noting that ELC are 'finding across the board we are struggling to get any response from our Landscape Team with regards to planning applications'.

Response also noting that ELC Planning just need to get Landscape agreeable to proposals as Neil Millar has already provided advice with regards to design of extension at pre-app stage.

13/05/2022

Further information issued to ELC Planning including proposed root protection detail.

28/07/2022 -> 08/09/2022

Numerous reminder emails issued to ELC by agent regarding recently submitted information relating to TPO trees. No response received.

09/09/2022

Email response received from ELC Planning Manger Emma Taylor noting apologies for delay in response.

Response noted suggestion of submitting arboricultural report to accompany application, otherwise application will be determined and refused based on current information.

27/09/2022

Mr Andrew Potter, Principal Arboriculturist, was contacted in order to seek advice and fee proposal to carry out full BS5837:2012 Tree Survey and provide full report document to summarise findings.

28/09/2022 -> 08/12/2022

On-going dialogue with Mr Andrew Potter discussing route forward, recommended surveys, and method of providing the required information to ELC Planning.

Based on Mr Andrew Potter's extensive experience working as the appointed Arboriculturist Consultant for East Lothian Council, it was advised to contact ELC Tree Officer, Mr Mike Foy in the interim to discuss the proposals to determine the realms of possibilities without further expense with further consultants.

Response received from Mr Mike Foy noting he was not the person to speak to, and instead to divert queries to ELC Landscape.

Note: No TPO information received from ELC Planning / Landscape at this point in time. It should also be noted that ELC Planning and Landscape website does not have this information available at this time. The client has however managed to source a copy of this document through other means.

14/02/2023

Mr Andrew Potter appointed to carry out Tree Survey and Arboriculturist Impact Assessment Report in relation to the trees within the TPO Number 1 at South Lodge, Prestonpans.

02/03/2023

Email from PSAS to Emma Taylor following up from telephone conversation. Email noting:

1. Note to highlight urgent pressure and appetite to develop something within this property, not only for appropriate living and core accommodation but for accommodation that is of a safe environment. It is also worth noting that the existing

extension is in extremely poor condition, with little to no insulation, major leaks and inherent material and fabric issues.

- 2. Client is no longer looking to proceed with proposals as they stand understanding the challenges that may be faced with the trees on site, and increasing costs for further surveys and reports.*
- 3. Note, recalling last conversation that a development within the existing footprint to the already constructed extension to the rear of the property would be agreeable to East Lothian Planning.*

03/03/2023

Response received from Emma Taylor confirming that ELC Planning are happy to work with the client to come up with an acceptable solution. Advice / Comments on further proposals given.

30/03/2023

Email from PSAS to Emma Taylor and James Allan noting:

- 1. Further advice had sought from Mr Andrew Potter who had advised us to clarify with a careful hand dig to the perimeter of the existing extension for the presence or not of roots.*
- 2. Exercise and dig to perimeter of extension had been carried out, at further expense to client and copy of findings including photos returned to Mr Andrew Potter.*
- 3. Mr Potter returned feedback to highlight that this was promising and highlighted that any roots considered significant tree roots under the current BS5837:2012 are >25mm diameter. No roots of this nature are present with all <2mm.*
- 4. Mr Potter advises a discussion with ELC Planning on extending this dig to prove / disprove the presence of roots further away from the existing extension in order to determine if a larger 'like-for-like' extension would be possible. Site meeting suggested to be preferable to discuss findings and next steps.*
- 5. Request for site visit and meeting to discuss.*

21/04/2022

PSAS issues reminder email requesting feedback on proposal and way forward.

Note: Final correspondence can be found within Appendix 1.

Note Dates on ELC Planning Website:

Application Received Date	Thu 02 Dec 2021
Application Validated Date	Wed 26 Jan 2022
Expiry Date	Fri 25 Feb 2022
Actual Committee Date	Not Available
Latest Neighbour Consultation Date	Thu 27 Jan 2022
Neighbour Consultation Expiry Date	Thu 17 Feb 2022
Standard Consultation Date	Thu 10 Feb 2022
Standard Consultation Expiry Date	Thu 24 Feb 2022
Last Advertised In Press Date	Fri 04 Feb 2022
Latest Advertisement Expiry Date	Fri 25 Feb 2022
Last Site Notice Posted Date	Fri 04 Feb 2022
Latest Site Notice Expiry Date	Fri 25 Feb 2022
Internal Target Date	Wed 23 Mar 2022
Agreed Expiry Date	Not Available
Decision Made Date	Not Available
Permission Expiry Date	Not Available
Decision Printed Date	Not Available
Environmental Impact Assessment Received	Not Available
Determination Deadline	Fri 25 Mar 2022
Temporary Permission Expiry Date	Not Available

5. Applications Background :

With these applications, the applicant was seeking for Planning Permission and Listed Building Consent to erect an extension to the East (Rear) elevation of the existing property and to include living accommodation such as: living room, kitchen, bedroom and en-suite.

The submitted proposal, outlined plans for a single-storey extension with a flat roof to be situated on the east elevation of the existing property. Please refer to Appendix 3 for submitted proposals. Key features of the proposed extension included:

- i. Vertical ScotLarch Timber Cladding:
 - a. The extension was designed to feature vertical ScotLarch timber cladding, chosen for its aesthetic appeal and natural durability. Over time, the timber was expected to weather and grey, seamlessly blending into the surrounding natural environment.
- ii. Rubble/Stone Base Course
 - a. In keeping with the existing character of the property, the base course of the extension was to be constructed using rubble/stone, extending up to 400mm from ground level. This design choice aimed to create visual continuity between the new extension and the original building.
- iii. Large Windows with Dark Grey Colouring:
 - a. The proposed extension incorporated large windows strategically placed to maximise natural light and views. These windows were intended to be coloured in a dark grey hue, complementing the timber cladding and gradually blending into the facade over time as opposed to a white colour.
- iv. Cast Iron Rainwater Goods:
 - a. As part of the design, cast iron rainwater goods were specified for their longevity and visual appeal. Coloured in dark grey, these rainwater goods were intended to contribute to the overall aesthetic coherence of the extension with the existing property.

The original proposals were meticulously crafted to not only fulfil the functional requirements of the family but also to enhance the architectural integrity of the listed building.

Prior to the submission of the planning application, intrusive ground investigations and hand digs were conducted to assess the site conditions and identify any potential constraints, including the presence of tree roots. These investigations were essential for informing the design and ensuring the proposed extension would have minimal impact on the surrounding environment.

Throughout the application process, expert reports were commissioned from arboriculturists, ground experts, and structural engineers to provide informed assessments and recommendations. These reports formed the basis for the development of the proposed plans and informed decisions regarding tree protection measures, structural integrity, and environmental impact.

Throughout the process, it has been highlighted to the Agent and the Applicant from the Planning Officer overseeing the application process the difficulties in receiving responses from internal East Lothian Council consultees, leading to further delays and uncertainty. While efforts were made to streamline the process and address any outstanding issues, progress was hindered by a lack of cooperation and responsiveness from certain consultees.

Despite the applicant's proactive approach and willingness to cooperate, the application process has been plagued by challenges in communication and delays. Countless emails and attempts to contact the planning department have gone unanswered or unacknowledged, resulting in frustration and uncertainty for the applicant.

In light of the collaborative efforts undertaken by the applicant and their agent, it is disheartening to encounter obstacles that impede the progress of the application. Despite the challenges faced, the applicant remains committed to working constructively with the planning authority to address any concerns and secure approval for the proposed extension.

The applicant and agent, throughout the application process believed that the proposal was reasonable, albeit noting refusal reason. The applicant and their agent demonstrated a willingness to collaborate and make necessary adjustments to ensure compliance with planning policies and regulations. The proposed plans underwent multiple revisions at the request and guidance of the East Lothian Council (ELC) planning department. Feedback provided by planning officers was carefully considered, and amendments were made to address any concerns raised.

Based on previous experiences it was noted that there was a possibility that East Lothian Planning Department may require further information or not necessarily support the application as it currently stood, and that if this were to be the case the planning department would make contact to seek a negotiated solution.

Upon receipt of 2 nr. refused applications it became apparent that negotiations were not the intended outcome. It is accepted and completely understood that the planning department has acted accordingly and carried out their statutory role, so it is hoped that this appeal report can provide further background information to assist a review of the outcomes to these applications.

Taking the above into account the applicant seeks to begin a review process to the decision to refuse planning permission and listed building consent, setting out the grounds for review below.

2. Appeal

1. Reasons for Refusal:

The decision notice for application for Planning Permission ref: 21/01510/P, dated 4th March 2024, states that the refusal condition of planning permission is:

- 1. Due to its large size and scale and of its modern architectural form and finish the proposed extension would not be a subservient addition to the listed building and would not be in keeping with its character and appearance. As such the proposed extension would be harmful to the special architectural or historic interest of the listed building contrary to Policies 7 and 16 of NPF4 and Policies CH1 and DP5 of the adopted East Lothian Local Development Plan 2018.*
- 2. It has not been demonstrated through the applicants' submission that the proposed extension would not encroach onto or cause damage to any of the root protection areas of any of the TOP'd trees that are within the garden of the house. Therefore the proposal does not comply with Policy 6 of NPF4 or Policy NH8 of the adopted East Lothian Local Development Plan 2018.*

The decision notice for application for Listed Building Consent 21/01511/LBC, dated 29th February 2024, states that the refusal condition of Listed Building Consent is:

- 1. Due to its large size and scale and of its modern architectural form and finish the proposed extension would not be a subservient addition to the listed building and would not be in keeping with its character and appearance. As such it would be harmful to the special architectural or historic interest of the listed building contrary to Policy 7 of NPF4, Policy CH1 of the adopted East Lothian Local Development Plan 2018 and the Historic Environment Policy for Scotland (HEPS): April 2019.*

2. Grounds for Review of Decision:

As previously noted, both applications were lodged and validated circa January 2022 and despite the refusal conditions citing non-compliance with NPF4, we have endeavored to provide justification and further evidence to support the proposals. Note: National Planning Framework 4, as adopted by the Scottish Ministers on 13th February 2023.

2.2.1 Architectural Form | Condition 1:

The reason for refusal cites particular planning policies. The relevant parts of these noted below.

1) **Reference to planning Policy NPF4 Policy 7:**

NPF4 “**Historic Assets and Places**” cites the following as an intended Policy Outcome:

“Redundant or neglected historic buildings are brought back into sustainable and productive uses”

The National Planning Framework, Policy 7 (c) states:

“Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

We believe that the proposed extension to South Lodge, Prestonpans aligns seamlessly with the intended policy outcome, as it represents a concerted effort to rejuvenate and revitalise a property that was previously in a state of disrepair and neglect.

Historic Building Preservation

The primary objective of the proposed extension is to preserve and enhance the existing listed residential building. By investing significant resources into the restoration and repair of the property, the applicant has demonstrated a genuine commitment to safeguarding its historical and architectural significance. The extension not only addresses the functional needs of the occupants but also ensures the long-term viability and sustainability of the listed building, thereby fulfilling the objectives of Policy 7.

Sustainable Development

The extension is designed with sustainability principles in mind, utilising materials and construction techniques that minimise environmental impact and promote energy efficiency. The use of ScotLarch timber cladding, for example, we believe not only contributes to the aesthetic appeal of the extension but also aligns with sustainable forestry practices. Furthermore, the selection and emphasis on longevity and durability in the design further underscore the commitment to sustainable development principles.

Productive Use of Building

By expanding the living space within the property, the proposed extension facilitates a more productive use of the building, accommodating the needs of a growing family while preserving its historical integrity. This adaptive reuse of the property ensures that it remains a vibrant and integral part of the community, contributing to the surrounding area.

Pre-Application Enquiry Comments / Observations

As previously stated the proposed plans have been adapted in line with comments received from the planning officer during the pre-application enquiry. This collaborative approach underscores the applicant's willingness to engage constructively with the planning authority and incorporate feedback to ensure compliance with planning policies and regulations. The iterative refinement of the proposals reflects a commitment to achieving a balanced outcome that respects the heritage value of the building while meeting the needs of contemporary living.

We believe that the proposed extension to South Lodge, Prestonpans embodies the spirit of Policy 7 of the National Planning Framework 4 by revitalising a previously neglected historic building and bringing it back into sustainable and productive use. Through collaborative engagement with the planning authority and adherence to sustainable development principles, the applicant seeks to achieve a balanced outcome that harmonises heritage preservation with contemporary living needs.

2) Reference to planning Policy NPF4 Policy 16:

The National Planning Framework, Policy 16 (c) states:

“Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

NPF4 **“Quality Homes”** cites the following as an intended Policy Outcome:

“Good quality homes are at the heart of great places and contribute to the strengthening the health and wellbeing of communities”

Unfortunately, no further information has been provided to the agent or applicant detailing justification for breach of NPF4 Policy 16, but rather states that it is.

Having reviewed NPF4 Policy 16, it is our understanding that this policy focuses on promoting sustainable development through the efficient use of land and resources. It emphasises the importance of prioritising brownfield sites for development, minimising urban sprawl, and safeguarding green spaces and natural habitats. The policy encourages the revitalisation of existing urban areas, supporting vibrant and inclusive communities while minimising environmental impact.

We believe that the proposed extension to South Lodge, Prestonpans does not conflict with the objectives outlined in Policy 16. Rather, it aligns with the overarching goal of sustainable development by reinvigorating an existing building and enhancing its functionality to meet contemporary living needs. The extension is designed to minimise its footprint on the surrounding landscape, utilising the available land efficiently without encroaching on green spaces or natural habitats.

Furthermore, the extension does not contribute to urban sprawl as it is situated within the confines of the existing property curtilage. By taking on board the comment received from

East Lothian Councils planning officer, in particular reducing the height so as to reduce the visibility from the B1361, the development maximises the use of space while preserving the character of the surrounding area.

While Policy 16 of the National Planning Framework 4 aims to guide sustainable development practices, the proposed extension to South Lodge, Prestonpans is consistent with these objectives. It represents a responsible approach to land use and development, striking a balance between heritage preservation, environmental stewardship, and meeting the needs of contemporary living.

Additionally, **NPF4 Policy 16 states the following:**

“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;”*

We believe that the proposal for the extension to South Lodge, Prestonpans unequivocally adheres to the policy criteria stipulating that developments must 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. Several compelling factors refute any suggestion of non-compliance:

Surrounding Area

The applicant has meticulously considered the character of the surrounding area, particularly in light of the more modern houses directly opposite the applicants site (Dr Gracie Drive, Blink o Forth etc). These modern houses, which have been granted planning permission by East Lothian Council and subsequently constructed, stand as a testament to the evolving architectural landscape of the community. The proposed extension, while sympathetic to the listed building's heritage, incorporates contemporary design elements that harmonise with the surrounding built environment.

Material Selection

The materials proposed for the extension, including vertical ScotLarch timber cladding, stone and cast iron rainwater goods, exemplify a commitment to superior quality and durability. We believe that in contrast to the materials used in the construction of said referenced modern houses, the proposed materials not only elevate the aesthetic appeal of the extension but also contribute to its longevity and sustainability. This conscientious choice of materials ensures that the proposed development enhances, rather than detracts from, the character and environmental quality of the surrounding area.

Design Approach

The design of the proposed extension has been informed by a sensitive and contextual approach, taking into account the historical significance of the listed building and its relationship to the surrounding context. The extension's size and scale have been carefully considered to complement rather than overwhelm the existing structure, while the choice of design elements and materials seeks to establish a visual dialogue with both the heritage of the listed building and the contemporary character of the neighboring houses.

Environmental Quality

By integrating sustainable design principles and utilising high-quality materials, the proposed extension contributes positively to the environmental quality of the area. The use of timber cladding, for instance, not only enhances the visual appeal of the extension but also promotes ecological sustainability through carbon sequestration and renewable resource utilisation.

We believe that the proposed extension to South Lodge, Prestonpans unequivocally meets the policy criteria by demonstrating a thoughtful and sensitive approach to design, materials, and environmental impact and would strongly refute the claim that the proposed extension is in any way harmful to the existing property. Its compatibility with the surrounding built environment, superior quality of materials, and commitment to preserving heritage and environmental integrity establish it as a model of responsible development that enhances the character and environmental quality of the home and the surrounding area.

3) Reference to planning Policy CH1 of the adopted East Lothian Local Development Plan 2018:

The relevant part of Policy CH1: Listed Buildings states:

“Internal or external alterations or extensions to listed buildings will only be permitted where they do not harm the architectural or historic character of the building.”

The introductory text to this policy states in relation to work to listed buildings:

“Successful work to listed buildings is as a result of the full understanding of the historic asset, its special interest and character. Proposed alterations or extensions to listed buildings should ensure that the value of the building is not lost or its character undermined by insensitive changes. They should be complementary and of a high quality, both in design and use of materials. Planning decisions will be taken in accordance with the advice contained in national historic environment policies and guidance.”

We believe that it can be reasonably argued that the proposed extension to South Lodge, Prestonpans unequivocally aligns with the principles outlined in Planning Policy CH1, which emphasises the preservation of architectural and historic character while ensuring that any alterations are complementary and of high quality in terms of design and materials. Despite the refusal citing concerns regarding potential harm to the building's character, several compelling arguments refute this assertion:

Pre-Application Engagement / Amendments:

As previously noted the applicant and their agent proactively engaged with the planning authority through the pre-application enquiry procedure, seeking guidance and feedback to ensure compliance with planning policies and regulations. Subsequent to this engagement, amendments were made to the proposed plans based on the advice received from planning officers, demonstrating a willingness to address any concerns and refine the proposals to enhance their compatibility with the listed building's character.

Design / Materials

The design of the proposed extension is meticulously conceived to not only compliment the architectural and historic character of the listed building but to compliment and blend with the natural surrounding environment. The choice of vertical ScotLarch timber cladding, for instance, harmonises with the natural materials prevalent in the surrounding environment while offering a contemporary twist. Similarly, the use high-quality materials reflects a commitment to preserving the authenticity and integrity of the building's heritage.

Existing Extension

One of the key considerations in the context of the proposed extension is the presence of an existing modern extension to the rear of the property as can be seen within the photographs contained within Appendix 5. This extension, which currently stands in a state of serious disrepair, presents a stark contrast to the historical integrity and architectural elegance of South Lodge, Prestonpans.

The poor condition of the existing extension not only detracts from the overall visual appeal of the property but also undermines its heritage value and character. Its incongruous design and deteriorating condition serve as a visual reminder of neglect and detract from the cohesive architectural composition of the site.

The proposed extension offers a unique opportunity to mitigate the visual impact of the existing extension by replacing it with a thoughtfully designed addition that respects the historical context and architectural legacy of the listed building. By removing the unsightly structure and replacing it with a complementary extension that harmonises with the original building, the proposals seek to rectify the visual discordance and restore the property to its former grandeur.

Furthermore, the proposed extension aims to not only mitigate the negative impact of the existing extension but also to enhance the overall aesthetic quality of the property. Through careful attention to design details, material selection, and architectural coherence, the proposed extension will contribute to a more harmonious and visually cohesive composition, elevating the property's architectural value and restoring its rightful place within the local heritage landscape.

We believe that the proposed extension to South Lodge, Prestonpans exemplifies a conscientious approach to heritage conservation, architectural design, and material selection. Through proactive engagement with the planning authority and a commitment to enhancing the property's architectural and historic character, we believe it can be reasonably argued that the proposals unequivocally meet the requirements outlined in Planning Policy CH1.

3) Reference to planning Policy DP5 of the adopted East Lothian Local Development Plan 2018:

The relevant part of Policy DP5: Extensions and Alterations to Existing Buildings states:

“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;"*

We believe that we have demonstrated in previous sections of this report that the proposals comply with the criteria set out in Planning Policy DP5.

The introductory text to this policy states in relation to work to existing buildings:

"Extensions and alterations must be well designed and respect the character of the existing building and its surroundings. Generally, any alteration or extensions of, an existing building should be designed to appear as an integral part of the original building. For example, if the original building has a pitched roof then it is likely that an extension will require a roof of similar pitch, particularly on prominent public elevations."

As noted in previous sections of this report and as demonstrated within the original proposals, the original design intention was to extrude the existing gable end form (East Elevation) and to use identical materials in order to ensure that the extension can be read as an integral part of the original building, all as per East Lothian Council's adopted Local Development Plan DP5 Policy. It was indeed that through the pre-application enquiry process, that East Lothian Council's planning officer requested that the roof form was amended from a pitched roof replicating the existing property, to a flat roof form as it would be seen from the B1361 which would seem contrary to East Lothian Council's own adopted planning policy.

It should also be noted that during the application process, no public objections were received for both Listed Building Consent, and Planning Permission.

2.2.2 Tree Protection | Condition 2:

1) Reference to planning Policy NPF4 Policy 6:

NPF4 “**Forestry, woodland and trees**” cites the following as an intended Policy Outcome:

“To protect and expand forests, woodland and trees.”

While National Planning Framework 4 Policy 6 aims to protect and expand woodland and trees, the proposed extension to South Lodge, Prestonpans is designed to coexist harmoniously with the surrounding natural environment while ensuring the preservation of existing trees. Despite the refusal citing concerns related to tree protection, several compelling arguments refute any suggestion of non-compliance:

Site Assessments

The applicant and their agent have conducted thorough site assessments, including hand digs and various exploratory work, to assess the condition of trees within the vicinity of the proposed extension. These assessments were instrumental in identifying the location and extent of tree roots, informing the development of robust tree protection measures to mitigate potential impacts during construction.

Commitment to Tree Preservation:

The proposals also underscore a genuine commitment to the preservation and protection of existing trees on the site. Measures such as exclusion zones, protective fencing etc have been considered to safeguard the health and integrity of the trees, ensuring minimal disruption to their root systems and canopies during the construction process.

We feel it is imperative to emphasise that throughout the whole planning process, the applicant has had no desire to remove or disturb any existing trees, however despite numerous attempts at cooperation and engagement with East Lothian Council (ELC) planning officers, the applicant has encountered challenges in obtaining feedback from ELC consultees. Despite this, the applicant has demonstrated a proactive approach to addressing concerns raised by the planning authority, incorporating feedback and making necessary adjustments to the proposals to ensure compliance with planning policies and regulations.

Beyond the immediate construction phase, the applicant is cognisant of the need for ongoing tree management and maintenance to ensure the continued health and vitality of the protected trees. A long-term management plan will be developed to monitor the condition of the trees, implement necessary mitigation measures, and foster their integration into the evolving landscape of the site.

Balanced Approach to Development:

The proposed extension represents a balanced approach to development that seeks to reconcile the need for additional living space with the imperative of environmental stewardship. By carefully integrating the extension with the existing landscape and implementing robust tree protection measures, the proposals strike a delicate balance between development and conservation, ensuring the long-term sustainability and vitality of the site.

It is pertinent to highlight the perceived discrepancies observed by residents of East Lothian in the treatment of tree removals across different planning applications, for example in the context of developments along the B6371. Despite the stringent regulations and policies governing tree preservation and environmental conservation, there appears to be a concerning trend whereby significant tree removals have been sanctioned seemingly without commensurate mitigation measures or adherence to established protocols.

The referenced observations along the B6371 reveal instances of significant tree removals, presumably as part of planning application 24/00324/PM. Reviewing the proposed Tree Removals contained within the proposals for application 24/00324/PM it is apparent that there are hundreds of trees to be removed from this stretch of road. These removals in conjunction with the determination date of **August 2024**, while undertaken for various reasons including haul roads, have already resulted in the loss of mature trees and greenery, impacting the visual quality and ecological integrity of the area.

The preservation of trees and green spaces is essential for maintaining the ecological balance, enhancing biodiversity, and safeguarding the visual amenity of the built environment and we would urge you to consider this refusal condition and mitigation measures in the wider context of the Authority and surrounding communities.

We believe the proposed extension to South Lodge, Prestonpans demonstrates a sincere commitment to compliance with National Planning Framework 4 Policy 6 by prioritising the protection and preservation of woodland and trees. Through thorough site assessments, proactive engagement with planning officers, and the implementation of robust tree protection measures, the proposals exemplify a responsible approach to development that respects and enhances the natural environment.

2) Reference to planning Policy NH8 of the adopted East Lothian Local Development Plan 2018:

The relevant part of Policy NH8: Trees and Development states:

“There is a strong presumption in favour of protecting East Lothian’s woodland resources. Development affecting trees, groups of trees or areas of woodland will only be permitted where:

- a. any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity of the area has been incorporated into the development through design and layout, and wherever possible such trees and hedges should be incorporated into public open space and not into private gardens or areas;”*

We believe that we have demonstrated in previous sections of this report that the proposals are intended to comply with the criteria set out in Planning Policy NH8.

2.2.3 Other :

2) Flood Damage :

Further to the above context we believe that it is crucial to frame this appeal within the context of the significant flood damage recently experienced at the property. The following detailed account illustrates the extent of the incident, its impact on the property and the family, and provides compelling reasons why urge you to review this case favorably:

On Friday, 29th March, during an episode of heavy rainfall, the applicant contacted the East Lothian Council emergency line due to severe flooding in the garden of South Lodge, caused by overflow from the B1361 road. Despite the Council's provision of sandbags, these measures were ineffective against the rapidly rising water levels. As a result, the property lost power, and the family had to be evacuated, highlighting the immediate danger and disruption caused by the flood.

The applicant subsequently met with Mr. Ian Chalmers, Team Manager of Structures and Flooding at East Lothian Council. It was evident that the water level had increased further, necessitating the intervention of the Scottish Fire Rescue Service to pump water out of the property.

Mr. Chalmers identified and confirmed blockages both upstream and downstream of the B1361, which were subsequently cleared. Additionally, he scheduled the inspection and clearance of road gullies on the B1361 within the following week. These steps underscore the seriousness of the flooding and the immediate actions taken to mitigate further damage.

Mr. Chalmers has also since suggested several long-term mitigation measures to prevent future flooding, including the installation of a trash screen on the upstream side of the B1361. He also recommended that the applicant enhance the property's flood resilience during repairs by raising electrical sockets, installing self-closing air bricks, and positioning plasterboard horizontally rather than vertically. These measures aim to protect the property against future flood events, emphasising the need for comprehensive and forward-thinking repair strategies.

The flooding has resulted in an ongoing case between the applicant and East Lothian Council, requiring extensive repairs. The existing extension, significantly water-damaged, may need to be demolished and rebuilt. The estimated repair timeline necessitates that the applicants reside in temporary accommodation for approximately 12 months. This extensive displacement further underscores the gravity of the situation and the need for a timely and favorable resolution to the appeal.

The flood caused substantial water damage throughout the property, significantly disrupting the lives of Mr. Pollock, Mrs. Burns-Pollock, and their two young children. The family is already under considerable stress due to the need to evacuate and live in temporary accommodation. Finalising the potential for a new appropriate and suitable extension before committing to repair work would prevent abortive works and further stress. The new extension would provide the necessary space and modern facilities to ensure the family's comfort and safety, aligning with their long-term vision for the property.

Given the severity of the flood and its impact, we would also recommended that additional surveys and inspections of the trees in question be carried out to ensure their safety and stability. We are mindful of the ever increasing costs to the applicant relating to this particular item, and suggest that given the flood occurred through a failing of ELC owned

and maintained infrastructure that these surveys should be carried out by ELC. These surveys are essential to address any potential risks posed by weakened or compromised trees.

The flood highlighted vulnerabilities in the current structure and setting. Approving the extension would allow the applicants to incorporate modern flood resilience measures, ensuring the property's long-term safety and viability.

With extensive repairs required, it is prudent to finalise the extension plans before proceeding. This approach prevents wasteful expenditure on repairs that may later need to be altered or redone, aligning with principles of efficient and sustainable development. Addressing tree safety through additional surveys ensures that the natural environment is preserved and enhanced, contributing to broader environmental goals and community well-being.

The proposed extension offers a crucial opportunity to improve the living conditions for the family. Given the recent hardships, providing a safe, comfortable, and modern home environment is paramount.

The proposals respect and enhance the listed building's character, aligning with conservation objectives. By integrating the extension thoughtfully, the family can continue to preserve and maintain the historic property, preventing it from falling into disrepair.

3. Conclusions

1. Conclusion:

This appeal represents a sincere and conscientious effort to balance the needs of contemporary living with the imperative of heritage preservation and environmental stewardship. Despite the challenges and obstacles encountered throughout the planning process, the applicant and their agent have demonstrated unwavering dedication, proactive engagement, and a commitment to compliance with planning policies and regulations.

The proposals for the extension have been meticulously developed and refined through thorough site assessments, expert consultations, and attempted collaborative dialogue with the planning authority. Measures have been proposed to protect and preserve the architectural and historic character of the listed building, mitigate potential impacts on the surrounding environment, and enhance the overall quality of the setting.

Key arguments presented in the appeal report highlight the alignment of the proposals with relevant planning policies and frameworks, including National Planning Framework 4 Policies 6, 7 and 16, and Planning Policy CH1, DP5 and NH8 of the adopted Local Development Plan. Moreover, the willingness of the applicant to address concerns, incorporate feedback, and implement robust mitigation measures underscores a genuine commitment to achieving a balanced outcome that respects heritage, enhances environmental quality, and meets the needs of present and future generations.

In light of the comprehensive evidence presented in support of the appeal, it is our firm belief that the proposals for the extension to South Lodge, Prestonpans merit approval. We urge the planning authority to reconsider the refusal decision in light of the compelling arguments and justifications outlined in this appeal report. By granting approval for the proposed extension, the planning authority will not only facilitate the enhancement of the listed building but also contribute to the sustainable development and preservation of the local heritage landscape.

We remain optimistic that a favorable outcome will be reached, one that recognises the merit of the proposals and the dedication of the applicant to responsible development practices. Thank you for considering this appeal and for your attention to the issues raised herein.

4. Appendices

1. Pre-Application Enquiry Details
2. Original Proposals (Drawings)
3. Submitted Proposals (Drawings)
4. Photographs

[Appendix 1]

[Appendix 2]

[Appendix 3]

[Appendix 4]

Ross Irvine (ross@irvinedesign.co.uk)

From: Millar, Neil <nmillar@eastlothian.gov.uk>
Sent: 23 September 2021 16:21
To: ross@irvinedesign.co.uk
Subject: RE: South Lodge, Prestonpans - Pre Application Consultation

Hi Ross,

Thank you for your email below.

As per my previous email it would be for the Coal Authority to advise whether or not the proposals would place buildings or persons at risk from past mining related activities. In that respect, I suggest that you contact the Coal Authority directly (and include a copy of the CMRA that has been undertaken) to gauge whether or not they would have any objection or comments to make on this proposal prior to a formal application being lodged.

I note that you state that the proposals are of the same form, volume and shape from the east elevation. However, the extension would extend further northwards and southwards and thus would not replicate, or align with, the rear building line of the east elevation of the house. The volume of the proposed extension would also be greater, in height and footprint, in comparison to that of the flat roofed outshot that presently exists there. The existing flat roofed extension has clearly been designed to play a subordinate role without impacting on the visual appearance and character of the house, a listed building.

As was shown in your submissions, the pitched roofed component of the proposed extension would mask the stone gable face of the east elevation of the house. It would also be readily visible from the public road due to its height above the stone boundary wall. It would not be screened by the TPO trees as shown in the image below. The impact of the proposed extension is therefore significantly greater than that of the flat roofed extension added to the rear of the building due to its pitched roofed and glazed form. It is not clear from your submissions as to whether or not the north and south facing pitched roof slopes would also be glazed or whether they would be clad in natural slates. Nevertheless, taking into consideration that this house is a traditional, stone built, T-shaped gate lodge with crow-stepped gables, my view remains that the proposed extension would neither preserve nor enhance, but instead would harm, the special architectural form, character and integrity of the listed building.

I therefore suggest that the pitched roofed component of the proposed extension be omitted from the design to ensure that the stonework and historic features of the east gable end of the house remain exposed and not lost or compromised.

Regards

Neil



From: ross@irvinedesign.co.uk <ross@irvinedesign.co.uk>
Sent: 16 September 2021 18:30
To: Millar, Neil <nmillar@eastlothian.gov.uk>
Subject: RE: South Lodge, Prestonpans - Pre Application Consultation

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Afternoon Neil,

Thank you for your response, its much appreciated.

In response to a few items :-

Coal Risk Assessment:

The reason for carrying out the CMRA is exactly for this reason – to allow us to understand the ground conditions from a 'desktop study'. We have also proposed further intrusive investigations including boreholes to give a more accurate understanding of this land. From these findings, remedial measures would be put in place as and where required similar to the development directly over the road (i.e. grouting where required etc). This of course would entirely be subject to costs and budgets to do so either making this project viable or not.

This is where the cart before the horse comes in, as mentioned below the costs for these intrusive checks is fairly substantial to the client and the client would like some reassurance that a proposed extension would be welcome prior to proceeding with these, which I gather it may well be.

Design:

Your comments are noted and appreciated. The existing flat roof extension to the rear of this property is in a sever state of disrepair and requires immediate attention from the new owners of this property. I would contest that what is being proposed is a betterment of what currently exists.

The proposals include for extruding the same form, volume, and shape from the East Elevation through to form this new double height living space. The materials all match what is existing i.e. – as you state loose rubble to the double height space, timber windows to match, and slate roof to match – all mimicking the simple character and form of the existing.

I would also note that the high level windows would primarily be screened by the TPO trees to the boundary wall. The high level windows can be up for discussion, and if they were to be replaced with loose rubble as the existing elevation, would this be looked on more favourably?

We feel that this is a fantastic opportunity to add something to this delicate, and interesting listed building which will not only protect but enhance its character and form. The new homeowners are keen to bring this listed building back to some of its original design whilst improving all the while. It would be a shame to see one flat roof box replaced with another.

Protected Trees:

Your comments are noted. I have contacted Landscape for further information on these trees. We will ensure that the eventual proposals do not have any detrimental effect to these trees.

Thank you
Ross

Ross Irvine

Irvine Design Services

t: 0797 019 4731 | e: ross@irvinedesign.co.uk

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From: Millar, Neil [mailto:nmillar@eastlothian.gov.uk]

Sent: 16 September 2021 17:15

To: ross@irvinedesign.co.uk

Subject: RE: South Lodge, Prestonpans - Pre Application Consultation

Dear Ross,

Our Ref: DEV70486; Extension to house at South Lodge, Prestongrange Road, Prestonpans

Thank you for your email below and attachments regarding the above enquiry.

I can confirm that this property is located on the north side of the B1361 classified public road. It is a single storey pitched roofed house, with accommodation in its roof space, which is listed as being of special architectural or historic interest (Category C). The property is also within the Edinburgh Green Belt, the Pinkie Battlefield (as listed in the Inventory of Historic Battlefields), the Prestonpans Coast Special Landscape Area and the locally designated Garden and Designed Landscape of Preston Grange House. It is also within an area identified by The Coal Authority as being a Coal Mining Development High Risk Area and the trees within the site are protected by Tree Preservation Order (No.1).

Please note that a Coal Risk Assessment (CRA) would be required to be submitted with a formal application seeking planning permission. Please note that on receipt of a forthcoming application, we would consult with The Coal Authority and it would be for them to review the CRA and advise whether or not the proposals would place buildings or persons at risk from past mining related activities.

I note that the proposed extension would be single storey in with a pitched roofed form. It would also a flat roofed component attached to its north and south ends – clad in vertical timber boarding. My main concern relates to the four, white painted timber framed, fixed windows within the upper part of the rear (east) elevation of the pitched roof of the proposed extension – which would be visible above the stone wall which encloses the south boundary of

the rear garden of the house. The glazed roof would, in my view, have an adverse visual impact on the character, appearance and integrity of the house, listed building. It would also mask the upper part of the random rubble stone face of the building detracting from its simple architectural form and character.

Please note that HES's published guidance for extensions to listed buildings states that the following basic principles apply:

- o An addition or extension should play a subordinate role. It should not dominate the original building as a result of its scale, materials or location and should not overlay principal elevations;
- o Where an extension is built beside a principal elevation it should be generally lower than, and set back behind, that façade;
- o An extension that would unbalance a symmetrical elevation and threaten the original design concept should be avoided;
- o An extension should be modestly scaled and skilfully sited; and
- o Fire escape routes may be internal wherever space can be created without damaging important interior work. Where an external escape stair is necessary, it should be located as reversibly and inconspicuously as possible, and not on principal elevations.

I note the proposed extension would replace an existing flat roofed single storey later addition added to the east elevation of the building. We would therefore suggest, the roof of the proposed extension is altered to a flat roofed form (or a shallow mono-pitch) to reduce its visual impact on the listed building.

It is not clear from the drawings as to whether or not the footprint of the proposed extension would impact on the root protection areas of the TPO'd trees within the site. Please note that planning permission would not be supported for any proposal which impacts on the protected trees within the site. Accordingly, I would suggest that you all discuss the proposals with the Council's Landscape department who can be contacted by email at landscape@eastlothian.gov.uk.

Regards

Neil

From: ross@irvinedesign.co.uk <ross@irvinedesign.co.uk>
Sent: 03 September 2021 14:03
To: Environment Reception <environment@eastlothian.gov.uk>
Subject: South Lodge, Prestonpans - Pre Application Consultation

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Good afternoon,

We have a project involving an extension to the above address which is also a Listed Building.

I attach a copy of some draft proposals including plans and elevation for your information.

It has been discovered through engagement with a Structural Engineer that this property is sited within a high risk mining area. Extracts from the online BGS Maps and borehole records indicates that the Great Seam is present in this area and has been worked. As we understand, further investigations are required to determine the site and ground conditions, with remedial works put in place as and where required prior to any building works being carried out.

Our client has received various quotes to undertake a a Coal Mining Risk Assesment Desktop Study, and site investigations including various boreholes within the boundary to the property. From these findings and

information an educated decision can be made on remedial measures if and where required.

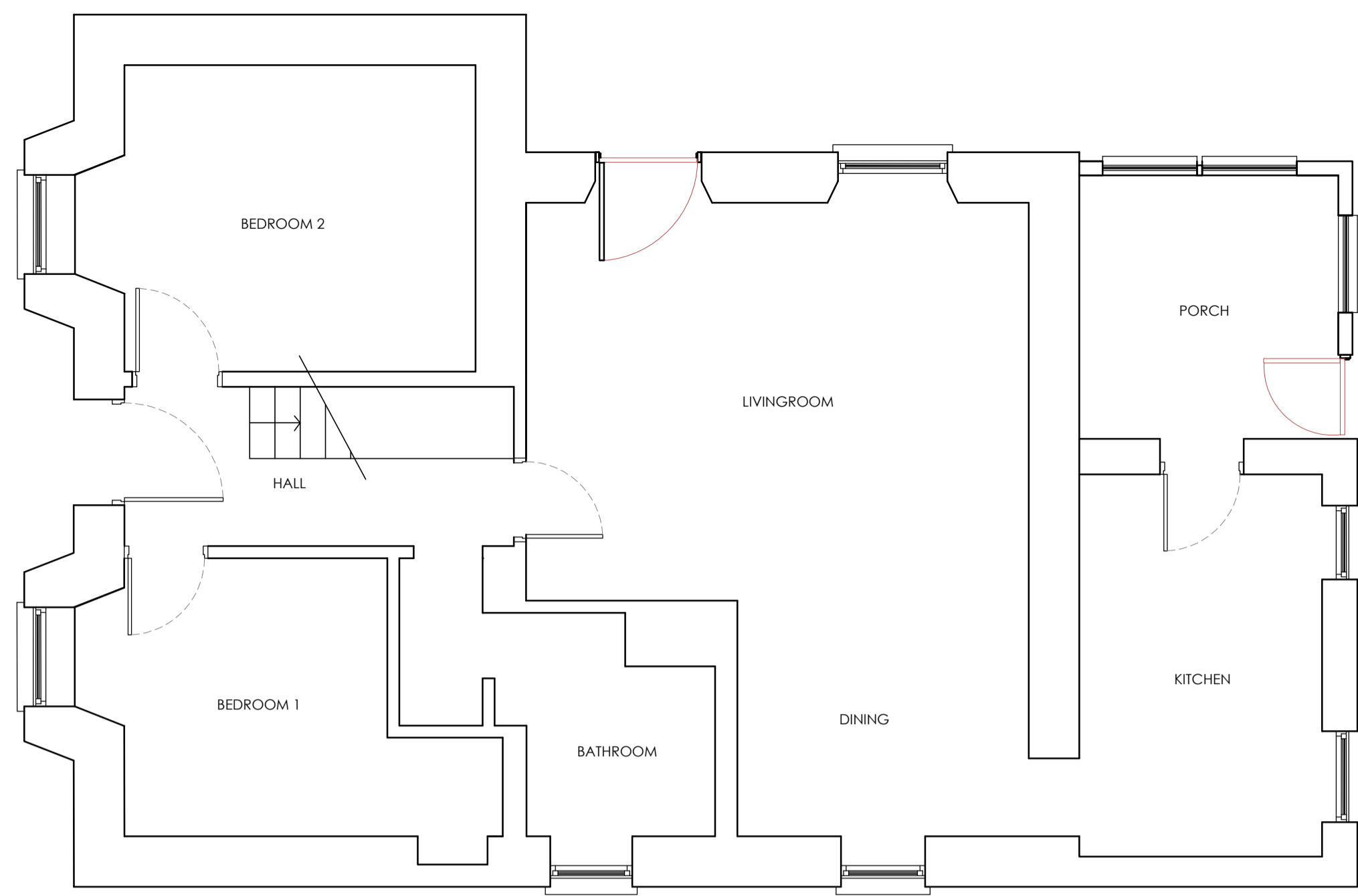
The costs of these investigations are of course at a great expense to the client, and we would like to understand East Lothian Council Planning Deptmt's view on the proposals prior to moving forward with these investigations. We would therefore be grateful if you can please review the proposals, and provide any comments on your decision process in determining what we hope to be an eventual application for Listed Building and Planning Permission.

Your assistance is greatly appreciated.

Thank you
Ross

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GROUND FLOOR PLAN AS EXISTING

SCALE: 1:50



REAR ELEVATION AS EXISTING SCALE: 1:50

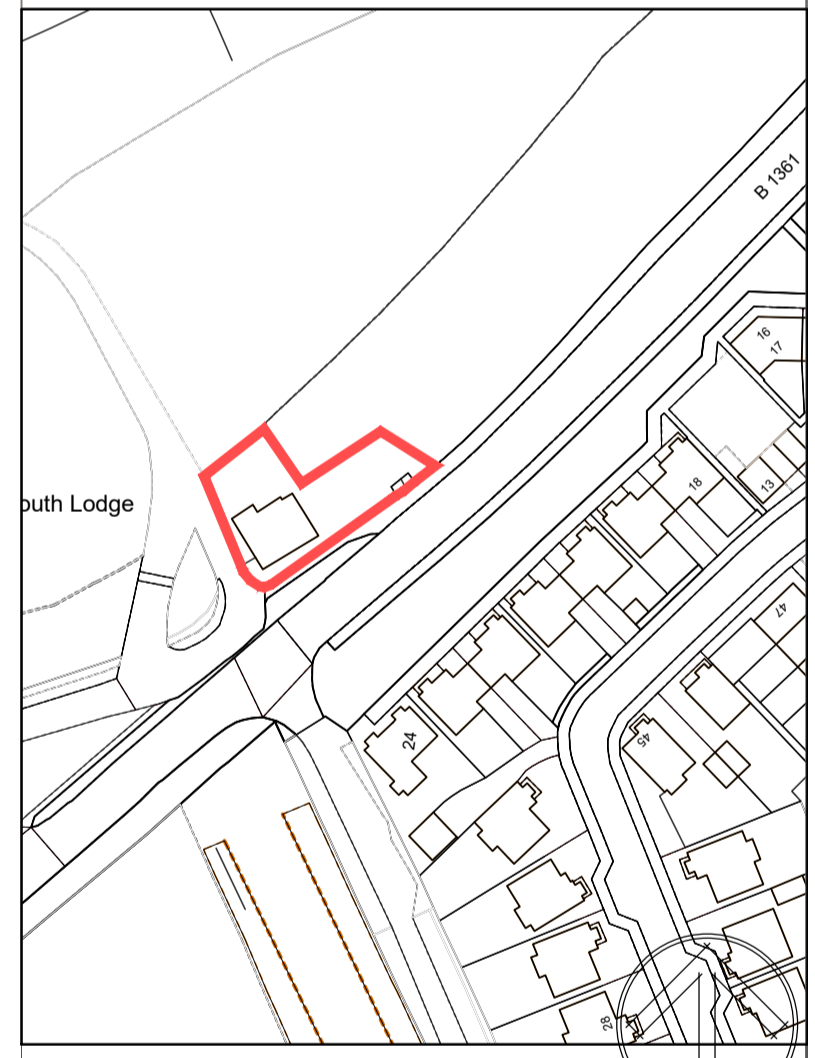
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 MATERIALS, FITTINGS AND COMPONENTS MUST BE SUITABLY DURABLE AND FIT FOR THEIR INTENDED USE.
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ELECTRICAL KEY

	External luminaire
	Light switch
	2 way light switch
	Ceiling mounted light
	Recessed spot light
	Extract fan
	Isolator switch
	TV aerial socket
	13A twin switched socket
	13A twin switched socket above worktop
	Cooker control unit
	Smoke/heat detector with sounder - mains operated with standby supply. Note detectors to be interconnected.
	Carbon monoxide detector.

Electrics to comply with BS 7671:2008 as amended, current IEE regulations and 4.5 and 4.6 of the Technical Standards.



LOCATION PLAN SCALE: 1:1250

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STATUS: INFORMATION			

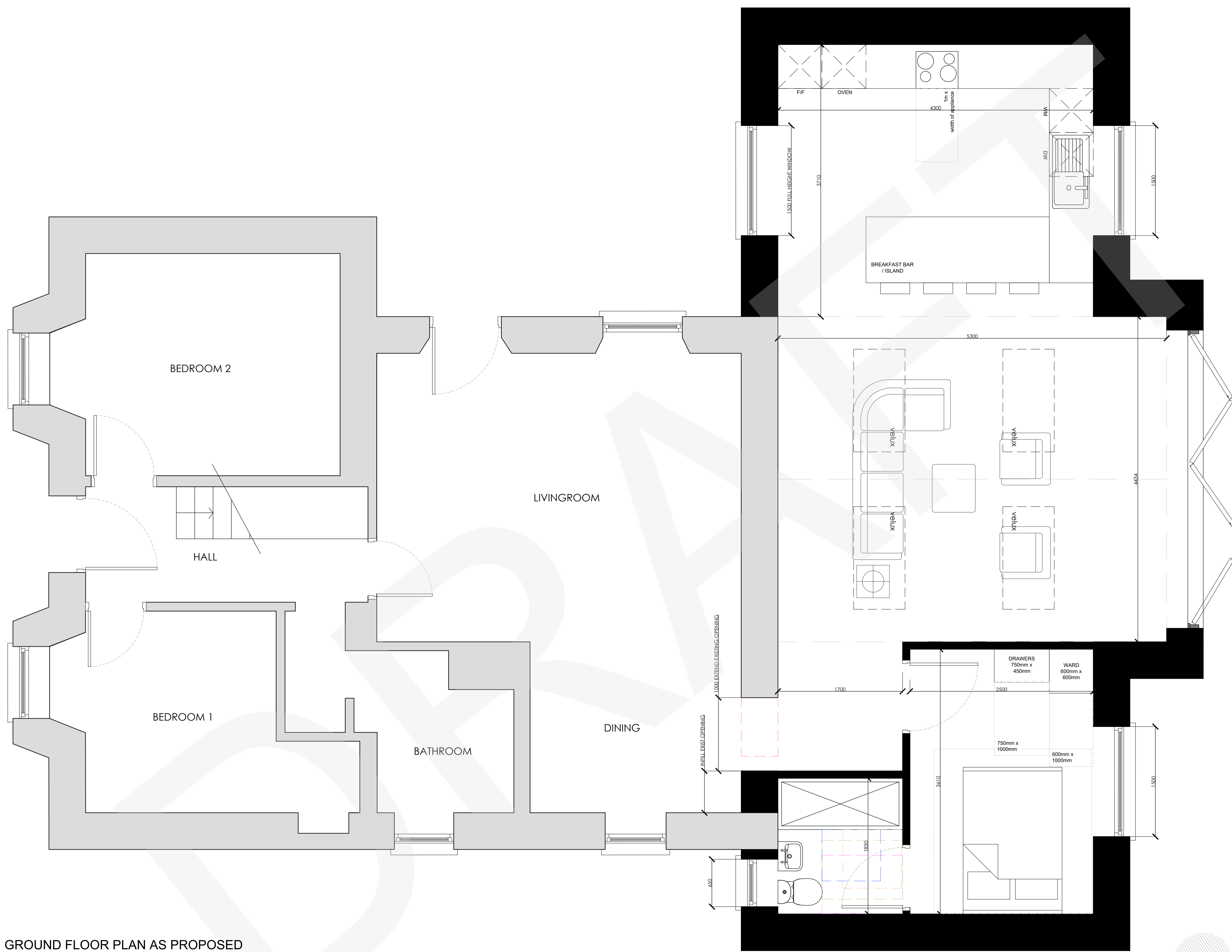


CLIENT:
 MR POLLOCK & MRS BURNS-POLLOCK
 SOUTH LODGE
 PRESTONPANS
 EH32 9RP

SITE:
 SOUTH LODGE
 PRESTONPANS

TITLE:
 EXISTING

SCALE AT A1: AS STATED	DATE: Mar-21	DRAWN: RBI	CHECKED: RBI
PROJECT NO: 2021-003	DRAWING NO: 001	REVISION:	



GROUND FLOOR PLAN AS PROPOSED
SCALE: 1:25

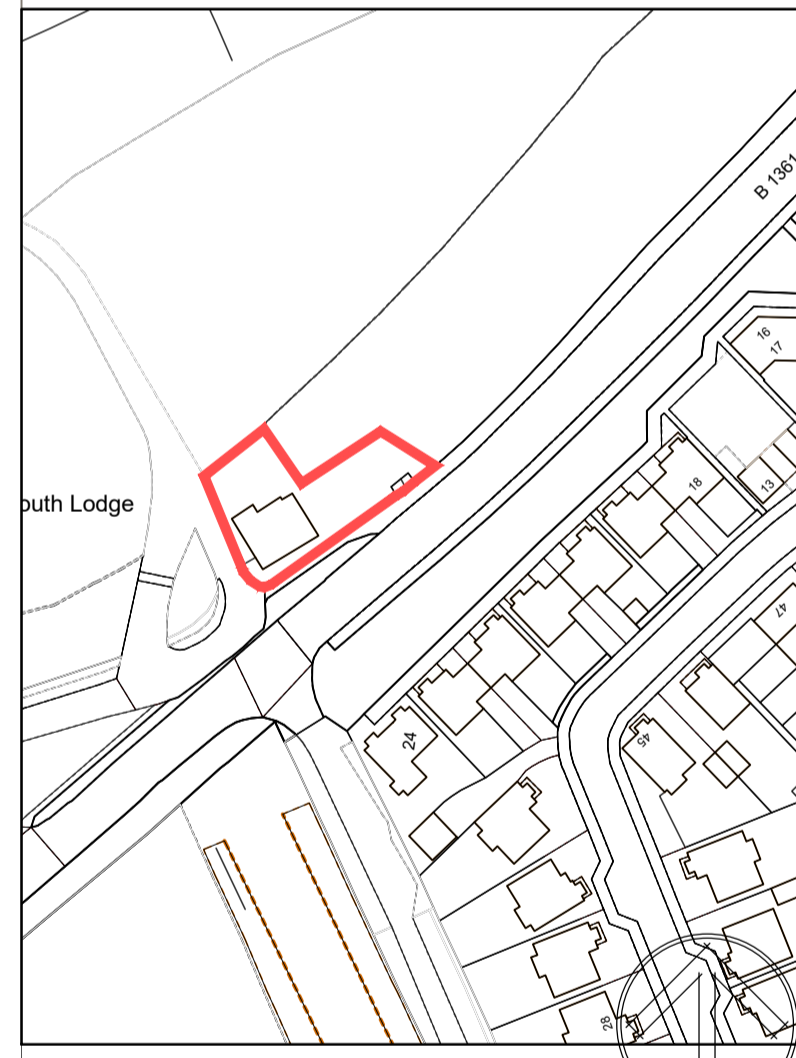
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	13A twin switched socket above worktop
	Cooker control unit
	Smoke/heat detector with sounder - mains operated with standby supply. Note detectors to be interconnected.
	Carbon monoxide detector.

Electrics to comply with BS 7671:2008 as amended, current IEE regulations and 4.5 and 4.6 of the Technical Standards.



LOCATION PLAN
SCALE: 1:1250

REV.	DESCRIPTION	BY:	DATE:
INFORMATION			

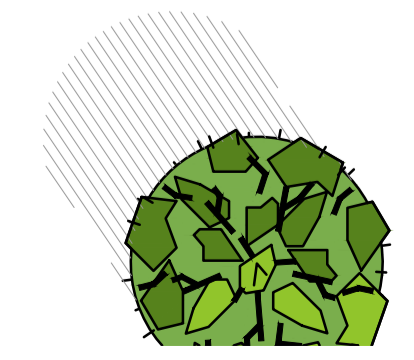


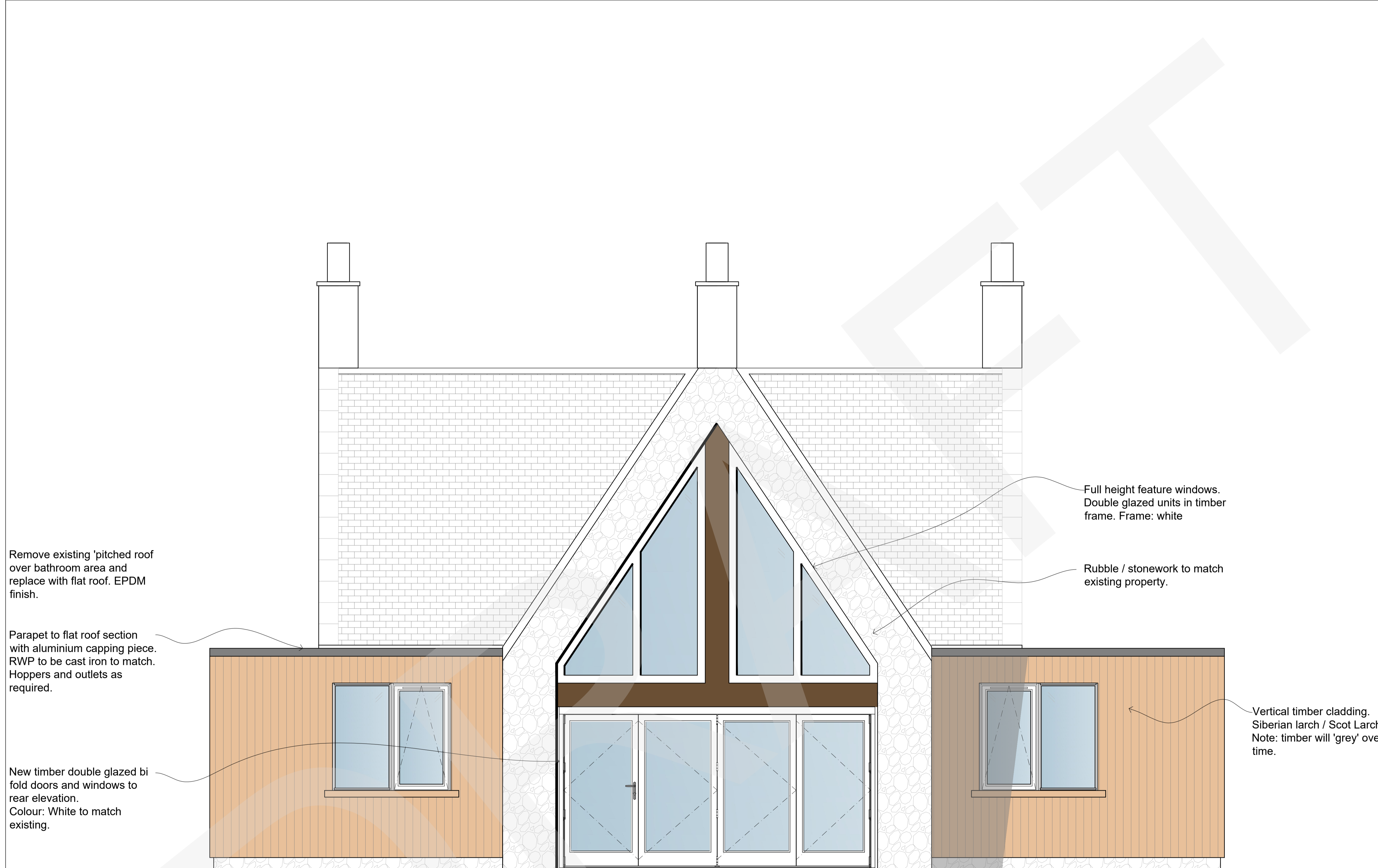
CLIENT:
MR POLLOCK & MRS BURNS-POLLOCK
SOUTH LODGE
PRESTONPANS
EH32 9RP

SITE:
SOUTH LODGE
PRESTONPANS

TITLE:
GROUND FLOOR PLAN AS PROPOSED
OPTION 1

SCALE AT A1: AS STATED	DATE: Mar-21	DRAWN: RBI	CHECKED: RBI
PROJECT NO: 2021-003	DRAWING NO: 002	REVISION:	





Remove existing 'pitched roof over bathroom area and replace with flat roof. EPDM finish.

Parapet to flat roof section with aluminium capping piece. RWP to be cast iron to match. Hoppers and outlets as required.

New timber double glazed bi fold doors and windows to rear elevation. Colour: White to match existing.

Full height feature windows. Double glazed units in timber frame. Frame: white

Rubble / stonework to match existing property.

Vertical timber cladding. Siberian larch / Scot Larch. Note: timber will 'grey' over time.

REAR ELEVATION AS PROPOSED
SCALE: 1:25

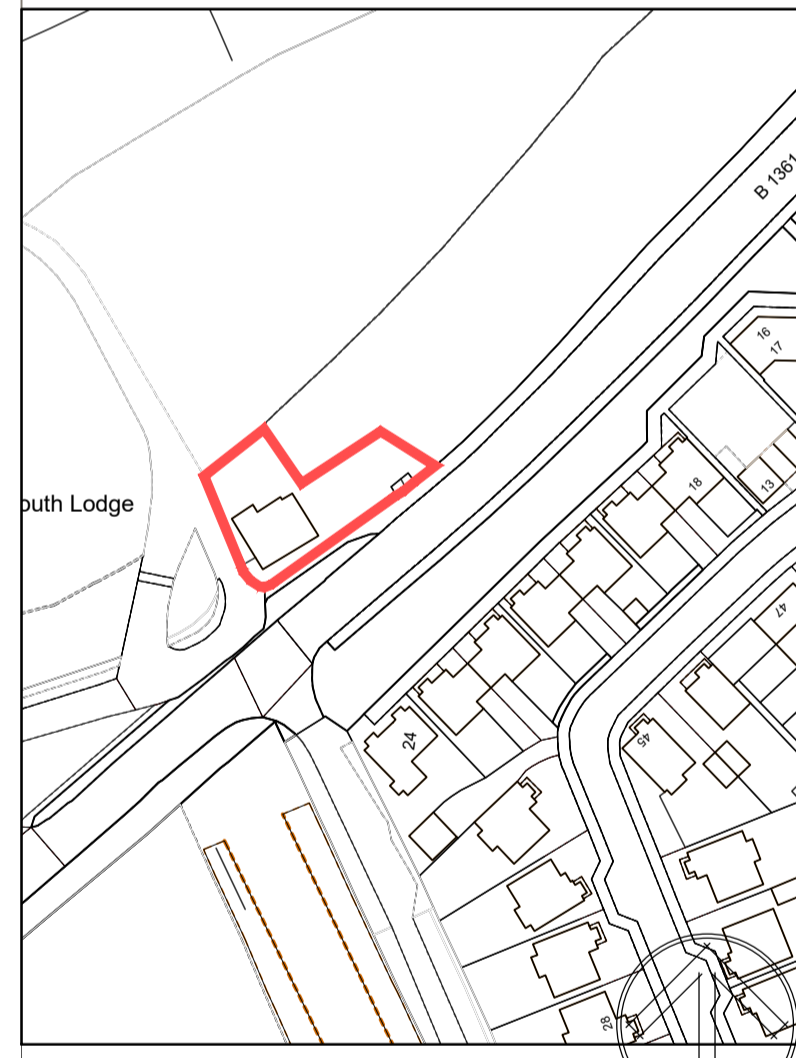
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	Cooker control unit
	Smoke/heat detector with sounder - mains operated with standby supply. Note detectors to be interconnected.
	Carbon monoxide detector.

Electrics to comply with BS 7671:2008 as amended, current IEE regulations and 4.5 and 4.6 of the Technical Standards.



LOCATION PLAN
SCALE: 1:1250

REV	DESCRIPTION	BY	DATE
STATUS: INFORMATION			

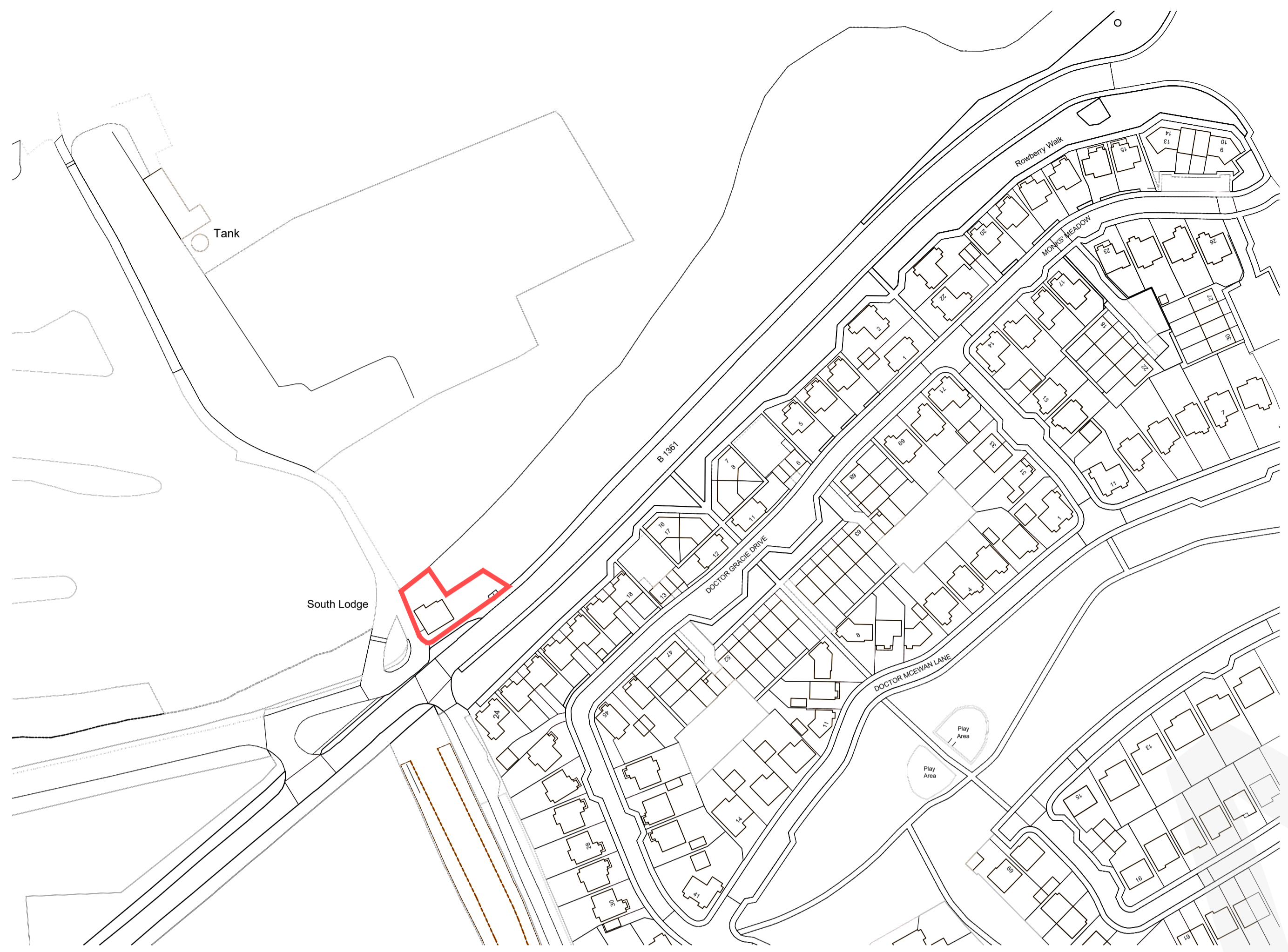
IRVINE DESIGN
architectural services

CLIENT:
MR POLLOCK & MRS BURNS-POLLOCK
SOUTH LODGE
PRESTONPANS
EH32 9RP

SITE:
SOUTH LODGE
PRESTONPANS

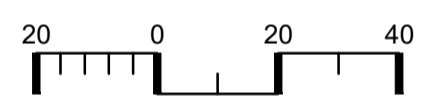
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REAR ELEVATION AS PROPOSED
OPTION 1

SCALE AT A1: AS STATED	DATE: Mar-21	DRAWN: RBI	CHECKED: RBI
PROJECT NO: 2021-003	DRAWING NO: 003	REVISION:	

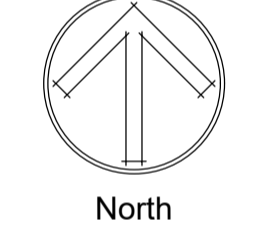


LOCATION PLAN

SCALE: 1:1250



Scale of Metres - 1:1250



North

Notes:

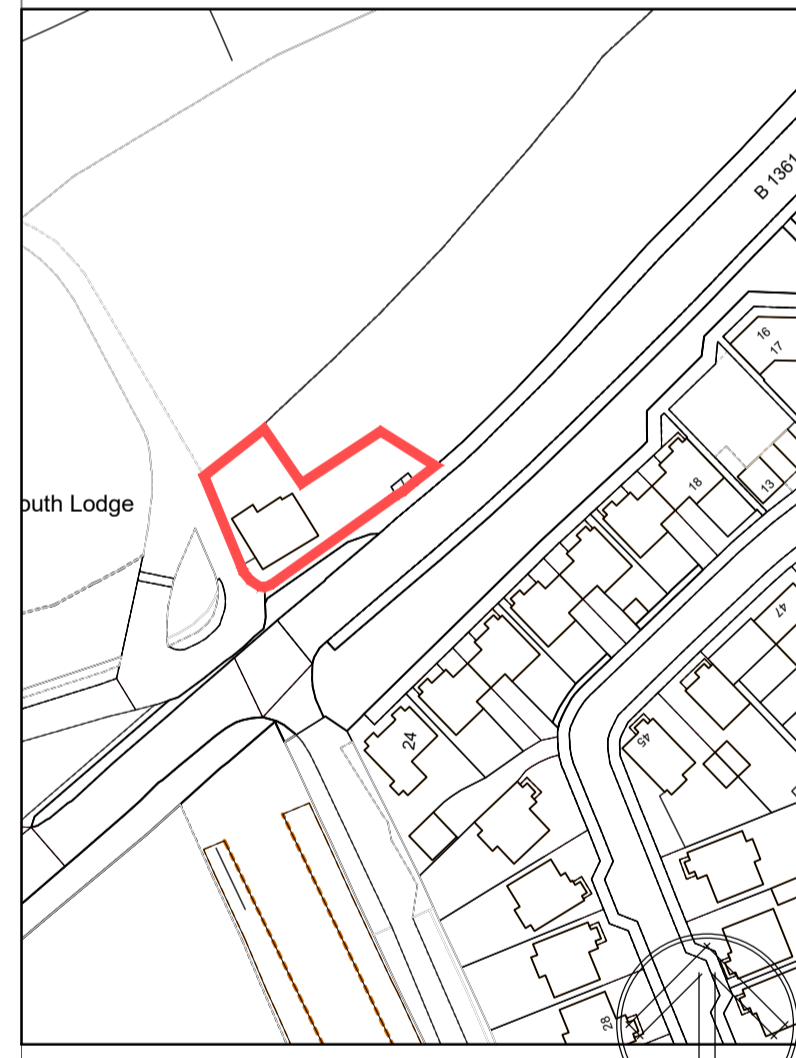
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 ALL MATERIALS, FITTINGS AND COMPONENTS TO BE IN ACCORDANCE WITH THE RELEVANT BRITISH STANDARD OR DEEMED TO SATISFY CONDITION.

ELECTRICAL KEY

	External luminaire
	Light switch
	2 way light switch
	Ceiling mounted light
	Recessed spot light
	Extract fan
	Isolator switch
	TV aerial socket
	13A twin switched socket
	13A twin switched socket above worktop
	Cooker control unit
	Smoke/heat detector with sounder - mains operated with standby supply. Note detectors to be interconnected.
	Carbon monoxide detector.

Electrics to comply with BS 7671:2008 as amended, current IEE regulations and 4.5 and 4.6 of the Technical Standards.



LOCATION PLAN
SCALE: 1:1250

North

REV:	DESCRIPTION:	BY:	DATE:
STATUS: INFORMATION			



CLIENT:
MR POLLOCK & MRS BURNS-POLLOCK
 SOUTH LODGE
 PRESTONPANS
 EH32 9RP

SITE:
**SOUTH LODGE
 PRESTONPANS**

TITLE: OS OPTION 1	SCALE AT A1: AS STATED	DATE: Mar-21	DRAWN: RBI	CHECKED: RBI
PROJECT NO: 2021-003	DRAWING NO: OS	REVISION:		



The Coal
Authority

CON29M

coal mining report

SOUTH LODGE, PRESTONGRANGE ROAD, CUTHILL, PRESTONPANS, EAST
LOTHIAN, EH32 9RR



Known or potential coal mining risks

Past underground coal mining	Page 4
Future underground coal mining	Page 4
Mine entries	Page 5



Further action

These additional reports can give further detail on the risks identified:

- Mine entry interpretive report
- Mine entry plan and data sheets

For more information please see our **Further action reports** on page 10



Professional opinion

According to the official mining information records held by the Coal Authority at the time of this search, evidence of, or the potential for, coal mining related features have been identified. In view of the coal mining circumstances we would recommend that any planned or future development should follow detailed technical advice before beginning work on site. Please see **page 3** for further details on **Future development**.

Your reference: **RDL/GL/MW/10234525**
Our reference: **51002296076001**
Date: **19 August 2020**

Client name:
SIMPSON & MARWICK

If you require any further assistance please
contact our experts on:
0345 762 6848
groundstability@coal.gov.uk

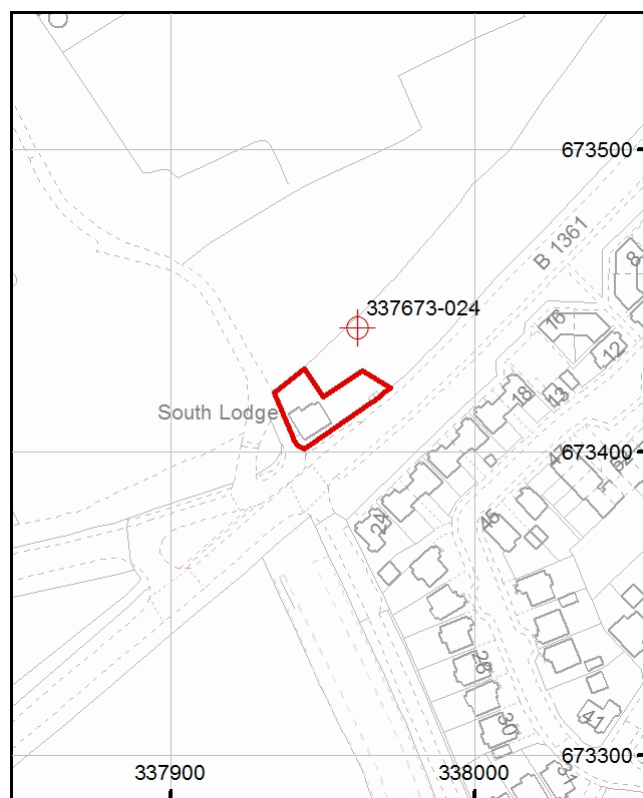
Enquiry boundary

Key

Approximate position of enquiry boundary shown



Disused mineshaft



We can confirm that the location is
on the coalfield



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This report is prepared in accordance with the latest Law Society's Guidance Notes 2018, the User Guide 2018 and the Coal Authority's Terms and Conditions applicable at the time the report was produced.



Accessibility

If you would like this information in an alternative format, please contact our communications team on 0345 762 6848 or email communications@coal.gov.uk.



What if this information changes?

If this report is for a residential property, insurance is included to cover any loss in property value caused by any changes in the information contained in this report. Please see the attached certificate of insurance for the terms and conditions of this insurance. The insurance does not cover non-residential property or further action reports.

Your reference: **RDL/GL/MW/10234525**

Client name:

Our reference: **51002296076001**

SIMPSON & MARWICK

Date:

19 August 2020

If you require any further assistance please contact our experts on:

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groundstability@coal.gov.uk

Professional opinion



Mine entries

The enquiry boundary shows the approximate location of the disused mine entry/entries referred to in this report. Property owners have the benefit of statutory protection (under the Coal Mining Subsidence Act 1991). This contains provision for the making good, to the reasonable satisfaction of the owner, of physical damage caused by disused coal mine workings including disused coal mine entries. A leaflet setting out the rights and obligations of either the Coal Authority or other responsible persons under the 1991 Act can be obtained by visiting www.coal.gov.uk. Please note this Act is not valid where coal was worked or extracted by virtue of the grant of a gale in the Forest of Dean, or any other part of the Hundred of St. Briavels in the county of Gloucester.

If you wish to discuss the relevance of any of the information contained in this report, you should seek the advice of a qualified mining engineer or surveyor. If you or your advisor wishes to examine the source plans from which the information has been taken, these are available to view, at our Coal Authority head office in Mansfield. To book an appointment please call **01623 637 225**. Should you or your advisor wish to carry out a physical investigation that may enter, disturb or interfere with any disused mine entry, prior permission must be sought from the owner. For coal mine entries, the owner will normally be the Coal Authority.

The Coal Authority, regardless of responsibility and in conjunction with other public bodies, provide an emergency, 24 hour call out facility in coalfield areas to assess the public safety implications of mining features (including disused mine entries). To report an emergency you can call **01623 646 333**.



Future development

If development proposals are being considered, technical advice relating to both the investigation of coal and former coal mines and their treatment should be obtained before beginning work on site. All proposals should apply specialist engineering practice required for former mining areas. No development should be undertaken that intersects, disturbs or interferes with any coal or coal mines without first obtaining the permission of the Coal Authority. Developers should be aware that the investigation of coal seams, mine workings or mine entries may have the potential to generate and/or displace underground gases. Associated risks both to the development site and any neighbouring land or properties should be fully considered when undertaking any ground works. The need for effective measures to prevent gases migrating onto any land or into any properties, either during investigation or remediation work, or after development must also be assessed and properly addressed.

If you are looking to develop, or undertake works, within a coal mining development high risk area your Local Authority planning department may require a Coal Mining Risk Assessment to be undertaken by a qualified mining geologist or engineer. Should you require any additional information then please contact the Coal Authority on **0345 762 6848** or email cmra@coal.gov.uk.

Detailed findings

Information provided by the Coal Authority in this report is compiled in response to the Law Society's CON29M Coal Mining enquiries. The said enquiries are protected by copyright owned by the Law Society of 113 Chancery Lane, London WC2A 1PL.

The Coal Authority owns the copyright in this report and the information used to produce this report is protected by our database rights. All rights are reserved and unauthorised use is prohibited. If we provide a report for you, this does not mean that copyright and any other rights will pass to you. However, you can use the report for your own purposes.

1 Past underground coal mining

The property is in a surface area that could be affected by underground mining in 4 seams of coal at 80m to 220m depth, and last worked in 1886.

Any movement in the ground due to coal mining activity associated with these workings should have stopped by now.

In addition the property is in an area where the Coal Authority believes there is coal at or close to the surface. This coal may have been worked at some time in the past. The potential presence of coal workings at or close to the surface should be considered, particularly prior to any site works or future development activity, as ground movement could still be a risk. Your attention is drawn to the Professional opinion sections of the report.

2 Present underground coal mining

The property is not within a surface area that could be affected by present underground mining.

3 Future underground coal mining

The property is not in an area where the Coal Authority has received an application for, and is currently considering whether to grant a licence to remove or work coal by underground methods.

The property is not in an area where a licence has been granted to remove or otherwise work coal using underground methods.

The property is not in an area likely to be affected from any planned future underground coal mining.

However, reserves of coal exist in the local area which could be worked at some time in the future.

No notices have been given, under section 46 of the Coal Mining Subsidence Act 1991, stating that the land is at risk of subsidence.

4 Mine entries

Within, or within 20 metres of, the boundary of the property there is 1 mine entry, the approximate position of which is shown on the enquiry boundary plot. For reasons of clarity, mine entry symbols may not be drawn to the same scale as the plan.

There is no record of what steps, if any, have been taken to treat the mine entry.

For an additional fee, the Coal Authority can provide a Mine Entry Interpretive Report. The report will provide a separate assessment for the mine entry/entries referred to in this report. It gives an opinion on the likelihood of mining subsidence damage caused from ground movement as a consequence of the mine entry/entries. It also gives details of the remedies available for subsidence damage where the mine entry was sunk in connection with coal mining.

Please note that it may not be possible to produce a report if the main building to the property cannot be identified from Coal Authority plans (ie for development sites and new build).

For further advice on how to order this additional information please visit www.groundstability.com.

5 Coal mining geology

The Coal Authority is not aware of any damage due to geological faults or other lines of weakness that have been affected by coal mining.

6 Past opencast coal mining

The property is not within the boundary of an opencast site from which coal has been removed by opencast methods.

7 Present opencast coal mining

The property does not lie within 200 metres of the boundary of an opencast site from which coal is being removed by opencast methods.

8 Future opencast coal mining

There are no licence requests outstanding to remove coal by opencast methods within 800 metres of the boundary.

The property is not within 800 metres of the boundary of an opencast site for which a licence to remove coal by opencast methods has been granted.

9 Coal mining subsidence

The Coal Authority has not received a damage notice or claim for the subject property, or any property within 50 metres of the enquiry boundary, since 31 October 1994.

There is no current Stop Notice delaying the start of remedial works or repairs to the property.

The Coal Authority is not aware of any request having been made to carry out preventive works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991.

10 Mine gas

The Coal Authority has no record of a mine gas emission requiring action.

11 Hazards related to coal mining

The property has not been subject to remedial works, by or on behalf of the Coal Authority, under its Emergency Surface Hazard Call Out procedures.

Statutory cover



Coal mining subsidence

In the unlikely event of any coal mining related subsidence damage, the Coal Authority or the mine operator has a duty to take remedial action in respect of subsidence caused by the withdrawal of support from land or property in connection with lawful coal mining operations.

When the works are the responsibility of the Coal Authority, our dedicated public safety and subsidence team will manage the claim. The house or land owner ("the owner") is covered for these works under the terms of the Coal Mining Subsidence Act 1991 (as amended by the Coal Industry Act 1994). Please note, this Act does not apply where coal was worked or gotten by virtue of the grant of a gale in the Forest of Dean, or any other part of the Hundred of St. Briavels in the county of Gloucester.

If you believe your land or property is suffering from coal mining subsidence damage and you need more information on what to do next, please use the following link to our website which sets out what your rights are and what you need to consider before making a claim.

www.gov.uk/government/publications/coal-mining-subsidence-damage-notice-form



Coal mining hazards

Our public safety and subsidence team provide a 24 hour a day, 7 days a week hazard reporting service, to help protect the public from hazards caused by past coal workings, such as a mine shaft or shallow working collapse. To report any hazards please call **01623 646 333**. Further information can be found on our website: www.gov.uk/coalauthority.



On behalf of the insurer

Coal Mining Report Insurance Policy Schedule

Policy number: 28516203

The insurer: Liberty Legal Indemnities – underwritten by Liberty Mutual Insurance Europe SE

Binding Authority contract number: RNMFP2003841

Property: SOUTH LODGE, PRESTONGRANGE ROAD, CUTHILL, PRESTONPANS, EAST LOTHIAN, EH32
9RR

Report reference number: 51002296076001

Limit of cover: £50,000.00

Dated: 19 August 2020

This policy and schedule shall be read together and any word or expression to which a specific meaning has been attached in either shall bear such meaning wherever it may appear.

Where a Coal Mining Report has been obtained in connection with a sale of the property, cover is provided for the benefit of a purchaser and their lender; in the case of a re-mortgage or where the existing owner chooses to obtain a Coal Mining Report, cover is provided for the benefit of the owner and their lender.

The policy offers protection against loss sustained by the owner of the property if any new problems or adverse entries are revealed in a subsequent Coal Mining Report which were not revealed by the original report to which the policy was attached.

The insured shall at all times comply with the requirements of the Conditions of this Policy.

Coal Mining Report Terms and Conditions can be viewed online at this link:

<https://www.groundstability.com/insurance/terms/20190404/terms.html>

Glossary



Key terms

adit - horizontal or sloped entrance to a mine

coal mining subsidence - ground movement caused by the removal of coal by underground mining

Coal Mining Subsidence Act 1991 - the Act setting out the duties of the Coal Authority to repair damage caused by coal mining subsidence

coal mining subsidence damage - damage to land, buildings or structures caused by the removal of coal by underground mining

coal seams - bed of coal of varying thickness

future opencast coal mining - a licence granted, or licence application received, by the Coal Authority to excavate coal from the surface

future underground coal mining - a licence granted, or licence application received, by the Coal Authority to excavate coal underground. Although it is unlikely, remaining coal reserves could create a possibility for future mining, which would be licensed by the Coal Authority

mine entries - collective name for shafts and adits

payments to owners of former copyhold land - historically, copyhold land gave rights to coal to the copyholder. Legislation was set up to allow others to work this coal, but they had to issue a notice and pay compensation if a copyholder came forward

shaft - vertical entry into a mine

site investigation - investigations of coal mining risks carried out with the Coal Authority's permission

stop notice - a delay to repairs because further coal mining subsidence damage may occur and it would be unwise to carry out permanent repairs

subsidence claim - a formal notice of subsidence damage to the Coal Authority since it was established on 31 October 1994

withdrawal of support - a historic notice informing landowners that the coal beneath their property was going to be worked

working facilities orders - a court order which gave permission, restricted or prevented coal mine workings



Further action reports

Mine entry interpretive report - assesses the risk of ground movement from mine entries in, or within 20 metres of, the property boundary. To order this report, use the same boundary as the CON29M report, then draw the building on the additional map screen.

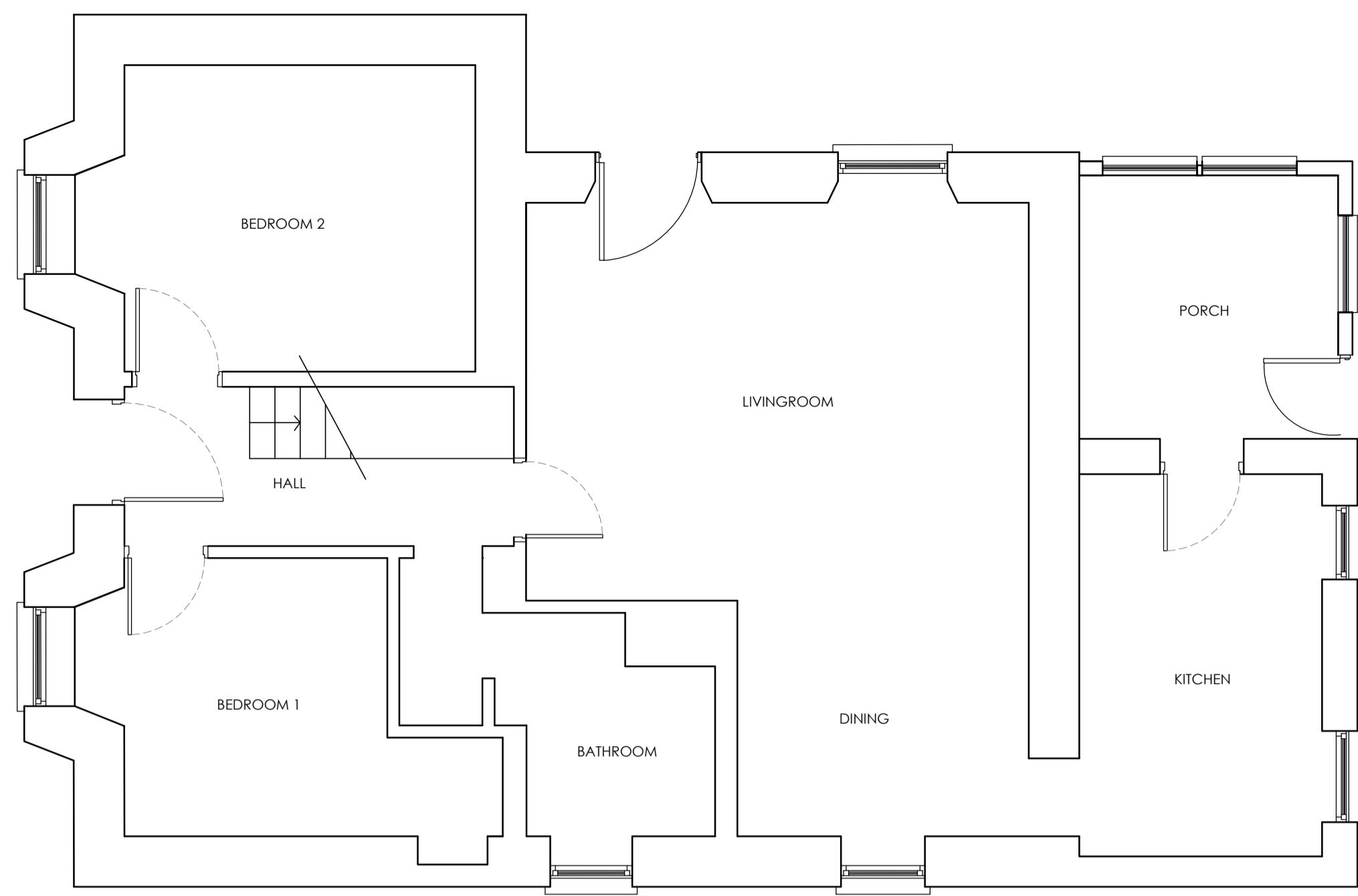
For more information and to order this report please visit:

<https://www2.groundstability.com/interpretive-report>

Mine entry plan and data sheets - give additional information on mine entries recorded on a piece of land. To order this report use the same boundary as the CON29M report and a member of our team will contact you to confirm the mine entries to include in this bespoke report.

For more information and to order this report please visit:

<https://www2.groundstability.com/plan-and-data-sheets>



GROUND FLOOR PLAN AS EXISTING

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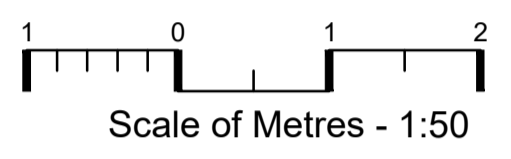
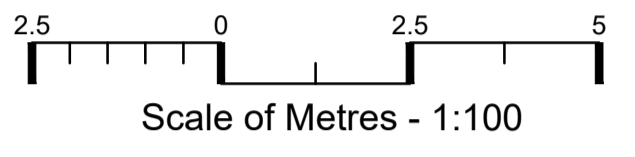
SITE PLAN AS EXISTING

SCALE: 1:100

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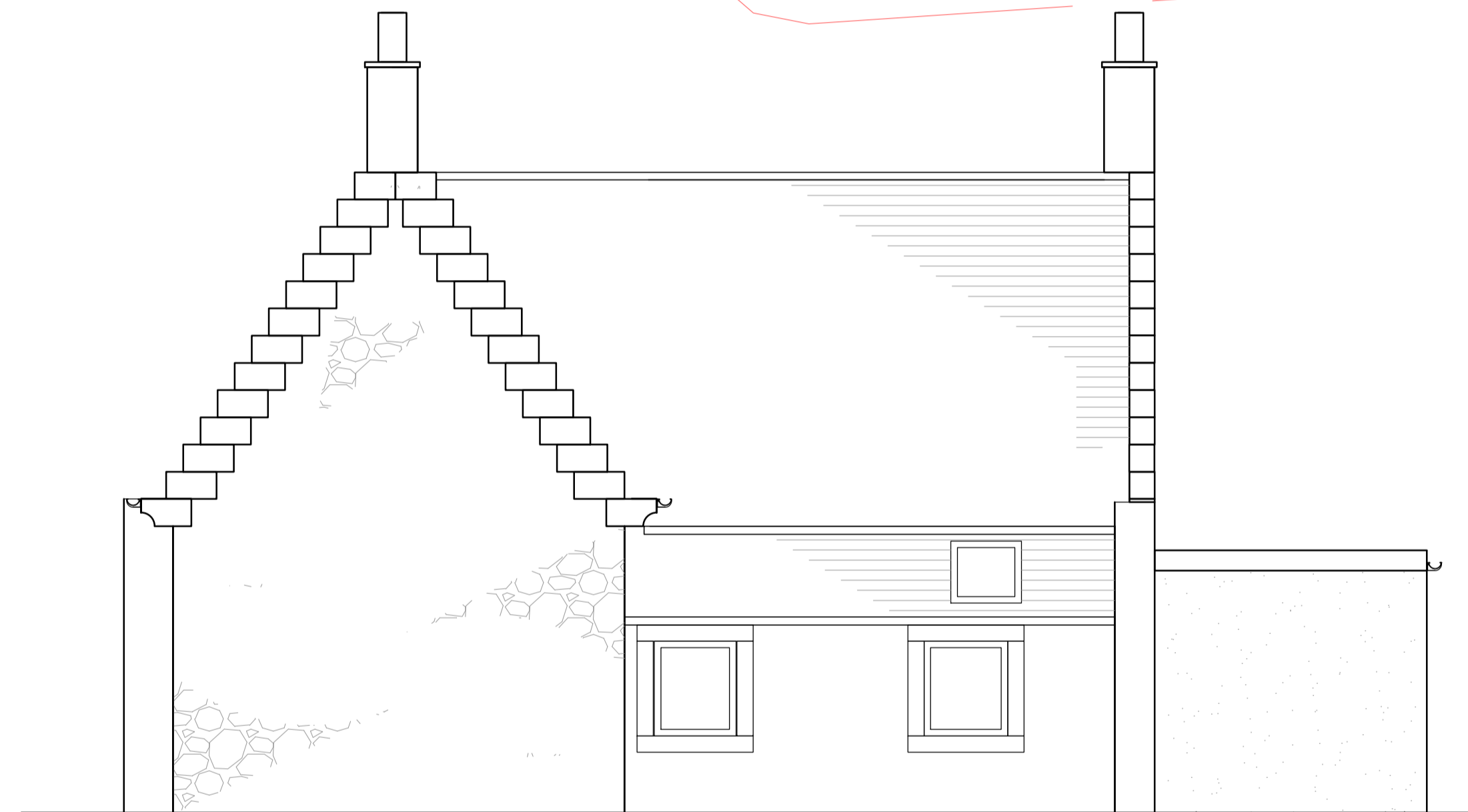
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FRONT ELEVATION AS EXISTING

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SIDE ELEVATION AS EXISTING

SCALE: 1:50



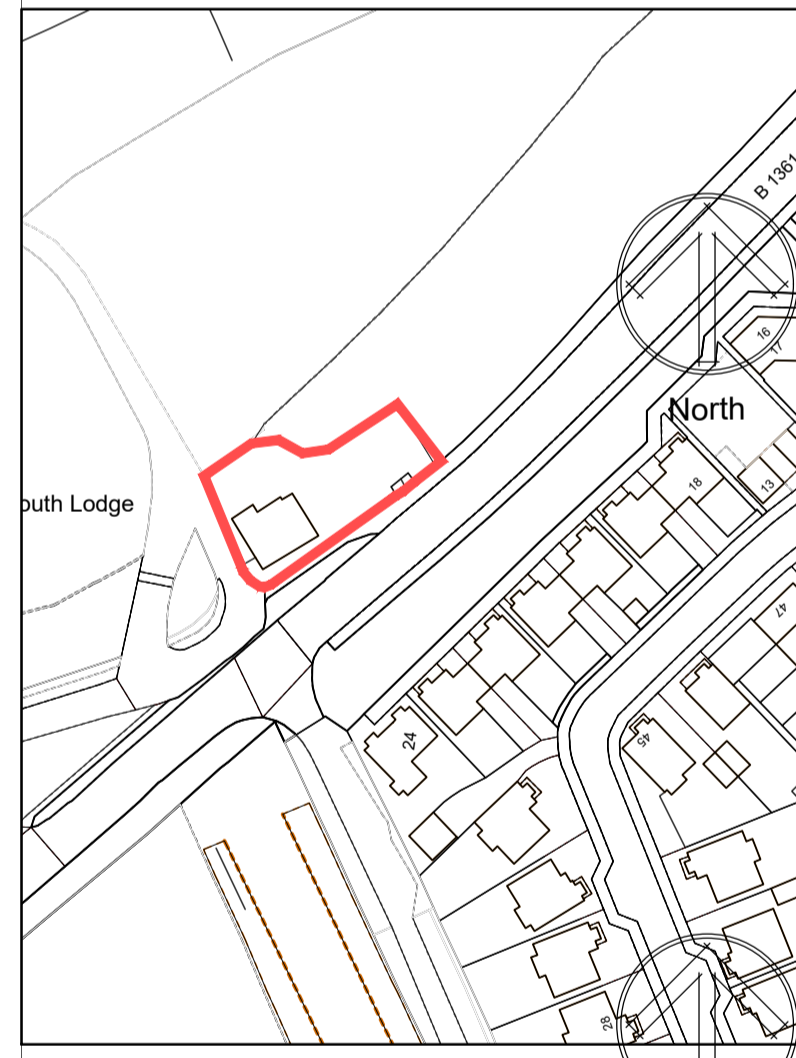
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SCALE: 1:50



SIDE ELEVATION AS EXISTING

SCALE: 1:50



LOCATION PLAN

SCALE: 1:1250

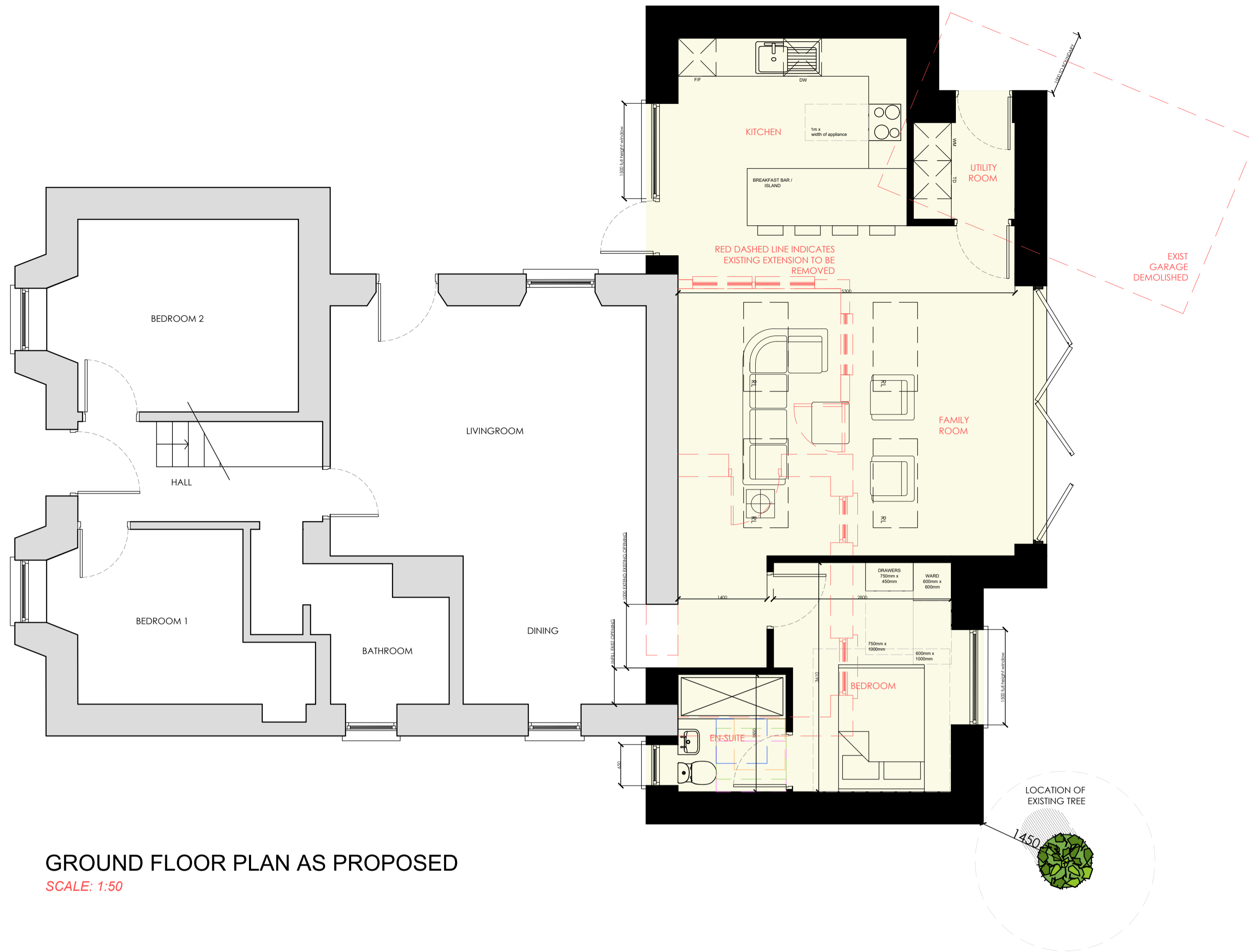
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STATUS: PLANNING			



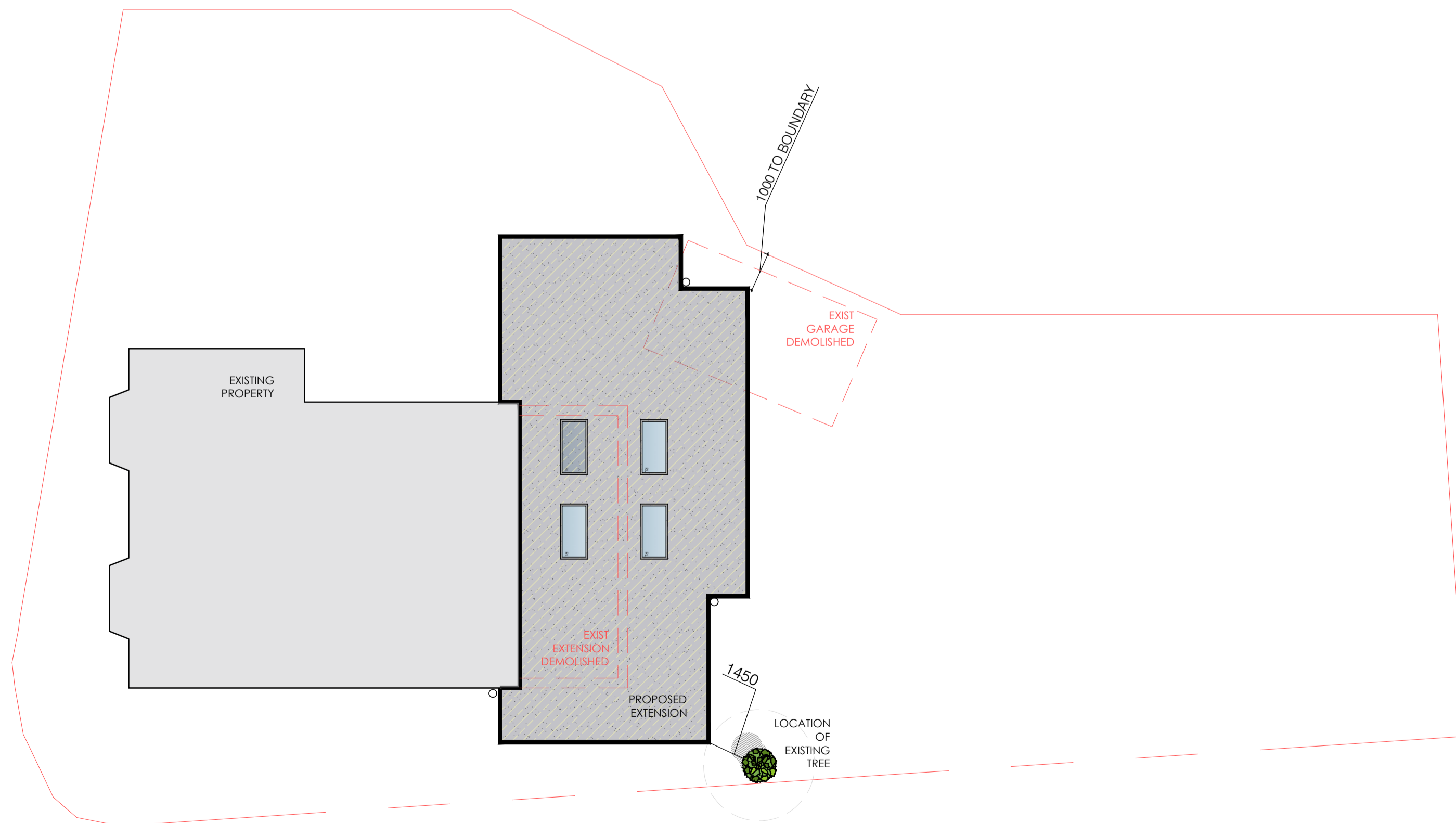
CLIENT:
 MR POLLOCK & MRS BURNS-POLLOCK
 SOUTH LODGE
 PRESTONPANS
 EH32 9RP

SITE:
 SOUTH LODGE
 PRESTONPANS
 TITLE:
 EXISTING

SCALE AT A1:	DATE:	DRAWN:	CHECKED:
AS STATED	Nov-21	RBI	RBI
PROJECT NO:	DRAWING NO:	REVISION:	
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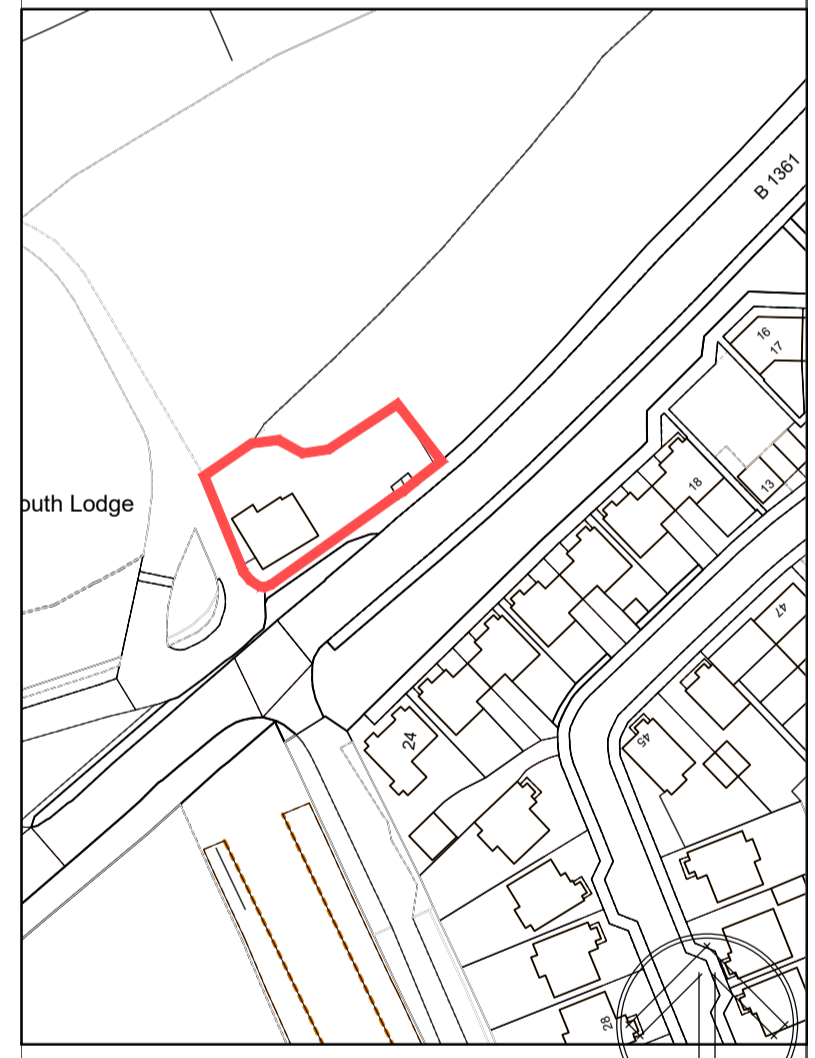
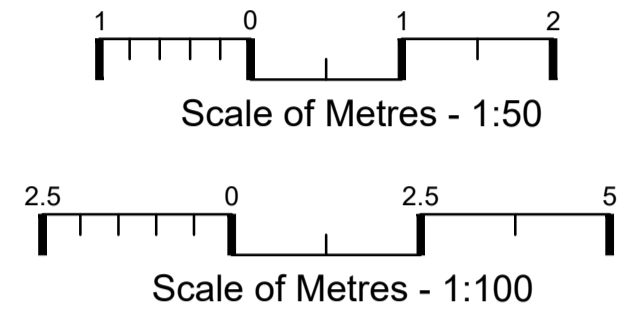
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SITE PLAN AS PROPOSED
SCALE: 1:100

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LOCATION PLAN
SCALE: 1:1250

REV.	DESCRIPTION	BY:	DATE:
STATUS: PLANNING			



CLIENT:
MR POLLOCK & MRS BURNS-POLLOCK
SOUTH LODGE
PRESTONPANS
EH32 9RP

SITE:
**SOUTH LODGE
PRESTONPANS**

TITLE: GROUND FLOOR PLAN AS PROPOSED SITE PLAN AS PROPOSED			
SCALE AT A1: AS STATED	DATE: Nov-21	DRAWN: RBI	CHECKED: RBI
PROJECT NO: 2021-003	DRAWING NO: 002	REVISION:	



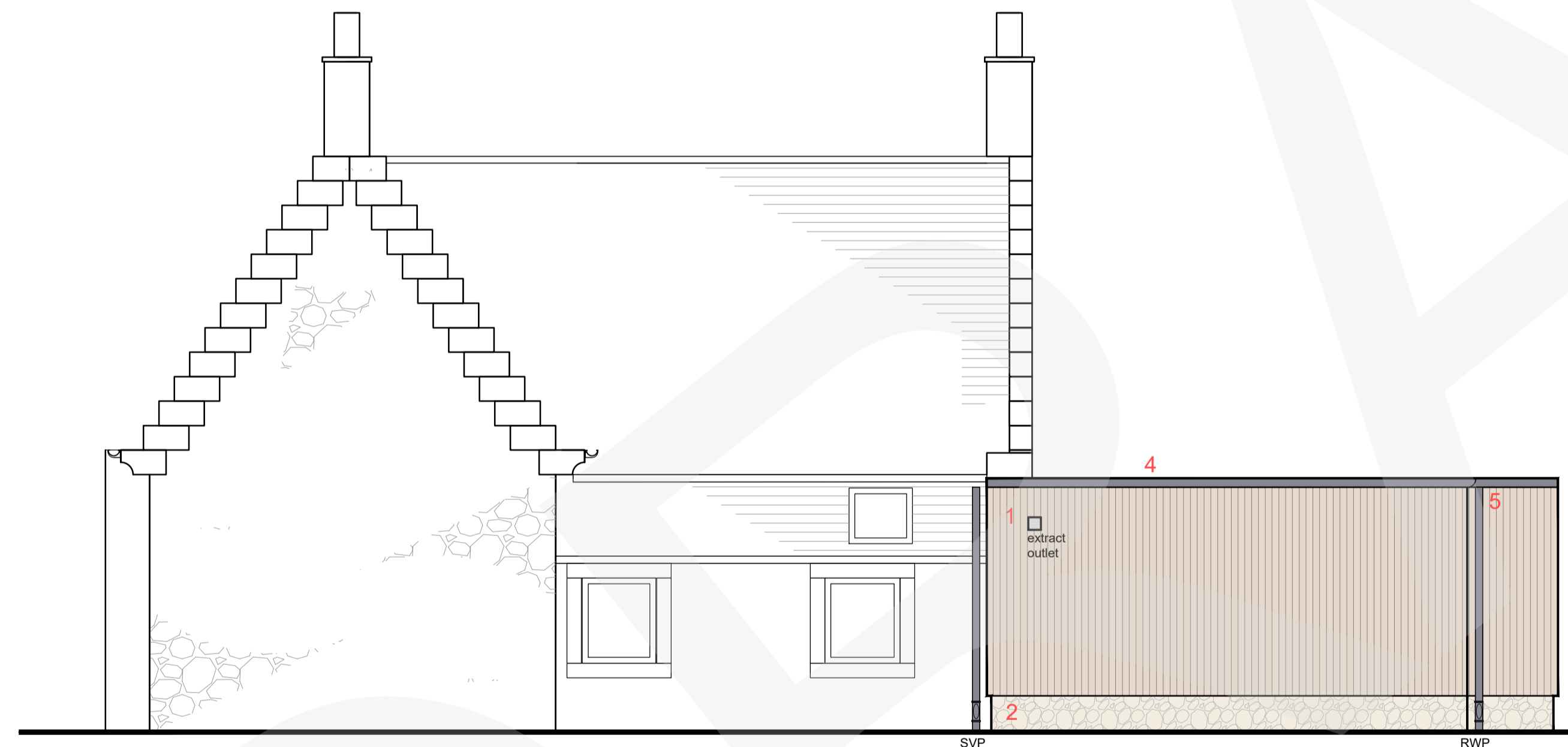
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SCALE: 1:50



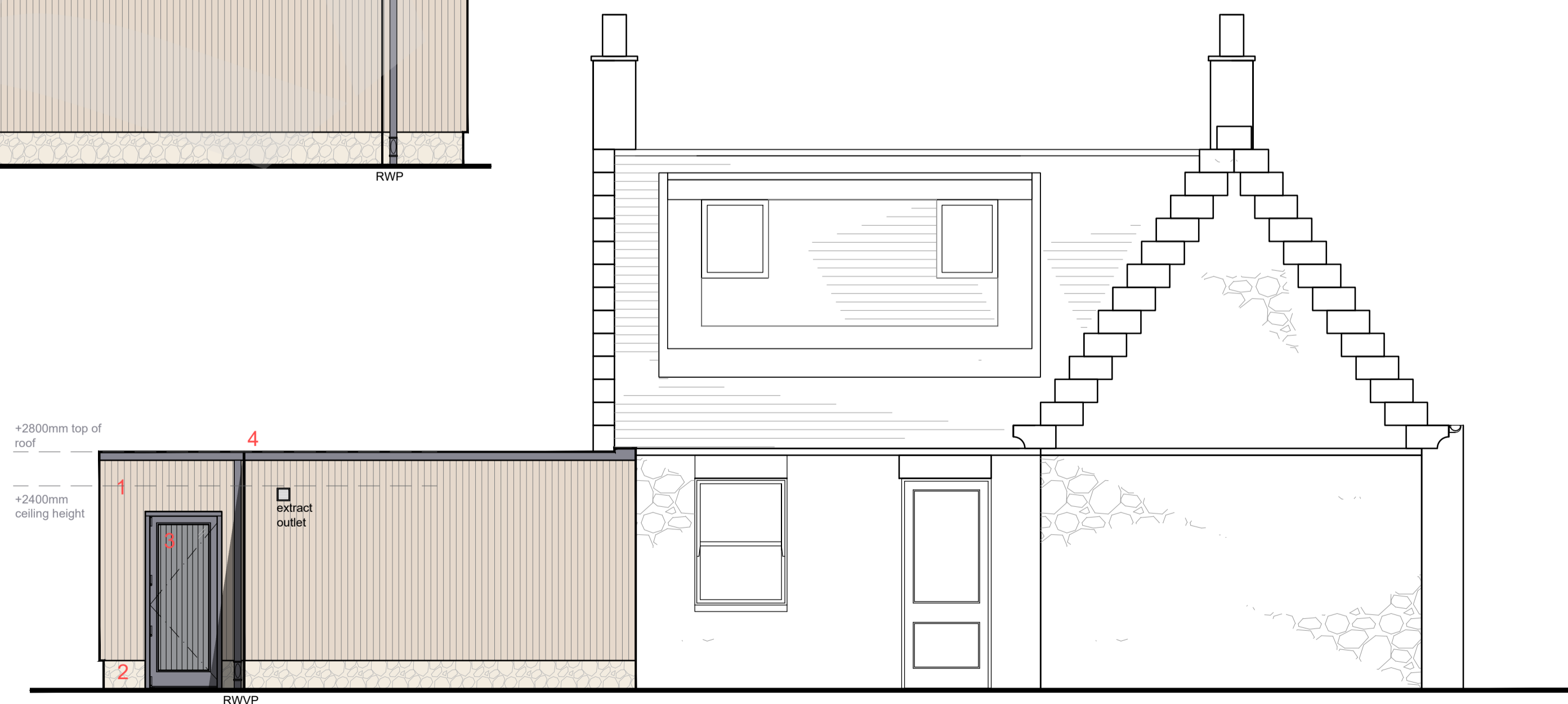
REAR ELEVATION AS PROPOSED

SCALE: 1:50



SIDE ELEVATION AS PROPOSED

SCALE: 1:50



SIDE ELEVATION AS PROPOSED

SCALE: 1:50

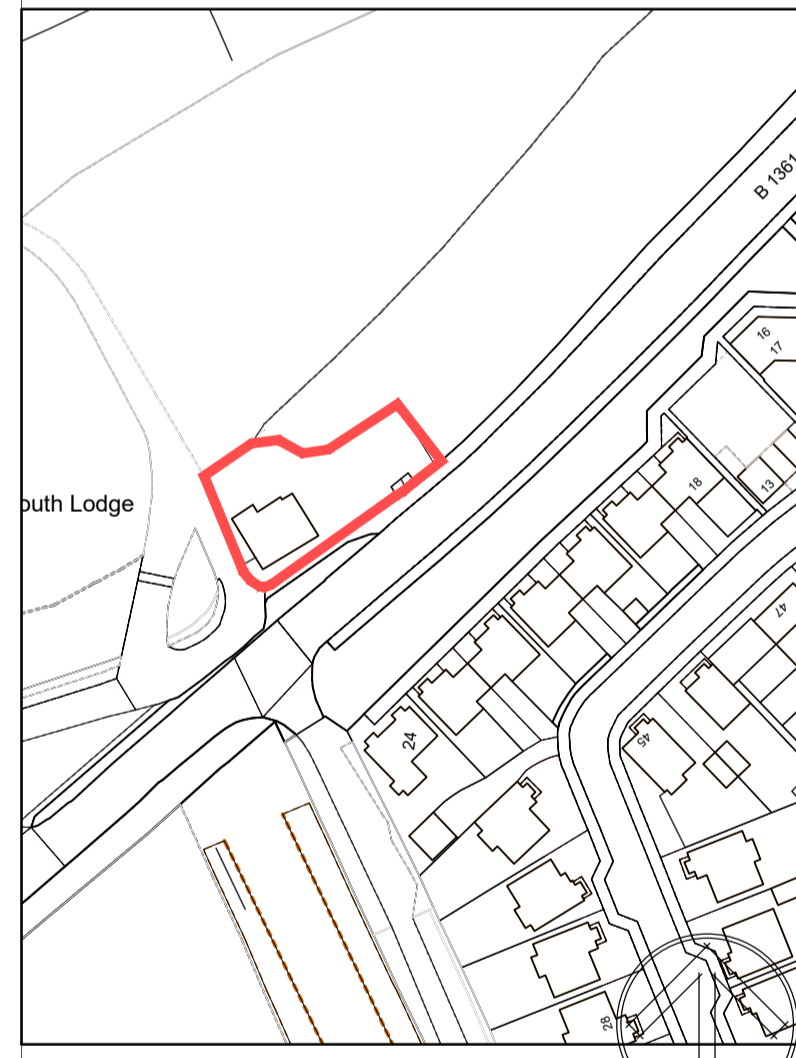
SCHEDULE OF MATERIALS:

- 1- ScotLarch Timber Cladding to be installed vertically. Untreated to 'grey' over time.
- 2- Rubble / Stonework base course to +400mm from FGL. Rubble/Stone to match existing property.
- 3- Double glazed, timber framed windows and doors as per elevation. Frame Colour: Grey to match existing.
- 4- Flat roof to new extension. Roof to be finished in 'green' felt.
- 5- Cast iron rainwater and waste goods. Colour: Dark Grey.

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LOCATION PLAN
SCALE: 1:1250

REV	DESCRIPTION	BY	DATE
STATUS: PLANNING			

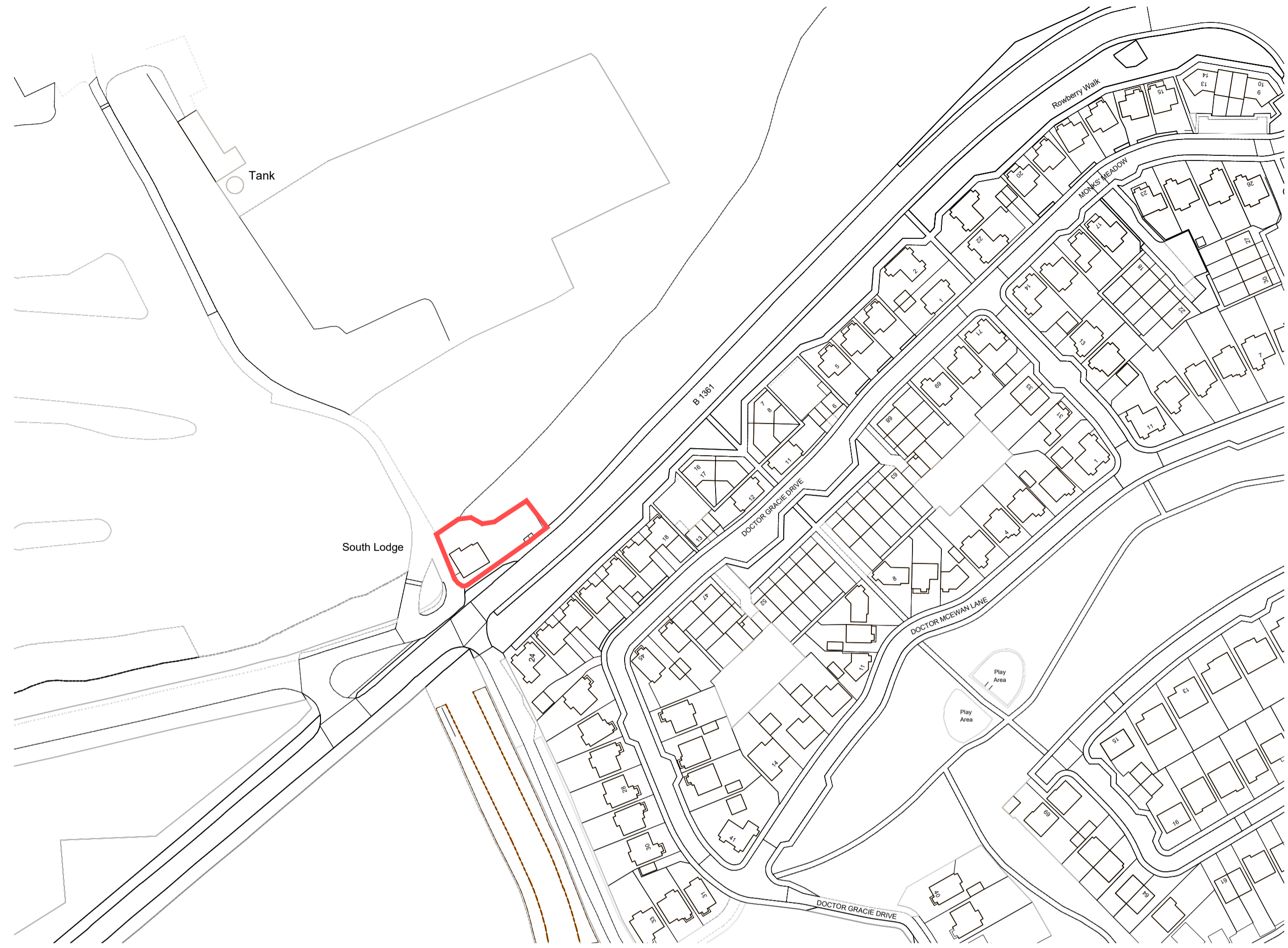


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SITE:
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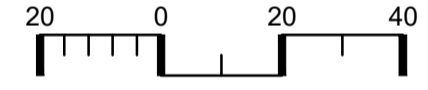
TITLE:
ELEVATIONS AS PROPOSED
OPTION 1

SCALE AT A1:	DATE:	DRAWN:	CHECKED:
AS STATED	Nov-21	RBI	RBI
PROJECT NO:	DRAWING NO:	REVISION:	
2021-003	003		

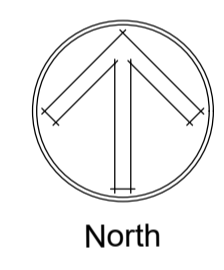


LOCATION PLAN

SCALE: 1:1250



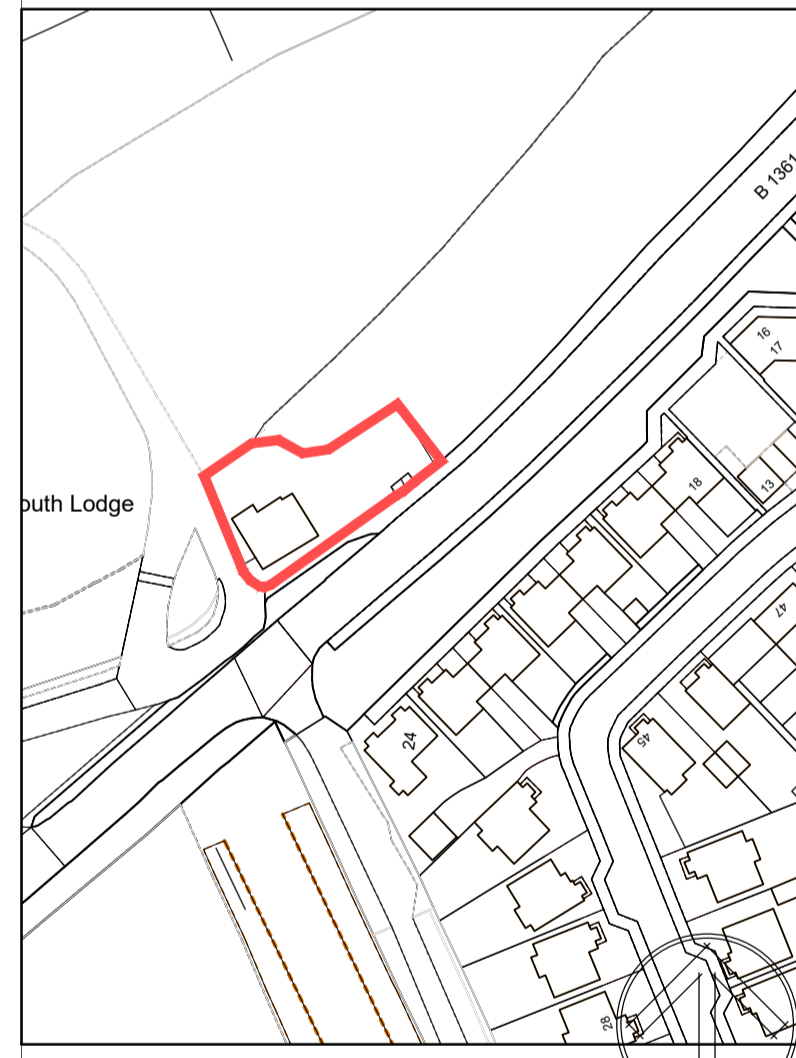
Scale of Metres - 1:1250



North

Notes:

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- ALL NEW WORKS TO BE IN ACCORDANCE WITH BUILDING (SCOTLAND) REGULATIONS 2004 AND ALL CURRENT AMENDMENTS.
 ALL NEW WORKS PROCESSES AND PRODUCTS TO BE IN ACCORDANCE WITH RELEVANT BRITISH STANDARDS AND MANUFACTURER'S GUIDANCE.
 ALL MATERIALS, FITTINGS AND COMPONENTS MUST BE CONSTRUCTED IN A TECHNICALLY PROPER AND WORKMANLIKE MANNER. MATERIALS, FITTINGS AND COMPONENTS MUST BE SUITABLY DURABLE AND FIT FOR THEIR INTENDED USE.
 WHERE SUITABILITY DEPENDS ON MAINTENANCE OR PERIODIC RENEWAL, THEN ACCESS MUST BE PROVIDED SO THAT REPLACEMENT IS REASONABLY PRACTICABLE.
 ALL MATERIALS, FITTINGS AND COMPONENTS TO BE IN ACCORDANCE WITH THE RELEVANT BRITISH STANDARD OR DEEMED TO SATISFY CONDITION.



LOCATION PLAN
SCALE: 1:1250

North

REV.	DESCRIPTION	BY:	DATE:
STATUS: PLANNING			



CLIENT:
MR POLLOCK & MRS BURNS-POLLOCK
 SOUTH LODGE
 PRESTONPANS
 EH32 9RP

SITE:
SOUTH LODGE
PRESTONPANS

TITLE:
OS

SCALE AT A1:	DATE:	DRAWN:	CHECKED:
AS STATED	Nov-21	RBI	RBI
PROJECT NO:	DRAWING NO:	REVISION:	
2021-003	OS		































App No. 21/01510/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

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

**Mr Scott Pollock
c/o Psas
Per Peter Stanton
14 Aubigney Row
Haddington
United Kingdom
EH41 3TG**

APPLICANT: Mr Scott Pollock

With reference to your application registered on 26th January 2022 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Extension to house
at
South Lodge
Prestongrange Road
Prestonpans
East Lothian**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 1 Due to its large size and scale and of its modern architectural form and finish the proposed extension would not be a subservient addition to the listed building and would not be in keeping with its character and appearance. As such the proposed extension would be harmful to the special architectural or historic interest of the listed building contrary to Policies 7 and 16 of NPF4 and Policies CH1 and DP5 of the adopted East Lothian Local Development Plan 2018.

- 2 It has not been demonstrated through the applicants' submission that the proposed extension would not encroach onto or cause damage to any of the root protection areas of any of the TOP'd trees that are within the garden of the house. Therefore the proposal does not comply with Policy 6 of NPF4 or Policy NH8 of the adopted East Lothian Local Development Plan 2018.

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;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
001	-	16.12.2021
003	-	16.12.2021
2021-003 OS	-	16.12.2021
002	A	26.01.2022

4th March 2024



Keith Dingwall
Service Manager - Planning

NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, 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 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.