

REVIEW DECISION NOTICE

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

Application for review by agent WT Architecture, 4 to 6 Gote Lane, South Queensferry, Edinburgh, EH30 9PS, on behalf of applicant, Mrs Mairi Wilks, 8 Newmains Holding, Athelstaneford, North Berwick, EH39 5BL.

Planning Application No. 24/00456/P sought permission for an extension to house, alterations and extension to outbuilding to form ancillary accommodation and installation of air source heat pumps.

Site address: 8 Newmains Holding, Athelstaneford, North Berwick, EH39 5BL

Application: 24/00456/P

Date of Review decision notice: **20 December 2024**

1. Decision

- 1.1 The ELLRB granted planning application 24/00456/P for the reasons more particularly set out below.
- 1.2 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

2. Introduction

- 2.1 The above application for planning permission was considered by the ELLRB at the LRB meeting held on Thursday 21 November 2024. The ELLRB constituted by Councillor Andrew Forrest (chair), Councillor Jeremy Findlay, Councillor Shona McIntosh and Councillor Neil Gilbert. All four members of the ELLRB had attended a site visit in respect of the application on 21 November 2024.
- 2.2 The following persons were also present at the meeting of the ELLRB:

Mr, Marek Mackowiak, Planning Advisor
Ms Fariha Haque, Legal Adviser/Clerk
Ms Fiona Currie, Clerk

3. Proposal

- 3.1 This application was for a review of decision to refuse planning permission for an extension to house, alterations and extension to outbuilding to form ancillary accommodation and installation of air source heat pumps at 8 Newmains Holding, Athelstaneford, North Berwick, EH39 5BL. The applicant appealed the refusal of the planning application on 4 September 2024.

4. Preliminaries

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

1	Statement of Case: original case officer's report for planning application 24/00456/P
2	Copy of the Decision Notice (including reason for refusal) relating to planning application 24/00456/P
3	Copy of consultation responses from (i) ELC Road Services; and (ii) ELC Environmental Health

4	Copy of Policies 6 (Forestry, Woodland and Trees), 14 (Design, Quality and Place) and 16 (Quality Homes) of National Planning Framework 4 and DP5 (Extensions and Alterations to Existing Buildings), T2 (General Transport Impact) and NH8 (Trees and Development) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application
5	Schedule of Conditions
6	Stamped refused drawings

5. Findings and conclusions

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

Planning Advisor's summary

- 5.4 The property to which this planning appeal relates is a single storey house with associated outbuilding and garden ground at 8 Newmains Holding to the south-east of Drem and to the north-west of Athelstaneford. The property is located within a countryside location as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018. The original house is single storey in height with a pitched roof clad in slate. It has a conservatory attached to its north west elevation. The outbuilding has rendered walls and a pitched roof clad in corrugated sheeting.
- 5.5 The property is bounded to the north-east by the road of B1337, to the south-east and the south-west by agricultural land and to the north-west by a stable block associated with 7 Newmains Holding.
- 5.6 The case officer in their report accurately described the application site and its immediate surroundings. The report of handling correctly described all parts of the proposed scheme of which the main one is the proposed flat roofed extension that would be some 3m in height, 15.5 metres in length and some 13.4m in width at its widest point. The proposed flat roofed extension would extend toward the existing outbuilding and an overhung roof component of the extension would adjoin with and attach to the side elevation of the outbuilding. The proposed extension would be finished with a combination of materials inclusive of lime wash render and timber cladding. Fascias would be of pre-weathered steel construction. The proposed works to the existing outbuilding would consist of the building up of its wall heads such that the ridge of the roof of the outbuilding would be some 0.9m higher than the existing roof. The heightened walls of the outbuilding would be finished in new lime render. The replacement roof would be corrugated metal sheeting and would be black in colour.
- 5.7 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan is National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018 (ELLDP), Policies 6 (Forestry, Woodland and Trees), 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4 and DP5 (Extensions and Alterations to Existing Buildings), T2 (General Transport Impact) and NH8 (Trees and Development) of the adopted ELLDP 2018 are relevant to the determination of this application.
- 5.8 The planning advisor confirmed that no public letters of objection have been received in relation to this application. Also, there were no objections to the proposal from the Council's internal consultees.

- 5.9 The case officer confirmed that the application site is located within a countryside location in East Lothian, and forms as one of a number of agricultural holdings within the surrounding area, known as Newmains Holdings. Newmains Holdings is generally characterised by low density development within an agricultural setting. Many of these holdings consist of a single storey dwellinghouse with associated ancillary accommodation on generously sized plots. Many of the dwellinghouses and associated outbuildings have been subject to alterations over the years.
- 5.10 With regards to the proposed alterations to the existing outbuilding, the case officer stated that although heightened, the ridge height of the outbuilding would remain below the ridge height of the original dwellinghouse, such that the outbuilding would still be low lying-in nature and would not be overly prominent or exposed. Furthermore, the materials used on the external finishes of the outbuilding - render and metal corrugated sheeting - would match those that of the existing outbuilding. Moreover, similar approvals have been given for the conversion of, or erection of outbuildings at Newmains Holding to form ancillary accommodation with associated alterations.
- 5.11 After conducting this assessment, the case officer concluded that the proposed alterations to the outbuilding would not be harmful to its character and appearance or harmful to the character and appearance of the area. The proposed air source heat pumps would be installed at a low level on the side elevation of the outbuilding. As such, they would be concealed from public view and would not be harmful to the character and appearance of the building, or the wider rural landscape character.
- 5.12 The case officer assessed the impact of the proposal on the existing trees and stated that the proposal complies with Policy 6 of NPF4 and Policy NH8 of ELLDP 2018 which both have a strong presumption in favour of tree retention.
- 5.13 The case officer also noted that the proposed extension and alterations to the outbuilding given its location in relation to the nearest neighbouring residential properties would not give rise to any loss of amenity through overlooking or loss of light to those neighbouring residential properties.
- 5.14 The planning advisor agreed with the above assessments and also agreed with the case officer who confirmed that the principle component of the scheme of development applied for in this planning application relates to the proposed extension to be added onto the side of the house. The officer used policies 14 and 16 of NPF4 and DP5 of the LDP to conduct a policy assessment of the said element of the proposed scheme.
- 5.15 Policy 14 states amongst other things that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- 5.16 Policy 16 states that householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the surrounding area in terms of size, design and materials and do not have a detrimental effect on neighbouring properties in terms of physical impact, overshadowing or overlooking.
- 5.17 Policy DP5 of the adopted East Lothian LDP echoes policies 14 and 16 of NPF 4 and states, amongst other things, that all alterations and extensions to a building must be well integrated into their surroundings. Also, an extension or alteration to a house, 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.
- 5.18 The case officer noted that Policy DP5 does not differentiate between whether or not the extension would be seen from a public place or not. The existing house has an internal floor area of 86sqm. The proposed extension to be added to the side elevation of the house would be an L shaped extension that would span the gap between the house and the outbuilding. It would be of such a size that it would increase the internal floor area by approx. 80 sqm which equates to an 89% increase.
- 5.19 The case officer stated that the proposed extension would almost double the internal footprint of the existing house and as it would due to its flat roofed architectural form be architecturally

different to the existing house, it would be neither of a size, form, proportion nor scale that would be appropriate to the existing house. The case officer also concluded that by its attachment to the outbuilding it would create a large, dominant dwellinghouse which would be visible from the public road that would not be reflective of the architectural character or style of the dwellinghouses at Newmains Holdings.

- 5.20 Concluding this part of the planning assessment the case officer said that the proposed flat roofed extension would be harmful to the character and appearance of the house and to the character and appearance of the area contrary to Policies 14 and 16 of NPF4 and Policy DP5 of the adopted East Lothian Local Development Plan 2018.
- 5.21 The report of handling also considered whether there are any material planning considerations that would outweigh the fact that the proposed extension is contrary to the development plan.
- 5.22 In this instance there was a previous grant of planning permission (REF: 05/00832/FUL) at 9 Newmains Holding which was not dissimilar to the size and positioning of the extension proposed through this application. However, that planning permission which was granted almost 20 years ago was not implemented and has lapsed. Furthermore, that extension was granted under a different development plan which did not contain the same suite of Policies as the ELLDP. Therefore, the fact that planning permission 05/00832/FUL was previously in place is not a material consideration that outweighs the fact that the proposed extension was considered contrary to Policies 14 and 16 of NPF4 and Policy DP5 of the adopted East Lothian Local Development Plan 2018.
- 5.23 The case officer concluded that while the alterations to, and heightening of the roof of the outbuilding and the air source heat pumps are acceptable, the principle component of the application i.e. the proposed extension would be inappropriate in terms of its scale, proportion and siting and would therefore be contrary to policies 14 and 16 of NPF4 and Policy DP2 and DP5 of the adopted East Lothian Local Development Plan 2018.
- 5.24 There is also the applicant's submission included in your information pack. This submission makes the below following points.
- 5.25 The existing dwelling and its similar neighbours are detached bungalows and outbuildings of no particular architectural merit.
- 5.26 The surrounding area is characterised by similar dwellings that have all been variously extended and is also characterised by large agricultural buildings, creating an incoherent pattern of development.
- 5.27 There is no relevant planning history for this site.
- 5.28 The property extends to approximately 0.48 acres (1,925m²).
- 5.29 The house has very poor accessibility.
- 5.30 The existing dwelling is poorly insulated and heated via an LPG boiler, which makes it unsustainable and costly to run.
- 5.31 The outbuilding is a single-skin brick construction with a partially dilapidated asbestos roof and is not currently habitable or weathertight.
- 5.32 The applicant's agent strongly disputes the reasons for refusal and considers the proposal as fully compliant with policy DP5 of ELC LDP and policies 14 and 16 of NPF4.
- 5.33 They consider their proposal to be visually subservient to the existing buildings.
- 5.34 They refute the assertions that the "flat roofed architectural form" would not be appropriate to the existing house. They submit that it would be highly inappropriate to suggest that this

contemporary form is somehow unsuitable in combination with more traditional existing buildings of this type.

5.35 They do not agree that the development will be harmful to the character and appearance of the wider area. In that respect they make the following points:

5.35.1 This is a private property in a secluded location.

5.35.2 The majority of the proposed extension would be set back substantially and almost entirely behind the principal elevation of the existing building, only partially visible when viewed square-on the driveway entrance. The proposed extensions would be all but invisible from all other public places.

5.35.3 The character of all other properties along Newmains Holdings are of substantially-altered and extended domestic properties, none of which represent any particular architectural merit, and interspersed with poorly-coordinated developments of large agricultural buildings.

5.35.4 In the agents view this proposed scheme represents the most high-quality, contextual and sensitive architectural intervention ever put forward for any of the properties along Newmains Holdings and will significantly enhance the character of the existing buildings and area.

5.36 They submit that the proposed development delivers on all relevant aspects of the "Six Qualities of Successful Places in accordance with Policy 14 (Design Quality and Place) of NPF4. These six qualities are:

5.36.1 Healthy Places - The existing house at 8 Newmains Holdings is small, poorly accessible and inflexible. The proposed development will substantially improve the accessibility and adaptability of the dwelling, and improve the health and wellbeing of the occupants

5.36.2 Pleasant Places - The proposed design will refurbish and enhance a poor-quality post-war bungalow with a scheme of exceptional architectural merit

5.36.3 Connected Places: While this scheme can't resolve issues of remote rural connectivity, it does make the site more sustainable by allowing the buildings to adapt to a greater range of uses such as home working.

5.36.4 Distinctive Places: The scale of the development is entirely appropriate to the site and has been carefully integrated to be visually subservient to the existing buildings. The designs incorporate high-quality crafted detailing using a limited palette of natural materials.

5.36.5 Sustainable Places: NPF4 for actively encourages retrofit and reuse projects. The proposed development should be lauded for its ambitious sustainability credentials, which will transform an inefficient 20th-century building into a sustainable home. The high-efficiency of the proposed extension alongside the retrofit fabric improvements will allow the site to fully transition away from fossil fuel use. The extension has been carefully positioned with its footprint on the least valuable areas of site landscaping, and the proposed wildflower roof will make a substantial biodiversity gain for the site. The adapted dwelling will allow for and encourage working-from-home.

5.36.6 Adaptable Places: the proposed scheme will be one of exceptional design and construction quality, making it adaptable, easily maintainable and resilient.

5.37 The agent emphasised that the whole of the scheme has been designed to form a cohesive entity, so the designs of the outbuilding, works and alterations to the house should be taken into consideration alongside the extension.

5.38 They stated that the siting of the extension has been carefully considered and is entirely appropriate to the site, as it constrains new development between the existing house and outbuilding, on ground that is currently predominantly a driveway and the footprint of the existing conservatory.

- 5.39 The siting of the proposed extension positions it as far to the rear of the site as possible. The majority of the extension, those parts that are overtly expressed with new materials and forms, are set back from the principal elevation frontage by over 6.5m, almost sitting fully behind the rear wall of the existing building. This positions the main parts of the extension more than 20m from the edge of the public road.
- 5.40 Taking the existing outbuilding into account, the extension will increase the net floor area on the site by approximately 58%. Especially given the large curtilage of the dwelling and its setting in a wide-open landscape, the total proposed scale of development is entirely appropriate and does not represent over-development.
- 5.41 Several of the similar properties along Newmains Holdings have been variously extended to far greater proportions than that proposed at 8 Newmains Holdings.
- 5.42 The agent strongly refuted the suggestion that the proposals will create a “large, dominant dwellinghouse”. The proposed extensions are quantitatively and qualitatively subservient to the existing buildings in terms of siting, form, scale, proportion, materiality and character. The entire scheme has been designed to unite the building groups with a clear design approach, avoiding a cumbersome pastiche of forms and styles.
- 5.43 They commented that single-storey flat-roofed forms are entirely ubiquitous and uncontroversial within contemporary architecture, and are a widely-accepted typology for domestic extensions in particular.
- 5.44 The roof form is one of the most important visual components of the whole scheme, uniting the house and outbuilding with a common architectural device. If the extension roof were to simply stop at the western end of the extension, this would create an incongruous relationship between the extension and outbuilding that does not address the context, as it would emphasise the visual massing of the extension by exposing its gable. The external walls of the extension are offset from the outbuilding by a clear gap approximately 2.3m wide.
- 5.45 The agent states that the report of handling does not adequately interpret the different areas of massing, form and materiality in the proposed scheme, and how they contribute to a cohesive set of interventions. The explicit purpose of breaking up the form and materiality of the proposed design into distinct zones is to minimise the apparent massing and maintain the visual dominance of the existing house.
- 5.46 The agent states that the case officer did not refer to any aspect of sustainability in their assessment of the application despite this being a fundamental to the applicant’s approach to the project, and a core tenet of NPF4. NPF4 policy 1 gives significant weight to the global climate and nature crisis.
- 5.47 The agent made further comments on policy 2 of the NPF4. They said that the intent of NPF4 policy 2 is to: “encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.” NPF4 policy 12 encourages and supports development which minimise waste through “re-use of existing buildings and infrastructure”. The existing building is poorly insulated with minimal cavity wall insulation. The agent states that the proposed external wall insulation to the existing building should significantly improve the thermal performance of the existing walls. The existing building features low-quality uPVC windows. The proposed development includes upgrading all existing windows to high-performance triple glazed units. The proposed development will substantially improve the overall sustainability of this existing building, reducing its energy demand, transitioning the site away from fossil fuels and securing the longevity of the building for generations to come.

Discussion and vote

- 5.48 The Chair invited questions for the Planning Officer.
- 5.49 Councillor McIntosh noted that the Roads team had recommended that there should be a condition that banned commerciality on the site. The Planning and Legal advisor noted that this

had been recommended in the Councillor's information pack. The planning advisor confirmed that this was a fairly standard condition.

- 5.50 Councillor Forrest went back to a question he had asked on site. He commented that there is a gap between the end of the extension and the outbuilding. He queried if there would need to be another planning permission to do anything to the building in the future, for example, any further additions to the building and extension. The Planning Advisor stated that the Council could add a condition to remove the general permitted development rights to the building, or specific parts of them that such works may fall under.
- 5.51 Councillor Findlay queried whether a condition removing general permitted development rights would remove all of them or only specific ones. The Planning Advisor confirmed that the Council would likely have to remove a specific set of development rights, for example, this might include permitted development rights to remove windows. This set of development rights fall into the extensions and appearance of the buildings and would not just be for the items that Councillor Forrest raised.
- 5.52 The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.
- 5.53 The ELLRB members confirmed their decision via roll call vote.
- 5.54 Councillor McIntosh commented that she thought it was a beautiful design and that beauty should be encouraged. Albeit this is not a specific policy in the NP4, but she commented that it may fall under the specific criteria for place. She disagreed with quite a lot in the original case officer's assessment and that it would be harmful to the character of the area. She commented that the site visit was helpful and that they saw the various types of buildings and extensions that were created, there was no pattern on the ground in the area. She also applauded the sustainability element of the designs but was unsure about the attachment of the house to the outbuilding. However, on balance, could see how it would make architectural sense. She commented that although it is big, did not agree that it did not keep in line with the surroundings and did not think it was in contravention of NPF4. She voted to grant the appeal and against the original case officer's decision.
- 5.55 Councillor Gilbert agreed with Councillor McIntosh. He added that there had been no objections to the application, there was no loss of amenity for the neighbours and that it was a beautiful building. He commented that as it stood, it was not suitable for family life. He voted to grant the appeal and against the original case officer's decision.
- 5.56 Councillor Findlay said from his perspective, it came down to 3 elements of policy DP5 of the LDP and went through these each at a time. He did not think that there was any loss in amenity and thought that the extension was proportionate and still subservient to the original building. The last item is a size and form proportion appropriate to the surroundings. There had been various buildings in the area which had been extended, perhaps even more so than what was being proposed here and thought it was appropriate. He voted to grant the appeal and against the original case officer's decision.
- 5.57 Councillor Forrest commented that it was helpful to see the site. He would have been minded to support the application if the extension had been within the curtilage of the house. However, as it was coming out and extending to the barn, he was of the view that it was too large. He voted to refuse the appeal.

Accordingly, the ELLRB agreed 3 to 1 to support the appeal. All councillors agreed to add a condition that the extension would not be permitted to be used for commercial purposes.



Fariha Haque
Legal Adviser to ELLRB

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

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

- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.