

REPORT TO: Planning Committee

MEETING DATE: Tuesday 2 March 2010

BY: Executive Director of Environment
(Planning & Building Standards)

SUBJECT: Application for Planning Permission for Consideration

Application No. **09/01019/P**

Proposal Alterations, extensions to house and formation of decked area

Location **2 Lennox Milne Court
Haddington
East Lothian
EH41 4DF**

Applicant Mr Patrick Campbell

Per Alan Sheerin Associates

Ward 006

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The property to which this application relates is a single storey detached house with accommodation in its roof space, and the garden of the house. The property is located within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008 and within Haddington Conservation Area.

Planning permission is sought for: (i) the addition of a one and a half storey pitched roofed extension onto the rear (west) elevation of the house with an area of decking that would abut its side (south) elevation, (ii) the formation of a pitched roofed dormer on the front (east) elevation roof slope of the house, (iii) the formation of a new window opening in the rear (west) elevation of the house, (iv) the repositioning of a roof window in the rear (west) elevation roof slope of the house, and (v) the infilling of two existing roof windows and the installation of two new roof windows on the front (east) elevation roof slope of the house.

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 the approved Edinburgh and the Lothians Structure Plan 2015 and the adopted East Lothian Local Plan 2008.

Policies ENV1D (Regional and Local Natural And Built Environment Interests) and ENV1G (Design of New Development) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies ENV4 (Development Within Conservation Areas) and DP6 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Ministers' policy on development within a conservation area given in Scottish Planning Policy 23: Planning and the Historic Environment.

SPP23 echoes the statutory requirements of Section 64 of the Act that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities under planning legislation, including the determination of any application for planning permission for development affecting a conservation area. It is stated in SPP23 that proposed development that would have a neutral affect upon the character or appearance of a conservation area (i.e. does no harm) should be treated as being one which preserves the area's character or appearance. Proposed development that would have negative and positive impacts on a conservation area should be weighed against each other and the proposals considered as a whole.

Five written objections to the application have been received. Four are from the occupiers of neighbouring residential properties and the fifth is from the Haddington And District Amenity Society. They are made on the grounds that (i) the proposed extension and dormer would give rise to harmful overlooking of neighbouring residential properties, (ii) the proposed extension would enclose and reduce light received by the rear garden of the neighbouring property of 3 Lennox Milne Court, (iii) the proposed development would constitute over development of a restricted site, and (iv) the proposed development would be incompatible with the existing residential character and appearance of the courtyard development of Lennox Milne Court and would not preserve or enhance the character and appearance of the Conservation Area.

In the written objection from the Haddington And District Amenity Society reference is made to Policy DP7 (Infill, Backland and Garden Ground Development) of the adopted East Lothian Local Plan 2008. That Policy is not material to the determination of this application. It is a policy designed to control development of sites within infill and backland locations, including subdivision of garden ground. What is proposed in this application is not new development of an infill or backland site or development in the form of the subdivision of garden ground; rather the development proposed is of the form of alterations and extensions to an existing house, in which case Policy DP6 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Plan is the determining policy.

Although designed to be of a one and a half storey form, the proposed extension would have a dual pitched roof with a ridgeline of the same height as the existing ridgeline of the dual pitched roof of the house; but tied into and aligned perpendicular to the existing roof of the house. Therefore, the proposed extension would be no higher than the existing single storey house. Its eaves level would be only some 850 millimetres higher than the eaves level of the existing house. In comparison with the 16.3 metres long rear (west) elevation of the house the proposed extension would be only 5 metres wide and thus it would be attached to only 30% of the length of that elevation of the house. It would only project some 3.5 metres westwards beyond the existing building line of rear (west) elevation of the house. Its north elevation would be some 10.4 metres from the mutual rear garden boundary with the neighbouring residential property of 3 Mill Court to the north, its south elevation would be some 9.5 metres from the mutual rear garden boundary with the neighbouring residential property of 3 Lennox Milne Court to the south and its west elevation would be some 7.7 metres from the mutual boundary with the property to the west, which is in business use.

A roof window would be formed in its north and south elevation roof slopes. Its west gable elevation wall would contain at first floor level double leaf glazed doors with a 1.1 metres high metal balustrade and at ground floor level tri-fold glazed doors. At ground floor level in its south side elevation wall would be double leaf and glazed sliding doors. There would be no openings formed in its north side elevation wall. It would be finished externally in materials to match those of the existing house. The proposed area of decking would project some 1.4 metres out from the south elevation of the proposed extension, would be of the same length as that south elevation and would be no higher than some 350 millimetres above garden ground level.

By virtue of its size, scale, proportions, architectural form, external finishes and positioning on the rear of the house the proposed extension, with decking area would be subservient to and in keeping with the existing house. It would not be an over development of the house or of the rear garden of the house. It would be of a size and in a position far enough away from the neighbouring residential properties of 3 Lennox Milne Court to the south and 3 Mill Court to the north so as not to have any harmfully dominant an affect on those properties. It would not be a prominent or incongruous addition to the house. It would not be harmful to the character and appearance of the house and, as a sympathetic addition to the house would be well integrated with its surroundings. Consequently it would not be harmful to the character and appearance of Lennox Milne Court or of the Conservation Area.

The proposed dormer to be formed on the southern end of the front (east) elevation roof slope of the house, would in its position partially replace two existing roof windows. It would sit on the wall head of the front (east) elevation of the house and its front (east) elevation would be triangular in shape and would be mostly glazed. Its dual pitched roof would be its side elevations and, on a perpendicular alignment, that roof would tie into the front (east) elevation roof slope of the house. The roof would be clad with slate to match the slate on the roof of the existing house.

The proposed dormer would be prominent in views of it from within the confines of Lennox Milne Court. However, as an addition to the front (east) elevation of the house it would be relatively small in size. It would not be an over development of the front elevation roof slope of the house. Its triangular front elevational form would echo the

upper element of the gabled form of the north and south side elevations of the existing house and of the east elevation of the forward projecting element on the northern part of the front (east) elevation of the house. It would not be a harmfully incongruous addition to the house and would not be harmful to the character and appearance of the house. In being a sympathetic addition to the house it would be well integrated with its surroundings. Consequently it would not be harmful to the character and appearance of Lennox Milne Court or of the Conservation Area.

Provided the roof windows to be installed in the west and east elevation roof slopes of the existing house and in the north and south elevation roof slopes of the proposed extension are flush fitted with the upper surface of the roof they are to be installed in, a requirement that can be made a condition of a grant of planning permission, they would be subservient to and in keeping with the existing house and would be well integrated with their surroundings. They would not be harmful to the character and appearance of the house. Consequently they would not be harmful to the character and appearance of Lennox Milne Court or of the Conservation Area.

The proposed alterations to the existing roof of the house to infill the existing roof window openings in the front (east) elevation roof slope of the house and the proposed formation of a new window opening in the rear (west) elevation wall of the house would not be harmful to the character and appearance of the house. Consequently they would not be harmful to the character and appearance of Lennox Milne Court or of the Conservation Area.

Policy DP6 of the adopted East Lothian Local Plan 2008 requires amongst other things that a proposed extension to a house should not adversely affect the existing residential amenity of neighbouring properties. Accordingly it should not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

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

The glazed front elevation of the proposed dormer to be formed at the southern end of the front (east) elevation of the house and the two roof windows to be formed in the front (east) elevation roof slope of the house would face towards the neighbouring house and side and front gardens of the property of 1 Lennox Milne Court, to the east. However they would each be more than 9 metres away from those neighbouring gardens and would not be within 18 metres of any directly facing windows of that neighbouring house. Therefore they would not allow for harmful overlooking of the neighbouring residential property of 1 Lennox Milne Court.

The north elevation roof slope roof window of the proposed extension would be more than 9 metres away from the garden of the neighbouring residential property of 3 Mill Court to the north and would not be within 18 metres of any directly facing windows of

that neighbouring house. Therefore it would not allow for harmful overlooking of that neighbouring residential property.

The south elevation roof slope roof window of the proposed extension and the double leaf and glazed sliding doors to be formed in the south elevation wall of the proposed extension would each be more than 9 metres away from the garden of the neighbouring residential property of 3 Lennox Milne Court to the south and would not be within 18 metres of any directly facing windows of that neighbouring house. Therefore they would not allow for harmful overlooking of that neighbouring residential property. The proposed decking area would be within 9 metres of the neighbouring garden of the property of 3 Lennox Milne Court. However the trellis fencing and planting on the southern boundary of the rear garden of the applicant's house would prevent harmful overlooking of the garden of 3 Lennox Milne Court from the proposed decking area.

The glazed openings to be formed in the west gable elevation of the proposed extension would face towards the property to the west which is in business use and thus there would be no harmful overlooking in that direction.

Application of the sunlight test given in "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair demonstrates that owing to the form, position and orientation of the proposed extension it would not give rise to harmful loss of sunlight received by the neighbouring residential property of 3 Mill Court to the north.

Because the residential properties of 1 and 3 Lennox Milne Court are to the east and south of the applicant's house respectively and as the proposed extension would be added to the west elevation of the applicant's house it would not be within 90 degrees of due south of those properties. Thus as the Guide explains, application of the sunlight test to the proposed extension relative to those neighbouring residential properties is not relevant as obstruction to sunlight may become an issue only if some part of a new development is situated within 90 degrees of due south of a neighbouring residential property. It can therefore be concluded that in its position relative to the neighbouring residential properties of 1 and 3 Lennox Milne Court the proposed extension would not have an affect on the sunlight received by those two properties.

According to the guidance on daylight given in the Guide the proposed extension, due to its positioning and distance away from the neighbouring residential properties of 1 and 3 Lennox Milne Court and 3 Mill Court would not affect the daylight received by those properties.

Due to its form, positioning on the existing roof of the house and its distance away from the neighbouring residential properties of 1 and 3 Lennox Milne Court and 3 Mill Court the proposed dormer would not affect the sunlight and daylight received by those properties.

On all of the forgoing considerations the proposals are consistent with Policies ENV1D and ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015, Policies ENV4 and DP6 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy 23: Planning and the Historic Environment with respect to the affect of them on the Conservation Area.

CONDITIONS:

- 1 The development shall begin before the expiration of 3 years from the date of the grant of this planning permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997

- 2 All of the roof windows hereby approved shall be installed in a manner that ensures that their upper surface is as near flush as possible with the upper surface of the roof into which it will be installed and with minimum flashing.

Reason:

To reduce the visual impact of the roof windows in the interest of safeguarding the character and appearance of the Conservation Area.

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