

REPORT TO: Planning Committee
MEETING DATE: Tuesday 7 May 2013
BY: Executive Director (Services for Communities)
SUBJECT: Application for Planning Permission for Consideration

***Note:** this application was called off the Scheme of Delegation List by Councillor Goodfellow for the following reason: This application relates to a building within the conservation area and has given rise to a number of objections which deserve a full hearing in public.*

Application No. **12/00842/P**

Proposal Alterations and extension to house, formation of balcony, new vehicular/pedestrian access, vehicular turning circle and infilling of existing pedestrian and vehicular access

Location **Beulah
Gullane Road
Aberlady
EH32 0QB**

Applicant Mr Alan Fiddes

Per Richard Murphy Architects

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The property to which this application relates is the two storey irregular shaped house of Beulah and its garden ground, situated on the south side of the A198 public road, towards the north-eastern edge of the village of Aberlady.

By being within Aberlady the property is within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. The property is also within Aberlady Conservation Area and the Luffness House Designed Landscape.

The property is bounded to the east, south and west by neighbouring residential properties. To the north is the A198 classified public road, beyond which is Aberlady Bay.

The house is positioned on the northeast part of its curtilage and abuts the south boundary wall of the property. It has a distinctive modern architectural style with mono-pitched and flat roofs and a large amount of glazing at first floor level on its north (front) and south (rear) elevations. The principal pitched roofed two storey component of it has deep box fascias

at eaves level. There is a flat roofed single storey component on the rear of the principal two storey component of the house. An external staircase gives access to the flat roof of the single storey component. The north (front) elevation of the house faces towards the A198 public road and beyond to Aberlady Bay. The external walls of the house are finished in a pale coloured render. Its pitched roof is clad with clay pantiles and its flat roof is clad with mineral felt. The frames of the existing windows and doors are of painted timber construction, and its external doors are of timber and glazed construction.

The curtilage of the house is enclosed along its north roadside boundary by a rubble stone wall that varies in height between some 1.0 and 1.5 metres and along its east and west boundaries by a 1.4 metres high rubble stone wall. Its south boundary is enclosed by a 3.5 metres high rubble stone wall that is listed as being of special architectural or historic interest (Category B).

Access to the property is taken from the A198 public road via existing vehicular and pedestrian access openings in the north roadside boundary wall.

Planning permission is sought for: (i) the addition of an extension on top of the western part of the rear flat roofed single storey component of the house; (ii) the formation of a roof terrace on top of the flat roof of the eastern part of the rear single storey component of the house and the erection of a screen wall along the east and south sides of that roof terrace; (iii) the addition of a first floor balcony with entrance porch below it onto part of the west side elevation of the house; (iv) alterations to the positions of door and window openings of the elevation walls of the house and the installation of new and replacement windows and doors; (v) the installation of roof windows on the front (north) and rear (south) elevation roof slopes of the house; (vi) alterations to the roof of the house; (vii) the blocking up of the existing vehicular and pedestrian accesses in the north roadside boundary wall of the property and the formation of a new vehicular access in that boundary wall, in a position some 5 metres further to the west of the existing vehicular access; (viii) in association with the proposed new vehicular access, the provision within the curtilage of the house of hardstanding in the form of a driveway; and (ix) in association with the proposed new vehicular access, the provision within the curtilage of the house of a mechanical turntable.

Since the application was registered it has been amended: (i) to show the existing degree of detachment of the house and what will be the degree of detachment of the proposed extension from the Category B listed wall that encloses the south boundary of the property; (ii) to correct inaccuracies on the application drawings with respect to the labelling of the elevations of the house and to show the positions of all of the existing window openings; (iii) to demonstrate the provision of a visibility splay for the proposed vehicular access, including the lowering of the roadside boundary wall to incorporate that visibility splay; (iv) to show that a window of the west elevation of the proposed first floor extension would be obscurely glazed; (v) to show the proposed screen wall that would enclose two sides of the proposed roof terrace; and (vi) to amend the size of the proposed area of hardstanding. These amendments are all shown on submitted amended application drawings.

The addition of the proposed screen wall that would enclose two sides of the proposed roof terrace and the obscure glazing of the window of the west elevation wall of the first floor extension are material changes to the proposed development and as such the application was re-notified to the neighbours.

The proposed extension would not attach to the Category B listed wall that encloses the south boundary of the property. Therefore, the proposed extension does not require listed building consent.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that this application for planning permission 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 ENV1C (International and National Historic or Built Environment Designations), ENV1D (Regional and Local Natural and Built Environmental Interests) and ENV1G (Design of New Development) of the approved Edinburgh and the Lothians Structure Plan 2015 and Policies ENV3 (Listed Buildings), ENV4 (Development within Conservation Areas), ENV8 (Gardens and Designed Landscapes), DP2 (Design), DP6 (Extensions and Alterations to Existing Buildings), DP8 (Replacement Windows), DP22 (Private Parking) and T2 (General Transport Impact) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building or its setting and on development within a conservation given in Scottish Planning Policy: February 2010.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy 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 one which preserves that character or appearance. The design, materials, scale and siting of new development within a conservation area should be appropriate to the character of the conservation area.

Furthermore, it is stated in Scottish Planning Policy: February 2010 that planning authorities have a role in protecting, preserving and enhancing gardens and designed landscapes of national importance that are included in Historic Scotland's Inventory of Gardens and Designed Landscapes. The affect of a proposed development on a garden or designed landscape should be a consideration in decisions on planning applications. Change should be managed to ensure that the significant elements justifying designation are protected or enhanced.

Eight public representations to the application have been received. Seven of the representations raise objection to the proposed development and the grounds of objection are:

- i. the zinc roof of the proposed extension would not be appropriate to the Conservation Area where the properties have red pantile roofs;
- ii. the proposed extension would be overbearing and dominant when viewed from the neighbouring houses to the south;

iii. the proposed extension would abut the existing shared, rubble stone, listed boundary wall between the applicant's property and the neighbouring properties to the south and would be difficult to maintain;

iv. the erection of the proposed extension would be likely to require access to neighbouring properties to enable construction of it;

v. the windows of the west facing elevation of the proposed extension and the proposed balcony would overlook the neighbouring property to the south;

vi. the proposed roof terrace would overlook the neighbouring property to the south;

vii. the proposed extension would be unsympathetic and harmful to this little altered post-war modern house;

viii. the proposed development would be harmful to the setting of the nearby listed house; and

ix. the screen wall to be erected along two sides of the proposed roof terrace would not be high enough to prevent harmful overlooking of the neighbouring property to the south.

The other representation is in support of the proposed development commenting that it would be an enhancement to the existing house.

The matter raised by an objector of the requirement for access to another neighbouring property to enable construct of a proposed development is a property ownership matter between the respective parties of developer and neighbour(s). It is not therefore a material planning consideration in the determination of an application for planning permission.

The proposed extension would be built on top of the western part of the existing rear single storey flat roofed component of the house. It would have a predominantly mono-pitched roof that would be clad with a zinc standing seam roofing material. The small part of the extension that would be next to the listed wall on the south boundary of the property would have a flat roof that would be clad with a lead roofing material. The external walls of the proposed extension would be finished with a pale coloured render to match the pale coloured rendered finish of the external walls of the house.

The proposed first floor balcony, ground floor enclosed entrance vestibule and open sided entrance porch would as a composite structure be attached to the north side of the existing rear single storey flat roofed component of the house, the north side of the proposed first floor extension and the west side of the principal two storey component of the house. The balustrade and support columns of the balcony would be of galvanised steel construction painted a dark grey colour (RAL 7016). The enclosed entrance vestibule and the open sided entrance porch would both be below the balcony.

The proposed roof terrace would be formed on top of the eastern half of the existing rear single storey flat roofed component of the house. It would be enclosed on its east and south sides by a 1.5 metres high screen wall that would be finished with a pale coloured render to match the pale coloured rendered finish of the external walls of the house.

The alterations to the roof of the house comprise of the removal of the existing timber box fascias from the eaves level of the front (north) and rear (south) elevations of the house and the installation of a narrow strip of zinc standing seam roofing along the bottom edge (eaves) of the existing pantile roof of those elevations of the house, and also the

installation on the existing chimney of a new galvanised steel flat plate chimney cowl painted a dark grey colour (RAL 7016).

In their positions attached respectively to the south (rear) and west side elevations of the house the proposed extension, first floor balcony, entrance vestibule and porch and the screen walls of the proposed roof terrace would be visible to variable degrees in public views from the A198 public road. They would also be partially visible through the gaps between the houses at the northern end of the public road of The Gardens to the south of the property. However, in such public views all of them would be seen in the context of the architectural style and form of the house.

The proposed extension, first floor balcony and entrance vestibule and porch would project no further to the west than does the west elevation of the existing rear single storey flat roofed component of the house, and would be of a similar architectural form to the existing house. The pitch and height of the roof of the proposed extension would match the pitch and height of the existing roof of the house. The 1.5 metres high screen walls of the proposed roof terrace would be an upward extension of the existing walls of the existing single storey flat roofed rear component of the house. The use of zinc roofing material to clad the roof of the extension and in the alterations to the bottom edge (eaves) of the north and south elevation roof slopes of the house would be distinctively different from the existing pantile roof cladding of the house. However, the use of such different material would be appropriate relative to the distinctive modern architectural style of the house. The zinc roofing material would contrast harmoniously with the pantile roof cladding of the house and would be complementary to it. The use of such material would not appear as a harmfully incongruous addition to the house and thus would not be a harmful feature within this part of Aberlady Conservation Area.

By virtue of its size, form and colouring the new galvanised steel flat plate chimney cowl to be attached to the existing chimney would not appear as a dominant or incongruous feature on the roof of the house.

By virtue of their size, scale, form, height, position, architectural style and external finishes the proposed extension, first floor balcony, entrance vestibule and porch, the screen walls of the proposed roof terrace, the alterations to the roof edges (eaves) and the chimney cowl would be in keeping with the modern architectural style, form and finishes of the house so as not to appear as dominant or incongruous additions to the house. They would be subservient additions to the house and would be well integrated into their surroundings. As subservient and harmonious additions to the house they would not cause the house to appear intrusive or incongruous within its setting and would not be harmful to the character and appearance of the Conservation Area. Nor would they be harmful to the setting of the listed boundary wall along the south boundary of the property or the conservation objectives of the Luffness Designed Landscape.

The alterations to the existing window and door openings of the house comprise of changes to the sizes of some of the window and door openings and the installation of new windows and doors in those altered openings. The windows of the other window openings are to be replaced with different modern casement type windows. The frames of the new and replacement windows, the new sliding doors and the new external doors would be of timber construction painted a dark grey colour (RAL 7016). The new external doors would be of timber and glazed construction or timber construction. The cills of the new and altered window openings would be of either concrete or aluminium construction. All alterations to the external walls of the house to facilitate the changes to the sizes of the windows would be finished with a pale coloured render to match the rendered finish of the external walls of the house.

By virtue of their size, form and external appearance the proposed alterations to the existing window and door openings, including the use of concrete or aluminium cills would be appropriate to the modern architectural style, form and finishes of the house. The existing windows of the house are of a modern style with a casement opening method and their frames are of timber and painted a cream colour similar to the colour of the render of the external walls of the house. The proposed new and replacement windows would also be of a modern style with a casement opening method but with different proportions, glazing pattern and of a dark grey colour. However relative to the distinctive modern architectural style of the house the proposed new and replacement windows would be appropriate to the house. All of the new and replacement windows, the new sliding doors and the new external doors would be sympathetic alterations to the house. They would not cause the house to appear intrusive or incongruous within its setting and would not be harmful to the character and appearance of the Conservation Area. Nor would they be harmful to the setting of the listed wall along the south boundary of the property or the conservation objectives of the Luffness Designed Landscape.

In their positions on the north (front) and south (rear) elevation roof slopes of the house the proposed roof windows would, respectively, be visible in public views from the A198 classified public road to the north and from the south through the gaps between the houses at the northern end of the public road of The Gardens. However, they would be of a relatively small size in their relationship with the greater massing of the house. They would not be an overdevelopment of the roof slopes of the house and would not dominate those roof slopes. They would not appear as overly conspicuous or incongruous features on the roof of the house. Subject to the roof windows being installed as flush as possible with the surface of the roof into which they would be installed they would not be harmful to the character and appearance of the Conservation Area. Nor would they be harmful to the setting of the listed wall along the south boundary of the property or the conservation objectives of the Luffness Designed Landscape.

A new vehicular and pedestrian access to the site would be formed through the north roadside boundary wall, in a position some 5.0 metres to the southwest of the existing vehicular access. The existing vehicular and pedestrian accesses through the northwest roadside boundary wall would be blocked up with stone to match the existing rubble stone of the wall. Subject to the stone to be used to block up the existing vehicular and pedestrian accesses matching as close as possible the stonework of the existing wall the formation of the new vehicular and pedestrian access and the blocking up of the existing vehicular and pedestrian accesses would not be harmful to the character and appearance of the Conservation Area. Nor would they be harmful to the setting of the listed wall along the south boundary of the property or the conservation objectives of the Luffness Designed Landscape.

A hardstanding area in the form of a driveway is proposed to be formed to the west side of the house. The proposed new area of driveway would be surfaced with stone chips. A mechanical turntable would be positioned on that driveway to enable vehicles entering and exiting the property by way of the proposed new vehicular to do so in a forward gear. The turntable would be surfaced with natural stone sets which surface finish would harmonise with the stone chips surface finish of the proposed driveway. In their place within the enclosed curtilage of the house the driveway and mechanical turntable would not appear intrusive or incongruous within their setting and would not be harmful to the character and appearance of the Conservation Area. Nor would they be harmful to the setting of the listed wall along the south boundary of the site or the conservation objectives of the Luffness Designed Landscape.

Historic Scotland advises that they have no comment to make on the application.

On all of these design considerations the proposed development is consistent with Policies ENV1C, ENV1D and ENV1G of the approved Edinburgh and the Lothians Structure Plan 2015, Policies ENV3, ENV4, ENV8, DP2, DP6 and DP8 of the adopted East Lothian Local Plan 2008 and Scottish Planning Policy: February 2010.

On the matter of the impact of the proposed extension on daylight and sunlight received by neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair. By virtue of its height, positioning and distance away from the neighbouring residential properties, the proposed extension would not, in accordance with the Guide give rise to harmful loss of daylight or sunlight received by any of those neighbouring properties and thus would not have a harmful affect on the residential amenity of them. On this matter of residential amenity the proposed development is consistent with Policy DP6 of the adopted East Lothian Local Plan 2008.

On the matter of overlooking 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 building and the garden boundaries of neighbouring residential properties and a 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential buildings.

There are no neighbouring residential properties to the north of the applicant's property. Thus, the windows of the north elevation wall of the proposed extension and the windows of the altered window openings proposed for the north elevation wall of the existing house would not allow for any harmful overlooking of a neighbouring residential property.

At its closest the east elevation wall of the house is only some 1.5 metres away from the east boundary of the property with the garden of the neighbouring house of Slatehall. There are existing ground and first floor windows in that east elevation wall. The development proposals include for the reduction in size of two of the existing ground floor window openings and an increase in size of the one existing first floor window. Due to the nature of the proposed alterations to the existing window openings and as there would be no change to the number of windows in that east elevation wall of the house there would be no greater allowance for overlooking of the neighbouring garden of the residential property of Slatehall than already exists. Furthermore, the part of the garden of the house of Slatehall that those windows face towards is occupied by a driveway and a detached garage, which are already visible from the public road.

The south elevation wall of the proposed extension would be almost on part of the south boundary of the property with the gardens of the neighbouring residential properties of Nos. 6 and 7 The Gardens to the south. However, there would be no windows in the south elevation wall of the proposed extension.

The south elevation wall of the existing house and the first floor windows of that elevation are only some 2.3 metres away from the south boundary wall.

It is proposed that those existing first floor windows be replaced and that one of the window openings be enlarged to form a glazed door. Due to the nature of the alterations proposed to those windows and as there would be no change to the number of windows in that elevation wall, there would be no greater allowance for overlooking of the neighbouring residential properties of Nos. 6 and 7 The Gardens than already exists.

The roof windows proposed for the south facing roof slope of the existing house would face towards a part of the garden of the house of 6 The Gardens that is already visible and

overlooked from the public road of The Gardens, and thus those proposed roof windows would not allow for harmful overlooking of that garden.

A first floor window would be formed at the southern end of the west elevation wall of the proposed first floor extension and a new ground floor window would be formed below it in the west elevation wall of the existing rear single storey component of the house. Each of those two windows would be aligned near to perpendicular with the south boundary of the curtilage of the house and would, at their closest, be only some 650mm away from the boundary. Due to such closeness to that boundary and that it would be in a position higher than the top of the wall on the boundary the first floor window would allow for overlooking of the neighbouring garden of the residential property of 6 The Gardens to the south. In light of this it is proposed that the first floor window is to be obscurely glazed. Subject to this that window would not allow for any harmful overlooking of the garden of the neighbouring property of 6 The Gardens. The boundary wall is 3.5 metres high and because of this it would prevent overlooking of the garden of 6 The Gardens from the proposed ground floor window and thus that window would not allow for any harmful overlooking of the neighbouring residential property of 6 The Gardens.

As the property is within Aberlady Conservation Area the formation of any additional new window or other glazed openings on the house and extension to the house would require planning permission and thus would be within the control of the Planning Authority.

None of the windows of the proposed extension or any of the altered windows of the house or the proposed balcony would be within 18 metres of any directly facing windows of any neighbouring residential property.

The proposed roof terrace would be only some 1.5 metres away from the east boundary of the curtilage of the house with the garden of the house of Slatehall and would be almost on the south boundary with the gardens of the houses of Nos. 6 and 7 The Gardens. However, the 1.5 metres high screen wall of the roof terrace would be high enough above the surface of the terrace and of such a solid form so as to prevent overlooking of those neighbouring gardens by persons seated on the roof terrace.

In its positioning on the front of the house with the proposed first floor extension behind it and by its orientation the proposed balcony would not allow for any harmful overlooking of the garden of the residential property of 6 The Gardens.

On these matters of overlooking the proposed development is consistent with Policy DP6 of the adopted East Lothian Local Plan 2008.

The existing vehicular and pedestrian accesses of the property from the A198 public road are to be infilled and a new vehicular access is proposed from that classified road. In instances where a new vehicular access from a classified road is proposed it is a requirement of the Council, as Planning Authority that it be served by the on-site provision of a vehicle turning area. In the case of this application the shape of the curtilage of the house prevents the on-site provision of the required standard of turning area. It is because of this that the mechanical turntable is proposed. Also proposed is a new on-site driveway and two on-site parking spaces.

The Council's Transportation service advises that these proposed arrangements for site access, turning and parking are of an acceptable standard, subject: (i) the first 2 metres of the driveway, measured from the back edge of the footway of the public road and for the full width of the proposed new vehicular access, shall be hard formed to prevent loose materials entering the public road; (ii) the proposed mechanical turntable being installed and made operational prior to the proposed new vehicular access being brought into use;

and (iii) the proposed vehicle turntable being retained and maintained in full working order and available for use at all times to enable vehicles to access and egress the proposed new vehicular access in a forward gear. Transportation also advise that the visibility splay for the proposed new vehicular access, as shown on the application drawings, would be of a sufficient standard to allow safe use of the access. Subject to conditions being imposed on the grant of planning permission to address these matters the proposed arrangements for access and parking are consistent with Policies T2 and DP22 of the adopted East Lothian Local Plan 2008.

CONDITIONS:

- 1 Prior to the new vehicular access being brought into use the existing vehicular and pedestrian accesses in the north roadside boundary wall of the property shall be completely infilled and the new on-site driveway, parking spaces and turning arrangements and the visibility splay of the new vehicular access shall all be laid out as shown in docketed drawing nos. AL/01/02/Rev B and AL0102/Rev C, and thereafter each shall be retained for such uses.

Prior to the new vehicular access being brought into use the proposed vehicle turntable shall have been installed and made operational. Thereafter it shall be retained in the form and place approved for it and maintained in full working order and available for use at all times to enable vehicles to access/egress the new vehicular access in a forward gear.

Prior to the new vehicular access being brought into use the first 2 metres of the driveway behind it and back from the back edge of the footpath of the adjacent public road and across the full width of the access shall be hard formed and thereafter shall be retained as such.

Any gates erected across the new vehicular access shall open into the application site and not outwards towards the A198 public road.

Reason:

In the interests of road safety.

- 2 Samples of the zinc roofing material and the lead roofing material shall be submitted to and approved in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the zinc roofing material and the lead roofing material used shall accord with the samples so approved.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the area, the character and appearance of the Conservation Area, the conservation objectives of the Luffness Designed Landscape and the setting of the Category B listed southeast boundary wall.

- 3 The render to be applied to the external walls of the extension, the screen walls of the roof terrace and as an external finish to the infilling of the alterations to the existing window and door openings of the existing house shall match in type, texture and colour the render on the walls of the house.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the area, the character and appearance of the Conservation Area, the conservation objectives of the Luffness Designed Landscape and the setting of the Category B listed southeast boundary wall.

- 4 The natural rubble stone to be used to infill the existing vehicular and pedestrian accesses through the north roadside boundary wall shall match as close as possible in texture, colour and coursing the natural rubble stone of the existing north roadside boundary wall.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the area, the character and appearance of the Conservation Area, the conservation objectives of the Luffness Designed Landscape and the setting of the Category B listed southeast boundary wall.

- 5 The roof windows hereby approved shall be installed in a manner which ensures that their upper surface is as near flush as possible with the upper surface of the roof into which they are to be installed.

Reason:

To reduce the visual impact of the roof windows in the interests of protecting the character and appearance of the area, the character and appearance of the Conservation Area, the conservation objectives of the Luffness Designed Landscape and the setting of the Category B listed southeast boundary wall.

- 6 The extension hereby approved shall not be occupied until the first floor level window of its west elevation that is marked on the docketed drawings to be obscure glazed is obscure glazed and thereafter that window shall remain obscure glazed unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the occupiers of the neighbouring residential property of 6 The Gardens to the south.

- 7 No use shall be made of the roof terrace hereby approved unless the 1.5m high screen wall is in place in its entirety on the east and south sides of it, as specified on the docketed drawings and thereafter that screen wall shall be retained.

Reason:

To prevent harmful overlooking of the neighbouring residential properties to the south and east in the interests of safeguarding the privacy and amenity of that property.