

## REVIEW DECISION NOTICE

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Decision by East Lothian Local Review Body (the ELLRB)

Site Address: 121A Salters Road, Wallyford, EH21 8AQ

Application for Review by Mr Abdul Sattar against decision by an appointed officer of East Lothian Council.

Application Ref: 14/00758/P

Application Drawings: 1056/001 to 1056/007, 1056/009, 1056/011 to 1056/014

Date of Review Decision Notice – 23<sup>rd</sup> June 2015

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### **Decision**

The ELLRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review.

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.

### **1 Introduction**

1.1 The above application for planning permission was considered by the ELLRB, at a meeting held on 18<sup>th</sup> June 2015. The Review Body was constituted by Councillor Tim Day (Chair), Councillor Stuart Currie and Councillor John McMillan. All three members of the ELLRB had attended an unaccompanied site visit in respect of this application on 18<sup>th</sup> June 2015.

1.2 The following persons were also present at the meeting of the ELLRB:-

Phil McLean, Planning Adviser (in attendance on Site Visit)  
Morag Ferguson, Legal Adviser  
Fiona Stewart, Clerk.

### **2 Proposal**

2.1 The application property is a single storey shop unit at 121A Salters Road, Wallyford. The application seeks permission for a first floor extension to form a flat, various other alterations and extensions to the building and formation of two off-street parking spaces.

The planning application was validated on 9<sup>th</sup> October 2014 and was refused under delegated powers on 27<sup>th</sup> February 2015. The notice of review is dated 25<sup>th</sup> March 2015.

The reasons for refusal are set out in full in the Decision Notice and are, in summary, that, by virtue of its height, scale and massing, the first floor extension would be overly dominant, incongruous and intrusive within the streetscape and that, by virtue of its positioning and timber form, the proposed timber screen would appear incongruous and intrusive within the streetscape, all of which would be harmful to the character and appearance of the area.

The Applicant has applied to the ELLRB to review the decision to refuse planning consent.

### 3 **Preliminaries**

3.1 The ELLRB members were provided with copies of the following:-

1	The drawings specified above
2	The application for planning permission
3	The Appointed Officer's Report of Handling
4	A copy of the Decision Notice dated 27 <sup>th</sup> February 2015
5	Copy of two Letters of Objection
6	Copies of Policy 1B of the approved South East Scotland Strategic Development Plan and Policies ENV1, DP6, DP2, DP22 and T2 of the Adopted East Lothian Local Plan 2008
7	Copy Consultation Responses from East Lothian Council's Transportation service and Environmental Protection manager
8	Photographs of the site and location map
9	Proposed Conditions
10	Notice of Review dated 25 <sup>th</sup> March 2015 and supporting review statement, amended drawings and photographs

### 4 **Findings and Conclusions**

4.1 The ELLRB confirmed that the application for a review of the original decision permitted them to consider the application afresh and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it.

The Members asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser gave a brief presentation to Members advising that the site is within a residential area of Wallyford, designated under Local Plan policy ENV1, and is also within the designated site of the Battle of Pinkie. The building is not listed. He advised that the main policy considerations relevant to this application are design, amenity, and transport and the key policies in relation to these matters are Strategic Development Plan policy 1B and Local Plan policies ENV1, ENV4, T2 DP6, and DP22. He advised that the planning history relevant to the application is summarised in the case officer's report.

He reminded the LRB that the application was refused by the appointed officer for two reasons. Firstly, on the basis that the height, scale and massing of the first floor extension would be overly dominant and intrusive within the streetscape, would not be in keeping with neighbouring buildings, and would be harmful to the character and appearance of the area. Secondly, on the basis that the proposed timber screen on the south-east boundary at first floor level would appear incongruous in the streetscape and would also be harmful to the character and appearance of the area. The application was therefore considered to be contrary to the design policies of the development plan. He noted that the reasoning for this decision is set out in full in the officer's report and he advised Members that the officer considered that the proposals would be acceptable in other respects, including in relation to privacy and amenity, sunlight and daylight, and parking and road safety, subject to the imposition of a number of conditions.

He advised that the request for a review argues that the roof of the proposed development would be only one metre higher than previously approved proposals and would not be dominant or incongruous. The increase in height is to allow for accommodation in the roof space, which would otherwise be unusable. He noted that the applicant's agent had indicated a willingness to replace the proposed timber screen with a rendered wall and states that such a wall has been previously allowed.

He noted that the Council's Transportation and Environmental Protection services both raised no objections to the application but recommended conditions covering matters of construction traffic, parking, and noise levels. He advised that two public objections were received to the application, with the grounds of objection being summarised in the case officer's report and copies of the full letters being available to Members in the review papers. No further representations were received in response to the Notice of Review.

Finally, he reminded Members that they have the option of seeking further information if necessary before making a decision, either through further written submissions, a hearing session, a further site visit, or a combination of these procedures.

The Chair asked the members to consider whether they had sufficient information to enable them to proceed to make a decision in respect of this matter. All members considered that they did have sufficient information. Accordingly, the decision of the ELLRB was that they would proceed to reach a decision at this meeting.

- 4.2 Councillor Currie advised that he had found the site visit particularly helpful in seeing the scale and proportion of the other buildings in the immediate vicinity. He considered that, having seen the site, the additional height required to make the roofspace habitable accommodation would make a significant difference to the impact of the proposed building and it would not be in keeping with the scale and massing of neighbouring properties. For this reason, he supported the original decision to refuse planning permission. Councillor McMillan also found the site visit informative, particularly when looking at the rear of the building. He agreed that the proposed building would be incongruous and dominant in the streetscape and thus detrimental to the amenity of the area. he was also minded to uphold the original decision to refuse planning permission.
- 4.3 Councillor Day felt that, having regard to the streetscape, the proposed development would be incongruous and dominant. He also had concerns about the sufficiency of parking provision for a five bedroomed flat and shop. Thus he was minded to uphold the original decision to refuse planning permission.
- 4.4 Accordingly, the ELLRB unanimously agreed that the Review should be dismissed and the original decision to refuse this application should be upheld, for the reason set out in the original Decision Letter of 27<sup>th</sup> February 2015.

The Review Application was accordingly dismissed.



**Morag Ferguson**  
**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.