

REVIEW DECISION NOTICE

Decision by East Lothian Local Review Body-(the ELLRB)

Site Address: 6 Sandersons Wynd, Tranent, EH33 1JL

Application for Review by Alan Anderson against decision by an appointed officer of East Lothian Council

Application Ref: 16/01012/P

Application Drawing: SP001; PLAN01; PLAN02 rev. A; PLAN03 rev.A; PLAN04 rev. A; PLAN05 rev. B; PLAN06 rev. A; and PLAN07 rev. B

Date of Review Decision Notice: 29 June 2017

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 Thursday, 15 June 2017. The Review Body was constituted by Councillor N Hampshire (Chair); Councillor W Innes, Councillor J McMillan, Councillor S Kempson, and Councillor B Small. All five members of the ELLRB had attended an unaccompanied site visit in respect of this application on the morning of Tuesday, 13 June 2017.

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

Iain McFarlane, Planning Adviser
Carlo Grilli, Legal Adviser
Fiona Stewart, Clerk

2 Proposal

2.1 The planning application is for the addition of a first floor extension onto the front (north) and rear (south) elevations of the house at 6 Sandersons Wynd, Tranent, East Lothian EH33 1JL.

The planning application was registered on 21 December 2016 and was refused under delegated powers on 15 February 2017. The notice of review is dated 7 April 2017.

The reasons for refusal are set out in full in the Decision Notice and are, in summary, that the proposed extension, by virtue of its architectural form and appearance would harmfully alter and be disruptive of the architectural form of the house and of the terrace of houses of which the house is a part. As an unsympathetic addition to the house, the proposed extension would appear as a dominant, intrusive and incongruous addition to it, which would be to the detriment of the character and appearance of the house, the similarly designed houses within the terrace and of the other houses within the streetscape of Sandersons Wynd, contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SES Plan) and Policy DP6 of the adopted East Lothian Local Plan 2008.

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 15 February 2017
5	Copies of Policies DP6 of the Adopted East Lothian Local Plan 2008, and ENV1 (Residential Character and Amenity) and Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan);
6	Suggested Schedule of Conditions to be attached to any grant of planning permission
7	Notice of Review dated 7 April 2017 together with Applicant's Submission with supporting statement and associated documents.

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. They confirmed that they had access to the planning file in respect of this matter and to all the information that the Appointed Officer had available when reaching the original decision to refuse planning permission, including all drawings and copies of all representations and objections received in respect of the original application.

The Members then 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 application sought to add extensions to the pitched roof of the house, both to the front and the rear of the property. The terms of planning policy 1B of SESplan and DP6 of the adopted East Lothian Local Plan were relevant to this application.

He further advised that the Case Officer considered that the proposed extension to the rear of the property would be largely screened from view. However, the front of the house formed part of a row of houses of the same design, particularly the gable end of the roofscape, which had largely been maintained over the years. He advised that Members needed to consider if the proposals for the extension to the front of the house were acceptable.

4.2 Councillor Innes stated that the site visit had given him the benefit of seeing the property within the terrace of houses and the wider environment. He had observed that the roofscapes at either end of the terrace were identical and that the mid terrace houses had a different profile. Viewing the terrace as a whole, he considered that the proposals would not be unattractive or compromising and would not be detrimental to the character of the area. He was therefore inclined to support the appeal but would listen with interest to the views of his colleagues

4.3 Councillor McMillan stated that, in terms of the context of the house, particularly with the development to the north of the property, he did not consider that the proposed extensions would be incongruous. However, he did feel that symmetry needed to be maintained with the east and west end of the terrace. He also agreed that planning policies 1B of SESplan and DP6 of the adopted East Lothian Local Plan 2008 were relevant in this case and he would therefore support the original decision made by the Case Officer.

4.4 Councillor Small stated that he had viewed the property from some distance away to visualise what the impact of the proposal for the front of the house might be and, while he was sympathetic with what the applicant was trying to achieve for his family, he was minded to support the support the decision of the Case Officer.

- 4.5 Councillor Kempson stated that the applicant's property was situated in a very attractive terrace and suggested that the applicant could perhaps explore possibilities for an extension to the rear of the house. She too supported the decision of the Case Officer.
- 4.6 The Chair stated that he sympathised with the applicant wishing to create more accommodation within the property and suggested that option could be available to him perhaps in the form of boxed dormer windows. However, mindful that his colleagues wanted the streetscape to remain the same, he would support the decision of the Case Officer.
- 4.7 Accordingly, the ELLRB decided 4 to 1 that the Review should be dismissed and the original decision to refuse this application should be upheld, for the reasons set out in the original Decision Letter of 16 February 2017.

The Review Application was accordingly dismissed.



 Carlo Grilli
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.