

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 6 March 2018

**BY:** Depute Chief Executive  
(Partnerships and Community Services)

**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **17/00867/LBC**

Proposal Alterations and extension to building

Location **2 Law Road  
North Berwick  
East Lothian  
EH39 4PL**

Applicant Zest Capital Management

Per Somner Macdonald Architects

RECOMMENDATION Application Refused

#### PLANNING ASSESSMENT

The property to which this application relates is the two storey building of 2 Law Road, North Berwick. It is located within North Berwick Town Centre and is also within the North Berwick Conservation Area. The building, together with the adjoining stone wall, is listed as being of special architectural or historic interest (Category C). The building adjoins the building of 59-61 High Street, and has a frontage onto the northern end of Law Road.

The ground floor of the building is currently in use as a retail unit (Class 1) whilst the first floor is in use as a professional services unit (Class 2). Immediately to the south of the building is an area of open ground, that is currently used as a storage area. That open area of land, which forms the southern part of the application site, is separated from Law Road by a high natural stone wall.

The property is bounded to the north by the adjoining commercial and residential properties of 59 and 61 High Street, to the west by the adjoining commercial and residential properties of 63 and 65 High Street, to the south by a residential garage building, and to the east by the public thoroughfare of Law Road with an area of car parking beyond.

Listed building consent is sought for the addition of a two storey gable extension onto the south gable of the building, the removal of the existing concrete steps and iron railings

attached to the southern elevation of the existing building, and for alterations to the existing stone wall attached to the south elevation of the building, also listed in association with the building.

Planning permission is sought for the addition of the pitched roof two-storey gable extension onto the south gable of the building. No decision has yet been made on this application.

The proposed gable extension would be roughly rectangular in shape and would project a maximum of some 5.4 metres along and some 7.62 metres out from the south gable elevation of the existing building, reaching a height of some 6.7 metres to the eaves of its pitched roof. The west elevation would butt up against the west boundary wall of the curtilage of the applicant's property, whilst its south elevation would butt up against the existing garage building to the south. The ground floor of the east elevation would butt up against the existing listed wall. The east elevation of the first floor of the proposed extension would be set back approximately 1.0 metres from the ground floor of the east elevation of the proposed extension. The east elevation of the extension would be finished in a scraped textured render coloured off-white, as would the south gable elevation. The roof slope elevations would be finished in a natural black-blue slate. It is also proposed to form a grey single ply membrane flat roof section

Subsequent to the registration of this application, the applicant's agent has submitted amended drawings which show amended fenestration detailing for the proposed extension.

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 South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policy ENV3 (Listed 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 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building given in Historic Environment Scotland Policy Statement June 2016 and Scottish Planning Policy: June 2014.

The Historic Environment Scotland Policy Statement June 2016 and Scottish Planning Policy echo the statutory requirements of Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant listed building consent for any works to a listed building the planning authority shall have special regard to the desirability of preserving and enhancing the building or any features of special architectural or historic interest which it possesses.

One letter of objection has been received. The letter of objection considers that the proposals will damage the character, appearance, and setting of the listed high stone boundary wall along the site frontage with Law Road, further destroying its visible continuity. The letter suggests several options to promote the conservation of the wall as well as the need for an archaeological investigation for any works.

One representation of support has been received. The representor supports the

proposed extension, advising that it is designed to meet the needs of the various parties and to respect the listed building to which it would be attached.

The two storey building of 2 Law Road in its built form with its stone gable wall, pantiled roof, timber framed sash and case windows and other architectural features has, as a listed building, its own special architectural or historic interest. The premises occupies a prominent street frontage location at the northern end of Law Road within the North Berwick Conservation Area, readily visible in public views of it.

In its position, the proposed two storey extension would almost completely obscure the stone gable wall of the existing building, a feature that contributes positively to the architectural or historic character of the listed building. Moreover, in its position and due to its design, fenestration detailing, materials, and height, the proposed extension would be a harmfully dominant, imposing and obtrusive addition onto the south side elevation of the listed building. Furthermore, the proposed demolition of 3 sections of the existing stone boundary wall and the installation in those openings with glazed openings would radically alter, and harmfully disrupt the unbroken stretch of stone roadside boundary wall. In all of this the proposed extension, in being an incongruous and harmful addition to the category C listed building, would not serve to preserve or enhance, but instead, would harm the special architectural and historic character, integrity and appearance of the building, contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policy ENV3 of the adopted East Lothian Local Plan 2008 and Historic Environment Scotland Policy Statement June 2016 and Scottish Planning Policy: June 2014.

## RECOMMENDATION

It is recommended that listed building consent be refused for the following reason:

- 1 The proposed extension would be a prominent, obtrusive and incongruous addition to the listed building. It would not serve to preserve or enhance, but instead would harm the character, integrity and appearance of the listed building. Accordingly, it is contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policy ENV3 of the adopted East Lothian Local Plan 2008 and Historic Environment Scotland Policy Statement June 2016 and Scottish Planning Policy: June 2014.