

Planning and Environmental Appeals Division

Appeals cannot be validated until all the necessary documentation has been submitted.

Thank you for completing this appeal form:

ONLINE REFERENCE 100122155-002

The online reference is the unique reference for your online form only. The Planning and Environmental Appeals Division will allocate an Appeal Number when your form is validated. Please quote this reference if you need to contact the Planning and Environmental Appeals Division about this appeal.

Appellant or Agent Details			
•	n agent? * (An agent is an architect, consult in connection with this appeal)	ant or someone else ac	ting ☑ Appellant ☐Agent
Appellant Details			
Please enter Appellant de	etails		
Title:	Mr	You must enter a Buil	lding Name or Number, or both: *
Other Title:		Building Name:	
First Name: *	Richard	Building Number:	10
Last Name: *	Brown	Address 1 (Street): *	Glebe Crescent
Company/Organisation		Address 2:	Athelstaneford
Telephone Number: *		Town/City: *	North Berwick
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH395BG
Fax Number:			
Email Address: *	richard.brown94@hotmail.com		

Site Address	Details		
Planning Authority:	East Lothian Council		
Full postal address of the	site (including postcode where available	e):	
Address 1:	10 GLEBE CRESCENT		
Address 2:	ATHELSTANEFORD		
Address 3:			
Address 4:			
Address 5:			
Town/City/Settlement:	NORTH BERWICK		
Post Code:	EH39 5BG		
Please identify/describe the location of the site or sites			
Northing	677404	Easting	353702
(with the agreement of the (Max 500 characters)	ion of your proposal. The description she planning authority): * ormation of driveway, construction of har		

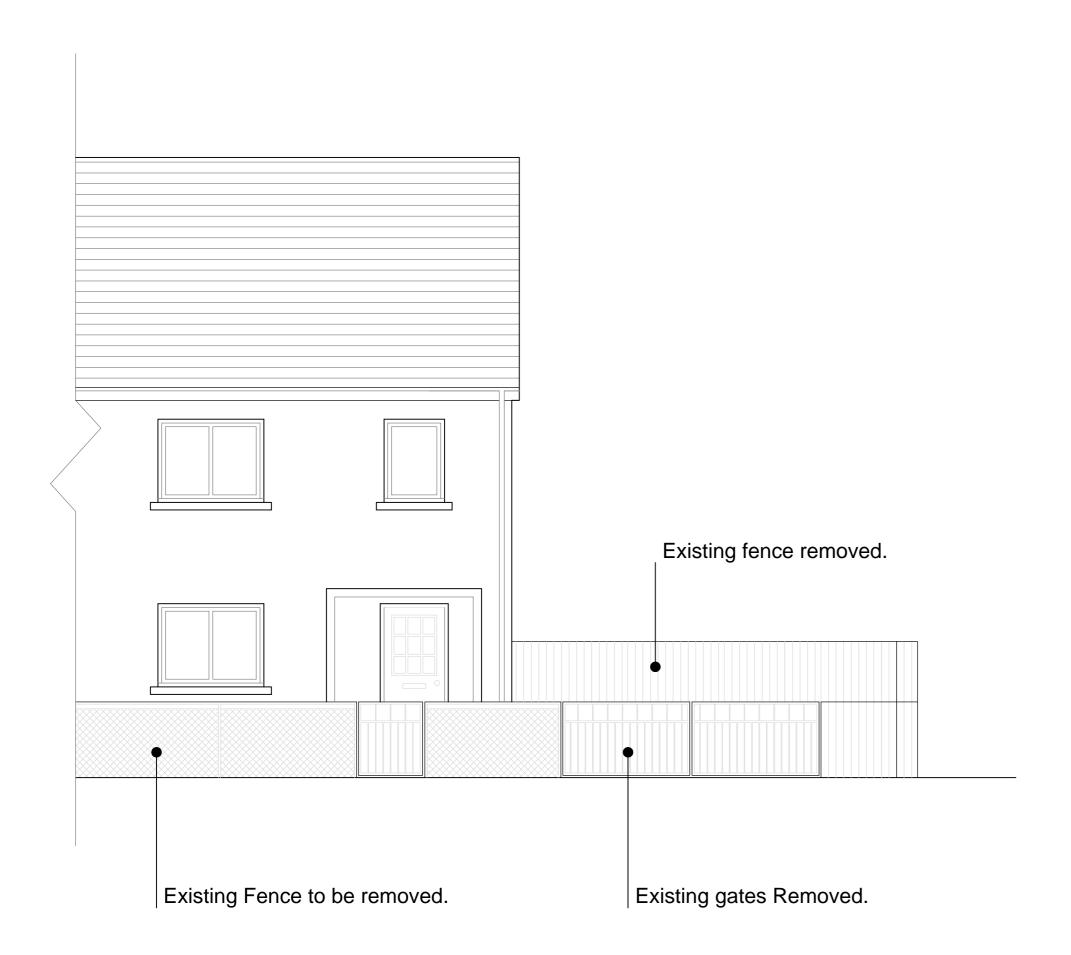
Type of Application
What type of application did you submit to the planning authority? *
Application for Planning Permission (including householder application – excluding application to work minerals). Application for Certificate of Lawfulness. Application for Listed Building Consent. Application for Conservation Area Consent. Application for Advertisement Consent. Application for Prior Approval. Application for Tree Works Consent. Application for Certificate of Appropriate Alternative Development. Application for Planning Permission to work minerals.
What type of planning application was submitted to the planning authority? * Application for Planning Permission. Application for Planning Permission in principle. A Further Application (including renewal of planning permission, modification, variation or removal of a planning condition etc). Approval of matters specified in conditions.
What type of decision did you receive from the planning authority and are now appealing against? *
Refusal Notice. Grant of permission with Conditions imposed. No decision – deemed refusal (NB: This does not apply to Prior Approvals).
Grant of permission with Conditions imposed. No decision – deemed refusal (NB: This does not apply to Prior Approvals).
Grant of permission with Conditions imposed.

Please provide a list of all documents, materials and evidenc of your appeal, ensuring that all documents are clearly numb		your appeal and intend	to rely on in support
1.granting of application with conditions letter 2.photograph stone walls, hedges ,etc 3. Letters from neighbouring prop			-
Are you providing a separate statement of your Grounds of A	ppeal? *	\boxtimes	Yes No
If Yes then please be prepared to upload this when you reach	h the end of the form.		
Application Details			
Please provide details of the application and decision.			
What is the application reference number? *	18/00355/P		
What date was the application submitted to the planning auth	nority? *	18/04/2018	
What date was the decision or certificate issued by the plann	ing authority? *	04/06/2018	
Appeals Procedure The person appointed to determine your appeal will decide u	pon the procedure to be used. I	However you should indi	cate what
procedure you think is the most appropriate for the handling		,	
Can this appeal continue to a conclusion in your opinion, bas parties without any further procedures? * Yes No	ed on a review of the relevant in	nformation provided by y	ourself and other
In the event that the Scottish Government Reporter appointed opinion:	d to consider your appeal decid	es to inspect the appeal	site, in your
Can the site be clearly seen from a road or public land? *		X	Yes 🗌 No
Is it possible for the site to be accessed safely and without ba	arriers to entry? *	\boxtimes	Yes No
If there are reasons why you think the Reporter would be una 500 characters)	able to access and view the app	eal site alone, please ex	plain here. (Max
Other Appeals Submitted Details	 }		
Have you or anyone else made any other related appeals to Site?	Scottish Ministers regarding this	s building and/or	Yes 🛛 No

Checklist – Appeal Against Planning Authority Decision Or Failure of Planning Authority To Give Decision

Failure to submit all this information may result in your appeal being deemed invalid. The Planning and Environmental Appeals Division cannot start processing your appeal until it is valid.				
Are you submitting a supplementary statement with your grounds of appeal? *		Ⅺ Yes ☐ No		
If the appeal concerns approval of matters specified in conditions, or a Further Application to vary conditions – please attach a copy of the application, approved plans and decision notice from that earlier consent. *		Submitted □ Not Applicable		
Copy of Plans/Drawing *		X Yes ☐ No		
Copy of planning authority de	ecision notice (if no decision then this is deemed as a refusal). *	🛛 Yes 🗌 No 🔲 No decision		
A copy of original application	form and if applicable include certificates relating to land ownership. *	X Yes ☐ No		
Other documents, materials and evidence which you intend to rely on. *		⊠ Yes □ No		
The Report of Handling preparations where one exists. *	ared by the planning authority in respect of your application,	⊠ Yes □ No		
Declare – Appeals against Refusals and other decisions				
I/We the applicant/agent certi	fy that this is an appeal to Scottish Ministers on the grounds stated.			
Declaration Name:	Mr Richard Brown			
Declaration Date:	05/07/2018			

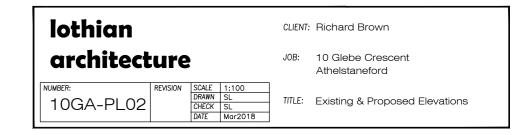




Existing Street Elevation 1:50



Proposed Street Elevation 1:50



OFFICER REPORT

4th June 2018

App No. 18/00355/P Application registered on 18th April 2018

Target Date 17th June 2018

Proposal Erection of garage, walls, gate,

installation of oil tank, boiler and SDELL N

formation of hard-standing areas

CDEL N

Location 10 Glebe Crescent

Athelstaneford Bad Neighbour N

North Berwick Development

East Lothian EH39 5BG

APPLICANT: **Mr Richard Brown**Is this application to be approved as a departure from structure/local plan? N

c/o Lothian Architecture Per Stephen Lothian 18 Laidlaw Gardens Tranent EH33 2OH

DECISION TYPE: Consent Granted

PLANNING ASSESSMENT

The property to which this application relates is a two storey semi-detached house and its garden located within a predominantly residential area as defined by Policy ENV1 of the adopted East Lothian Local Plan 2008. The property is within Athelstaneford Conservation Area.

Planning permission is sought for (i) the erection of a single storey pitched roofed garage within the southeast corner of the rear garden of the house; (ii) the erection of a 1 metre high wall that would be positioned along the north end of the west boundary of the front garden of the house; (iii) the erection of a 1 metre high wall and gate that would be positioned perpendicular to the house and which would abut the south end of the front (west) elevation of the house and the existing gate positioned on the centre of the west boundary of the front garden of the house; (iv) the formation of two areas of hardstanding; one comprising of concrete slabs that would abut the full length of the side (north) elevation of the proposed garage and the other comprising of a 'Resin Bonded Aggregate Finish' that would abut the front (west) elevation of the proposed garage, the side (south) elevation of the existing house and otherwise the south end of the west boundary of the front garden of the house; and (v) the

installation of an oil storage tank and a boiler that would be positioned on top of the proposed area of hardstanding and otherwise to the north of the proposed garage.

Subsequent to the registration of the application the applicant's agent has provided further details on the proposed oil storage tank and boiler in order to demonstrate the form, height, colour and materials of them.

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 Policies ENV4 (Development Within Conservation Areas) and DP2 (Design) 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 the Scottish Government's policy on development within a conservation area given in Scottish Planning Policy: February 2010.

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 within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

The proposed East Lothian Local Development Plan (PELLDP) was submitted to Scottish Ministers for examination in 2017 and the Reporters' Examination Report was issued on 14 March 2018. The PELLDP reflects the most recent planning view of the Council and is a material consideration in the determination of applications. Relevant Policies CH2 (Development Affecting Conservation Areas) and DP2 (Design) of the PELLDP do not represent any significant alteration to the current relevant policies.

The proposed garage to be erected within the southeast corner of the rear garden of the house would be rectangular in shape measuring some 3.2 metres wide, some 9.2 metres long and some 2.4 metres high to the ridge of its shallow pitched roof. Its rear (east) and side (south) elevations would take the form of solid walls that would be positioned along part of the east and south boundaries of the rear garden of the house respectively. Its external walls would be rendered except for its front (west) elevation that would display a large steel door flanked by red coloured brick walls. Its shallow pitched roof slopes would be clad in corrugated roof sheets.

The proposed garage would be readily visible in public views of it from the public road of Glebe Crescent to the west. However, due to its set back position some 9 metres away from the building line of the front (west) elevation of the house, the proposed garage would not appear harmfully conspicuous within its rear garden setting. It would not result in an overdevelopment of the rear garden of the house. By virtue of its design, height, size, scale, external finishes and positioning the proposed garage would be appropriate to its rear garden setting. It would be well absorbed into its surroundings. It would not appear as a harmfully dominant, intrusive or incongruous addition in the rear garden of the house. Consequently, the proposed garage would not be harmful to the character and appearance of the house or to the character and appearance of the Conservation Area.

The windows to be formed in the west end of the side (north) elevation wall of the proposed garage would face towards the existing detached outbuilding positioned along part of the north boundary of the rear garden of the house and thus they would not allow for harmful overlooking of the rear garden of the adjoining house of 12 Glebe Crescent to the north.

The proposed garage would also have a solid steel door formed within the east end of its side (north) elevation wall and otherwise a larger solid steel door formed within its front (west) elevation. Otherwise there is no proposal to form any other openings within it. As the applicant's property is within the Athelstaneford Conservation Area where there are no permitted development rights for such formation of windows or other glazed openings, any such future alteration to the proposed garage would be within the control of the Planning Authority.

Owing to its size, form and positioning the proposed garage would not give rise to a harmful loss of sunlight or daylight received by neighbouring residential properties.

The proposed areas of hardstanding, comprising of concrete slabs and otherwise a 'Resin Bonded Aggregate Finish', would be appropriate to their place and well integrated into their surroundings. By virtue of their extent, form, materials and positional relationship with the proposed garage, the proposed areas of hardstanding would not be harmful to the character and appearance of the house or to the character and appearance of the Conservation Area. The use of them would not allow for any harmful overlooking of a neighbouring residential property.

The proposed oil storage tank and boiler would be positioned on top of the proposed concrete slabs and otherwise to the north of the proposed garage. They would be relatively low in terms of their heights and they would also be relatively small in terms of their sizes. Although they would be visible in public views of them from the public road of Glebe Crescent to the west they would only be seen in limited, short duration, views from that public place. By virtue of their architectural forms, heights, sizes, scales, proportions and materials the proposed oil tank and boiler would be appropriate to their rear garden locations and well absorbed into their surroundings. They would not appear as harmfully dominant, intrusive or incongruous features. They would not be harmful to the setting of the house or to the character and appearance of the Conservation Area.

The Council's Road Services state that (i) the driveway should be 3 metres wide by 6 metres long; (ii) water run off onto the road should be minimised through the use of permeable materials; (iii) the first two metres of the driveway should be hardformed; and (iv) gates

should open into the property. They also state that a visibility splay of 2 metres by 20 metres shall be provided, and maintained, on each side of the proposed access such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway.

Notwithstanding the above advice (i) the existing driveway would be retained in its entirety and thus the proposals would not impact on the layout of the existing driveway; (ii) it has never been a requirement of the Council's Road Servces for similar previous proposals that a drain must be provided in order to prevent water runoff from reaching a public road in respect of a proposed, or already formed, area of hardstanding, and Road Services give no demonstrable case as to why this should now be a requirement; (iii) the first two metres of the existing gravelled driveway would be hardformed; (iv) no gates are proposed to be erected across the existing access; and (v) the existing visibility splay would remain unaffected by the proposals. It is not, therefore, reasonable to impose any conditions through a grant of planning permission for this proposal based on the advice provided by the Council's Road Services.

Accordingly, the proposed garage, oil tank, boiler and hard standing areas are consistent with Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV4 and DP2 of the adopted East Lothian Local Plan 2008 and with Scottish Planning Policy: June 2014.

The proposed 1 metre high wall that would be positioned along the north end of the west boundary of the front garden of the house and otherwise the proposed length of 1 metre high wall with gate positioned perpendicular to the front of the house would be readily visible in public views of them. The applicant's front garden is presently enclosed by a 1.0 metre high metal chain link fence. Most of the other front gardens of the houses of Glebe Crescent area bounded by either a metal chain link fence or by hedging. Those boundary treatments are part of the established character of this part of the Conservation Area that contributes to its character and appearance. Only the neighbouring house of 7 Glebe Crescent has a low solid timber fence and gate enclosing its roadside boundary. However, there is no record of planning permission having been sought nor granted for the erected fence and gate and such matter would be for the Council's Enforcement Officer to investigate.

In their positions the proposed lengths of walls would be readily visible in public views of them from Glebe Crescent. They would appear at odds with the existing hedges and metal chain link fences which enclose the majority of the roadside boundaries of the houses within Glebe Crescent. By virtue of their materials, form and appearance, the proposed walls, with gate, would be harmfully prominent and incongruous physical features within this part of the streetscape. By being out of keeping with the character and appearance of the streetscape the proposed walls with gate would not be appropriate to their front garden setting and would be harmful to the character and amenity of the area and the character and appearance of this part of the Athelstaneford Conservation Area.

Consequently, the proposed walls, with gate, are contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV4 and DP2 of the adopted East Lothian Local Plan 2008 and with Scottish Planning Policy: June 2014.

If approved the proposed walls with gate would set a harmful precedent for allowing the addition of other walls to be erected along the roadside boundaries of other residential properties within the locality and also within the front gardens of them. Such change would be individually and cumulatively out of keeping with the established character and appearance of the residential properties in the locality, to the greater detriment of the streetscape of Glebe Crescent and the character and appearance of this part of the Athelstaneford Conservation Area.

It should, therefore, be made a condition of the grant of planning permission for the garage, oil tank, boiler and hard standing areas proposed in this application that planning permission is not granted for the proposed walls with gate.

CONDITIONS:

Planning permisison is not hereby granted for the erection of the lengths of walls and gate.

Reason:

In their positions the proposed lengths of walls would be prominent and incongruous physical features, harmful to the character and appearance of this part of the Athelstaneford Conservation Area. Consequently, the proposed walls, with gate, are contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV4 and DP2 of the adopted East Lothian Local Plan 2008 and with Scottish Planning Policy: June 2014. Moreover, if approved the proposed walls with gate would set a harmful precedent for allowing the addition of other walls to be erected along the roadside boundaries of other residential properties within the locality and also within the front gardens of them. Such change would be to the greater detriment of the streetscape of Glebe Crescent and the character and appearance of this part of the Athelstaneford Conservation Area.

LETTERS FROM

4th June 2018

EAST LOTHIAN COUNCIL DECISION NOTICE

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008

Mr Richard Brown c/o Lothian Architecture Per Stephen Lothian 18 Laidlaw Gardens Tranent EH33 2QH

APPLICANT: Mr Richard Brown

With reference to your application registered on **18th April 2018** for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Erection of garage, walls, gate, installation of oil tank, boiler and formation of hard-standing areas

at 10 Glebe Crescent Athelstaneford North Berwick East Lothian

East Lothian Council as the Planning Authority in exercise of their powers under the abovementioned Acts and Regulations hereby **GRANT PLANNING PERMISSION** for the said development in accordance with the particulars given in the application, the plan(s) docketed as relative hereto and the conditions set out below:-

CONDITIONS:

Planning permisison is not hereby granted for the erection of the lengths of walls and gate.

Reason:

In their positions the proposed lengths of walls would be prominent and incongruous physical features, harmful to the character and appearance of this part of the Athelstaneford Conservation Area. Consequently, the proposed walls, with gate, are contrary to Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan), Policies ENV4 and DP2 of the adopted East Lothian Local Plan 2008 and with Scottish Planning Policy: June 2014. Moreover, if approved the proposed walls with gate would set a harmful precedent for allowing the addition of other walls to be erected along the roadside boundaries of other residential properties within the locality and also within the front gardens of them. Such change would be to the greater detriment of the streetscape of Glebe Crescent and the character and appearance of this part of the Athelstaneford Conservation Area.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997; and
- where applicable the summary of the terms of any agreement entered into under Section 75 of the Town and Country Planning (Scotland) Act 1997.

A copy of the Section 75 Agreement can be inspected in the application file at Environment Reception, John Muir House, Haddington.

The docketed plans to which this decision relate are as follows:

<u>Drawing No.</u>	Revision No.	Date Received
PHOTO-DRIVEWAY		18.04.2018
PHOTO-BRICKWORK		18.04.2018
MAN-GARAGE		18.04.2018
PHOTO-GARAGE RENDER		18.04.2018
MAN-BOILER		01.06.2018
MAN-OIL TANK		01.06.2018
10GA-PL01		18.04.2018
10GA-PL01		18.04.2018
10GA-PL02		18.04.2018
10GA-PL04		18.04.2018

ADVISORY NOTES

- 1. In accordance with Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within **THREE YEARS** of the date of this decision notice. **If development has not commenced within this time period, then this planning permission will lapse.**
- 2. It should be understood that this permission does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.



Iain McFarlane Service Manager - Planning

NOTES ABOUT REVIEW OF DECISION

If the applicant is aggrieved by the decision of the Planning Authority to grant permission for the proposed development subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this decision notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

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 5 of the Town and Country Planning (Scotland) Act 1997.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008

Section 27A (1) of the above-mentioned Act requires that this notice must be served to the Council **prior** to the start of work. Failure to do so is a breach of planning control under section 123(1) of the above Act and may result in the Council taking enforcement action.

NOTICE OF INITIATION OF DEVELOPMENT

Notice is hereby given that the under-mentioned scheme of development is expected to commence on/20
Planning authority reference: 18/00355/P
Date of decision notice: 4th June 2018
Address/Location of site:
10 Glebe Crescent Athelstaneford North Berwick East Lothian
Name and address of developer:
Name and contact details of site agent:
Owner of land (if not as above):
Signed:
Date:

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2008

Section 27B (1) of the above-mentioned Act requires that this notice must be served to the Council on completion of the approved scheme of development.

NOTICE OF COMPLETION OF DEVELOPMENT

Notice is hereby given that the under-mentioned scheme of development was completed on/20
Planning authority reference: 18/00355/P
Date of decision notice: 4th June 2018
Address/Location of site:
10 Glebe Crescent Athelstaneford North Berwick East Lothian
Name and address of developer:
Owner of land (if not as above):
Signed:
Date:

Mrs Emma S. Hood 8 Glebe Crescent Athelstaneford East Lothian EH39 5BG

Tel: 01620 880524

10th June 2018

Dear Sirs,

I am writing in response to the refusal for planning permission in respect of the new walls planned for my next door neighbour's front garden.

I live in the property adjacent to 10, Glebe Crescent, Athelstaneford, EH39 5BG, and I happy for the new walls to go ahead. They will make the front garden more secure and will help to restrain his dogs and prevent them from wandering out on to the roadway. I do not think that they will have a negative effect on the overall appearance of the street.

If you require any further information from me, please get in touch on the above number.

Yours faithfully,



Mrs Emma S. Hood

Desiree Kayes

12 Glebe Crescent Athelstaneford East Lothian EH39 5BG

To whom it may concern

I am writing to you to raise my disagreement at the decision to not put through planning permission for my neighbours wall around his house at the address of

10 glebe crescent Athelstaneford East Lothian EH395BG

I believe this will be beneficial for the safety of his dogs to contain them within his property and completely disagree that it is detrimental to the streets appearance as all gardens have different fencing and hedges.

In my opinion the building of my neighbours wall would add to the streets appearance as the fencing around most properties in the street are worn and tired looking, it will also help with the littering and weeds.

Yours sincerely

Desiree Kayes















