

REVIEW DECISION NOTICE

Decision by East Lothian Local Review Body (the “**ELLRB**”)

Application for Review by Ms Kris Aikman against condition one of Planning Permission was for alterations to the house and formation of an access ramp.

Site Address: 121 Church Street, Tranent

Application Ref: 18/00463/P

Application Drawing: 1804-00

MANU LITERATURE 1

MANU LITERATURE 2

1804-01 Revision A

DESIGN AND ACCESS

1804-02 Revision C

Date of Review Decision Notice: 7 December 2018

Decision

The ELLRB unanimously made the decision to uphold the review and approve planning permission subject to conditions for the reasons given below.

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 November 2018. The Review Body was constituted by Councillor W Innes (Chair); Councillor J Findlay, and Councillor N Gilbert. All three members of the ELLRB had attended an accompanied site visit in respect of this application prior to the meeting.

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

Mr L Taylor, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser/Clerk to the LRB
Fiona Stewart, Clerk.

2. Proposal

- 2.1. The planning application for alterations to the house and formation of an access ramp was granted with exception of the installation of roof light window to the rear of the property.
- 2.2. The planning application was registered on 5 July 2018 and was granted subject to condition under delegated powers on 4 September 2018. The notice of review is dated 1 October 2018.
- 2.3. The reasons for the condition are set out in full in the Decision Notice and are, in summary, that:

Planning permission is not hereby granted for the roof light window to the rear (east) elevation of the property as shown on docketed drawing no. 1804-02 Rev C.

Reason:

Due to its size and modern appearance, the proposed rooflight would not serve to preserve or enhance, but instead, would harm the special architectural and historic character, integrity and appearance of the listed building, contrary to Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies DP6 and ENV4 of the adopted East Lothian Local Plan 2008, The Scottish Historic Environment Policy Statement: June 2016 and Scottish Planning Policy: June 2014.

3. Preliminaries

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

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| 1 | The drawings specified above |
| 2 | The Application for planning permission registered on 5 July 2018 |
| 3 | The Appointed Officer's Report of Handling |
| 4 | A copy of the Decision Notice dated 4 September 2018 |
| 5 | Strategic Development Plan for Edinburgh and South East Scotland June 2014: Policy 1B (Spatial Strategy: Development Principles) Local Plan 2008 policies: ENV4 (Development within Conservation Areas) DP6 (Extensions and Alterations to existing Buildings) T2 (General Transport Impact) Proposed Local Development Plan policies: DP5 (Extensions and Alterations to existing Buildings) CH2 (Development Affecting Conservation Areas) |
| 6 | Notice of Review dated 1 October 2018 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 condition permitted them to consider the application 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 grant planning permission subject to the condition, including all drawings and copies of all representations and objections received in respect of the original application.
- 4.2. 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 final item today is a review against condition 1 attached to planning permission 18/00463/P which sought consent for alterations to the house including the formation of an access ramp to the front elevation, installation of one large roof light to rear elevation, three tile vents to the front and five to the rear, and a new duct grill to the rear. The application relates to a category C Listed Building within the Tranent Conservation Area. Relevant to the determination of this application was SDP policy 1B and Local Plan 2008 policies ENV4, DP6 and T2. Officers concluded that the proposed ramp, tile vents and duct grill would not have a significant detrimental impact on the architectural merit of the Listed Building or to the character and appearance of the Tranent Conservation Area. It was concluded however that the proposed large roof light to the rear of the building would be harmful to the architectural merit of the Listed Building and to the character and appearance of the Tranent Conservation Area. Consent was subsequently granted for all works with the exception of the large rear roof light as it would be contrary to Local Plan 2008 policies ENV4 and DP6. The decision notice was issued on the 4th September 2018
- 4.3. Councillor Gilbert was of the view that it was clear that the building required this lighting and he was therefore minded to support the appeal.
- 4.4. Councillor Findlay commented that he would support the application but wished to impose a condition that final details of the windows shall be agreed with the Planning Authority. Councillor Findlay was accordingly minded to uphold the appeal subject to conditions.
- 4.5. The Chair commented that additional lighting was required in the roof space as there was provision on the otherside of the building. The Owner should be permitted to have such lighting on this side. He was in agreement with Councillor Findlay and was minded to approve the appeal subject to the same condition applying.

Accordingly, the ELLRB decided unanimously that the appeal should be upheld and planning permission approved subject to the condition set out below:

Conditions:

1. Details of the rooflight window/ rooflight windows to be installed within the rear roof slope of the single storey part of the dwelling shall be submitted to and approved in writing by the Planning Authority prior to their use in the development. The submitted details shall show that the rooflight window/rooflight windows shall be installed in a manner that ensures that their upper surface is as near flush as possible with the upper surface of the roof into which it will be installed and with minimum flashing.

The rooflight window/rooflight windows shall thereafter be installed with the details so approved.

Reason:

In the interest of safeguarding the architectural or historic character of the listed building and the character and appearance of the Tranent Conservation Area.



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.