

REVIEW DECISION NOTICE

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

Application by Mr and Mrs M Spiller of 20c West Bay Road North Berwick EH39 4AW for Review against refusal of Planning Permission for alterations to house at 20c West Bay Road North Berwick.

Site Address: 20c West Bay Road North Berwick EH39 4AW

Application Ref: 18/00962/P

Application Drawing: Drawing Number: 1857-01 Rev. A

Drawing Number: 1857-02 Rev C

Drawing Number: 1857-03

Date of Review Decision Notice: 14 June 2019

Decision

The ELLRB unanimously agreed to refuse the application 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, 16 May 2019. The Review Body was constituted by Councillor J Williamson (Chair); Councillor J McMillan, Councillor F O'Donnell, and Councillor S Kempson. All four members of the ELLRB had attended an unaccompanied 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 P Zochowski, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser/Clerk to the LRB
Fiona Stewart, Clerk.

2. Proposal

- 2.1. The planning application sought alterations to a ground floor window opening that is on the front (west) elevation of the house. The proposed alteration would comprise the removal of the existing window, the enlargement of the opening to form a large doorway and the installation within that enlarged opening of timber framed French doors. In association with the enlargement of the opening a new stone lintel jambs and threshold would be installed. The frames of the doors would be painted white.
- 2.2. The planning application was registered on 11 September 2018 and the decision notice granting planning permission subject to condition was issued on 8 November 2018
- 2.3. The notice of review against the decision to refuse the Planning Permission was dated 7 February 2019.

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 registered on 11 September 2019
3	The Decision Notice dated 8 November 2018
4	The Appointed Officer's Submission
5	<p>SESplan policy 1B The Spatial Strategy: Development Principles East Lothian Local Development Plan 2018 policies as follows:</p> <ul style="list-style-type: none"> - CH1: Listed Buildings - CH2: Development affecting Conservation Areas - DP5: Extensions and Alterations to Existing Buildings <p>East Lothian Development Plan 2018</p> <p>East Lothian Development Plan Supplementary Planning Guidance 2018</p> <p>Cultural Heritage and the Built Environment</p> <p>Scottish Planning Policy: June 2014</p>
6	Notice of Review dated 7 February 2019 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 decision to refuse Planning Permission 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 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 property is a category C listed building located within the designated North Berwick Conservation Area and forms the north wing of a large house that was formerly a hotel subsequently sub-divided into three smaller houses. Number 20c West Bay Road is a three storey property with its main entrance door positioned on the side elevation of the building. The proposed alterations were to enlarge an existing window on the west side of the front elevation of the building by extending its width and length. Although application was made for planning permission and listed building consent this is the application for planning permission that is being appealed. One letter of objection had been received too late and could not be considered. North Berwick Community Council had objected on grounds that the alteration would destroy the symmetry of the whole building and have a significant impact on the appearance of the building in the Conservation Area. Relevant planning policy considerations were policy 1B of the South East Scotland strategic development plan; East Lothian Local Development Plan policy CH1 Listed buildings; Policy CH2 Development affecting CA's and Policy DP5 Extensions and Alterations to Existing Buildings all of the LDP. Relevant material considerations include national planning advice contained in SPP 2014; LDP Supplementary Planning Guidance Cultural Heritage and the Built Environment approved by Council in September 2018 and Historic Environment Scotland guidance on Managing Change in the Historic Environment – Windows. The planning application had been refused in November 2018 for the reasons given in the report.
- 4.3. Some questions of clarification were then asked of the Planning Adviser.
- 4.4. The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.
- 4.5. Councillor Kempson stated that the current nature of the building was that it was attractive and symmetrical. The proposed alterations would spoil the architectural nature of the building. She also noted that the hedges could be removed in the future. Councillor Kempson was minded to support the planning officer's recommendation and refuse the appeal.
- 4.6. Councillor McMillan stated that the application would represent a large change to the nature of the building and as such was minded to support the planning officer's recommendation and refuse the appeal.
- 4.7. Councillor O'Donnell stated that East Lothian Local Development Plan 2018 policy DP5 was an important consideration for this matter. It was her view that the proposed widening and lengthening would not be of size or scale appropriate to the building. Accordingly she was minded to support the planning officer's recommendation and refuse the appeal.
- 4.8. The Chair stated that he agreed with his fellow board members. Accordingly the Chair was minded to support the planning officer's recommendation and refuse the appeal.

Accordingly, the ELLRB unanimously agreed to refuse the application for the reasons set out in more detail in the original Decision Notice dated 8 November 2018.

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.