

Local Review Body
10 September 2020

Application No: 17/00996/P

16 Carberry Road, Musselburgh

Applicant's Supporting Documentation

OFFICER REPORT

7th April 2020

App No. **17/00996/P**

Application registered on **7th December 2017**

Target Date **6th February 2018**

Proposal	Erection of 2 detached houses with integral garages and associated works	SDELL	Y
		CDEL	N
Location	16 Carberry Road Musselburgh EH21 7TN	Bad Neighbour Development	N

APPLICANT: **Mr Dennis Walton**

Is this application to be approved as a departure from structure/local plan? N

**c/o Hackland + Dore Architects
Per Julie Forrest
16 Annandale Street
Edinburgh
EH7 4AN**

DECISION TYPE:

Application Refused

REPORT OF HANDLING

PROPOSAL

The property of 16 Carberry Road occupies a corner plot on the western side of Carberry Road at the junction with Delta Place/Smeaton Grove. The application site forms the southwest part of the garden of the two-storey house of 16 Carberry Road. It measures some 890 square metres in area and is approximately half of the garden ground of the house of 16 Carberry Road. The application site is bounded to the southeast by the road of Delta Place/Smeaton Grove, to the southwest by the detached two-storey house of 4 Delta Place and its garden ground, to the northeast by the detached two-storey house of 16 Carberry Road and what would be retained as its garden ground, and to the northwest by a strip of garden ground that would also be retained with the house of 16 Carberry Road, beyond which are the houses and gardens of 7 and 7a Wedderburn Terrace.

The application site is enclosed along its southeast (roadside) boundary with Delta Place/Smeaton Grove by a stone wall some 2.3 metres in height. Along its southwest boundary by a part stone and part brick wall some 2.3 metres in height. Along its northwest and northeast boundaries there are currently no boundary enclosures. Some 7 metres beyond the northwest

boundary of the application site are a row of semi-mature trees and beyond them a 2.2 metres high brick wall. There is currently a line of pollarded trees along the southeast (roadside) boundary of the site, which are proposed to be removed.

The site is within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. It is also within the Inveresk Conservation Area and the designated battlefield for the Battle of Pinkie.

The application site is also within an area identified by the Coal Authority as being at high risk from past mining related activity.

On 5th January 2004 planning permission 02/01347/FUL was granted for the erection on the application site of a two storey, pitched roofed, detached house with garage. As approved that house would be on the southern part of the site, with a frontage onto Delta Place/Smeaton Grove and with a similar building line to that of the house of 4 Delta Place to the immediate southwest of the site. On 14th January 2004 conservation area consent 02/01347/CAC was granted for the demolition of a sun house, greenhouse and garden shed that exist on the site.

On 3rd December 2008 planning permission 08/00004/FUL was granted for the erection on the application site of a pair of two storey, pitched roofed, semi-detached houses with garages. As approved that pair of semi-detached houses would be on the southern part of the site, with a frontage onto Delta Place/Smeaton Grove and with a similar building line to that of the house of 4 Delta Place to the immediate southwest of the site. On 5th January 2009 conservation area consent 08/00004/CAC was granted for the demolition of a length of stone wall and a gate that enclose the southeast (roadside) boundary of the site. Planning permission 08/00004/FUL and conservation area consent 08/00004/CAC have not been implemented and have now lapsed.

On 24th June 2009 conservation area consent 09/00218/CAC was granted for the demolition of a sun house, greenhouse and garden shed that exist, in part, on the current application site. The greenhouse has been demolished and thus conservation area consent 09/00218/CAC has been in part implemented.

On 21st May 2009 planning permission 09/00232/FUL was granted for the erection of a greenhouse on the area of land to the northwest of the current application site. That greenhouse has been built and thus planning permission 09/00232/FUL was implemented.

On 24th January 2014 planning permission 13/00940/P was granted for the variation of Condition 1 of planning permission 08/00004/FUL to extend the time period for implementation for a further 3 years until 3rd December 2016. Planning permission 13/00940/P has not been implemented and therefore has lapsed.

Full planning permission is now sought for the erection on the application site of two detached houses with attached garages and for the associated formation of a vehicular and pedestrian access for each house from the road of Delta Place/Smeaton Grove, the formation of hardstanding areas, and the erection of fencing, gates and walls.

Conservation area consent for the demolition of the length of stone wall and a pedestrian gate that enclose the southeast (roadside) boundary of the application site is separately sought through application 17/01024/CAC. That application stands to be determined on its own merits.

Through separate planning application 17/01023/P planning permission is sought for a different scheme of development on the site for the erection of a pair of semi-detached houses with integral garages and associated works. That application stands to be determined on its own merits.

The two houses proposed in this application are to be detached and would mainly be positioned on the southern part of the site. They would front onto Delta Place/Smeaton Grove, with a similar building line to that of the existing two-storey house at 4 Delta Place to the immediate southwest. The houses would be two and a half storeys in height with accommodation in their roof spaces and would have a dual pitched roof with a flat central section. Photovoltaic panels are proposed to be installed on the main northwest elevation roof slope of each of the proposed two houses, and on the northeast and southwest elevation roof slopes of the two storey rear element of them. The front and side elevations of the proposed two houses, including the front elevation of their garages, would be finished in a smooth cast stone and the remaining rear walls of them and the two storey rear element of them would be finished in a cream coloured painted render. The window frames, patio door frames, door frames and external doors would be constructed of timber. Their windows would be of a sash and case style. Their dual pitched roofs would be clad with natural slate and their flat roofs would be clad with a single ply roofing membrane. A single storey flat roofed garage would be attached to the side of each house. The vehicular door of each of the garages would be of a composite construction. The proposed two houses would be served by new vehicular and pedestrian accesses from Delta Place/Smeaton Grove. To facilitate the formation of these accesses the 2.3 metres high stone boundary wall along the southeast (roadside) boundary of the site is to be removed. A new low stone wall with railings above to a maximum height of some 1.3 metres is proposed to be erected along the southeast (roadside) boundary of the site between the accesses. New 1.3 metres high black metal pedestrian gates would be installed at each of the proposed pedestrian accesses. A new 2 metres high wall is proposed to be erected along the northeast and northwest boundaries of the site. New 1.8 metres high double-sided, close-boarded timber fencing is proposed to be erected along the dividing boundary between the rear gardens of the proposed two detached houses. The dividing boundary between the southeast (roadside) boundary of the site and the front elevations of the proposed two houses is proposed to be enclosed by 900mm high double-sided, close-boarded timber fencing. A close-boarded timber pedestrian gate, some 1.8 metres in height, would be erected across the gap between each of the proposed two houses and the dividing boundary between the two house plots.

A Design Statement has been submitted in support of the application. In that document it is stated that the application site is within a predominantly residential area defined by large villas. The statement goes on to set out the planning history for the site, explaining that a detached house and then subsequently a pair of semi-detached houses have been approved for the site. The statement further explains that the design strategy for the site would maintain the building line of the existing houses on the street and that the proposed two detached houses would be of a similar height to the existing houses, would be of a similar scale and massing as the neighbouring properties of 16 Carberry Road and 4 Delta Place, and would be finished externally to be in keeping with the existing houses in the area and to be sympathetic to the character of the Conservation Area. It is further stated that new trees would be planted along the southeast (roadside) boundary of the site to replace the 9 trees that would be removed.

In addition and in response to concerns regarding the application the applicant's agent has submitted further information in the form of an additional Supporting Statement, including

photographs of the neighbouring properties. In the Statement it is purported that there is an eclectic mix of properties in this part of the Inveresk Conservation Area, including new build properties, and that the variety of properties reflects, in form, style and size, the historical development of the street. It is further stated that Smeaton Grove reflects varying periods of historical development, and that the character and contrasts between the buildings of various ages, materials and styles, also contributes to the character of this part of Inveresk Conservation Area. The Statement goes on to explain that large and small houses of distinct design have been built, moving away from the traditional to a more modern approach in both fenestration treatment and built form. The Statement concludes that the wider surrounding area incorporates a variety of built forms from Victorian villas to present day new build properties, providing an eclectic mix of scale and massing around Delta Place and Smeaton Grove, and that in this context, the proposed two detached houses would be consistent with and would integrate into the existing residential streetscape in a manner that would not harm or be detrimental to the character or appearance of the area, but complimenting and integrating into the visual and historic character of the street.

Since the application was registered, amendments have been made to:

- i) correct errors on the drawings;
- ii) alter the red application site outline by reducing the size of the site towards its northeast corner to move it away from the existing garage of 16 Carberry Road;
- iii) provide details for the construction and finishes of the windows, doors and vehicular garage doors;
- iv) provide a section(s) through the proposed two houses;
- v) provide a roof plan for the proposed two houses;
- vi) clarify external finishes of the proposed two houses;
- vii) alter the positions of the proposed vehicular accesses and on-site parking provisions;
- viii) remove gates piers proposed for the proposed pedestrian accesses;
- ix) provide details for the proposed pedestrian gates; and
- x) provide details of the new tree planting and landscaping of the site.

These changes are shown on amended application drawings.

DEVELOPMENT PLAN

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 Development Plan 2018.

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of this application.

Policies RCA1 (Residential Character and Amenity), CH2 (Development Affecting Conservation Areas), CH4 (Scheduled Monuments and Archaeological Sites), CH5 (Battlefields), DP1 (Landscape Character), DP2 (Design), DP7 (Infill, Backland and Garden ground Development), NH8 (Trees and Development), T1 (Development Location and

Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 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: June 2014.

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. Planning permission should normally be refused for development within a conservation area that fails to preserve or enhance the character or appearance of the area.

Also material to the determination of the planning application is Scottish Ministers' guidance on housing quality. Planning Advice Note 67: Housing Quality explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

Also material to the determination of the application is Scottish Ministers' guidance on the impact of development on archaeological sites. It is stated in Scottish Planning Policy: June 2014 that that planning authorities should protect archaeological sites and monuments as an important finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. Planning Advice Note 2/2011: Planning and Archaeology similarly advises.

REPRESENTATIONS

Five public representations to the application have been received. All of the representations raise objection to the application and as summarised the grounds of objection are:

- i. the proposed detached houses would be very narrow in form and close together, and would be totally out of keeping with the character of development of Delta Place and injurious to the appearance of this part of the Conservation Area;
- ii. the two detached houses are too thin and would be an overdevelopment of the site, together occupying some 49% of the site compared to the average of 24% elsewhere in the area;
- iii. the development would result in a loss of existing views and the open aspect of the neighbourhood;
- iv. the development would be harmful to the amenity of neighbouring properties through overlooking and loss of privacy, and a loss of sunlight and daylight;
- v. the development would result in the loss of trees;
- vi. the proposed photovoltaic panels would be visible from Wedderburn Terrace and would not be appropriate for the Conservation Area;
- vii. the use of render for the finish of the external walls of the proposed houses would not be in keeping with the finishes of the rear elevations of houses of Delta Place and Carberry Road and would be visible in public views;
- viii. the proposal is too large for the plot and would be a crammed form of development; and
- ix. the applicant regularly parks business vehicles as well as his private vehicles on the road in the area and thus parking is likely to be a problem.

One of the representations also comments that the proposed development may result in changes having to be made to a development already approved (planning permission 13/01027/P) on what would remain of the garden of 16 Carberry Road for a detached garage with room above. Planning permission 13/01027/P has not been implemented and has now lapsed. Notwithstanding this, planning permission 13/01027/P was also made by the applicant for this current application, Mr Dennis Walton. If planning permission were to be granted for this current application (Ref. 17/00996/P) and if there is an overlap with the development site for planning permission 13/01027/P, it is for the applicant to consider the implications of this for that permission.

Another of the representations comments that the red application site outline is positioned so that it cuts through part of the existing garage of 16 Carberry Road. The red application site outline has been amended to reduce the size of the site at its northeast corner in order to accommodate that existing building.

PLANNING ASSESSMENT

Scottish Water has been consulted on the application however no response has been received from them.

The Coal Authority has commented on the proposal to state that the application site falls within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the

determination of this planning application. The Coal Authority records indicate that the site is located in an area of past recorded and probable unrecorded shallow coal mining activity.

The planning application is accompanied by a Coal Mining Risk Assessment report (Ref: GL2365/3471, dated 4th June 2018) prepared by DLM Mining Consultants Ltd. The Coal Authority have considered this report. They note that the Report is only valid for one year and they therefore assume that the Applicant has gained consent to use it at the current time and that the recommendations are still considered to be relevant and valid.

The Coal Authority notes that the Report recommends that intrusive site investigations are carried out on the site in order to establish the exact situation in respect of coal mining legacy issues and that consideration should be given to the risks posed by mine gas to the development. The Coal Authority welcomes the recommendation for the undertaking of remedial stabilisation works, and advises that these should be designed by a competent person, with the exact detail agreed with the Coal Authority's Permitting Team as part of a permit application.

The Coal Authority concurs with the recommendations of the Report that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

Accordingly, the Coal Authority raises no objection to the proposed development subject to a condition being imposed requiring the submission of a scheme of proposed remedial works for shallow mine workings for approval by the Coal Authority, and the implementation of those remedial works prior to the commencement of development. This matter can be controlled by a condition attached to a grant of planning permission for the proposed development.

The application site is within the designated battlefield site of the Battle of Pinkie. By being within the existing urban area of Musselburgh the proposed development of the site for the erection of two detached houses would not have an appreciable effect on the key features of the designated battlefield of the Battle of Pinkie. Historic Environment Scotland have no comments to make on the proposed development. Accordingly, the proposed development does not conflict with Policy CH5 of the adopted East Lothian Local Development Plan 2018.

The Council's Heritage Officer advises that the application site lies within an area known to contain high concentrations of archaeological remains, particularly of Roman and Iron Age date, and that historical mapping indicates that the site was an empty plot until it was incorporated into the garden of 16 Carberry Road in the mid 20th Century, which suggests that any remains have a good potential to have survived undisturbed. Thus, the Heritage Officer recommends that a condition be attached to a grant of planning permission requiring a Programme of Works (Archaeological Evaluation by Trial Trenching) to be carried out on the site by professional archaeologists prior to the commencement of development on the site. Subject to this planning control the proposed development is consistent with Scottish Planning Policy: June 2014, Planning Advice Note 2/2011: Planning and Archaeology and with Policy CH4 of the adopted East Lothian Local Development Plan 2018.

There is currently a line of 9 pollarded trees along the southeast edge of the application site and a birch tree and a eucalyptus tree positioned on the northwest part of application site. There is a line of further trees outwith the site to the northwest on part of what would remain of the

garden of 16 Carberry Road. The line of pollarded trees along the southeast boundary of the application site forms part of a longer line of trees, which extends along the southeast boundary of the property of 16 Carberry Road with Delta Place/Smeaton Grove. The application drawings show that the 9 pollarded trees would be removed and 6 replacement trees would be planted on this part of the site. A further 3 trees would be planted outwith the site to the northwest on part of what would remain of the garden of 16 Carberry Road. The eucalyptus tree on the northwest part of the site is also proposed to be removed and a replacement tree is proposed to be planted on that part of the site. The birch tree on the northwest part of the site would be retained.

The landscape advice from the Council's Policy and Strategy Team is that the trees that are proposed to be removed from the southeast part of the site have been heavily pollarded and thus the health and vigour of these trees has been compromised, and that the eucalyptus tree on the northwest part of the site is leaning excessively to the north. The landscape advice further is that the proposed landscaping scheme, including the 6 new trees along the southeast boundary of the site, the 3 new trees outwith the site to the northwest and the new tree on the northwest part of the site, is acceptable to mitigate for the loss of the 9 trees from the southeast part of the site and the eucalyptus tree from the northwest part of the site. The landscape advice also is that the birch tree that is proposed to be retained on the northwest part of the site should be protected during construction. The requirements for the replacement tree planting and landscape scheme, the retention of the birch tree, and the provision of temporary protective fencing could be secured through conditions attached to a grant of planning permission. Subject to such planning controls the proposed development is consistent with Policy NH8 of the adopted East Lothian Local Development Plan 2018.

The Council's Road Services advise that the proposed arrangements for site access, parking and turning for the proposed two detached houses are of an acceptable standard subject to: (i) the provision of 2 off street parking spaces for each of the proposed two houses; (ii) the driveways being hard formed over the first 2 metres to prevent loose material entering the public road; (iii) there being no gates at the new vehicular accesses unless those gates are sliding gates; and (iv) the driveways each having minimum visibility splays of at least 2 metres by 20 metres in both directions so that no obstruction lies within them above a height of 1.05 metres measured from the adjacent carriageway surface. These are matters that could be controlled by conditions of a grant of planning permission. Subject to the imposition of such conditions the proposed two detached houses could each be safely accessed and provided with an acceptable standard of off-street parking provision. Accordingly the proposed development is consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

On the matter of the impact of the proposed two detached houses on daylight and sunlight on neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair.

In their positions, and due to their orientation, the proposed two detached houses would not have a harmful impact on the daylight received by the houses of 16 Carberry Road to the northeast or 7 Wedderburn Terrace to the northwest.

The proposed two detached houses would be positioned in line with, and immediately adjacent to, the southwest boundary of the site and the existing house of 4 Delta Place. However, only half of those kitchen/dining room windows would suffer some loss of daylight due to the existence of the proposed two detached houses. Furthermore, the kitchen/dining room is also

served by a pair of sliding doors located on the northwest elevation of 4 Delta Place. Thus the loss of daylight to the kitchen/dining room would not result in harm to the amenity of the occupiers of the house of 4 Delta Place.

On the matter of sunlight, the proposed two detached houses, by virtue of their position and orientation would result in some overshadowing of the gardens of 4 Delta Place to the southwest, 7 and 7A Wedderburn Terrace to the northwest and what would remain as the garden of 16 Carberry Road to the northeast. However, that overshadowing would not be such that it would result in a harmful loss of sunlight to those neighbouring properties.

By virtue of their height, positioning, orientation and distance away from the neighbouring properties, the proposed two detached houses would not, in accordance with the guidance given in "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair, cause harmful loss of daylight or sunlight to the neighbouring residential properties and therefore would not have a harmful affect on the residential amenity of those properties. The proposed two detached houses should also receive a sufficient amount of daylight (skylight) and their gardens a sufficient amount of sunlight.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

The proposed two detached houses would be positioned more than 9 metres away from the northwest boundary of the site and would not have any directly facing windows within 18 metres of any neighbouring residential property to the northwest. Though the southeast elevations of the proposed two houses would be within 9 metres of the southeast boundary of the site this boundary abuts the public footpath and road of Delta Place/Smeaton Grove and not the garden ground of any neighbouring residential property. The proposed two detached houses would not have any directly facing windows within 18 metres of any neighbouring residential property to the southeast. In these circumstances the proposed two detached houses would not have a detrimental impact on the privacy and amenity of the residential properties located to the northwest and southeast of the application site.

There would only be one window on each of the northeast and southwest elevations of each of the proposed two detached houses and those windows would be at first floor level. Those windows (as relevant) would be respectively less than 9 metres away from the southwest and northeast boundaries of the application site and from the dividing boundary between the two proposed house plots. The window of the southwest elevation of the southwest most proposed house (labelled 'Block 1' on the application drawings) and the window of the northeast elevation of the northeast most proposed house (labelled 'Block 2' on the application drawings) would each serve a bathroom. The drawings submitted with the application indicate that the first floor bathroom windows of the proposed two houses would be obscurely glazed. Such obscure glazing would be sufficient to prevent any harmful overlooking at first floor level, respectively, of the house and garden of 4 Delta Place to the southwest and of the house of 16 Carberry Road and what would remain of its garden ground to the northeast. The requirement for such obscure glazing could be secured through a condition attached to a grant of planning permission.

The first floor window of the northeast elevation of 'Block 1' and the window of the southwest elevation of 'Block 2' would each serve a first floor hallway/landing and would be directly opposite each other at a distance of only some 2.6 metres. However, if they were to be fitted with obscure glazing, a detail that could be secured through a condition attached to a grant of planning permission, this would be sufficient to prevent harmful overlooking between the proposed two detached houses.

There would also be two roof windows in the southwest elevation roof slope of the southwest most proposed house ('Block 1'), two roof windows in the northeast elevation roof slope of the northeast most proposed house ('Block 2') and two roof windows in each of the northwest (rear) elevation roof slopes of each of the proposed two houses. Those roof windows would serve bedroom, bathroom and study rooms in each of the proposed two houses. However, due to their positioning and of their height above floor level those roof windows would not allow for harmful overlooking of the neighbouring houses and gardens of 4 Delta Place to the southwest and 16 Carberry Road to the northeast.

As the proposed two detached houses would be within Inveresk Conservation Area no additional openings could be formed in the southwest or northeast side elevations of each of the proposed two houses, respectively without the need for planning permission and thus the control of the Planning Authority. The 2 metres high wall proposed for each of the northeast and northwest boundaries of the site would provide screening between the gardens of the proposed two detached houses and what would remain of the garden of 16 Carberry Road. The existing 2m high wall along the southwest boundary of the site would provide screening between the garden of the southwestern most house of the proposed two detached houses and the garden of the house of 4 Delta Place. The proposed 1.8 metres high double-sided, close-boarded timber fencing that would be erected along the majority of the dividing boundary between the proposed house plots would provide screening between the private rear gardens of the proposed two detached houses.

The occupiers of the two proposed houses would also have sufficient privacy and amenity.

Subject to the aforementioned planning controls, on the foregoing matters of overshadowing and overlooking the proposed development is consistent with Policies DP2 and DP7 of the adopted East Lothian Local Development Plan 2018.

The Council's Senior Environmental Health Officer raises no objection to the proposed development.

The application site is within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. Policy RCA1 does not actively promote the development of land for new build residential development. The application site is not allocated for residential development in the adopted East Lothian Local Development Plan 2018. Although the principal purpose of Policy RCA1 is to ensure that the predominantly residential character and amenity of existing housing areas is safeguarded from the adverse impacts of uses other than housing it does state that proposals for new development will be assessed against appropriate local plan policies, which in the case of infill, backland and garden ground development is Policy DP7 of the adopted East Lothian Local Development Plan 2018.

To the north, south, west and east of the application site are residential properties. Furthermore, by the grants of planning permission 02/01347/FUL and 08/00004/FUL the principle of infill housing development of this site within Inveresk has been established. Accordingly, the proposed development would be infill housing development of part of an existing garden within Inveresk, the principle of which is supported by Policy DP7 of the adopted East Lothian Local Development Plan 2018.

It is now necessary to consider whether or not, with regard to national, strategic and local planning policy and other material considerations, the subdivision of the garden of 16 Carberry Road for the purpose of the proposed development of two detached houses and associated development would have an adverse impact on the character and appearance of the Conservation Area.

The grant of planning permission 02/01347/FUL establishes that the erection on the application site of one detached, two storey house would not be harmful to the character and appearance of this part of the Inveresk Conservation Area. The grant of planning permission 08/00004/FUL establishes that the erection on the application site of one large detached building designed to accommodate two semi-detached, two and a half storey houses would not be harmful to the character and appearance of this part of the Inveresk Conservation Area. The design concept now promoted in this planning application is for the erection on the site of two detached two and a half storey houses.

The proposed two detached houses in occupying some 39% of their respective proposed house plots would be sufficiently in keeping with the existing ratios of built form to undeveloped garden ground prevalent in the locality. The building of 16 Carberry Road would still occupy a large site with garden ground to the south and west of it.

There is sufficient land within the site to accommodate the proposed two houses, with sufficient sized gardens and adequate parking provision without there being an overdevelopment of it.

The proposed two detached houses would be a contemporary interpretation of traditional architectural character and appearance with a two and a half storey projecting gable to their front elevations, a projecting two storey bay window, timber framed traditional sash and case windows, timber external doors and a chimney. They would be two and a half storeys (10.1 metres) in height with accommodation in their roof space and would be built with the building line of their front elevations set back some 5m from the road. This would be similar to the roof height and building line of the neighbouring houses of 4 Delta Place and 16 Caarberry Road.

The houses of Delta Place adjacent to the proposed two houses, are predominantly of natural ashlar stone frontages. However there are also houses that have a painted rendered finish to their external walls. Subject to the stone of their front and side elevation walls being a natural ashlar stone, the palette of external finishes of the two houses would be in keeping with the palette of external finishes of the surrounding houses and buildings.

The proposed photovoltaic panels proposed for the rear elevation roof slopes of the two houses would not be readily visible in public views. They would be of a relatively small size in their relationship with the greater massing and height of the proposed two houses. Consequently they would not appear as overly conspicuous or incongruous features on the roofs of the

proposed two houses and would not harm the character and appearance of this part of the Inveresk Conservation Area.

The hardstanding areas proposed for the driveways to the front (southeast) of the proposed two detached houses would be surfaced with block pavements and the patio areas to the rear of the proposed two houses and the footpaths between them would be surfaced with paving slabs. Those hardstanding areas would not be harmful to the setting of the proposed two houses or to the character and appearance of this part of the Conservation Area.

It is proposed to enclose the northwest (rear) boundary of the site with a 2 metres high wall constructed of facing brick and to enclose the northeast (side) boundary of the site with a 2 metres high wall with a natural stone finish to its southwest side and a facing brick finish to its northeast side. Such a combination of natural stone and facing brick finishes would give the proposed northeast boundary wall an incongruous form and appearance harmful to the character and setting of the Conservation Area. Provided the length of the proposed northeast boundary wall between the front roadside boundary of the site back to a position in line with the front elevation of the garage of the northeast house of the proposed two detached houses is fully constructed of natural stone, a control that can be made conditional of a grant of planning permission for the proposed development, it would not have a harmful impact on the character and appearance of this part of the Conservation Area. Neither would the proposed facing brick northwest (rear) boundary wall.

To facilitate the proposed housing development of the site the 2.3 metres high stone wall that presently encloses the southeast (roadside) boundary of the site and the existing pedestrian access door within it would be removed and replaced by a low natural stone wall of a height of 0.65 metres with black painted galvanised steel railings above to a height of 1.3 metres and with 1.3 metres high black painted galvanised steel pedestrian gates. The front roadside boundary enclosures of many of the existing houses of Delta Place are of low natural stone walls some with black painted railings or hedging above and these are a characteristic of this part of the Conservation Area. Therefore, the low natural stone wall with black painted galvanised steel railings and gates would not have an adverse effect on the character and appearance of the street scene or of this part of the Conservation Area.

Notwithstanding all of the above, the overriding material planning consideration in the determination of this planning application is whether or not the proposed two houses would preserve or enhance the character and appearance of the Inveresk Conservation Area consistent with Policies CH2, DP1, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018 and with Scottish Planning Policy: June 2014.

The Inveresk Conservation Area Character Appraisal 2011 (updated 2018) describes this part of the Conservation Area as being the "Victorian Suburb". This part of the Inveresk Conservation Area is characterised predominantly by large Sandstone Victorian villas that are either detached or semi-detached. There are however also individual or small groups of 20th Century houses interspersed in this area. The Conservation Area Character Appraisal states that the original street pattern of houses facing the street within generous plots bounded by stone walls has been compromised by some of these later houses, which generally have smaller plots, have a different orientation and are constructed in a variety of different materials. However, the Character Appraisal further states that despite post Victorian houses comprising almost half of all houses in this part of Inveresk, their individual variety and visible difference only serve to emphasise the overall domination of the Victorian buildings with their generous

proportions and uniformity of design and materials, and the new houses at the west end of Smeaton Grove and Wedderburn Terrace reflect this Victorian character in their design, positioning and massing.

In contrast to the generous proportions of the houses of Carberry Road and Delta Place, each of the proposed two detached houses would have a frontage width of some 7.7 metres (excluding the attached single storey garage) and would be positioned some 2.6 metres apart from each other. In this, each of the proposed two detached houses would be considerably narrower in its width than the other houses of Carberry Road and Delta Place. The two houses immediately neighbouring the site, 16 Carberry Road and 4 Delta Place (excluding its attached single storey garage), each respectively have a frontage width of 11.9 metres and 12.8 metres.

These narrow frontage proportions, combined with their two and a half storey height and the 2.6 metres wide gap between them results in the proposed two detached houses having a disproportionately narrow form when viewed in the context of the generous proportions of the neighbouring houses. With such disproportionately narrow frontage proportions and form, the proposed two detached houses would be wholly out of keeping with the generous proportions and scale of the houses of Carberry Road and Delta Place of this part of the Inveresk Conservation Area. Whilst there has been other infill developments built within this part of the Inveresk Conservation Area, including on the opposite side of the road (Smeaton Grove) to the southeast of the application site, these infill developments are of a proportion, size, scale and massing in keeping with that of the houses of Smeaton Grove and Delta Place and with the character of the Inveresk Conservation Area.

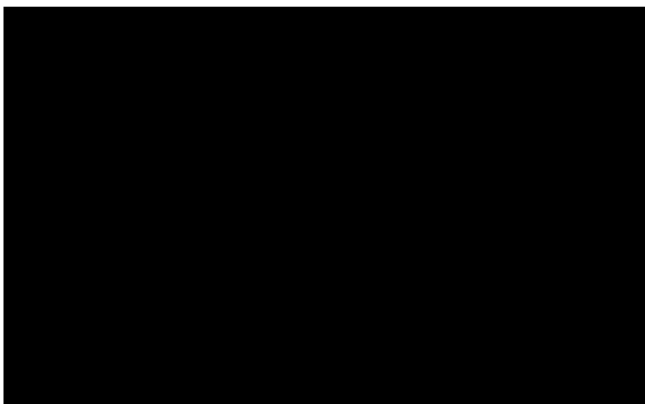
Therefore, and notwithstanding that on matters of their height, positioning and external finishes, the proposed two detached houses would be in keeping with the heights, positioning and finishes of the buildings of Delta Place, and that on these matters and on matters of privacy and amenity, road safety and the impact on trees on the site the proposed development would not conflict with relevant Local Development Plan policies, these matters are not sufficient to outweigh the material consideration that by their disproportionately narrow proportions and scale, the proposed two detached houses would be wholly out of keeping with the architectural character and appearance, and generous proportions of the buildings of Carberry Road and Delta Place and thus would be incongruous additions to the pattern and density of the built form of this part of the Inveresk Conservation Area. On this count they would not enhance the streetscape of Delta Place and would not be appropriate to their place. As unsympathetic and incongruous additions to the streetscape and to the pattern and density of built form of the area, the proposed two detached houses would not preserve or enhance the character and appearance of this part of the Inveresk Conservation Area contrary to Policies CH2, DP1, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018, Scottish Planning Policy: June 2014 and Planning Advice Note 67: Housing Quality.

REASONS FOR REFUSAL:

- 1 By their disproportionately narrow proportions and scale, the proposed two detached houses would be wholly out of keeping with the architectural character and appearance, and generous proportions of the buildings of Carberry Road and Delta Place and thus would be incongruous additions to the pattern and density of the built form of this part of the Inveresk Conservation Area. As such they would be an overdevelopment of the site that would not enhance the streetscape of Delta Place and would not be appropriate to their place. Accordingly, the proposed development is contrary to Policies DP1, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018 and Planning Advice Note 67: Housing Quality.

- 2 By their disproportionately narrow proportions and scale, the proposed two detached houses would be wholly out of keeping with the architectural character and appearance, and generous proportions of the buildings of Carberry Road and Delta Place. As unsympathetic and incongruous additions to the streetscape and to the pattern and density of built form of the area, the proposed two detached houses would not preserve or enhance the character and appearance of this part of the Inveresk Conservation Area. Accordingly, the proposed development is contrary to Policy CH2 of the adopted East Lothian Local Development Plan 2018, Scottish Planning Policy: June 2014 and Planning Advice Note 67: Housing Quality.

LETTERS FROM





7th April 2020

EAST LoTHIAN COUNCIL
PARTNERSHIPS & SERVICES FOR COMMUNITIES
Internal Memorandum

From: Landscape
Per: Dervilla Gowan
Ref: (LAN 63258)

To: Planning Delivery
Per: Stephanie McQueen
Ref: 17/00996/P

Date: 30th July 2018

PROPOSAL Erection of 2 detached houses with integral garages and associated works

LOCATION 16 Carberry Road, Inveresk, Musselburgh EH21 7TN

Background information

We provided landscape comments dated 10th January 2018 with reference Lan 62009 for the above application, the landscape advice provided still applies to this application.

Comments on current application

I refer to submitted plan titled: Landscape proposals, dated 10/07/2018, NTS @A3 with drawing reference # HD1020A (PL) 005. We require that the position of required temporary protective fencing (TPF) is clearly marked on the landscape proposal plan and the site layout plan. We require that dimension lines are added to help with setting out on site. Appendix 1, Figure 1.

As previously advised in comments with lan reference 62009, we require that a temporary protective fencing (TPF) detail and specification is clearly shown on the site layout and landscape proposal plan. We require that this information is added to the drawing and resubmitted. Appendix 1, Figure 1.

We require the above information is added to the landscape proposal and site layout plan and that the plans are resubmitted for approval by the LPA.

I refer to submitted plan titled: Landscape proposals, dated 10/07/2018, NTS @A3 with drawing reference # HD1020A (PL) 005. The proposals include replacement planting with the following:

- 6No Acer campestre 'Elegant' adjacent to the boundary with Delta Place, to mitigate for the loss of 9No lime trees.
- 3No. Tilia cordata 'Greenspire' adjacent to the north west boundary outwith the application site, to mitigate for the loss of 9No lime trees.
- 1No. Prunus 'Shimidsu Sakura' in the back garden of block 1, to mitigate for the loss of a eucalyptus. Appendix 1, Figure 3.

We confirm that the proposed replacement planting is satisfactory.

If you are minded to grant permission for this development, we recommend that the following landscape condition shall apply:

EAST LoTHIAN COUNCIL

(1) Tree Protection

No development shall commence until temporary protective fencing has been erected in accordance with that shown in the submitted and stamped approved plan titled: [INSERT TITLE]

The temporary protective fencing (TPF) shall be erected on the same date as the submission of the development commencement notice and shall remain intact and in place through to completion of development. An arborist shall submit an email with photographs of the TPF insitu to the LPA, prior to the commencement of development on site.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used. Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees. Any materials whose accidental spillage would cause damage to a tree shall be stored and handled well away from the outer edge of its RPA. Fires on sites should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of a fire and the wind direction should be taken into account when determining its location and it should be attended at all times until safe enough to leave.

Reason:

To ensure the retention and maintenance of trees which are an important landscape feature of the area.

(2) Tree retention

No trees, shrubs or hedgerows which are to be retained on submitted plan titled: [INSERT TITLE] other than the 10No. trees (1No. eucalyptus and 9No. lime) shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

To ensure the retention and protection of the trees on the site which are an important landscape feature of the area.

(3) landscaping

All planting, seeding or turfing comprised in the approved details approved plan titled: [INSERT TITLE] will be carried out in the first dormant season (Nov – Feb) following the occupation or completion of any part of the development hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be

EAST LoTHIAN COUNCIL

damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason;

To ensure that there is a natural boundary feature to the north site.

EAST LoTHIAN COUNCIL

Appendix 1.

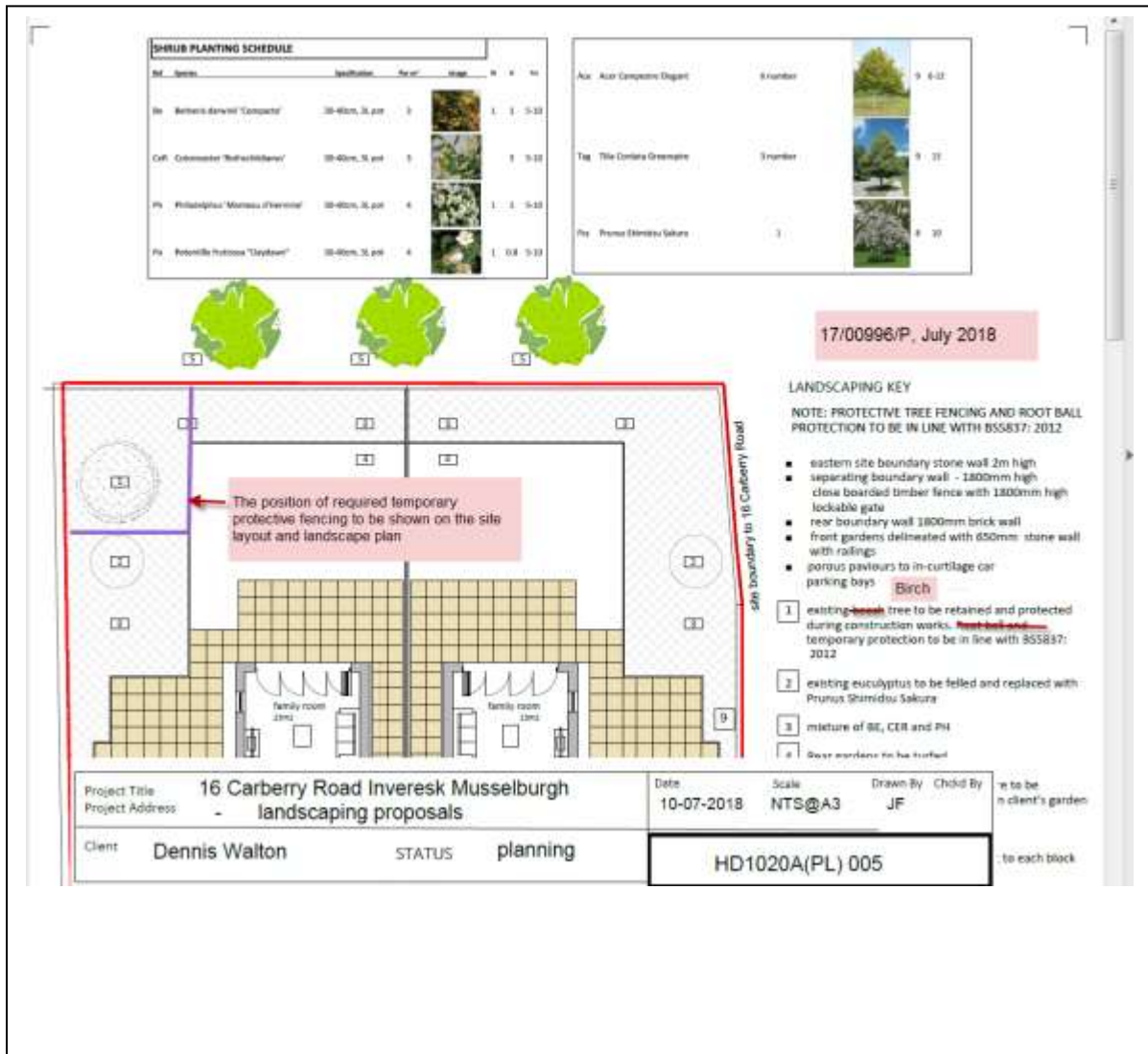


Figure 1. Submitted plan titled: Landscape proposals, dated 10/07/2018, NTS @A3 with drawing reference # HD1020A (PL) 005. As previously advised, we require that the position of required temporary protective fencing (TPF) is clearly marked on the landscape proposal plan and the site layout plan. We require that dimension lines are added to the TPF to help with setting out on site.

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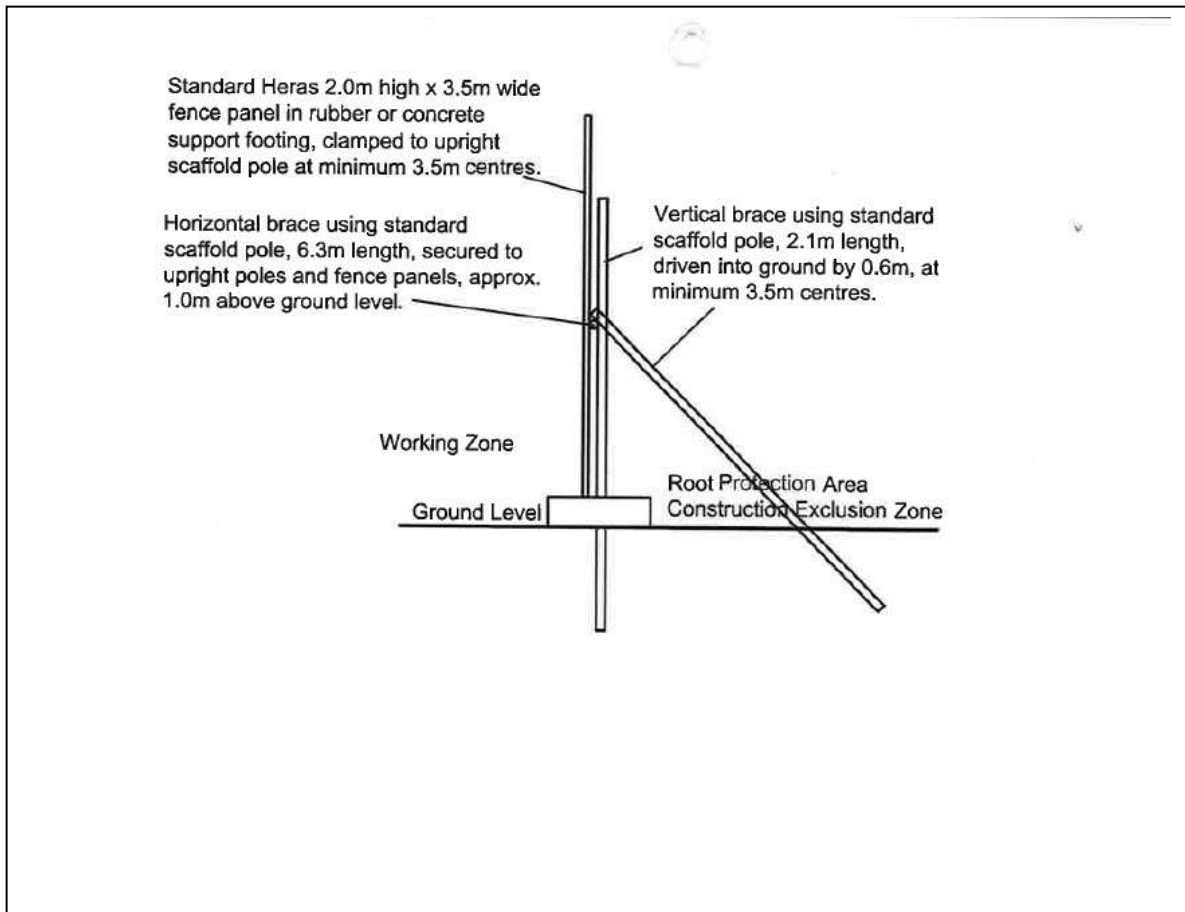


Figure 2. Temporary Protective fencing, detail approved by ELC. We require that this detail and specification is clearly shown on the site layout and landscape proposal plan.

EAST LoTHIAN COUNCIL

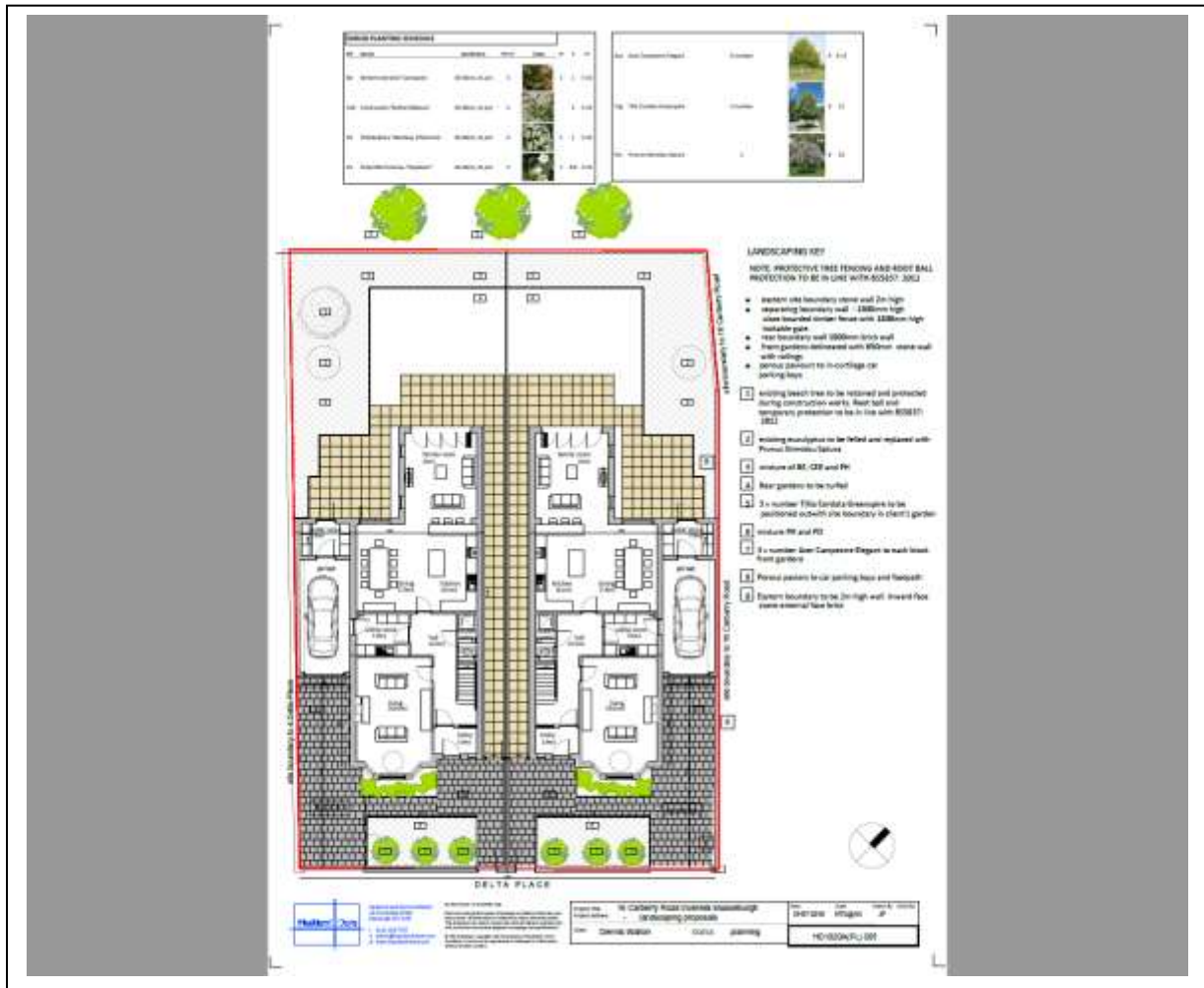
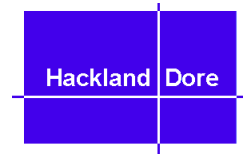


Figure 3. Submitted plan titled Landscape proposals, dated 10/07/2018, NTS @A3 with drawing reference # HD1020A (PL) 005. The proposals include replacement planting:

- 6No Acer campestre ‘Elegant’ adjacent to the boundary with Delta Place, to mitigate for the loss of 9No lime trees.
- 3No. Tilia cordata ‘Greenspire’ adjacent to the north west boundary outwith the application site, to mitigate for the loss of 9No lime trees.
- 1No. Prunus ‘Shimidsu Sakura’ in the back garden of block 1, to mitigate for the loss of a eucalyptus.

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HD1020A (PL) 001
DESIGN STATEMENT IN SUPPORT OF PLANNING APPLICATION FOR PROPOSED TWO NEW BUILD
DETACHED BLOCKS at 16 CARBERRY ROAD, INVERESK, EAST LoTHIAN

OCTOBER 2017

PLANNING APPLICATION REFERENCE 17/00996/P

Revision A August 2018

Applicant : Dennis Walton, 16 Carberry Road, Inveresk, East Lothian
Agent : Hackland + Dore Architects

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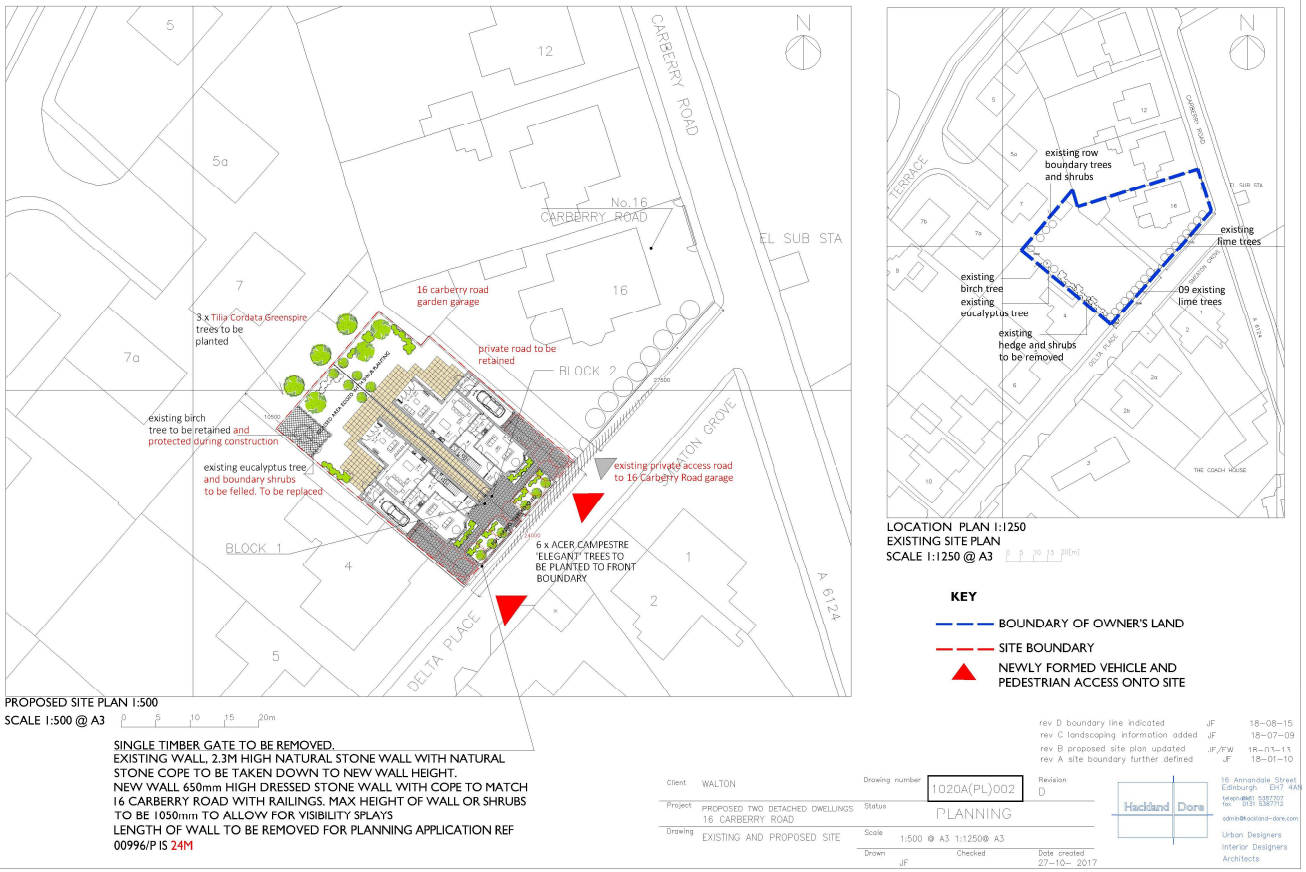
- 1.0 Introduction
- 2.0 Location
- 3.0 Context
- 4.0 Planning Policy
- 5.0 Site
- 6.0 Design Solution
- 7.0 Scale orientation and daylighting
- 8.0 Circulation parking and landscaping
- 9.0 Materials and elevational treatment
- 10.0 SUDS

INTRODUCTION

This design statement presents the design proposals and support information for the erection of two new build detached dwellings with associated hard and soft landscaping, vehicular and pedestrian access, within the garden ground of 16 Carberry Road, Inveresk, East Lothian.

LOCATION

16 Carberry Road is a corner plot on the western side of Carberry Road at the Junction with Delta Place and Smeaton Grove, Inveresk. The application site forms the south west of the garden of 16 Carberry Road, which is owned by the applicant.



Location and Site plan

CONTEXT

The site is in Inveresk Conservation Village and is bordered on three sites by existing brick walls and residential dwellings with a stone wall running along the Delta Place street elevation.



View into the north west of the proposed site within 16 Carberry Road



stone wall running along the Delta Place street elevation

The proposed development is an infill housing development part of an existing garden within a predominantly built up residential area.



Existing house at 16 Carberry Road, Inveresk



View from 16 Carberry Road garden looking onto Delta Place street

The character and appearance of this part of the conservation area is defined by large villas, mainly semi-detached and detached set in nature gardens with accompanying garages and outhouses. The buildings are situated along the main streets behind stone walls with traditional railings, gates and boundary landscaping. There is no predominant fall on the site.



large villas, mainly semi-detached and detached set in nature gardens with accompanying garages and outhouses.



hackland + dore architects 16 annandale street Edinburgh EH7 4AN admin@hackland-dore.com October 2017

There are nine pollarded trees to the south-east boundary of the site adjacent to the 2.3m high stone wall.



PLANNING POLICY

The following East Lothian Local Plan policies are of particular relevance to this development.

- Policy ENV1D (Regional and Local Natural and Built Environment Interest)
- Policy ENV1G Design of New Development
- Policy ENV1 (Residential Character and Amenity)
- Policy ENV4 (Development within Conservation areas)
- Policy DP1 (Landscape and Streetscape Character)
- Policy DP2 (Design)
- Policy DP7 (Infill, backland and garden ground development)
- Policy DP14 (Trees on or adjacent to development site)
- Policy DP22 (Private Parking)

PLANNING HISTORY OF SITE

1. 02/01347/FUL Planning consent was granted for the erection of a two-storey detached dwelling with garage in January 2004
2. 08/00004/FUL Erection of 2 houses with garages, formation of vehicular and pedestrian accesses and associated works granted Wed 03 Dec 2008
3. 09/00218/CAC Demolition of greenhouse, sunhouse and garden shed granted Wed 24 Jun 2009

4. 13/01027/P Formation of vehicular access, hardstanding area, erection of garage/storage building with room in roof space, walls, railings and gates granted Fri 21 Feb 2014 with conservation area consent
5. 13/01027/CAC | Demolition of gates and walls
6. 13/00940/P | Variation of Condition 1 of planning permission 08/00004/FUL to extend the time period for a further 3 years granted Fri 24 Jan 2014

SITE

The proposed development area within the overall site is approximately 890m². There is little if no slope. The main house at 16 Carberry Road is entered from Wedderburn Terrace on foot and via Delta Place for vehicles. These access routes will be retained on development of the site.

the old gate in Delta Place stone wall is now redundant



old gate in wall now redundant

The site is mainly grassed over with shrubs to the boundaries

DESIGN SOLUTION

The design strategy is to maintain the streetscape with the two new detached dwellings, following the building line of the existing houses on the street. New build houses are to be 2½ storey in height with bedroom accommodation within the pitched roof. Particular attention has been given to the building height which has been reduced by approx. 750mm from the previous planning consent (08/0004/FUL)

The front and side elevations of the detached blocks and front elevation of garage will be finished in varying course heights of smooth cast stone. The remaining walls will be finished in painted render.

Windows and doors to be timber with the windows traditional sash and case. Roof is to be clad in natural slate with photovoltaic panels to rear elevation. Single-storey flat roofed garage to the gable of both dwellings will be roofed in proprietary roofing system.



Proposed two detached dwellings

To give a degree of visual and acoustic separation from the main road and create a green boundary to the road, the boundary will have 6 number ACER campestre 'Elegant' to mitigate for the removal of the 9 existing lime trees to the boundary on Delta Place with additional low level shrubs

The two houses will be served by new vehicular and pedestrian access off Delta Place. To allow for this, the 2.3m high stone boundary wall along the south-east boundary of the site will be taken down. The low dressed stone wall with stone coping to be height of 650mm with railings and gates to maximum height of 1.3m. This is in context with the adjacent properties. A new 2m high inward stone facing wall will be erected along the north-east boundary with a 2m high brick wall to the north-west boundary in keeping with existing boundary walls within the site of 16 Carberry Road.

The scale height and mass of the proposed buildings are consistent with the existing property at 16 Carberry Road and the adjacent properties on Delta Place.

Materials have been selected to be sympathetic to the character of the conservation area.

SCALE ORIENTATION AND DAYLIGHTING

Proposed houses are 2½ storey in height with bedroom accommodation within the roof. Particular attention has been given to the building height which has been reduced by approx. 750mm from the previous planning consent (08/0004/FUL)

The proposed houses due to their positioning on the southern part of the site with their frontage onto Delta Place and to their size, scale, design and materials, is in keeping with the architectural character and appearance of Delta Place and enhances the streetscape and preserves the character and appearance of the conservation area.

All dwellings have level access directly to access footpath and private gardens.

The vertical emphasis of windows especially to the ground floor enables visual surveillance over garden area, parking and footpaths and enhances solar gain into the properties. House plans have been developed to provide good levels of natural light with practically planned and functional well-ventilated internal spaces in compliance with the building standards.

The proposed two houses, because of their reduced height, positioning, orientation, and distance from neighbouring properties will not cause harmful loss of daylight or sunlight to adjacent residential properties, or have a harmful effect on their residential amenity. Gardens comply with the planning standards and will receive greater than adequate sunlight.

CIRCULATION, PARKING AND LANDSCAPING

The proposed design creates site permeability and connectivity with footpaths linking into the main pedestrian footpath on Delta Place.

Driveway and footpath provision provides level access direct to the front entrances of the dwellings. Parking is located to the gable of dwellings to give ease of access and visual surveillance for safe parking providing two off street parking spaces additional to the garage.

The pollarded Lime trees on the south-eastern boundary are to be removed and replaced with 6 number ACER campestre 'Elegant' to mitigate for the removal of the 9 existing lime trees. It is proposed to plant three Tilia Cordata 'Greenspire' adjacent to the northwest boundary outwith the planning application site again to mitigate for the loss of the Lime trees. A Prunus 'Shimidsu Sakura' to be positioned in the back garden of block 1 to mitigate for the felled eucalyptus tree within this plot in line with East Lothian Council Landscape Department comments

Driveways and front footpaths to be porous pavements level access. Patio area to rear of houses will be slabbed to allow water percolation. Rear lawn will be grassed with low level shrubbing.

Refuse and recycling storage is in curtilage with roadside collection.

MATERIALS AND ELEVATIONAL TREATMENT

The building aesthetics follow the established tradition of Inveresk, the elevational treatment in keeping with the surrounding scale, character and massing of existing properties in Delta Place. Massing of the building reflects existing housing in the immediate area, with window and door openings aligning to each other.

The 2½ storey built form is sympathetic to adjacent properties and will not overshadow or detract from the amenity of its neighbours.

The front and side elevations of the semi-detached block will be finished in varying course heights of smooth cast stone. The remaining walls will be finished in painted render.

Windows and doors to be timber with the windows traditional sash and case. Roof is to be clad in natural slate with photovoltaic panels to rear elevation.

Single-storey flat roofed garage to the gable of both dwellings will be roofed in proprietary roofing system

SUDS

The site does not flood and does not feature on SEPA flooding maps.

Ground drainage and SUDS is dealt with by a combination of porous pavements and open patio slab joints. Ground conditions are improved by ensuring that subsoil is not compacted by thorough ripping before placing new topsoil.

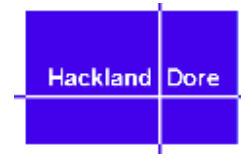
CONCLUSION

The proposal provides an integral design solution integrating into the wider community.

The use of landscaped areas to the front of the new block protects the development acoustically and provides privacy whilst integrating the development into the existing streetscape.

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HD1020A (PL) 200 - PLANNING APPLICATION REFERENCE 17/00996/P
SUPPLEMENTARY INFORMATION FOR ERECTION OF 2 DETACHED HOUSES WITH INTEGRAL GARAGE AT
16 CARBERRY ROAD, INVERESK, EAST LOTHIAN

APRIL 2020

PLANNING APPLICATION REFERENCE 17/00996/P

Applicant : Dennis Walton, 16 Carberry Road, Inveresk, East Lothian
Agent : Hackland + Dore Architects

INTRODUCTION

Planning application reference 17/00996/P was submitted to East Lothian Council in November 2017 for the erection of 2 detached houses with integral garages, associated hard and soft landscaping within the boundary of 16 Carberry Road, Inveresk.

Throughout the planning process and in line with planning officer and external consultant's comments, the proposals have been amended, and drawing information resubmitted. We have been advised that application 17/00996/P is to be recommended for refusal by East Lothian Planning department.

The reasons for refusal have been cited as:

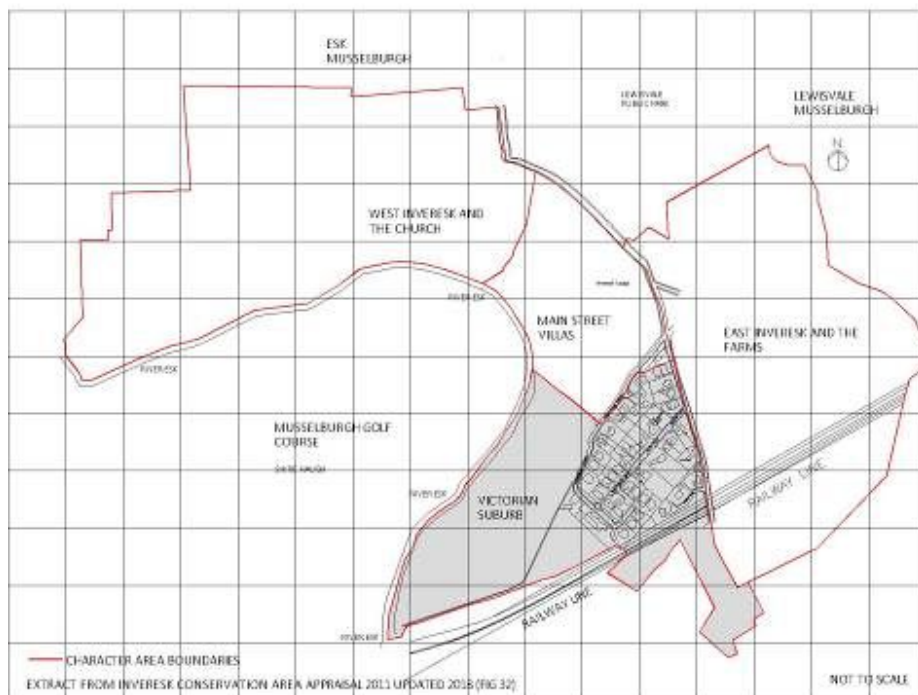
- a. Proposals out of keeping with the scale and massing of the nearby houses and buildings of Delta Place and Smeaton Grove,
- b. overdevelopment of the site and out of keeping with the character of the streetscape and the pattern of the built form of the area, and thus would be harmful to the streetscape and the character of this part of the Conservation Area.

The following comments and photographic records of the existing area are to demonstrate the eclectic mix of existing and recent new builds within the Inveresk Conservation Area, with particular emphasis on Delta Place and Smeaton Grove, the street on which it is proposed to erect the two new build detached dwellings. The variety of dwellings along this street reflect the historical development, in form, size and style, and therefore the proposed new build development will not be out of character and harmful to the streetscape of this diverse environment.

CONTEXT

Inveresk, to the south of Musselburgh, has been a designated conservation area since 1969.

INVERESK BOUNDARIES



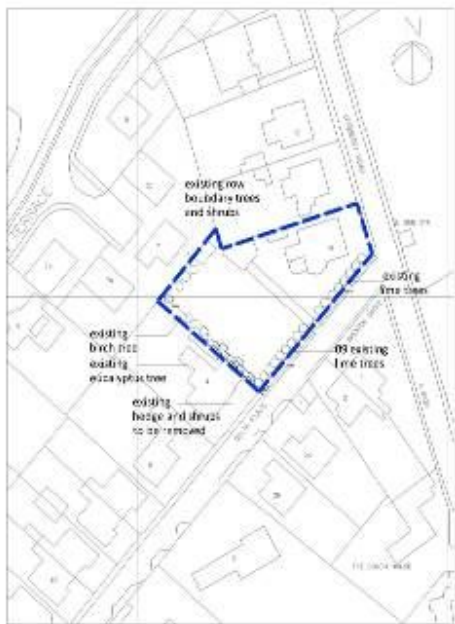
Inveresk Conservation Area Character Appraisal outlines four different character areas within Inveresk, defined by buildings, layout, age and setting:

1. Main Street Villas
2. West Inveresk and the Church
3. East Inveresk and the Farms *and*
4. Victorian Suburb

each area having *'their own distinctive types of architecture creating a unique sense of place'*

LOCATION

16 Carberry Road is a corner plot on the western side of Carberry Road at the Junction with Delta Place and Smeaton Grove, Inveresk. The application site forms the south west of the garden of 16 Carberry Road, which is owned by the applicant.



LOCATION PLAN

The Inveresk Conservation Area Appraisal describes this area as being part of the Victorian Suburb.

The Architectural Character of this area is described as:

- *Large predominantly grey sandstone Victorian villas dominate this part of Inveresk, particularly alongside the main road*
- *Boundary treatments are generally uniform with low stone boundary walls, some hedging and gates*
- *Since the 1950's many new houses have been inserted into the Victorian townscape as at Wedderburn Terrace, Delta Place and the new houses at Wedderburn House*
- *Little open space but open views outwards over the flat countryside*
- *Development along the main road in a finger of development rather than a solid urban edge*
- *Medium density development with smaller private gardens and a much less leafy character than in the older parts of Inveresk*

The proposed development of two detached villas will sit within the existing garden of a predominantly residential area. Delta Place primarily defined by villas, both semi-detached and detached, are set in gardens with accompanying garages and outhouses.

PROPOSED TWO NEW BUILD DETACHED DWELLINGS - Planning Application 17/00996/P ; SUPPLEMENTARY INFORMATION
 HD1020A(PL)200
 EXISTING VILLAS



A: 4 DELTA PLACE



B: 1 and 2 SMEATON GROVE



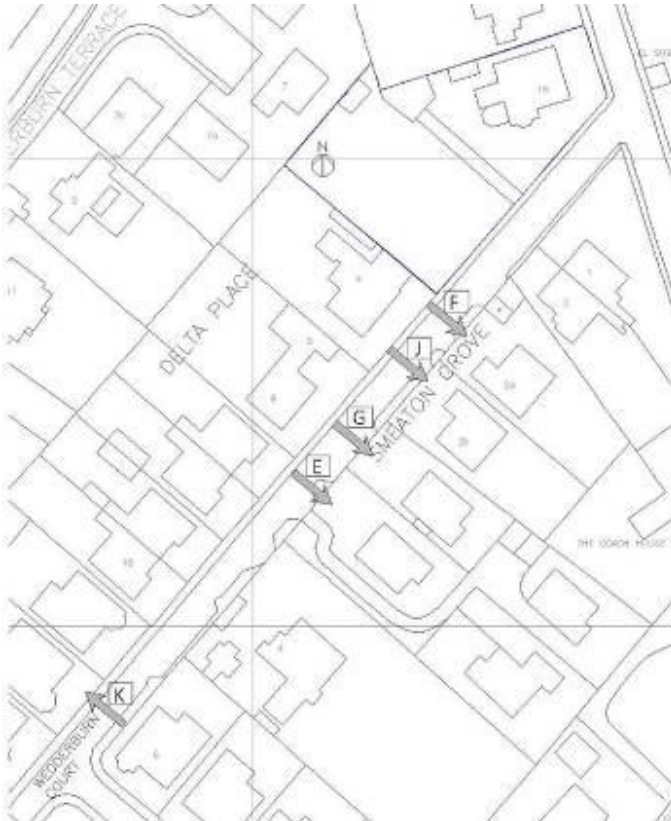
C: 6 DELTA PLACE



D: 5 DELTA PLACE

PROPOSED TWO NEW BUILD DETACHED DWELLINGS - Planning Application 17/00996/P ; **SUPPLEMENTARY INFORMATION HD1020A(PL)200**

Smeaton Grove reflects varying periods of historical development, the character and contrasts between the buildings of various ages, materials and styles, also contributes to the character of this part of Inveresk Conservation Area. Large and small houses of distinct design have been built, moving away from the traditional to a more modern approach in both fenestration treatment and built form



F: 2A SMEATON GROVE



J: 2B SMEATON GROVE



E: 3B SMEATON GROVE



G: 3A and 3B SMEATON GROVE



K: 4 WEDDERBURN COURT

PLANNING HISTORY OF SITE

1. 02/01347/FUL Planning consent was granted for the erection of a two-storey detached dwelling with garage in January 2004
2. 08/00004/FUL Erection of 2 houses with garages, formation of vehicular and pedestrian accesses and associated works granted Wed 03 Dec 2008
3. 09/00218/CAC Demolition of greenhouse, sunhouse and garden shed granted Wed 24 Jun 2009
4. 13/01027/P Formation of vehicular access, hardstanding area, erection of garage/storage building with room in roof space, walls, railings and gates granted Fri 21 Feb 2014 with conservation area consent
5. 13/01027/CAC | Demolition of gates and walls
6. 13/00940/P | Variation of Condition 1 of planning permission 08/00004/FUL to extend the time period for a further 3 years granted Fri 24 Jan 2014

DESIGN SOLUTION

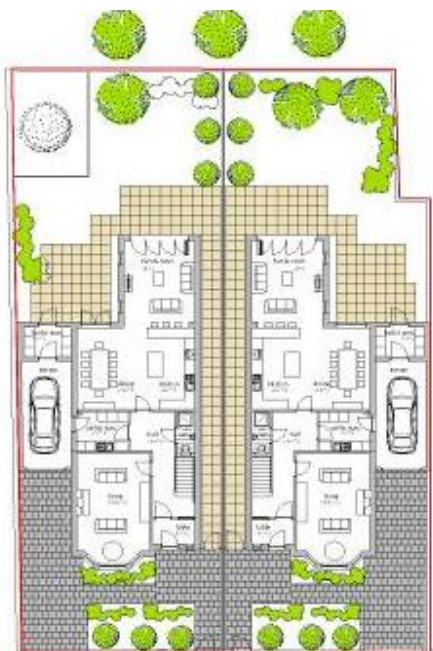
The proposals show the two new detached dwellings maintaining the streetscape following the building line of the adjacent house at 4 Delta Place and following the pattern of the existing houses on the street.



Particular attention has been given to the building height which has been reduced by approx. 750mm from the previous planning consent (08/0004/FUL)

In line with Transportation’s comments it is proposed:

- a. no gates to be installed at the driveway entrances- any gates installed are to be sliding gates not to encroach on the parking/driveway areas
- b. first 2m of driveway is to be hard formed with porous material used for the surface finish of the driveway.
- c. Driveway to be minimum length of 11m
- d. driveways to have minimum visibility splay of at least 2 metres by 20 metres in both directions so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface



In line with Landscape and Services comments it is proposed:

- e. existing birch tree to be retained and protected during construction works. Root ball and temporary protection to be in line with BS5837: 2012
- f. existing eucalyptus to be felled and replaced with Prunus Shimidsu Sakura
- g. 3 x Tilia Cordata Greenspire trees to be planted outwith garden boundaries in lieu of removed pollarded lime trees to front boundary

PROPOSED TWO NEW BUILD DETACHED DWELLINGS - Planning Application 17/00996/P ; **SUPPLEMENTARY INFORMATION HD1020A(PL)200**

The two houses have vehicular and pedestrian access off Delta Place. To allow for this, the existing 2.3m high stone boundary wall along the street will be taken down to a height of 650mm with railings and pedestrian access gates in context with the adjacent properties.



6 Delta Place

5 Delta Place

4 Delta Place

Proposed two new build

16 Carberry Road

STREET ELEVATION onto DELTA PLACE

CONCLUSION

Main attributes that define characteristics of an area are the physical arrangement and stylistic interpretation of the built-form integrated within the environment of the local community.

The wider surrounding area incorporates a variety of built forms from Victorian villas to present day new build properties, providing an eclectic mix of scale and massing around Delta Place and Smeaton Grove. The proposed two houses height, positioning, orientation, and distance from neighbouring properties will not cause harmful loss of daylight or sunlight to adjacent residential properties.

The vertical emphasis of windows and floor plans have been developed to provide good levels of natural light with practical, functional well-ventilated internal spaces.

The overall scale, height and mass of the proposed new builds are consistent with the eclectic mixture of existing dwellings along Delta Place and Smeaton Grove and will integrate into existing residential streetscape.

With a limited palate of materials reflecting the Victorian ideology of steeply pitched roofs, large vertical sash and case windows and decorative railings, both on buildings and defining street boundaries, compliments the streetscape. Connection to the street follows the existing pattern and reflects the adjacent properties, the front gardens, driveway and boundary wall with railings, forming a sensitive relationship with the main street.

The proposed trees will provide a natural boundary to the habitable rooms of the new build, in line with the new properties further down the road. The size and scale of the fenestration on the main street elevation are proportionate to the adjacent properties and traditional in style appropriate to the character of the street

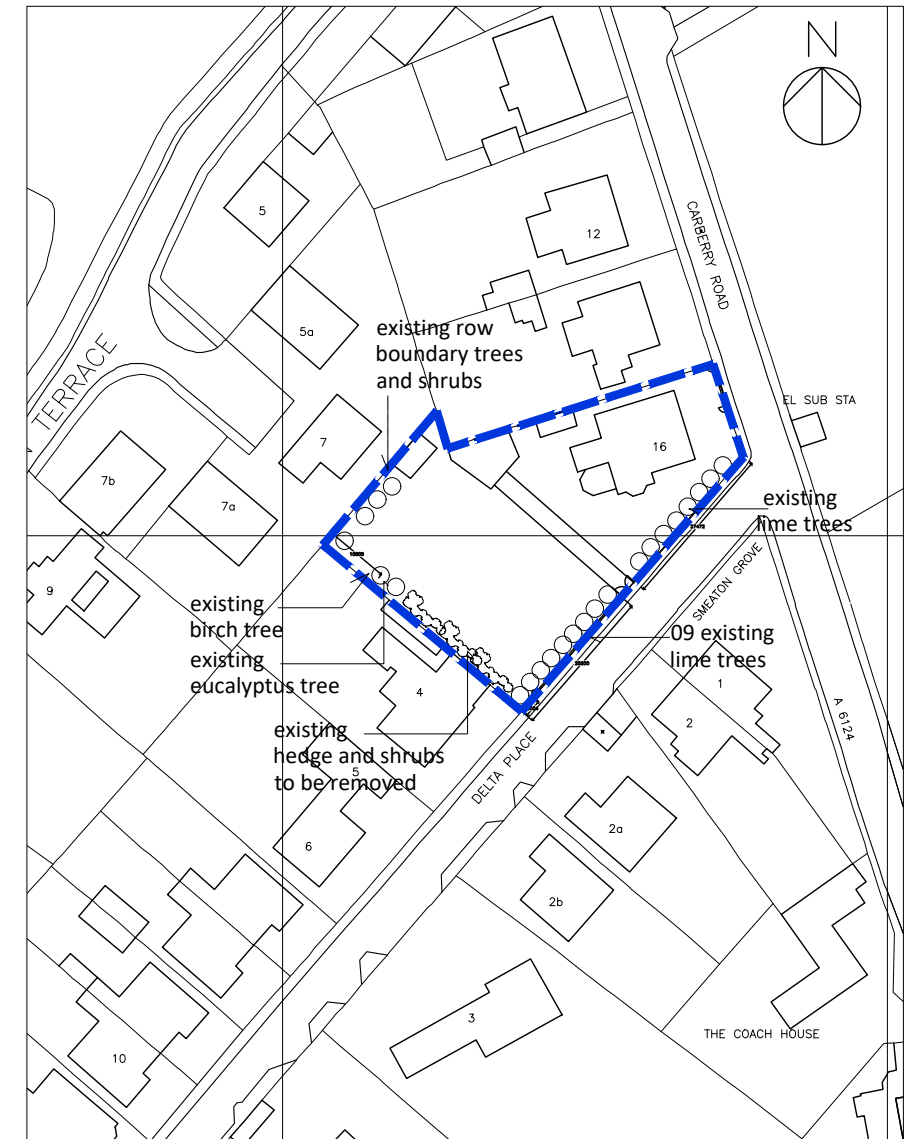
In conservation areas, it is the protection of the quality and special interest of the neighbourhood or area as a whole, rather than specific buildings. The proposed layout of boundaries, sensitive design to the overall form and connection to the existing roads, trees and street features, and by reflecting the characteristic building materials of the area, the proposed new builds will not harm or be detrimental to the character or appearance of the area, but complimenting and integrating into the visual and historic character of the street.



PROPOSED SITE PLAN 1:500

SCALE 1:500 @ A3

SINGLE TIMBER GATE TO BE REMOVED.
EXISTING WALL, 2.3M HIGH NATURAL STONE WALL WITH NATURAL STONE COPE TO BE TAKEN DOWN TO NEW WALL HEIGHT.
NEW WALL 650mm HIGH DRESSED STONE WALL WITH COPE TO MATCH 16 CARBERRY ROAD WITH RAILINGS. MAX HEIGHT OF WALL OR SHRUBS TO BE 1050mm TO ALLOW FOR VISIBILITY SPLAYS
LENGTH OF WALL TO BE REMOVED FOR PLANNING APPLICATION REF 00996/P IS 24M



LOCATION PLAN 1:1250

EXISTING SITE PLAN

SCALE 1:1250 @ A3

KEY

- BOUNDARY OF OWNER'S LAND
- SITE BOUNDARY
- ▲ NEWLY FORMED VEHICLE AND PEDESTRIAN ACCESS ONTO SITE

rev E note added - eucalyptus tree replaced with prunus shimidsu sakura	JF	20-03-14
rev D boundary line as original	JF	18-08-15
rev C landscaping information added	JF	18-07-09
rev B proposed site plan updated	JF/EW	18-03-13
rev A site boundary further defined	JF	18-01-10

Client **WALTON**

Project **PROPOSED TWO DETACHED DWELLINGS 16 CARBERRY ROAD**

Drawing **EXISTING AND PROPOSED SITE**

Drawing number

1020A(PL)002

Status

PLANNING

Scale

1:500 @ A3 1:1250 @ A3

Drawn

JF

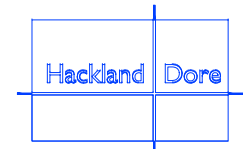
Checked

Date created

27-10-2017

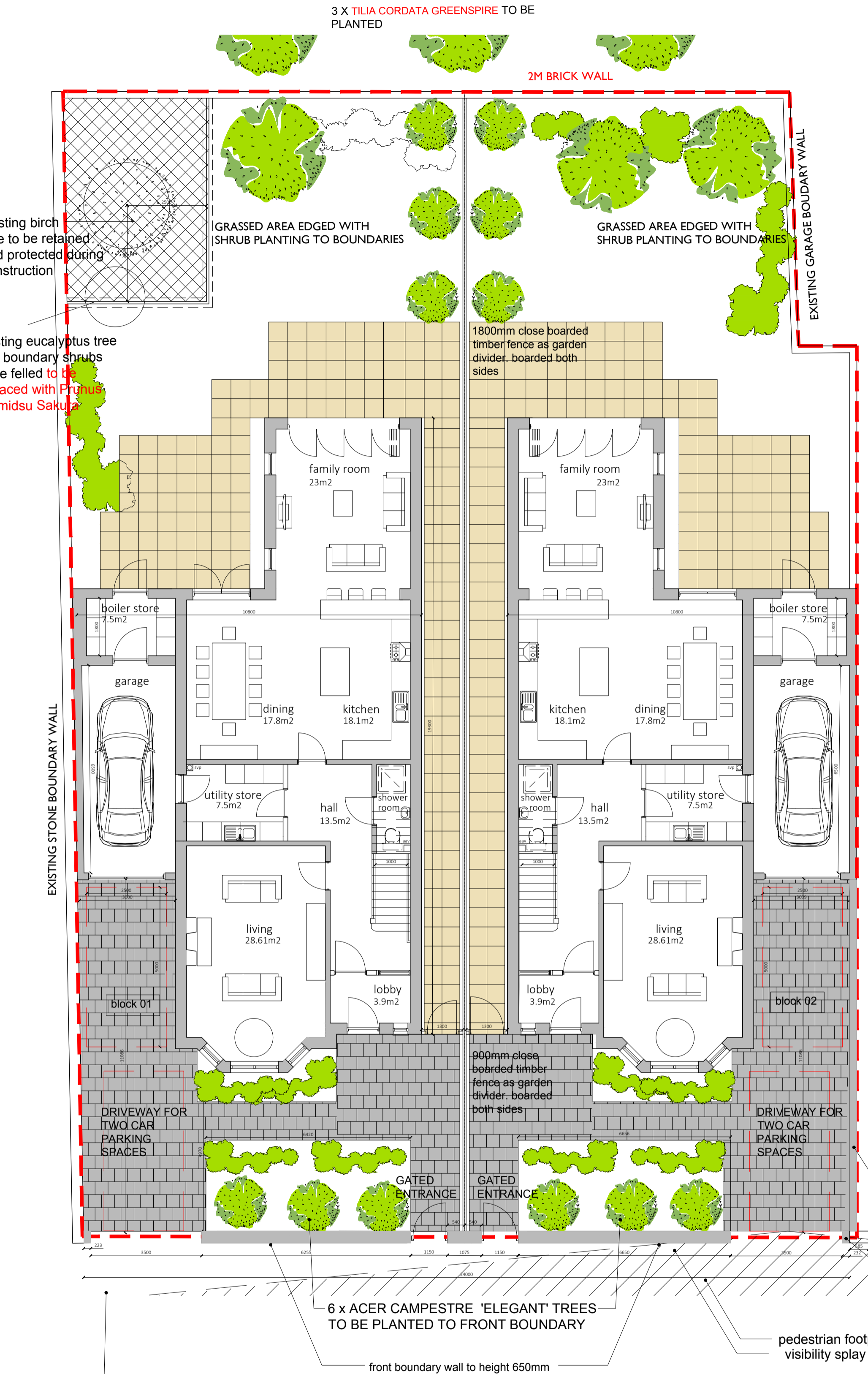
Revision

E

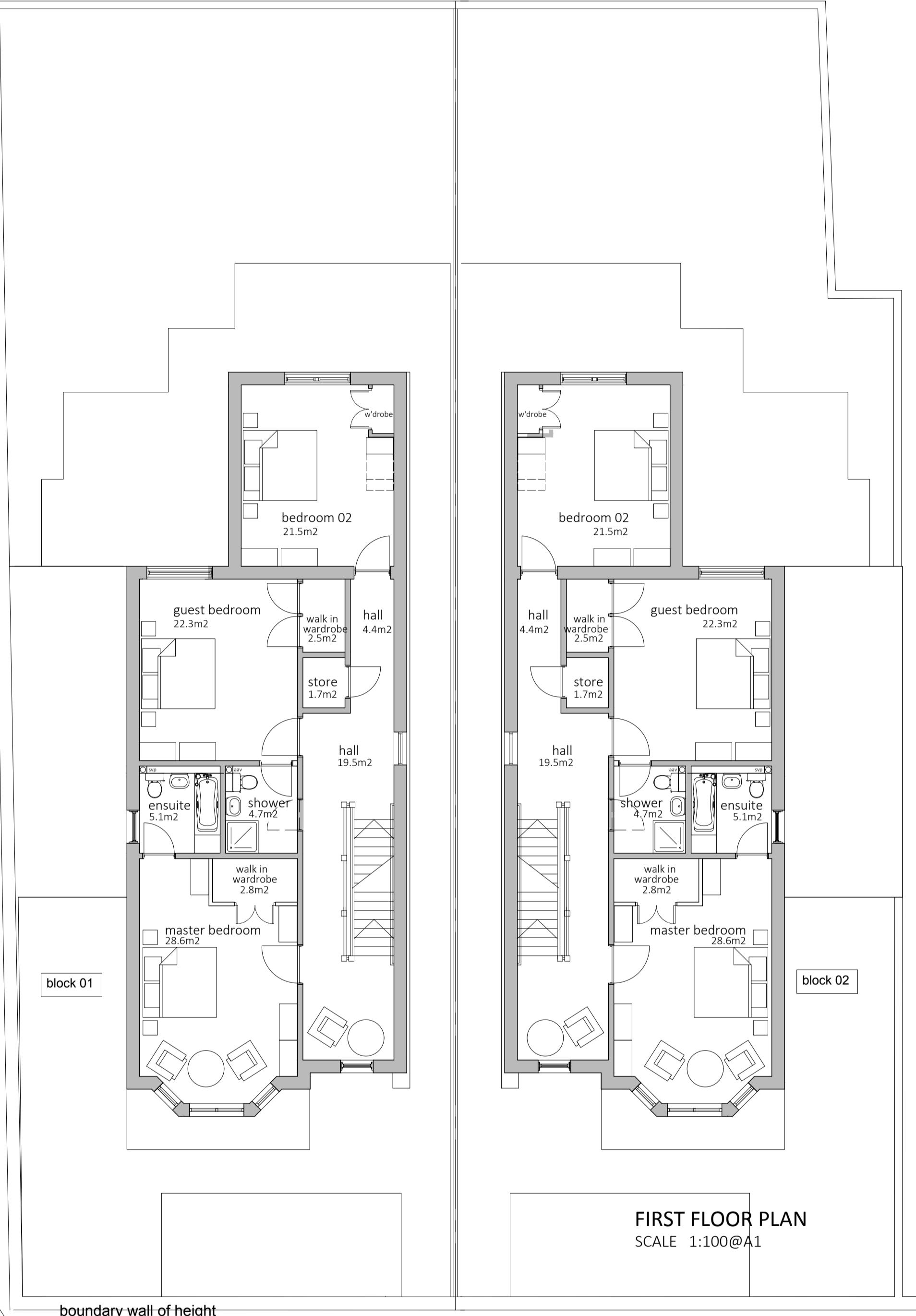


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Architects

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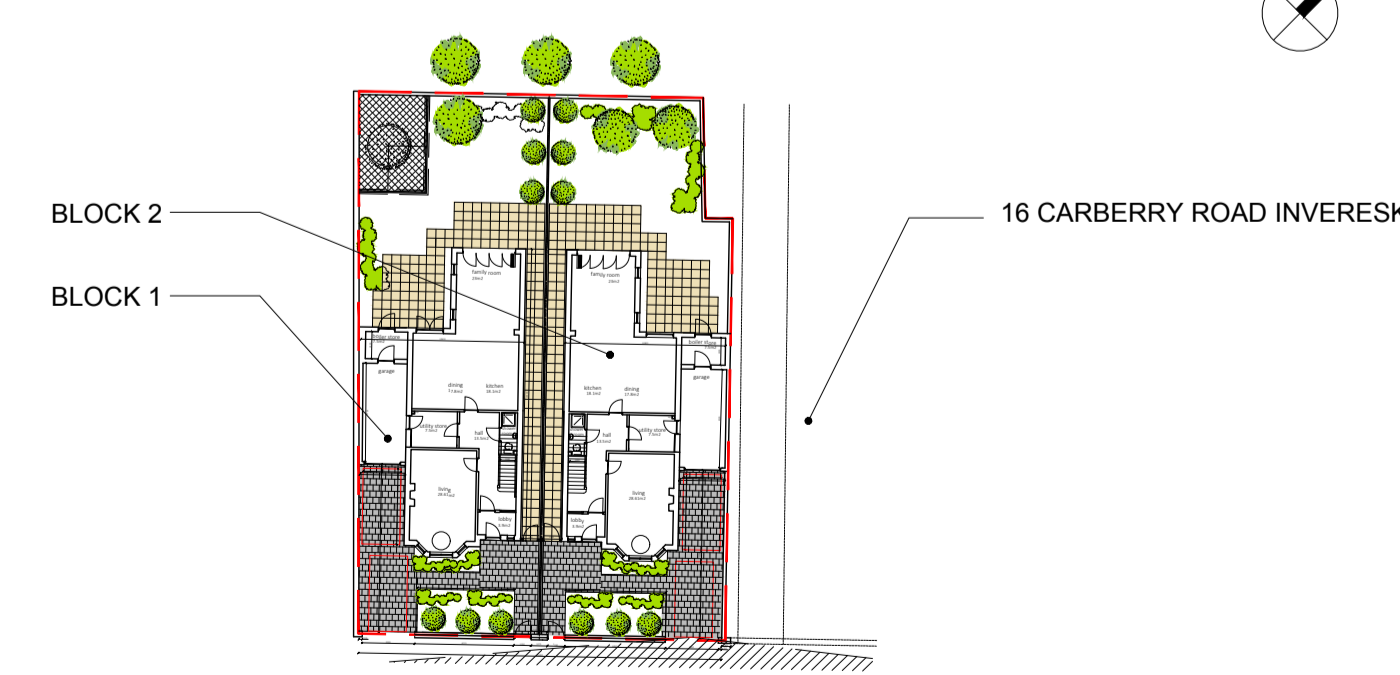
GROUND FLOOR PLAN
SCALE 1:100@A1



FIRST FLOOR PLAN
SCALE 1:100@A1



SECOND FLOOR PLAN
SCALE 1:100@A1

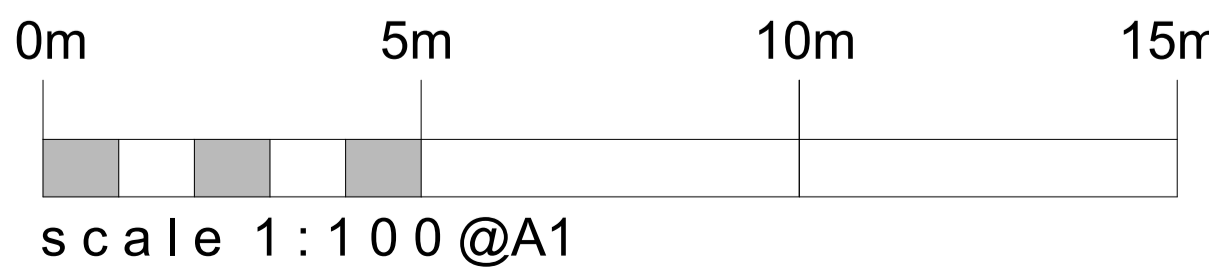


SITE LAYOUT
SCALE 1:500@A1

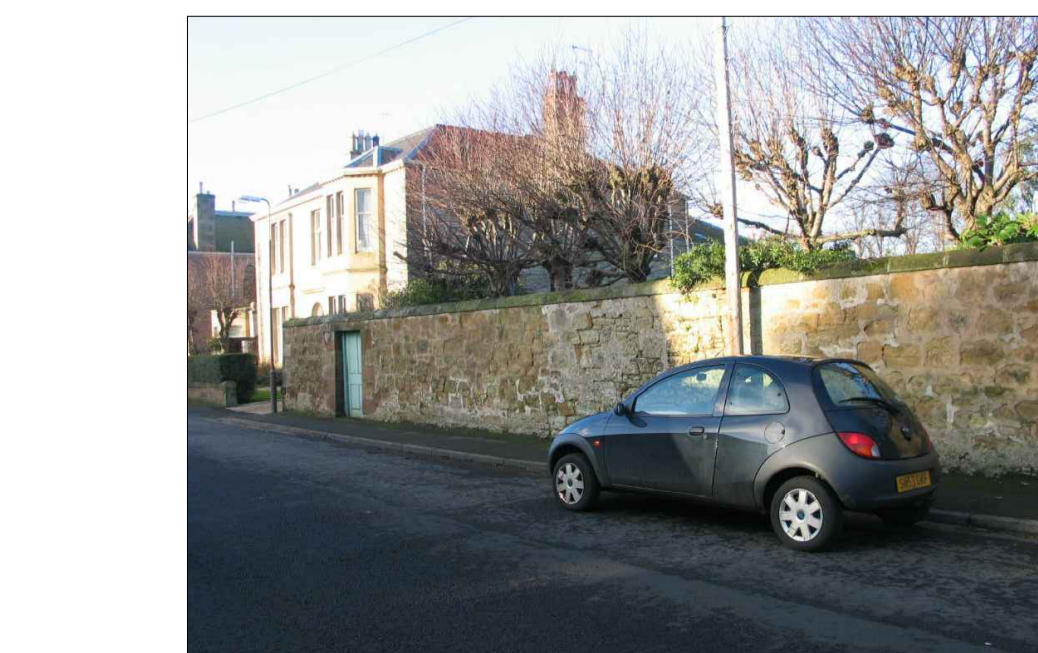
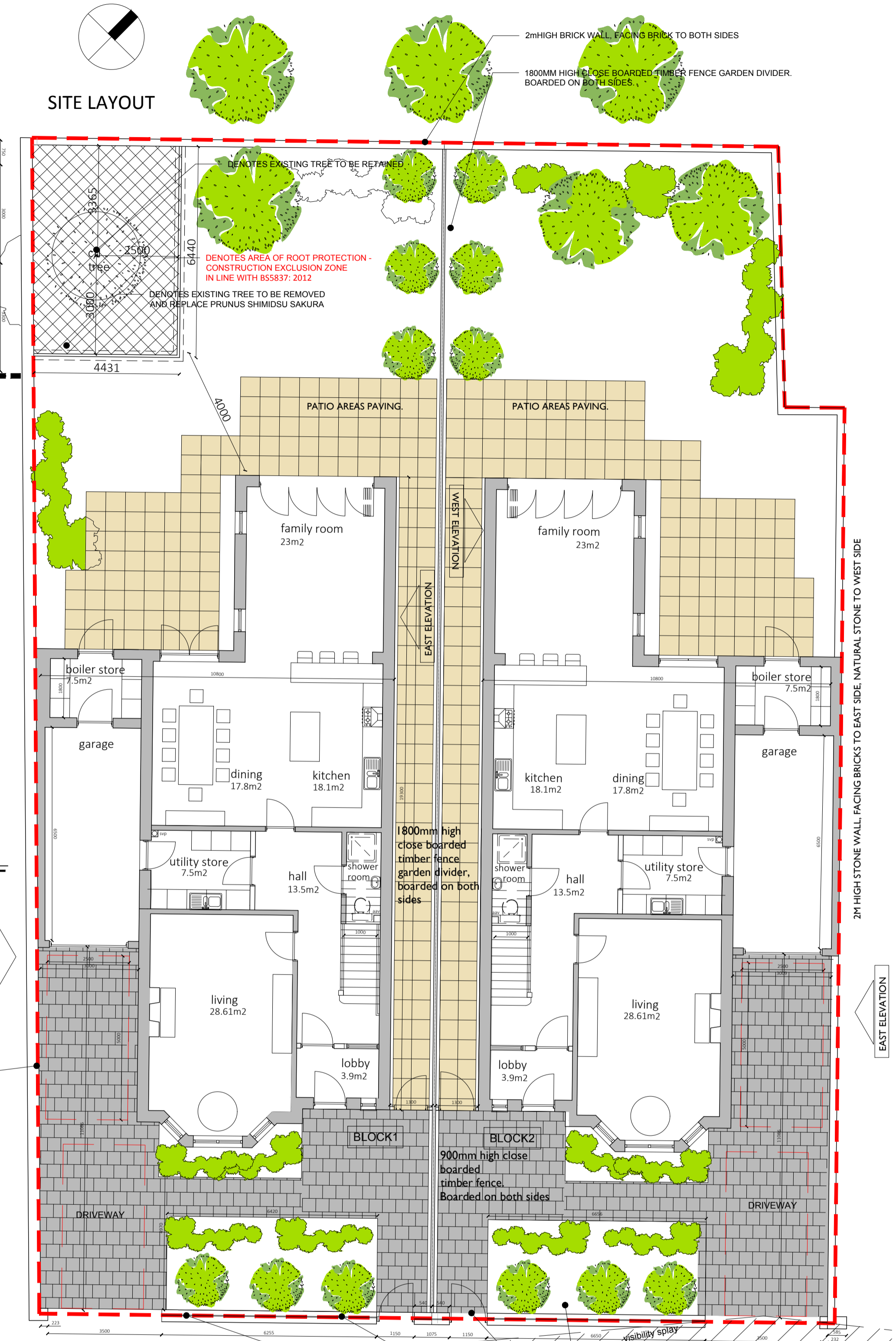
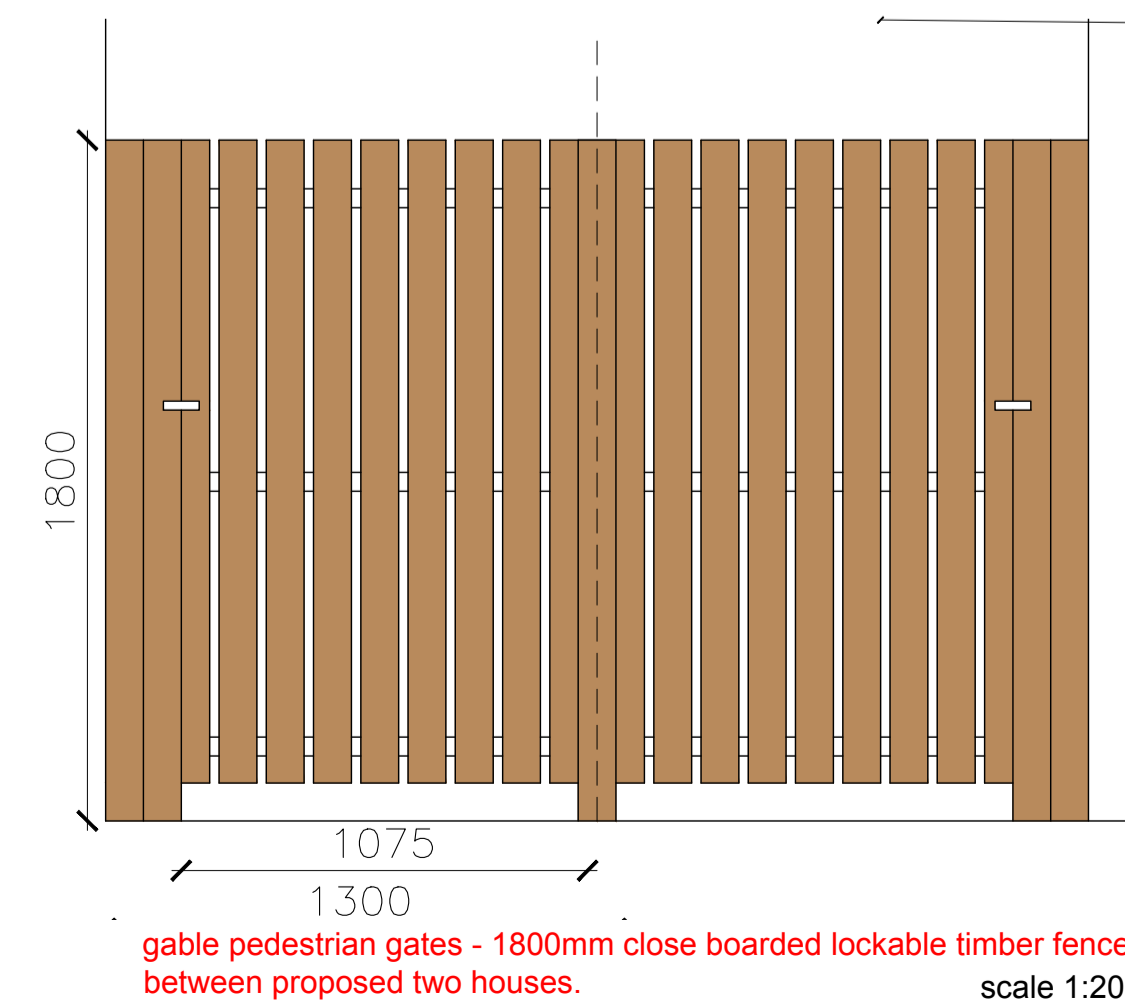
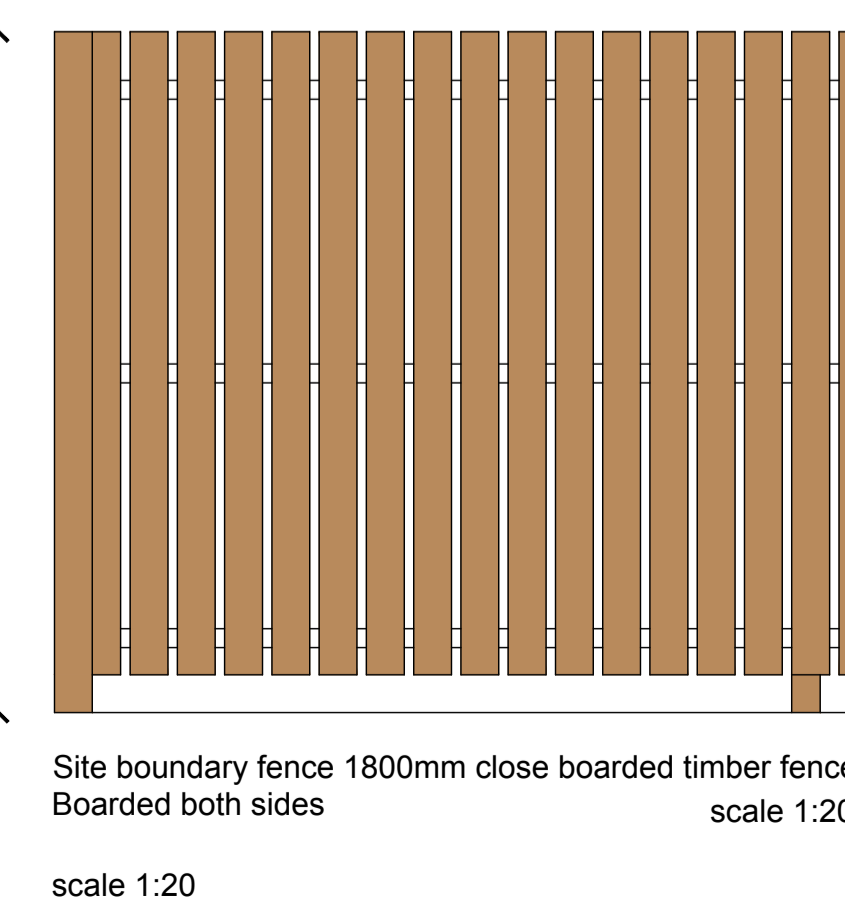
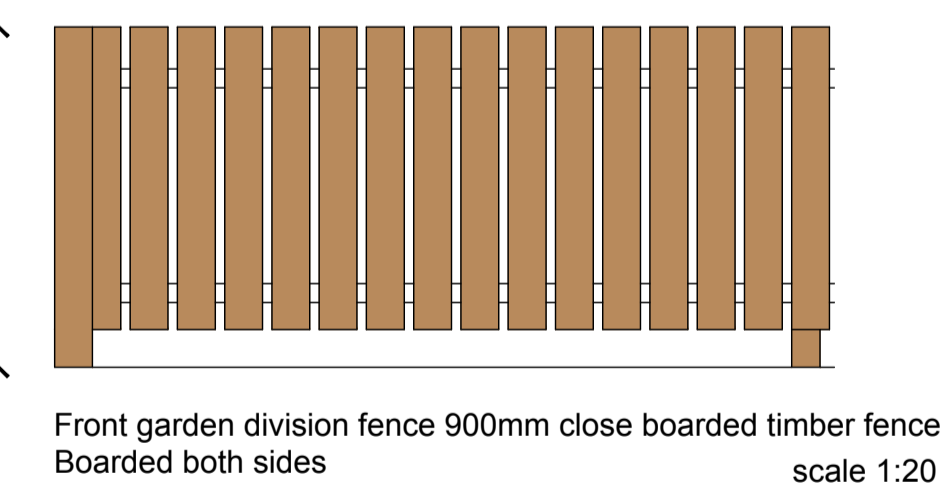
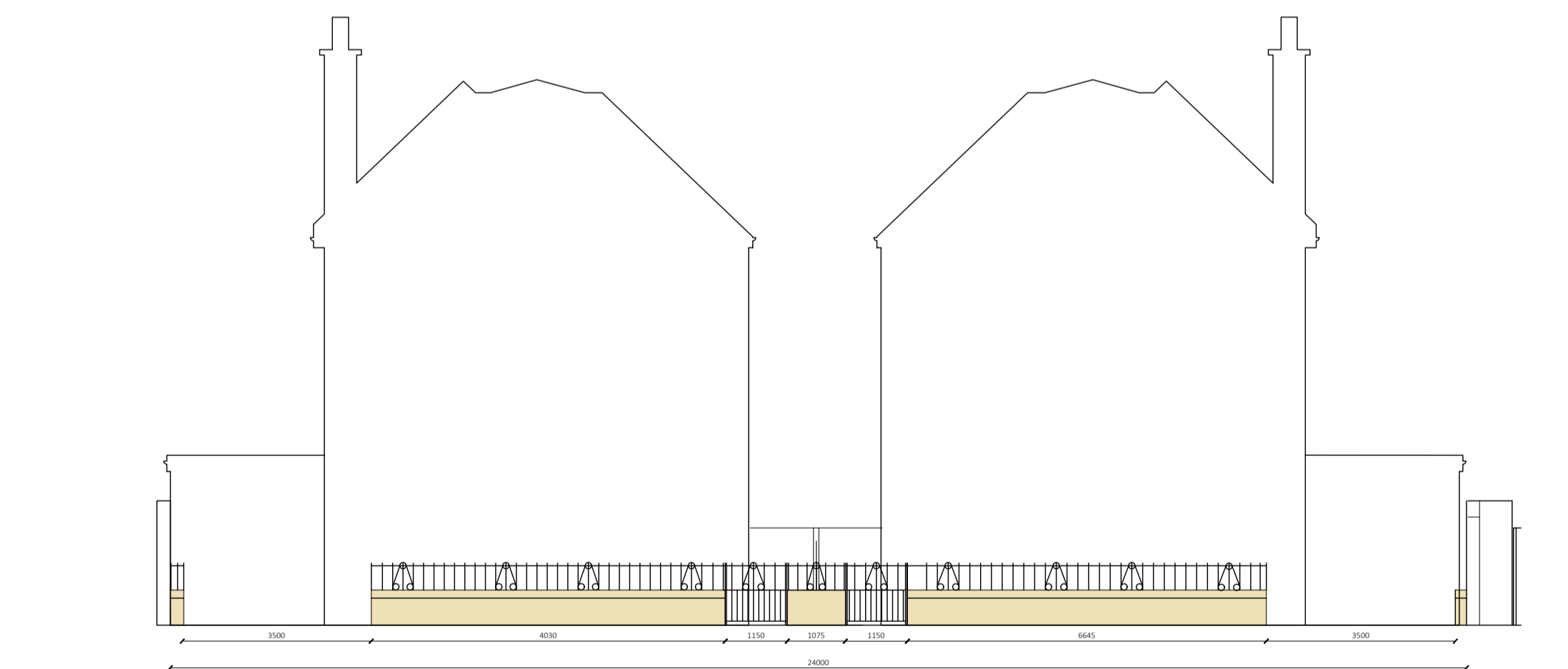
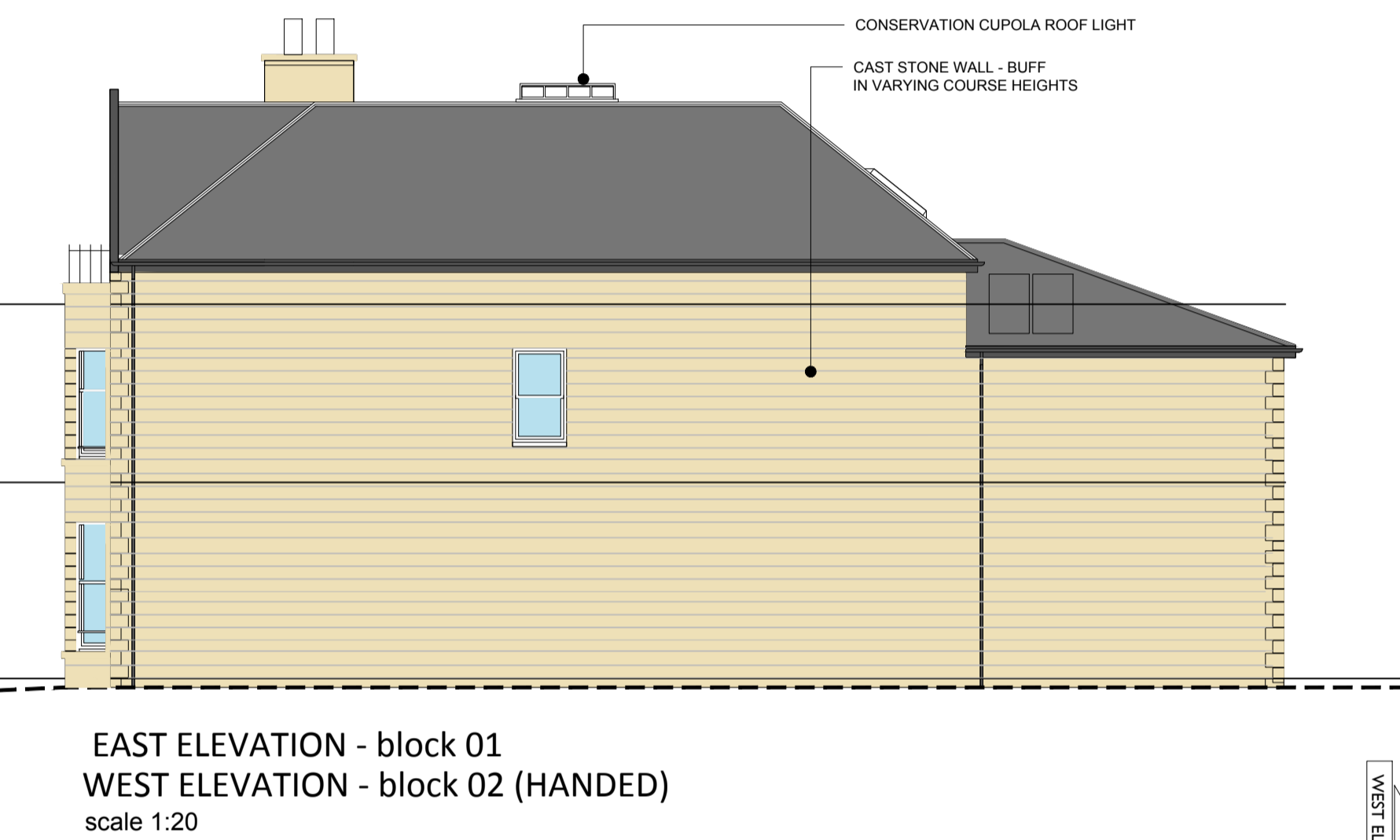
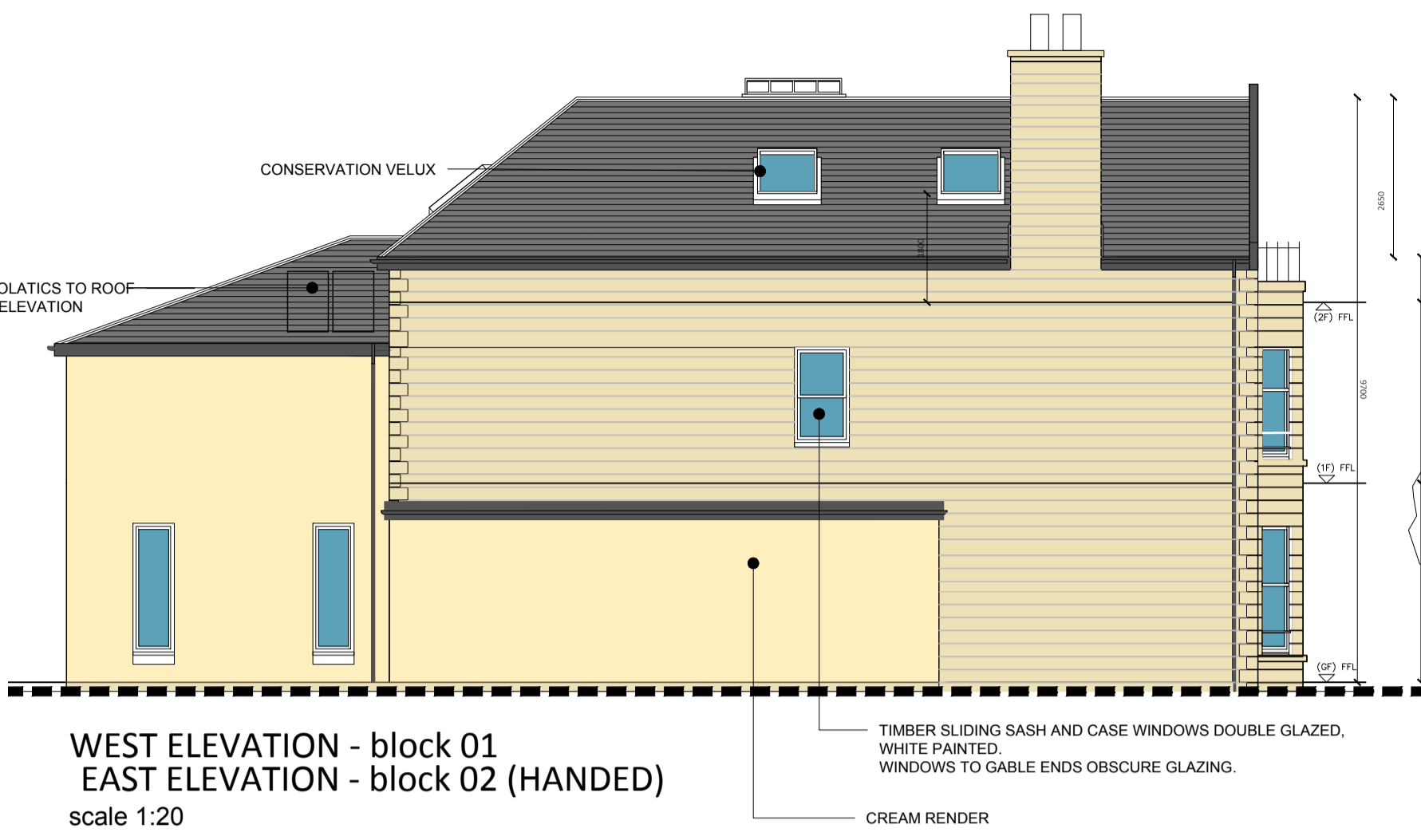
SINGLE TIMBER GATE TO BE REMOVED.
EXISTING WALL, 2.3M HIGH NATURAL STONE WALL WITH NATURAL STONE COPE TO BE REMOVED.
NEW WALL 650mm HIGH DRESSED STONE WALL TO MATCH 16 CARBERRY ROAD. NEW WALL TO HAVE RAILINGS TO MATCH 14 CARBERRY ROAD. ALL NEW VEGETATION TO BE KEPT TO MAX HEIGHT OF 1050mm FOR VISIBILITY SPLAY

NOTE: VISIBILITY SPLAY TO BE 2m x 20m TAKEN FROM FRONT PEDESTRIAN FOOTPATH. TO BE IN LINE WITH ELC TRANSPORTATION DEPARTMENT.

- rev E boundary line reinstated, note referring to corner wall removed 18-08-15 JF
- rev D trees in rear gardens added 18-07-10 JF
- rev C Vehicular site access amended, tree references added, front wall 650mm 18-03-16 EW/JF
- rev B boiler room reduced in size and car parking spaces in front of garage shown, rear boundary line amended, street boundary wall amended in line with transportation comments - reduced to 500mm for visibility 18-01-10 JF
- rev A closed boarded timber fence annotated on drawing, rear and front gardens 17-11-21 JF

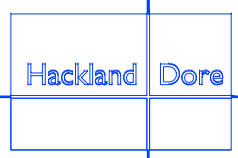


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EXISTING WALL

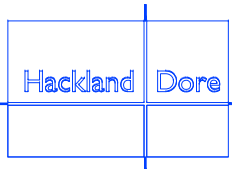
EXISTING WALL



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RESIDENTIAL DEVELOPMENT 16 CARBERRY ROAD, INVERESK, MUSSELBURGH	DETACHED HOUSES AERIAL VIEW	Date 02-07-2018	Scale NTS@A3	Drawn By JW	Chckd By JF
DENNIS WALTON	PLANNING	HD1020A (PL)701			



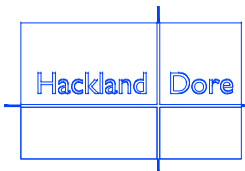
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RESIDENTIAL DEVELOPMENT 16 CARBERRY ROAD, INVERESK, MUSSELBURGH	DETACHED HOUSES INDICATIVE 3D VIEW LOOKING SOUTHWEST	Date 02-07-2018	Scale NTS@A3	Drawn By JW	Chckd By JF
DENNIS WALTON	PLANNING	HD1020A (PL)702			



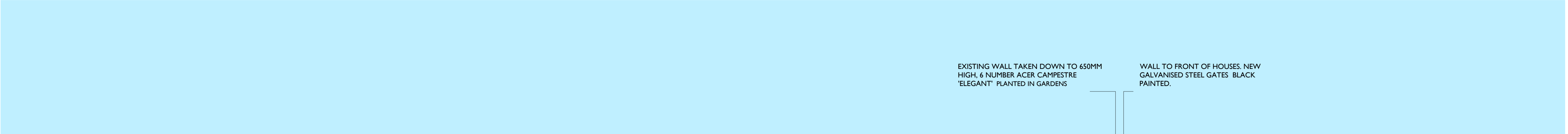
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RESIDENTIAL DEVELOPMENT 16 CARBERRY ROAD, INVERESK, MUSSELBURGH	DETACHED HOUSES INDICATIVE 3D VIEW LOOKING NORTHEAST	Date 02-07-2018	Scale NTS@A3	Drawn By JW	Chckd By JF
DENNIS WALTON	PLANNING	HD1020A (PL)703			



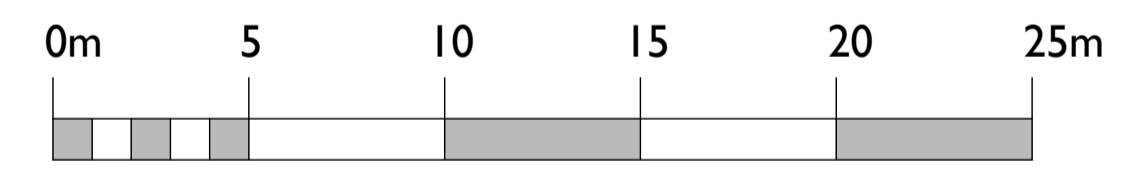
EXISTING WALL TAKEN DOWN TO 650MM HIGH, 6 NUMBER ACER CAMPESTRE 'ELEGANT' PLANTED IN GARDENS

WALL TO FRONT OF HOUSES. NEW GALVANISED STEEL GATES BLACK PAINTED.



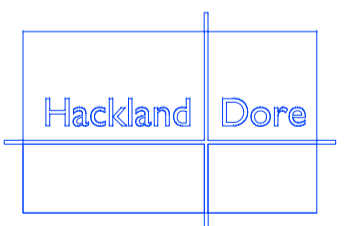
EXISTING GATES TO 16 CARBERRY ROAD
EXISTING 2.3M STONE WALL ADJACENT TO EXISTING GATE

ELEVATION IN FRONT OF FENCE LINE



SCALE 1:200

rev E scale bar added JF 20-03-12
 rev D comments with regards to upgrading existing gates removed JF 18-08-15
 rev C elevation amended in line with planning comments JF 18-07-10
 revision by details



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Architects
 Interior Designers
 Urban Designers

FOR INFORMATION

MR WALTON
 proposed two new build detached dwellings
 16 CARBERRY ROAD, INVERESK

ELEVATION TO STREET

1:200 at A1
 draw JF checked 30-10-2017

PLANNING 1020A (PL)101 E

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SHRUB PLANTING SCHEDULE

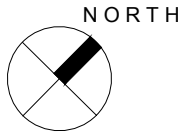
Ref	Species	Specification	Per m ²	Image	W	H	Yrs
Be	Berberis darwinii 'Compacta'	30-40cm, 3L pot	3		1	1	5-10
CeR	Cotoneaster 'Rothschildianus'	30-40cm, 3L pot	3			5	5-10
Ph	Philadelphus 'Manteau d'Hermine'	30-40cm, 3L pot	4		1	1	5-10
Po	Potentilla fruticosa "Daydawn"	30-40cm, 3L pot	4		1	0.8	5-10

Ace	Acer Campestre Elegant	6 number		9	6-12
Tag	Tilia Cordata Greenspire	3 number		9	15
Pss	Prunus Shimidsu Sakura	2		8	10

LANDSCAPING KEY

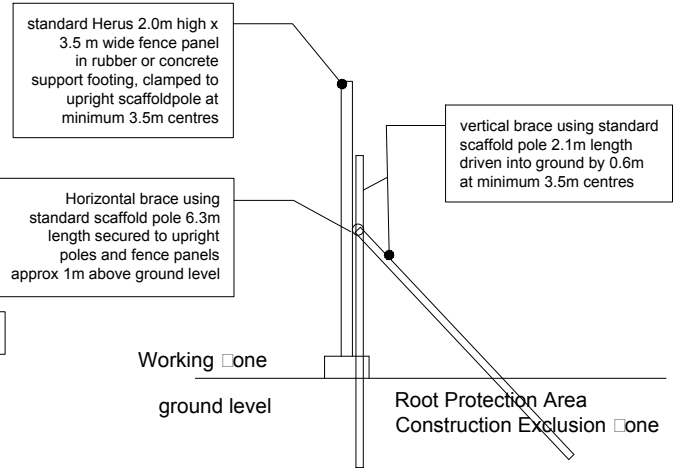
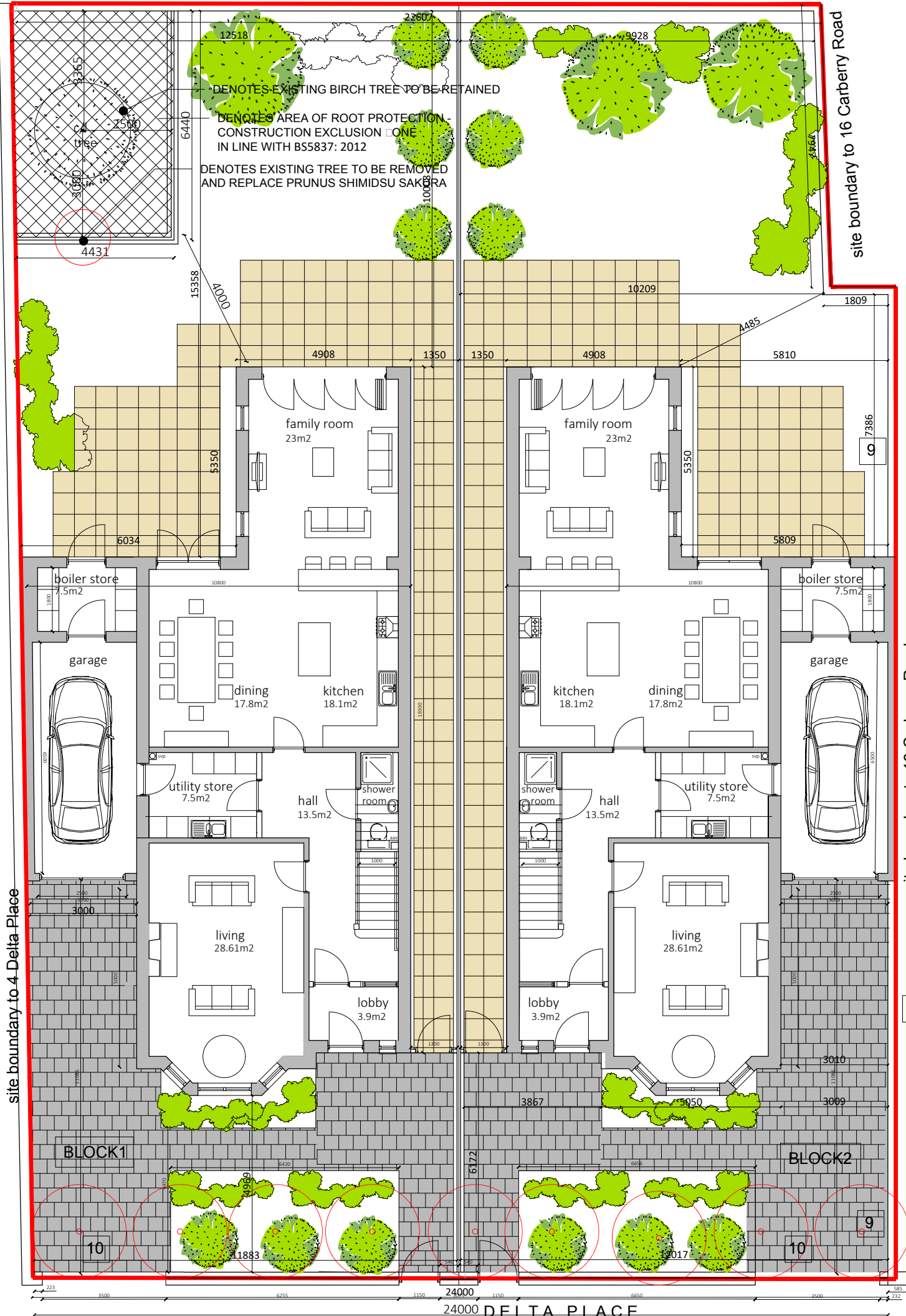
NOTE: PROTECTIVE TREE FENCING AND ROOT BALL PROTECTION TO BE IN LINE WITH BS5837: 2012

- eastern site boundary stone wall 2m high
 - separating boundary wall - 1800mm high close boarded timber fence with 1800mm high lockable gate
 - rear boundary wall 1800mm brick wall
 - front gardens delineated with 650mm stone wall with railings
- 1 existing birch tree to be retained and protected during construction works. Root ball and temporary protection to be in line with BS5837: 2012
 - 2 existing eucalyptus to be felled and replaced with Prunus Shimidsu Sakura - 2 x cherry trees in rear garden
 - 3 mixture of BE, CER and PH
 - 4 Rear gardens to be turfed
 - 5 3 x number Tilia Cordata Greenspire to be positioned outwith site boundary in client's garden
 - 6 mixture PH and PO
 - 7 3 x number Acer Campestre Elegant to each block front gardens
 - 8 Porous paviors to car parking bays and footpath
 - 9 Eastern boundary to be 2m high wall. Inward face stone external face brick
 - 10 Vehicular access :
 - (i) the first 2m of driveway to be hardformed with porous material for the surface finish of driveway
 - (ii) Any proposed gates to front boundary access to garage to be sliding so as not to encroach on parkway and driveway areas
 - (iii) dropped kerb, conforming to East Lothian Council Standards to be provided at the footway crossing for each driveway;
 - (iv) driveways to have minimum visibility splay of at least 2 metres by 20 metres in both directions so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface.
 - (v) all works within or affecting the public road, including works on the public footpath or verge, must be authorised in advance by East Lothian Council as Roads Authority.



existing pollarded lime trees to be removed

3 x Tilia Cordata Greenspire trees to be planted outwith garden boundaries in lieu of removed pollarded lime trees to front boundary



Temporary Protective Fencing to existing Birch Tree in block 01 rear garden

rev C two cherry trees to be planted in rear back garden JF 20-04-07
 rev B additional site dimensions added at planning request, gate and driveway notes added JF 20-03-12
 rev A boundary line as per original, beech amended to birch, temporary protective fencing detail shown as per landscape department comments JF 18-08-15

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Project Title	16 Carberry Road Inveresk Musselburgh	Date	10-07-2018	Scale	NTS@A3	Drawn By	JF	Chckd By	
Project Address	- landscaping proposals								
Client	Dennis Walton	STATUS	planning						
							HD1020A PL005 C		

LTR/HD1020/C01/11/JF

07 April 2020

Ms Stephanie McQueen

East Lothian Council
Environment & Technical Services
John Muir House
Brewery Park
Haddington
EH 41 3HA

Dear Ms McQueen

HD1020A: 16 Carberry Road Inveresk Musselburgh
Planning Application reference 17/00996/P
Erection two detached blocks with integral garages and associated ground works

Additional Information UPLOADED TO ONLINE PORTAL

With reference to the above planning application and your notification that you will be recommending for refusal please find attached additional information in support of our application. HD1020A(PL)200

As noted previously, this area of Inveresk Conservation Area incorporates a variety of dwellings in scale and appearance, representative of the development of Inveresk throughout the years, chronicling new technologies and materials over a period of time.

The proposed new build follows the alignment and orientation of the existing dwellings on the street, therefore, we disagree that the new houses are harmful to the streetscape and character of this part of the conservation area. The proposals follow policies with regards to appropriate amount of garden space, vehicle and pedestrian access and no significant loss of privacy and amenity to the adjoining neighbours, with traditional detailing to the external appearance of the new builds.

Therefore, we believe that the proposed planning application for two detached houses are not contrary to Policies CH2, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018.

Should you require further information please do not hesitate to contact me

Yours sincerely

Julie Forrest
for Hackland Dore Architects
Enc: as stated in letter
Cc.

Dennis Walton
Keith Dingwall



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THE ROYAL INCORPORATION OF ARCHITECTS IN SCOTLAND
CHARTERED PRACTICE





Local Review Body Appeal



APPLICATION - 17/00996/P

**Proposed Residential Development at
16 Carberry Road, Inveresk, EH21 7TN**

REVIEW STATEMENT

July 2020

apt planning &
development

6 High Street

East Linton

EH40 3 AB

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tony@apt-plandevlop.co.uk

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Executive Summary

- a. This appeal to the East Lothian Council Local Review Body is lodged following the refusal of application **17/00996/P** on 17th April, 2020. This application was refused despite it being assessed as having met all the policy tests of the 2018 Local Development Plan.
- b. The application was refused despite the involvement of a renowned architectural practice, well-versed in designing homes in sensitive locations, and with **no objection from either Historic Environment Scotland or the Council's own heritage officer.**
- c. Thankfully, the Local Review Panel has the advantage of looking at the application afresh and is not bound by the decision taken via delegated powers. We would ask that you take the following key points into consideration and find that the erection of two detached houses is an **acceptable, appropriate and attractive addition to the application site.**
- d. The site has a long planning history and planning permission has previously been granted for a detached two story house with garage in 2004 and for a pair of semi detached houses with garages in 2008 and again very recently in April 2020. **It is therefore an established plot for residential development – both detached and semi detached.**
- e. Inveresk has been a designated **Conservation Area** since 1969 yet **neither Historic Environment Scotland nor the Council's own Heritage Officer** object to the application. We can therefore **conclude that both are of the opinion that the proposals at least preserve and may enhance this part of the Inveresk Conservation Area.**
- f. The scale, design and density of the proposed development strikes the right balance and is in harmony with the prevailing architectural style and character of the locality, proposing stone built detached villas.
- g. As has been demonstrated by Hackland+Dore Architects in their Design Statements (dated October 2017 and April 2020):
 - There is already an **eclectic mix** of residential dwellings in the Inveresk Conservation Area (and specifically on Delta Place/Smeaton Grove – which is the same street with each side of the road having a different name) ranging from new builds and bungalows to detached and semi-detached Victorian villas or varying sizes, shapes and styles (please see Appendix 1 of this report);
 - **Delta Place** is made up of mainly villas, both semi detached and detached, set in gardens with accompanying garages or outhouses;
 - **Smeaton Grove** reflects a wide variety of buildings both in terms of age, materials, styles which all add to the diverse character of this specific part of the Inveresk Conservation Area;



Application 17/00996/P – Land at 16 Carberry Road, Inveresk
Local Review Body Support Statement – July 2020

- h. The styles of the properties in Delta Place and Smeaton Grove have evolved historically and provide variety in the types of dwellings already in existence. It has been identified that there are **over ten** different styles of house types in the Delta Place/Smeaton Grove area alone and it is our opinion that the proposed development is a high quality addition to the prevailing character of the area.
- i. The 'Officer Report' prepared in determining this application responds positively to every aspect of the application and in response to Development Plan policies, so much so that it is **difficult to reconcile how the conclusion was reached to refuse the application**. In summary:
- **Conservation Area** - the proposed development complies with Policy CH5 of the adopted East Lothian Local Development Plan 2018;
 - **Trees** - the application shows that a number of trees would be removed with replacement planting proposed. The Council's Policy and Strategy team advises that the proposed landscaping schemes is acceptable and that the proposed development is compliant with Policy NH8 of the adopted East Lothian Local Development Plan 2018;
 - **Site access, parking and turning** - the Councils Road Services advise that the proposed arrangements for vehicular access are of an acceptable standard and is therefore compliant with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018;
 - **The impact on daylight and sunlight on the neighbouring properties** - the proposed development would not cause harmful loss of daylight to the neighbouring residential properties and the two detached houses would themselves have adequate daylight and their gardens a sufficient sunlight;
 - **Overlooking neighbouring properties** - with a further two planning controls in place, the proposed properties would not result in harmful overlooking or loss of privacy to neighbouring residential properties. The case officer also concludes that the occupants of the two proposed houses would have enough privacy and amenity. The proposed development is therefore compliant with Policies DP2 and DP7 of the adopted East Lothian Local Development Plan 2018;
 - **Infill Housing Development** - the proposed development would be part of an existing area of garden ground and accords with the criteria set out in Policy DP7 of the adopted East Lothian Local Development Plan 2018;



Application 17/00996/P – Land at 16 Carberry Road, Inveresk
Local Review Body Support Statement – July 2020

- **Overdevelopment** - the case officer details that the proposed **height** of the properties, the **ratio of built form** to undeveloped garden ground and the **size of plot** (accommodating two houses with gardens) are all sufficiently in keeping with the surrounding area and do not give rise to overdevelopment;
 - **Materials and finishes** - the palette of external finishes on the houses, the hardstanding areas for the driveways and the proposed walls (with a planning condition regarding their construction in natural stone) the railings and railings gates would maintain the character and appearance of the Conservation Area.
- j. We strongly contend that the proposed development is a high quality addition to the existing streetscape.
- k. In proposing two stone fronted, detached villas, in-keeping with size, character and type of house found in the immediate vicinity, the applicant responded positively and appropriately to the site's context and relevant planning policy.
- l. Responding to and respecting key design characteristics of an area or a specific street does not mean that new development must repeat or copy the built form. This has been seen elsewhere on Delta Place/Smeaton Grove and the proposed new homes would be far more sympathetic and high quality additions than other recent additions.
- m. As stated consistently, against this backdrop, we fail to see the logic or justification in refusing this application.



INTRODUCTION

1. **apt planning & development** has prepared this Review Statement on behalf of **Mr Dennis Walton** with regards to application **17/00996/P** seeking planning permission for the erection of two new detached houses with integral garages and associated works on land at 16 Carberry Road, Musselburgh, EH21 7TN. **The application was refused via delegated powers on 17th April, 2020.**
2. Application for planning permission 17/00996/P was accompanied by a suite of supporting documents. This appeal statement tries not to repeat much of what has been written before, but will concentrate on the reasons for refusal given when the application was refused via delegated powers in April.

SITE CHARACTERISTICS, BACKGROUND AND PLANNING HISTORY

3. The site to the rear of 16 Carberry Road is located within a predominately built up residential area and within the Inveresk Conservation Area. It is a corner plot on the western side of Carberry Road located at the junction with Delta Place/Smeaton Grove. The proposed development would be infill housing and the site is located on the south west part of the garden ground and fronting Delta Place. The site is bordered on three sides by brick walls and residential dwellings and a stone wall running along Delta Place.

PLANNING HISTORY

4. The application site has a significant planning history of permissions being granted for residential development (or enabling works through Conservation Area Consents) and including the recent permission for a semi-detached development. Though well covered elsewhere, we provide this history below;

• 02/01347/FUL	2004	Planning Permission granted	Single, two storey, detached house with garage.	Lapsed
• 02/01347/CAC	2004	Conservation Area Consent granted	Demolition: sun house, green house, garden shed.	Implemented in part: greenhouse demolished.
• 08/00004/FUL	2008	Planning Permission granted	Two semi-detached houses with garages.	Extended for 3 yrs in 2014, subsequently lapsed (Dec 2016).
• 08/00004/CAC	2009	Conservation Area Consent granted	Demolition: length of stone wall and gate.	Lapsed
• 09/00218/CAC	2009	Conservation Area Consent granted	Demolition: sun house, green house, garden shed.	In part implemented - greenhouse demolished.



Application 17/00996/P – Land at 16 Carberry Road, Inveresk
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• 09/00232/FUL	2009	Planning Permission granted.	Greenhouse.	Implemented
• 13/01027/P	2014	Planning Permission granted.	Formation of vehicular access, hardstanding area, erection of garage/storage building with room in roof space, walls, railings and gates.	Not implemented
• 13/01027/CAC	2014	Conservation Area Consent granted	Demolition: length of stone wall and gate.	Not implemented
• 17/01024/CAC	May 2020	Conservation Area Consent granted	Demolition: length of stone wall and gate.	
• 17/01023/P	April 2020	Planning Permission granted	Two semi-detached houses with garages.	
• 17/00996/P	April 2020	Planning Permission refused	Two detached houses with garages.	Appeal lodged 17 th July 2020.

APPLICATION 17/00996/P

- Application 17/00996/P was validated on 7th December 2017. The client has worked with the planning officer and external consultants throughout the application process making amendments as and when required.
- Two design related statements were submitted, the first in October 2017 and the second, on receiving the advice that the application was to be recommended for refusal, in April 2020.
- The design statements sought to demonstrate that the proposed new build properties would not be out of character nor harmful to the character of the area. It highlighted the diverse mix of residential properties in the area and that the proposed development would be appropriate in its local and Conservation Areas context.
- Despite clearly complying with each of the relevant Local Development Plan policies, and with no objection from Historic Environment Scotland or the Council's heritage officer, the application was refused planning permission on the 17th April, 2020. Two reasons for this refusal were given and we address each one in turn below:



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Reason 1

By their disproportionately narrow proportions and scale, the proposed two detached houses would be wholly out of keeping with the architectural character and appearance, and generous proportions of the buildings of Carberry Road and Delta Place and thus would be incongruous additions to the pattern and density of the built form of this part of the Inveresk Conservation Area. As such they would be an overdevelopment of the site that would not enhance the streetscape of Delta Place and would not be appropriate to their place.

Accordingly, the proposed development is contrary to Policies DP1, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018 and Planning Advice Note 67: Housing Quality.

10. Before addressing the policy cross-references in this reason for refusal, we must first address the language used. To describe or assess the development of two new homes of stone construction, in a residential street with a planning history permitting development of similar proposals as *'wholly out of keeping'*, *'incongruous'* and as *'overdevelopment'* surely lacks any credibility. Furthermore, despite being located in the garden ground of 16 Carberry Road, the application site has not relationship with Carberry Road. Its context is its presentation to Delta Place/Smeaton Grove.
11. The Officer Report consistently assesses the application as being compliant with a whole raft of important LDP policy considerations, yet at the very end of the document, shockingly and suddenly recommends refusal. It reads as though it is the conclusion of a different report mistakenly parachuted into this report.
12. The planning history demonstrates a consistent conclusion that the site is appropriate for residential development. Even though each application must be determined on its own merits, there is a fresh planning permission for the erection of a pair of semi-detached units on the site displaying many of the same characteristics. Could this proposal be so dramatically different from these other proposals to be wholly out of keeping, incongruous and representing an overdevelopment of the site? The answer is 'of course not'.
13. Applications for planning permission do not ever have to promote the perfect solution for a site but they should be judged on whether the proposals are acceptable in their planning policy and physical context. We would strongly contend that this is the case in this instance.
14. **Policy DP1** refers to new development being well integrated into its surroundings. The proposed development is residential in nature and situated within a residential area which is comprised of a combination of detached and semi detached properties. Planning permission has previously and subsequently been granted for both detached and semi detached residential development on this site therefore affirming the appropriateness of detached residential development on the proposed site.



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15. **Policy DP1** also states that all new development must *'Include appropriate landscaping and multifunctional green infrastructure and open spaces that enhance, provides structure to and unifies the development and assists its integration with the surroundings and extends the wider green network where appropriate'*. The planning officer states in their Officer Report that the landscape advice from the Council's Policy and Strategy team is that the proposed landscaping schemes are acceptable. The proposed detached properties are each provided with an enclosed private garden and, again as the case officer outlines, these appropriately reflect the size and type of dwelling proposed.
16. **Policy DP2** outlines that the design of all new development must *'be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings'*. The planning officer details in their report that the proposed **height** of the properties, the **ratio of built form** to undeveloped garden ground and the **size of plot** (accommodating two houses with gardens) are all sufficiently in keeping with the surrounding area and **do not give rise to overdevelopment**.
17. We would also argue that the width of the building plot and the width of the proposed development are entirely in keeping with that prevailing character of the area. The scale, specifically the total width and depth of the proposed development is also consistent with the detached and semi detached planning permissions previously and subsequently granted for residential development on the site.
18. The planning officer outlines that the palette of external finishes on the houses, the hardstanding areas for the driveways; the walls (with a planning condition regarding their construction in natural stone), railings and gates would all maintain the character and appearance of the Conservation Area.
19. **Policy DP2** outlines that all new development *'by its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site's context, and create a sense of identity within the development'*. We refer to the Design Statement documents produced by Hackland+Dore Architects. The Supplementary Design Statement dated April 2020, outlines that:
- a. There is an **eclectic mix** of residential dwellings in the Inveresk Conservation area ranging from new builds and bungalows to detached and semi detached Victorian villas;
 - b. **Delta Place** is made up of mainly villas, both semi detached and detached, set in gardens with accompanying garages or outhouses;
 - c. **Smeaton Grove** reflects a wide variety of buildings both in terms of age, materials, styles which all add to the diverse character of this part of Inveresk Conservation Area;

20. It has been identified that there are **over ten** different styles of house types along Smeaton Grove/Delta Place many of which (Number 5 and Smeaton Park to name but 2) do not relate well to the street and/or the wider conservation area. Similarly 2a and 2b Smeaton Grove do not respect the wider character of the area whilst Mr Walton is proposing two substantial stone villas clearly reflecting the predominant historical features whilst presenting an appropriate response to the site characteristics.



21. We are of the opinion that the proposed detached house development is entirely in keeping with the buildings in the immediate vicinity, those in the wider locality and maintains the standard and quality of new build properties in the area - a high quality addition to the existing residential streetscape.
22. **Policy DP2** outlines that all new development '*ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties*'. The planning officer concludes that with a further two planning controls in place, the proposed properties would not result in harmful overlooking or loss of privacy to neighbouring residential properties. The planning officer also states that the occupants of the two proposed houses would have enough privacy and amenity. The proposed development is therefore compliant with Policies **DP2** and **DP7** of the adopted East Lothian Local Development Plan 2018.



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23. **Policy DP2** outlines that the new development must *'be able to be suitably serviced and accessed with no significant traffic or other environmental impacts'*. There is adequate vehicular and pedestrian access to each property without any adverse effect on the amenity of existing and proposed residents.
24. **Policy DP7** provides guidance specifically related to **'Infill Development'**. **Scottish Planning Policy: June 2014** sets out national guidance on housing and recognises that infill sites can make a useful contribution to the supply of housing land. As has previously been outlined, the planning officer raised no issues regarding:
- The size of the site and the provision of open space;
 - Vehicle access and Car parking;
 - Loss of privacy/ amenity (neighbours or residents of the new properties);
 - Landscaping or boundaries.
25. **Policy DP7** also states that the *'scale, design and density of the proposed development is sympathetic to surroundings'* and also that *'overdevelopment of the site will be unacceptable'*. Our response is that:
- The styles of the properties in Delta Place/ Smeaton Grove have evolved historically and provide an inconsistent variety in the types of dwellings already in existence;
 - The scale, design and density of the proposed development strikes the right balance and is in harmony with the prevailing architectural style and character of the locality;
 - The scale and mass of the buildings is appropriate in the context of the existing property at 16 Carberry Road and the adjacent properties on Delta Place;
 - This is not 'overdevelopment'; Planning Permission (17/01023/P) has been granted for two semi-detached properties on the application site. The proposed development area for two detached properties will remain broadly the same within the overall site.



Reason 2

By their disproportionately narrow proportions and scale, the proposed two detached houses would be wholly out of keeping with the architectural character and appearance, and generous proportions of the buildings of Carberry Road and Delta Place. As unsympathetic and incongruous additions to the streetscape and to the pattern and density of built form of the area, the proposed two detached houses would not preserve or enhance the character and appearance of this part of the Inveresk Conservation Area. Accordingly, the proposed development is contrary to Policy CH2 of the adopted East Lothian Local Development Plan 2018, Scottish Planning Policy: June 2014 and Planning Advice Note 67: Housing Quality.

26. As with Reason 1, we take particular issue with the use of language in describing the proposals as *'wholly out of keeping'*, *'unsympathetic'* and *'incongruous'* and again dispute the relationship to Carberry Road. The context of the proposed development is Delta Place/Smeaton Grove.
27. It is simply not credible to say that the development of two large detached villas, of stone construction on a residential street displaying many of the same exact characteristics can be described as wholly out of keeping, unsympathetic or incongruous when significant effort has been expended ensuring that the proposals do reflect their locality and comply with LDP policies.
28. **Policy CH2** states that developments within a Conservation Area must be designed to preserve or enhance the special architectural character or appearance of the Conservation Area. Crucially, **Historic Environment Scotland and the Council's own heritage officer did not object to the proposals**. We must therefore conclude that their assessment is that the proposals at the very least preserve the character and appearance of the Conservation Area. Naturally we feel the additional of two substantial new homes of stone construction and design characteristics wholly in-keeping with the styles of nearby homes will enhance this particular area of the Conservation Area. The proposal are compliant with Policy CH5 of the adopted East Lothian Local Development Plan 2018.
29. We would again reference the Design Statements submitted in October 2017 and April 2020 and reiterate that great care and attention has been placed on the design aspects, in particular the proportions and scale of the proposed new development. They are entirely in keeping with the neighbouring properties in Delta Place, the existing property at Carberry Road and the two detached properties will be an attractive addition to the rich mix of properties in the wider Inveresk Conservation Area.



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30. **Policy CH2** states that proposals should accord with a number of criteria in relation to nearby buildings and public and private spaces. We have selected and responded to those relevant to the proposed development. They include:
- **Size and proportions:** The proposed development will be 2 ½ storey in height and the height of the proposed detached houses has been reduced by approximately 750mm from the previous planning consent. The proportions are in keeping with the existing houses on the street;
 - **Orientation and Alignment:** The proposed development will maintain the streetscape and follow the building line of properties on Delta Place;
 - **Density:** As the planning officer highlights in their report the ratio of built form to undeveloped garden ground and the size of plot (accommodating two houses with gardens) are all sufficiently in keeping with the surrounding area;
 - **Materials** - the materials of the proposed houses will compliment the character of the existing built frontage and the materials used will have a unifying effect;
 - **Parking requirements** have been adequately provided for in the design of the proposed new development.
31. **Planning Advice Note 67 – Housing Quality and Designing Places – A Policy Statement for Scotland** states that design should be informed by buildings in the immediate vicinity of the site and by the townscape of the wider locality and should serve to reinforce local distinctiveness. We would again reiterate that the design proposals are clearly compatible with their established surroundings.

SUMMARY

57. This LRB Appeal is made following the refusal of application 17/00996/P for the development of two detached houses within the garden ground of 16 Carberry Road, Inveresk.
58. The applicant, Mr Walton, was naturally very disappointed to receive the refusal as the site has previously and very recently secured planning permissions for residential development – both detached and semi-detached housing.
59. We also challenge the two reasons for refusal in that they significantly overstate concerns regarding the development of the site and this appeal statement addresses each of the reasons for refusal in turn.
60. The officer report reflects positively in the key aspects of the proposals and despite coming to a conclusion to refuse the application that is totally disjointed from the body of the report.



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61. The proposals have been presented by a well-known architectural practice with significant experience of designing buildings at sensitive locations such as the Inveresk Conservation Area. Compellingly, Historic Environment Scotland and the Council's heritage officer do not object to the application. They are satisfied that the proposals will preserve and enhance the character and appearance of the Conservation Area.
62. It is our opinion that the proposed development is a well thought out, attractive addition to the character of the surrounding area. The layout, scale and form are compatible with the predominant character of the housing in the immediate vicinity.
63. Inveresk comprises of a rich mix of house types and the proposed development is entirely in keeping with the wider Inveresk Village locality. It maintains the standard and quality of new housing in the area.
64. We trust that this Review Statement has addressed the stated reasons for refusal, are happy to address any further questions and respectfully request that the initial refusal of planning permission be overturned.

APPENDIX ONE

House Types within Inveresk Conservation Area

