

LOCAL REVIEW BODY

19th August 2021

Application No: 21/00258/P

59 Forth Street, North Berwick

Applicant's Supporting Information

GROUNDS OF REVIEW

ORIGINAL SITE CONTEXT

59 Forth Street is a traditional two-storey-plus-attic house, of masonry construction with gable chimneys, slate roof pitches to front and rear, and an area of flat roof. There is a very small area of front curtilage adjacent to the public footpath of Forth Street, and a small rear courtyard to the south. This courtyard backs on to the rear yard of the neighbouring bar and restaurant premises in High Street, currently known as The Puffin.

REASON FOR PART REFUSAL OF APPLICATION 21/00258/P

The decision notice for application for planning permission ref 21/00258/P is dated 14 May 2021. The decision is approval of the proposed development, with the exception of the parts stated in Condition 1 of the permission, which are refused. Condition 1 reads:

1 Planning permission is not hereby granted for the roof terrace and associated decking, balustrading and handrails.

Reason:

In its position on the roof of the three storey house the proposed roof terrace would be readily visible from public views from Forth Street and High Street. By virtue of its architectural form, size, design, proportions, materials and positioning the proposed roof terrace with decking, glazed balustrade and handrails would appear as a harmful and incongruous addition to the roof of the house and out of keeping with the surrounding area. It would be harmful to the character and appearance of the house, the streetscape and to this part of the North Berwick Conservation Area. Furthermore the formation of a roof terrace with glazed balustrade on the roof of the house could set a harmful precedent for the addition of roof terraces on the flat tops of the roof of neighbouring buildings on Forth Street which cumulatively would be harmful to the character and appearance of this part of the North Berwick Conservation Area. The roof terrace and glazed balustrade are therefore contrary to Policies DP5 and CH2 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: Revised December 2020.

BACKGROUND TO APPLICATION AND REQUEST FOR REVIEW

The applicants, being the owners of 59 Forth Street for over 14 years, have been conscientiously adapting and upgrading the property, over this time, through a series of careful changes, to become their family home. Application for planning permission ref 21/00258/P has been a further phase of that process. Part of this application is the construction of decking and balustrading to the flat roof area. The applicants' reason for seeking to do this was set out below in their personal statement attached to the application.

No 59 Forth Street has a very small back garden area which is not very peaceful given the proximity to neighbours, and has direct sun for only a portion of the day in summer and none at all in the winter. This back garden area is surrounded by taller buildings on all sides. Improving the form of the roof terrace would allow the house owners to enjoy outside space at their property all year round and in a more relaxed way, given the increased sunlight and lack of neighbourly noise/cigarette smoke. They are trying to maximise all the space they have available.

The house owners already have good and relatively easy access to the flat roof area; they do on occasion use it, and will continue to do so. Being allowed to introduce the glass balustrade and decking will allow them to access and use the roof more safely.

The planning report for application 21/00258/P further states that, if approved, the roof terrace could set a harmful precedent. It is a principle of the planning process that each proposal is treated on its own merits; allowing a particular form of development has not in the past meant that other similar proposals are necessarily also approved. In the case of 59 Forth Street, the current general lack of useable outside space with daylight and sunlight, together with the proximity of other buildings and neighbours, can be argued as being a particular circumstance of this proposal, which would not necessarily apply to any other proposals of a similar form.

REFERENCE TO PLANNING POLICY

The reason for refusal cites particular planning policies. The relevant parts of these are noted below.

Policy DP5: Extensions and Alterations to Existing Buildings states:

All alterations and extensions to existing buildings must be well integrated into their surroundings, and must be in keeping with the original building or complementary to its character and appearance. Accordingly such development must satisfy all of the following criteria:

- 1. It must not result in a loss of amenity with neighbouring uses or be harmful to existing residential amenity through loss of privacy from overlooking, or from loss of sunlight or daylight;***
- 2. For an extension or alteration to a house, it must be of a size, form, proportion and scale appropriate to the existing house, and must be subservient to and either in keeping with or complementary to the existing house;***
- 3. For an extension or alteration to all other buildings, it must be of a size, form, proportion and scale appropriate to its surroundings and, where the existing building has architectural merit be in keeping with or complement that existing building;***

Development that does not comply with any of the above criteria will only be permitted where other positive planning and design benefits can be demonstrated.

With regard to sub-para 3 of DP5 above, this is specifically for buildings other than houses, and is therefore not applicable to this application.

With regard to sub-para 1 of DP5 above, the planning report for application 21/00258/P acknowledges that the proposed roof terrace would not allow for harmful overlooking of any neighbouring properties, nor would it give rise to harmful loss of sunlight or daylight to neighbouring residential properties. The planning report confirms that on those matters of amenity (ie those contained in sub-para 1 of DP5 above) the proposal would not be contrary to Policy DP5.

With regard to sub-para 2 of DP5 above, the planning report for application 21/00258/P concludes that the proposed roof terrace with glazed balustrade would appear as an incongruous addition to the roof of the house, out of keeping with the traditional character of the roofs of the other buildings of Forth Street. The report further concludes that the roof terrace with glazed balustrade would be harmful to the character and appearance of the house, the streetscape and to this part of the North Berwick Conservation Area.

This sub-para 2 therefore the part of Policy DP5 against which the proposal is to be assessed for compliance, or otherwise.

The relevant part of Policy CH2: Development Affecting Conservation Areas states

All development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area.

The assessment of whether a proposal will or will not harm a special architectural or historic character of the Conservation Area is largely subjective, and there have been many forms of contemporary change and addition to traditional buildings, which can be viewed from public places. Therefore the principle of contemporary forms of change from the original is accepted.

REFERENCE TO PLANNING OFFICER REPORT AND CASE FOR REVIEW OF DECISION

The planning report for application 21/00258/P acknowledges that Forth Street is characterised by buildings of a variety of architectural forms and finishes, which together give Forth Street an eclectic character. This would therefore imply that an approach which is open-minded to more contemporary forms of change, and introducing forms of change which do not already exist, might in fact be appropriate to, and consistent with, the pattern of evolution to date and the established character of the area.

The planning report for application 21/00258/P states that the glazed balustrade and handrails would be visible in public views from Forth Street, and from the High Street through a gap between buildings. Appended to this submission are a number of photographs showing 59 Forth Street from the public areas referred to in the planning report as follows:

Photograph 1 Street elevation of 59 Forth Street viewed from the public footpath on the north side of the street. This is therefore the furthest away that a person can stand, opposite the property, to view the roofscape. From this viewpoint, the handrail of the proposed balcony would be on the same line as the furthest forward projecting part of the eaves line of the dormer windows. Thus the balustrade would be entirely behind the current line of sight looking upwards and, being transparent would not be a harmful intrusion. An amended drawing illustrating the line of sight has been appended to this submission.

Photograph 2 The east gable and roofline of 59 Forth Street viewed from further east along the public footpath of Forth Street. This is probably the clearest view of the east gable and skyline above, as moving further east, the gable becomes obscured by neighbouring buildings on the south side of Forth Street. The application drawing (and the amended drawing appended to this submission) show that the glass balustrade is contained below the height of the gable chimney and is kept back from the line of where the flat gable cope stone and the sloping gable cope stone meet. Thus the balustrade would be well contained within the line of the current built form of chimneys and dormer windows at roof level looking upwards and, being transparent would not be a harmful intrusion. Moving westwards along Forth Street, the view of the proposed balustrade would become progressively obscured by the dormer windows.

Photograph 3 The east gable and roofline of 59 Forth Street viewed from the planted area at the corner of the slipway to the West Beach, off Beach Road, at the start of Forth Street. This is probably the clearest view of the west gable and skyline above, as moving further west, the gable becomes obscured by the adjacent Abbey Church, and moving further east, the roadway narrows, and hence the line of sight to the roof of 59 Forth Street narrows and becomes more obscured. This view of the proposed glass balustrade is similar to, but more restricted than, the view from the east described above.

Photograph 4 The rear (south) elevation and roofline of 59 Forth Street viewed from High Street, through the gap in buildings between Abbey Church and The Puffin bar. At this point the proposed glazed balustrade would be at a distance of some 40m from the public footpath of High Street, only readily visible to someone consciously looking sideways whilst walking, as this is very much a backland view, that is unlikely to be studied in detail, it is not a prominent public view or setting, and hence arguably is unlikely to be readily observed. Thus the balustrade would be at some distance, would only be seen as a brief sideways glimpse, and, being transparent would not be a harmful intrusion.

The planning report for application 21/00258/P also states that none of the buildings in Forth Street have roof terraces, and that therefore roof terraces are not part of the established character of this part of the North Berwick Conservation Area. The principle here being argued appears to be that because there are no examples of a particular form of change already existing, then that in itself should be justification for not allowing that form of change to occur now.

That principle has not however been followed to date, as within this part of North Berwick Conservation Area, being the area facing the sea, or close to the sea, there are many examples where traditional properties have had contemporary additions that include terraces at upper levels and glazed balustrades. At one time there would have been none; there are now a growing number. Appended to this submission are a number of photographs showing nearby glass balustrades, on traditional buildings, viewed from public places as follows:

Photograph 5 Glass balustrade to first floor terrace on residential property adjacent to the rear of the Postal Sorting Office, viewed from the public area of the putting green on Beach Road.

Photograph 6 Glass balustrade to first floor terrace on residential property at the former Blenheim Hotel on Westgate, viewed from the public area of the putting green on Beach Road.

Photograph 7 Glass balustrades to second floor terraces on residential property at Westgate, viewed from the public area of the putting green on Beach Road.

Photograph 8 Glass balustrade to second floor windows and roof terrace to residential property on Forth Street viewed from the public area of the West Beach.

Photograph 9 Glass balustrade to second floor windows and roof terrace to residential property on Forth Street viewed from the public area of the West Beach.

Photograph 10 Glass balustrade to second floor windows and roof terrace to residential property on Victoria Road viewed from the public area of Melbourne Road, at the East Beach.

These additions have been part of the natural evolution of these properties to suit their continued use and occupation, and many of these changes are very prominent when viewed from public places. These changes are not however by their nature argued as being harmful to the Conservation Area.

The balustrading proposed for 59 Forth Street is to be the similar frameless glass set in a concealed base channel. It will be a similar form of frameless glass balustrade and stainless steel handrail as has been allowed for several of the upper level balcony installations within the Conservation Area shown and described above. When viewed from ground level from Forth Street, the glass, through being clear and transparent, will readily allow the sky beyond to be seen through the glass, or by reflection off the glass. The handrail is to be stainless steel, circular section, some 50mm diameter, which, given the distance at which it will be viewed from ground level from Forth Street, and the degree to which it will be obscured by the dormer windows, it will be a thin line, comparatively unobtrusive.

Thus, the proposed decking, balustrade, and handrail would not appear as harmfully prominent, obtrusive, or dominant features. By virtue of their architectural form, size, scale, and use of materials they would be subservient to the main house, being nestled within the prominent gable wall chimney stacks, substantially transparent, and would not be harmfully unsympathetic to the house or to the character or appearance of this part of the Conservation Area.

FINAL CONCLUSION

In final conclusion, the applicant contends, that in consideration of all policies and guidance stated as justifying refusal, the proposed roof terrace and glazed balustrade can be regarded as not being contrary to the policies and guidance. Therefore the applicant requests that the decision by the planning department to refuse planning permission on the basis of the proposed development being in conflict with these policies and guidance be overturned by the review.

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PHOTOGRAPHS



1. 59 Forth Street viewed from street level



2. 59 Forth Street viewed from Forth Street



3. 59 Forth Street viewed from Beach Road



4. 59 Forth Street viewed from High Street



5. Glass balustrade seen from Beach Road



6. Glass balustrade seen from Beach Road



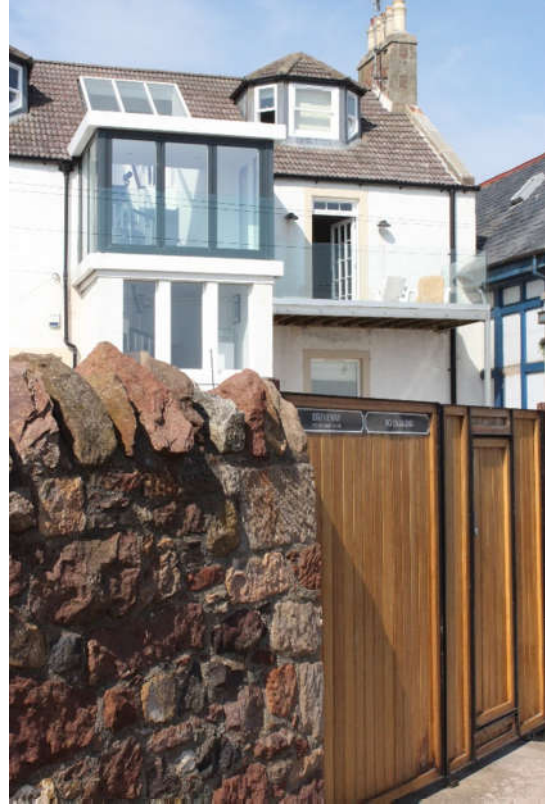
7. Glass balustrade seen from Beach Road



8. Glass Balustrade seen from West Beach



9. Glass balustrade seen from West Beach



10 Glass balustrade seen from Melbourne Rd

ELEVATION SHOWING SIGHT LINE

