

REPORT TO: Planning Committee

MEETING DATE: Tuesday 17 August 2021

BY: Executive Director for Place

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor Goodfellow for the following reason: Objectors feel strongly the change in footprint proposed and the increase in glazed area will have a significant effect on the intimate nature of the Bay and area.

Application No. **21/00001/P**

Proposal Extensions to dwelling and formation of decked area with balustrade

Location **The Chalet
Tantallon
North Berwick
EH39 5PL**

Applicant Mr Alistair Lumsden

Per Aitken Turnbull

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PROPOSALS

The property to which this application relates is a single storey and basement dwelling and its associated decking area and garden ground. The property is situated in Canty Bay to the east of North Berwick within the countryside, as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018. The application site is also within the Tantallon Coast Special Landscape Area as defined by Policy DC9 of the adopted East Lothian Local Development Plan 2018. It is also within an area of constrained Coast as defined by Policy DC6 of the adopted East Lothian Local Development Plan 2018.

Canty Bay a small bay that sits between the steeply sloping sides of the Bay and the foreshore of the beach. The bay is accessed by a private access road that leads from the A198 public road to the south. The applicant's property sits at the bottom of the hillside, on the eastern side of the bay. It sits back from and at a higher level than the nearest neighbouring building to the west. Its front elevation faces onto the foreshore of the beach of Canty Bay to the north. The other buildings within the bay include those in the ownership of the Cub Scouting Group and which are used for overnight and day residential trips and are

available for hire for groups to stay within. Otherwise there is a wooden chalet type building known as The Hut, to the northeast and a neighbouring house known as Seaspray to the south which sits at behind and at a higher level on the hillside than the applicant's dwelling.

The existing dwelling is a detached single storey and basement house which white washed walls and a slate clad pitched roof. It has been set into the hill side with its lower basement level partly sunk into the ground level. On its front (north elevation) it has 2 large modern style casement windows on the ground floor and smaller basement windows at the lower level. It has a raised timber deck attached to its side (west) elevation and there a set of steps with associated landing area attached to it front (north) elevation. There is a rear garden area to the south of the dwelling with a larger front garden that slopes down from the house towards the access road and the foreshore of the beach beyond. To the east side of the front garden is the driveway of the dwelling and an area of the parking of vehicles.

It is proposed to regrade the sloping front garden of the dwelling to expose the whole of the basement component of the house, part of which - the bottom 1.3m - is presently sunk into and screened by the ground levels of the front garden. It is then proposed to:

- i. extend the basement component of the dwelling by adding a flat roofed extension to its front (north) elevation, which would bring its front elevation forward of its present position some 2.4m. That basement extension would have a single storey hipped roofed component formed on top of its western end. That proposed extension would protrude some 2.9m out from the west (side) elevation of the house. The proposed basement extension would otherwise have a terrace formed on its flat roof with associated balustrade;
- ii. In association with the proposed basement extension it is also proposed to replace and extend the front elevation of the ground floor of the existing dwelling bringing it forward of its present position some 0.6m with an associated extension to its front (north) facing roof;
- iii. It is also proposed to add a single storey, and basement extension to the east (side) elevation of the house and which would wrap around and attach to part of the rear (south) elevation of the dwelling. That side extension would have a lower porch component attached to its northern end.

The proposed basement extension to be attached to the front elevation of the dwelling would extend along the front elevation some 14.8 metres. It would project out beyond the side (west) elevation of the existing dwelling some 2.9 metres and it would project out some 2.4 metres from the front elevation. It would extend to a height of some 2.9 metres. Its front (north) elevation would contain four fixed glazed screens, two sets of glazed, double door openings and a window opening. The proposed terrace would be formed atop the extension and would extend along the front elevation of the existing dwelling it would project out some 2.7 metres from the front of the house. A glazed balustrade would run along the length of the decking area and would extend to a height of some 1.2 metres. The decking area would be constructed of composite Tounge and Groove boarding.

The single storey, hipped roof extension would be erected on the western side of the proposed terrace. It would measure some 5.6 metres in width and would project out from the side (west) elevation of the existing dwelling some 2.7 metres. It would extend to a height of some 2.7 metres to the eaves level of the pitched roof and some 4.3 metres to the ridge line of the pitched roof. The front (north) elevation of the side (west) extension would have a large glazed door opening that would open onto the decked area. The side (west) elevation would contain a window opening with three glazed screens and the rear (south) elevation would contain a large glazed, screen opening.

The extension to be attached to the side (east) elevation of the dwelling would measure some 10.1 metres by some 4.2 metres along the side (east) and rear (south) elevations. The extension would project out from the side (east) elevation some 1.7 metres and would

project out some 4.2 metres to run flush with the existing rear elevation of the dwelling. The extension would have a pitched roof and would extend to a height of some 6.8 metres to the ridge level. A smaller outshoot extension would project out from the side (east) elevation housing a WC and would measure some 1.6 metres wide by some 2.5 metres in length. It would extend to a height of some 4.6 metres and would adjoin the pitched roof element of the side (east) and rear (south) infill extension. Its front elevation would contain a glazed window opening, the side (east) elevation would contain two window opening and the rear (south) elevation would also contain two window openings.

The external walls of the proposed extensions would each be finished in white painted render to match the existing dwelling with small elements of white painted brick work on the front elevation. The frames of the new windows and doors would have aluminium anthracite coloured frames. The pitched and hipped roofs of the proposed extensions would be clad in slate.

Submitted drawings also show the intention to undertake alterations to the existing dwelling. These alterations include the replacement of its windows, re-slating of its roof, enlargement of windows and re-rendering the external walls. Such works are permitted development and therefore do not require planning permission and do not form part of this planning application.

Subsequent to the registration of the application, revised drawings have been received to show revisions to the proposals reducing the size and scale of the development.

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 DP5 (Extensions and Alterations to Existing Buildings), DC6 (Development in Coastal Areas) and DC9 (Special Landscape Areas) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Also material to the determination of the application is supplementary Planning Guidance (SPG) on 'Special Landscape Areas' adopted by the Council on 30th October 2018 and SPG on 'Countryside and Coast' adopted by the Council on 29th October 2019. The SPG expands on policies that are set out in the East Lothian Local Development Plan 2018.

REPRESENTATIONS

24 public letters of objection have been received in relation to the application. The main grounds of objection are:

- Development will have an over bearing visual appearance;
- Out of character with other properties within The Bay;
- Out of keeping with the Special Landscape Area;
- Harmful risk to delicate access road;
- Inappropriate due to excessive scale of development;
- Development will result in harmful change to scenic location;

- Will set a precedent for other properties in the area to develop;
- Harmful visual impact to the coast line;
- Properties in Canty Bay serve as second homes and it should be the practice of the Council to prevent them as being used as permanent residence;
- Concerns over the stability of the hillside - submitted plans fail to give detail of excavation proposals in relation to the development;
- Canty Bay is a unique and treasured part of the East Lothian coast line;
- Canty Bay is no place for modern construction;
- Development will dominate landscape and overshadow the overall location;
- Environmental and visual impact on coastal area;
- Development should not be considered an extension but a new house;
- The proposed materials are out of keeping with the area;
- Dignity and privacy of young children to be abused by overlooking;
- Excavation works will result in detrimental impact on ecosystems;
- Birds may fly into glazing;
- Development of the property could result in child protection issues and safe guarding;
- Development would overshadow the cub cottage and physically dominate the area next to the property;
- Overlooking will result from the north and west elevations;
- Existing glazing on the front elevation of the existing house does not have permission and was subject of enforcement case that wasn't resolved and,
- Development on site will disrupt badgers.

One public letter of representation has also been received to the application which neither supports nor objects to the application.

This is an application for an extension to a dwelling. The applicant is aware that the building is a dwelling and not a house and that occupation of the dwelling is limited to 11 months of the year as per a Section 50 agreement subject of application ref: 95/00089/HIS_P. The dwelling cannot be occupied in February of any year which has been agreed with the applicant.

As the dwelling is not located within a conservation area then planning permission is not required for alterations to the house including alterations to windows, replacement windows, the installation of roof lights or small extensions to its side and rear elevations. The windows on the front elevation of the dwelling did not require planning permission and there are no records of any other Planning enforcement investigations being opened on the property. There are therefore no unresolved enforcement cases outstanding on the property.

There is sufficient detail submitted with the application to reasonably enable the Planning Authority to take a decision on this planning application.

There are no excavations proposed to the steep hillside of Canty Bay to the rear of the property. Submitted drawings show that to allow for the extension to the front of the house excavation works into the front garden ground would be carried out. The planning authority are satisfied that such works to expose the basement level of the building are acceptable and would not require additional information from a structural engineer to be submitted to allow for the assessment and determination of the application.

The protection of Badgers is covered under separate legislation, Protection of Badgers Act 1992, which relates predominantly to protection of badgers whilst they are in their sett.

It is unclear why an extension to a dwelling could result in child protection issues and safe guarding. Any matters relating to child protection should be raised with Police Scotland. It is not therefore a material planning consideration in the determination of this application.

The road leading to Canty Bay is a private road and the maintenance of that road is a private matter between the respective owners of the properties that it serves.

On the matter of precedent any other planning application received would be determined on its merits in accordance with the Development Plan unless material considerations indicate otherwise. Any alterations or extensions to a building would need to be appropriate to their setting and not out of keeping with it to be supported.

COMMUNITY COUNCIL COMMENTS

None.

PLANNING ASSESSMENT

Canty bay sits within The St Baldred's Coast which is noted in the Countryside and Coast SPG as being highly scenic with spectacular panoramic coastal and sea views. It is part of the Constrained Coast and the SPG notes that settlements within this part of the coast are small in scale, consisting of small groups of historic farm buildings or houses, mostly huddled into dips at the coast as at Canty Bay. It specifically notes that at Canty Bay whitewashed buildings with a mix of slate and pantiled roofs are set around the small sandy beach creating a picture postcard scene.

The existing buildings within Canty Bay comprise three buildings which are owned and used for holidays and residential trips by the Scouts and other groups. These buildings like the applicant's house have whitewashed walls but have pantiled roofs. They have been previously altered and extended and have roof lights, dormers and solar PV panels on their roofs. At the western end of the bay is a large detached two storey house known as The Big House which has whitewashed rendered walls and a slated roof. At the eastern end is the applicant's house and the wooden cabin type building known as The Hut. Further to the east are the buildings of Chilliwack and Ingridstuen. To the rear of the applicant's house and much further up the hillside is the neighbouring house of Sea Spray.

The applicant's dwelling is a whitewashed building with a slate roof and large glazed openings. It is a single storey and basement dwelling that sits back from and on a higher ground level than the single storey building to the northwest. Attached to its south (side) elevation is a porch component that is lower in height than the main building. The dwelling has and a stepped terrace projecting out from its front elevation and an elevated timber deck on its west elevation. It has large modern casement windows on its front (north) elevation and smaller windows on its side elevations.

This application is for extensions to an existing dwelling. It is not for the building of a replacement dwelling. The floor plans and elevation drawings submitted in support of the application sufficiently demonstrate that the existing dwelling will be retained and extended. The proposed extensions will increase the footprint of the existing dwelling by some 44% however not to the extent that it would be considered a new dwelling. As extensions to an existing dwelling in a constrained coastal location the principle of the proposals are not contrary to Policies DC1 or DC6 of the adopted East Lothian Local Development Plan 2018.

The application site is well contained within Canty Bay being set down from the public road of the A198. Consequently, the applicant's house and the proposed extensions would only be seen in very limited views from within Canty Bay. In those views of the house from within Canty Bay, the appearance of the house as it is to be extended would change. However this change would not be from any increase in the height of the house. Instead this would be from the exposure of the sunken component of the existing basement level of the house through the re-grading of the front garden.

Since the application was submitted the proposed extensions have been revised and reduced in size and massing. As now proposed each of the proposed extensions would be of a size and scale that would not either individually or cumulatively be excessive or harmfully out of keeping with the size and scale of the existing single storey and basement dwelling. The extension to the lower ground floor is now proposed to be set back from the edge of the cantilevered deck above and proposed to be faced in a different material to the rest of the north elevation which will reduce its prominence. Furthermore, the amount of material to be excavated has been reduced to retain some screening of the lower part of the lower ground floor so that the whole height of the lower ground floor is not visible in longer range views from the coast to the north.

Therefore and with their largely whitewashed walls, slated roofs and large glazed openings roofs, the proposed extensions would each appear sensitively designed and would not appear out of keeping with character and appearance of the existing dwelling or the neighbouring buildings of Canty Bay. In the context of the other buildings that form part of the character of Canty Bay the proposed extensions would not, by virtue of their architectural form, height, size, scale, design, proportions, materials and position, cause the dwelling to appear harmfully oversized or architecturally incongruous in its setting. The proposed extensions would not have an overbearing appearance on the house. They would not be inappropriate additions to the dwelling and would not be harmful to the character and appearance of the dwelling or to the character and appearance of the Canty Bay area consistent with Policy DP5 of the adopted East Lothian Local Development Plan 2018.

Policy DC9 of the adopted East Lothian Local Development Plan states that development in a Special Landscape Area must not prejudice the special qualities of the area.

The proposed extensions would increase the overall footprint of the dwelling but not on a significant scale. **The Council's Landscape Policy and Projects Officer** has advised that although the proposals will be a change to the existing building, that through the revised proposals consideration has been given to keeping the proposal more in character with the adjacent buildings.

Therefore and as the extensions would be seen against the backdrop of and in relation to the existing dwelling they would not significantly change the character of Canty Bay or increase the number of buildings within it. As such the proposed extensions to the dwelling would not harm the Special Landscape Area of the St Baldreds Coast consistent with Policy DC9 of the adopted East Lothian Local Development Plan 2018 and with the Council's supplementary Planning Guidance on 'Special Landscape Areas' and 'Countryside and Coast'.

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 development and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new development and the windows of existing neighbouring residential properties.

The application site is bounded to the west by the building in the ownership of the Cub Scouts. That building does not directly face the applicant's house. Furthermore the boundary of its associated land would be more than 9 metres from the proposed side (west) extension.

There are no residential properties within 80 metres of the existing dwelling and therefore, the proposed openings on each of the extensions would not allow for a harmful loss of privacy or amenity to any neighbouring residential property or land use.

Due to their size, scale and positioning in relation to neighbouring residential properties the proposed extensions would not cause a loss of amenity through overshadowing of any neighbouring residential properties.

On those matters of amenity the proposed extensions are not contrary to Policy DP5 of the adopted East Lothian Local Development Plan 2018.

The Council's Road Services raise no objection to the application being satisfied that it would not cause any harm to road safety consistent with Policy T2 of the adopted East Lothian Local Development Plan 2018.

The Council's Biodiversity Officer was consulted on the application. She made no comments on the matter of the potential of birds flying into the windows of the house. She notes that whilst there are signs of badger activity in the area, separate legislation protects badgers whilst they are in their sett. She is satisfied that badgers would not be impacted by this development given its location and scale and is satisfied that no further information is required for this application in relation to Biodiversity.

The proposals are not inconsistent with Policies DC1, DP2, DP5, DC6 and DC9 of the adopted East Lothian Local Development Plan 2018. The proposed development is also consistent with the Council's supplementary Planning Guidance on 'Special Landscape Areas' and 'Countryside and Coast'.

RECOMMENDATION

That planning permission be granted subject to the undernoted conditions:

- 1 Prior to the commencement of development a sample or specification of the external finishes of the extensions hereby approved shall be submitted to and approved by the Planning Authority and the materials used shall accord with the details so approved.

Reason:

To safeguard the character and appearance of the Special Landscape Area.