

REPORT TO: Planning Committee

MEETING DATE: 14 January 2025

BY: Executive Director – Place

SUBJECT: Application for Planning Permission for Consideration

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***Note:** This application has been called off the Scheme of Delegation List by Councillor Allan for the following reason: Given the neighbour's objection, I believe this would warrant a discussion at Planning Committee.*

Application No. **24/00963/P**

Proposal Extension to house and erection of walls, fencing, and gates

Location **29 Muirfield Park
Gullane
East Lothian
EH31 2DY**

Applicant Mr Daniel McNally

Per Mills + McCullough Architects

RECOMMENDATION Granted Permission

REPORT OF HANDLING

The property to which this application relates to is a one and a half storey, detached house with associated garden ground. The property is located within a predominantly residential area, as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018 ('ELLDP 2018').

The property is bounded to the north, east and west by neighbouring residential properties and to the south by the public road and footpath of Muirfield Park.

PLANNING HISTORY

No relevant planning history is available for this site.

PROPOSAL

Planning permission is sought for the replacement of the existing single storey flat roofed carport and garage component that is attached to the side (west) elevation of the house with a one and a half storey extension and the erection of walls, fencing and gates to enclose the front and side boundaries of the front garden of the applicant's house.

The proposed extension to be attached to the side (west) elevation of the house would have a partially pitched roof akin to a mansard style roof. It would extend west by some 18 metres, and it would have a width of some 9.9 metres. The extension would be some 3.1m in height from ground level to its eaves and some 5.95m in height from ground level to its tallest point.

The front (south) elevation of the extension would feature one glazed entrance door on the ground floor level which would be recessed by some 1m and two glazed window openings on the first-floor level which would be recessed from the front (south) elevation roof slope of the proposed extension by some 2m.

A set of bi-fold doors (a total 4nos doors) would be contained on the ground floor level of the rear (north) elevation and four windows would be contained on the first-floor level of the rear (north) elevation of the proposed extension. The side (east) elevation would feature one glazed opening on the first floor level. No glazed openings are proposed on the side (west) elevation. The side (west) roof slope would contain some 10x skylights. The flat roof component would contain a total of four skylights, the largest skylight would consist of 4x glazed panels.

A component of the side extension is proposed to project out from the line of the rear (north) elevation of the existing house by some 1.4 metres. It would be some 6m in length and would in part attach to the rear (north) elevation of the existing house. It would have a flat roof and would be some 3.8m in height inclusive of its under build. This projecting component would contain 4x glazed openings on its rear (north) elevation and 1x glazed opening on each of its side (east and west) elevations.

The extension would be finished predominantly in an 'off white' wet dash render to match the existing house. The ground floor level of the front (south) elevation would be partially clad in grey stained timber. The roof would be clad in grey concrete tiles. Windows and doors would be of PPC construction and would be finished in grey.

A total of 8x solar panels would be affixed onto the western side of the flat roof of the proposed extension. Each solar panel would be some 1.1m by 1.1m in size. The solar panels would be directed southward and would in part sit some 0.2m from the flat roof.

It is proposed to erect a combination of walling and fencing along part of the southern boundary of the application site. The wall would be some 0.7 - 0.9m in height (depending on levels) and the fencing that would atop the wall would be some 0.8m in height, with a total combined height of 1.5 - 1.7m in height, depending on site levels. Vehicular and pedestrian access gates would also be provided for

along this boundary at some 1.6m in height. Additionally, it is proposed to erect fencing which ranges from 1.5 to 1.7m in height from ground level to enclose the east and west boundaries of the front garden of the applicant's house.

The boundary wall would be finished with render and the fencing and gates would be of timber construction and would be close-boarded.

Subsequent to the registration of this application, several amendments have been made to drawings which included: i. the removal of raised decked areas from proposals; ii. Alterations to the dimensions of the 2x windows on the first floor of the front (south) elevation and iii. The reduction in height of the fencing and gates proposed forward of the principal elevation. The application description has therefore been amended accordingly to reflect the removal of raised decked areas.

The applicant has advised that should any decking be implemented in the future; it will accord with Class 3D of the Town and Country Planning (General Permitted Development (Scotland) Order 1992 (as amended) and therefore constitute as permitted development as noted on the application drawings.

In addition to the above noted proposals, submitted drawings make reference to:

- i. Alterations to the existing house inclusive of the installation of windows, doors and roof lights;
- ii. Removal of timber cladding and rendering of existing dwelling;
- iii. Demolition works;
- iv. The formation of hardstanding within the front curtilage; and
- v. The installation of raised decked areas.

These proposed works are permitted development and do not require planning permission. As such, these works do not form part of this planning application.

DEVELOPMENT PLAN

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that the application be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan is the adopted National Planning Framework 4 ('NPF4') and the adopted ELLDP 2018.

Policies 1 (Tackling the Climate and nature Crises), 2 (Climate Mitigation and Adaptation), 6 (Forestry, Woodland and Trees), 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4 and Policies DP2 (Design) and DP5 (Extension and Alterations to Existing Buildings), T2 (General Transport Impact) and NH8 (Trees and Development) of the adopted ELLDP 2018 are relevant to the determination of the application.

REPRESENTATIONS

A total of five objections have been received in respect of this application for planning permission.

A summary of the main grounds of objections received are detailed below:

- i. The boundaries as indicated on dwg. (00)_100 and (00)_200 are incorrect.
- ii. The proposed roofing comprises dark grey concrete tiles compared with the existing red clay pantiles, incorrectly referenced on Drwg No. (00) _100 as 'Concrete Tile - Terracotta'.
- iii. Drawings (00) _200 shows drainage on the side (west) elevation discharging onto a neighbouring garage not under the ownership of the applicant.
- iv. The proposed development is not appropriate in terms of scale and design and would be detrimental to the neighbourhood.
- v. Proposals would create linked detached houses which represents the over development of this plot.
- vi. The proposed development will have a significant impact on visual amenity.
- vii. The proposed gates and fencing on the frontage of the house would be out of character with adjacent properties and the streetscape.
- viii. Proposed fencing in excess of 1m would hinder sightlines and may cause pedestrian safety issues during access and egress.
- ix. The proposed development will impact on the use of the adjacent garage storeroom which will now be adjacent to a habitable room, rather than a garage.
- x. The patio area would have a significant impact on privacy.
- xi. Through the demolition of the existing west boundary wall, this would leave the neighbouring property exposed to construction work which would create privacy concerns.
- xii. Proposals include for the removal of one tree within the south-eastern corner of the site which in the objector's opinion is unnecessary and reduces amenity.
- xiii. The height of the proposed side (west) gable wall is higher than the existing boundary wall and this would have a greater detrimental impact on visual amenity.
- xiv. The proposed extension would cast a shadow over neighbouring garden ground.
- xv. The row of 7x velux windows on the side (west) roof slope would be within close proximity to neighbouring properties and if these windows were openable, they could cause noise nuisance.
- xvi. The construction would have a significant impact on the privacy and quiet enjoyment of neighbouring properties.
- xvii. Objectors would find it unacceptable for any form of development (temporary or otherwise) to be sited or beyond the site boundary, whether above, below or on ground level and that any work adjacent to neighbouring buildings ensures the long-term integrity and watertightness of neighbouring structures.
- xviii. The current first floor proposal is excessive, aesthetically poor and not in keeping with the existing house, or other properties in Muirfield Park.
- xix. The proposed flat roof extension is not in keeping with the predominant architecture of the area, which is pitched roofs.
- xx. There are too many northwest facing windows, and they are too close to houses, invading privacy.
- xxi. The application should be refused and an amended design submitted.
- xxii. The overall height of the extension denies neighbouring properties light; and,
- xxiii. The proposed ground works are too close to mature trees in neighbouring

properties.

Several objectors do however note that they support the proposed modernisation of the property and thought that plans to extend the existing house in principle were reasonable. One objector recommended a change to the extension to include a pitched roof with a dormer.

Points not considered as material considerations in the determination of this application will be addressed below. The remaining points raised will be addressed within the main body of this report.

The applicant's agent has confirmed that the land within the redline boundary falls within the applicant's full ownership and reflects their title deeds. The applicant's agent has further advised that the entire development proposed, inclusive of drainage provision and discharge, construction works etc. will not exceed the site boundaries to either the north, east or west.

Drg No. (00) _100 depicts the house as existing. The roof of the existing house is clad in a mixture of concrete roof tiles and pantiles in a terracotta colour. This drawing description therefore makes a slight error, though not material.

The demolition of any existing boundary walls on-site would constitute as permitted development. As such the planning authority does not have control over the re-instatement of a wall in this particular location. The requirement for building sites, or other sites under construction to be fenced off during construction is legislated for under separate legislation. It would not therefore be for the Planning Authority to enforce the installation of a replacement boundary enclosure during construction.

Concerns over noise would be legislated for under separate legislation. Should events of unacceptable noise occur, they should be reported to East Lothian Council's Environmental Health Team via EHTS@eastlothian.gov.uk.

PLANNING ASSESSMENT

The north side of Muirfield Park is generally characterised by detached villas of various styles and orientations, set within generous curtilages with their front gardens enclosed with predominantly hedges or low boundary enclosures. The application site (no. 29) is, however, partly adjoined with the neighbouring property to the west (no. 28) via a mutual boundary wall. Many of these villas have been altered or extended over the years and subsequently have window and door openings that vary in shape, proportion and colour as well as dormers and extensions that vary in shape, proportion and style as well.

In general, houses along Muirfield Park are finished in an 'off-white' render and have either brick detailing or timber or upvc panel detail finishes. In terms of roof coverings, most houses along Muirfield Park have pantile roofs, though there are a number of properties within the surrounding area that have either slate roofs, or a combination of both pantile and either slate or concrete tile roofs.

The proposed extension is proposed to be attached to the side (west) elevation and part of the rear (north) elevation of the house and would, given its position, be visible from the public road of Muirfield Park to the south. Whilst the footprint of this proposed extension is larger than the footprint of other extensions within the immediate area, the proposed extension would replace part of the existing house, garage, external walls and canopied areas which would be demolished to make way for proposals, if approved.

In terms of the partially pitched first floor level, this would provide additional living accommodation without the need for the applicant to lose additional garden ground by extending further outwith the realms of the footprint of the existing house. The architectural style of the roof proposed integrates the pitched roof style prevalent within the area with a flat component which is reflective of the built form of the existing extended component of the house as well as the adjacent extension at no. 28 and other ancillary buildings within the immediate streetscape which have flat roofs.

Whilst the pitched roof component reduces the overall massing of the proposed extension, the flat roof component ensures that the roof height of the extension is lower than that of the existing house. The extension as proposed would not appear as an overly dominant or overbearing addition to the streetscape of Muirfield Park. Rather and by virtue of the scale, size and proportions of the proposed extension, it would be a subservient addition to the existing house.

Whilst the proposed extension differs somewhat to the architectural style prominent within the surrounding area in terms the overall design inclusive of materials proposed, the proposed extension would be designed with some features which would reference the design of the existing house and other properties within the surrounding area such as the use of render and timber cladding for detailing. The proposed extension would also make reference to the built form of the application site as existing by incorporating a recessed entrance door with a canopy above. Materials such as the grey concrete tile roof coverings and window openings on the front (south) elevation would be somewhat different to the predominant architectural style prevalent within the immediate area of Muirfield Park, however there are examples of differing roof types and coverings and window shapes and proportions along Muirfield Park and other surrounding streets.

There are a number of skylights proposed on the side (west) roof slope of the proposed extension and whilst the proposed number is of a greater number than neighbouring properties, these are positioned on a secondary elevation and are therefore set back from the principal elevation of the house. In their positioning therefore they would only be visible in short duration glimpsed views from the public road. Although the proposed extension introduces a slightly different architectural style into the streetscape, it does make reference existing features of the area, it would not therefore appear as an alien or incongruous addition to the existing house or the wider streetscape.

The proposed extension would fit comfortably within its setting and would not therefore constitute as either the overdevelopment of the applicant's house or garden ground. Nor would the proposed extension result in the creation of linked

detached houses between nos. 28 and 29, given the houses already form as linked detached houses via the mutual boundary wall.

Overall, by virtue of the design, size, form, proportion and scale of the proposed extension, it would be a subservient and complementary addition to the house and would not therefore be harmful to the character and appearance of the existing house or to the surrounding area.

Owing to the size, form, and positioning of the proposed extension, it would not give rise to the harmful loss of sunlight or daylight or cause any unacceptable levels of overshadowing to any neighbouring residential properties.

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

In respect of glazed openings on the front (south) elevation of the proposed extension, these would front onto some 12 metres of the applicant's front curtilage and beyond onto the public road and footpath of Muirfield Park which is some fifteen metres in width. Glazed openings on the front (south) elevation of the proposed extension would not therefore result in any overlooking or privacy concerns.

The formation of glazed openings on the rear (north) elevation of the main component of the proposed extension would face onto the applicant's rear curtilage which is some nine metres at its widest point. The glazed openings located on the ground floor and first floor levels within the rear (north) elevation of the proposed extension which align with the rear (north) elevation of the existing house would be some nine metres from the boundary of the curtilage and would be a distance of some 23 metres from directly facing windows. Such glazed openings would not therefore result in the reduction in privacy or amenity of neighbouring properties.

One glazed opening is proposed on the first-floor level of the side (east) elevation of the extension. It would be some 13 metres from the east boundary of the application site and given its recessed nature, it would look onto the west roof slope of the existing house. It would not therefore result in the overlooking of any neighbouring residential properties.

No windows are proposed on the side (west) elevation wall of the proposed extension. Some 10x roof lights are proposed on the side (west) roof slope. They would be within nine metres of the boundary of the curtilage to the west and within 18 metres of a directly facing window. However, 5x of these roof lights would be positioned close to the eaves and would provide light into the ground floor (kitchen) of the proposed extension. As these roof lights would be positioned above head height, they would not result in the overlooking of the neighbouring property to the

west. The remaining three rooflights on the side (west) roof slope would service a bedroom and storage area. These rooflights would however be above head height level and would therefore not result in the overlooking of neighbouring properties to the west.

Should glazed openings be installed or altered at a later date on either part of the west (side) wall of the proposed extension or the west roof slope, dependent on their positioning, such glazed openings would result in the overlooking of the neighbouring property to the west. In such circumstances, should planning permission be granted, permitted development rights can be removed from this side (west) elevation and west roof slope to prevent the installation of either new glazed openings, or altered glazed openings on this elevation and roof slope without prior consent from the planning authority.

The component of the extension which projects out some 1.4m from the rear (north) boundary of the existing house would have glazed openings on the rear (north) elevation. Given these windows project out from the rear (north) elevation of the existing house, there would only be a distance of some 7.6m from the rear (north) elevation of this projecting component and the north boundary fence. These glazed openings would therefore result in the overlooking of the neighbouring property to the north.

One glazed opening is proposed on each of the side (east) and the side (west) elevations of the projecting component of the proposed extension. These windows would face onto the neighbouring residential properties of 28 Muirfield Park to the west and 30 Muirfield Park to the east. Whilst in neither instance, the proposed windows would face onto any directly facing glazed openings, the proposed glazed opening on the side (east) and side (west) elevations of the projecting component of the proposed extension would be less than nine metres from each of the east and west boundaries of this application site. Glazed openings on each of the side (east) and side (west) elevations of the projecting component would therefore result in the overlooking of the neighbouring properties to the east and west.

In respect of the glazed openings on the rear (north) and sides (east and west) of the projecting component of the proposed extension and in usual circumstances, the provision of a 1.8m fence separating the neighbouring residential gardens from the affected elevations of the proposed development would be sufficient to address overlooking. However, in this instance, the projecting component of the extension would have an underbuild of some 0.8m, and therefore the average user of this projecting component could see over the fences on the north, east and west boundaries. The windows on each of the rear (north) and side (east and west) elevations would therefore result in the overlooking of neighbouring properties. Any such grant of planning permission should therefore be subject to a condition that the glazed openings on the (north) and side (east and west) elevations will be obscurely glazed to prevent harmful overlooking.

The formation of roof lights on the flat roof component of the proposed extension would not result in harmful overlooking.

Subject to the imposition of a planning condition removing permitted development

rights from the side (west) elevation and west roof slope and subject to a condition requiring that the glazed openings on the (north) and side (east and west) elevations of the projecting component of the proposed extension are obscurely glazed, proposals would not allow for any harmful overlooking of any neighbouring properties.

The addition of some eight solar panels on the flat roof component of the proposed extension would only be visible in short duration glimpsed views given their position and would not therefore be harmful to the character and appearance of the house, or the surrounding area. Further, the installation of the solar panels would align with the aims of NPF4, and the climate emergency as declared by elected members at a committee meeting on Tuesday 27th August 2019. Proposals would therefore comply with Policies 1 and 2 of NPF4 and subject to conditions, the proposed solar panels and the proposed extension would accord with Policy DP5 of the ELLDP 2018 and policies 14 and 16 of NPF4.

Development within the rear curtilage of this property would not fall outwith tree root protection areas of neighbouring mature trees and therefore the proposed extension would not impact upon mature trees within neighbouring gardens. Through the erection of boundary enclosures forward of the principal elevation of this dwellinghouse, a small cherry tree would need to be removed. Permitted development rights would allow for the formation of hardstanding within the front curtilage as well as the erection of a low-lying wall (under one metre) in isolation to the fence top. Such works would cause damage to the roots of the existing cherry tree and would be outwith the control of the Planning Authority. As works which constitute as permitted development would cause damage to the existing tree anyway, ELC's Senior Landscape Officer raises no objection to the removal of this tree, subject to replacement planting works being carried out to retain visual amenity within the area. Therefore, should planning permission be granted for the boundary enclosures, it can be made a condition that a scheme of landscaping is submitted to the Planning Authority for approval and implemented thereafter in accordance with approved plans. Subject to the imposition of this condition, proposals would therefore accord with Policy 6 of NPF4 and Policy NH8 of the ELLDP 2018.

The erection of boundary enclosures between 1.5 - 1.7m in height and forward of the principal elevation of this dwellinghouse would be of a height higher than many other boundary enclosures enclosing the front gardens of the houses of Muirfield Park. Given Muirfield Park is largely characterised by front gardens enclosed with either hedges or low boundary enclosures, the fencing and gates proposed for the front garden of the applicant's house by being between some 1.5 - 1.7m in height would appear visually intrusive and incongruous to the detriment of the character and amenity of this residential area as well as the streetscape of Muirfield Park. There is one instance along Muirfield Park on the opposite side of the road, where a boundary enclosure is in excess of 1.5m in height and forward of the principal elevation. This fence is however somewhat set back from the roadside, though, irrespective, it does not appear to benefit from any grant of planning permission and may therefore be unauthorised and in breach of planning control. The boundary enclosures proposed for the front garden of the house the subject to this application would be harmful to the character and amenity of the surrounding area

and are therefore contrary to Policies 14 and 16 of NPF4 and DP2 of the ELLDP.

Furthermore, if approved, the boundary enclosures proposed for the front garden of the house if approved would set a harmful precedent for allowing the addition of similar forms of boundary enclosures to be erected in the front gardens of other residential properties within the locality. Such a change would be out of keeping with the character and appearance of the surrounding area.

East Lothian Council's Road Services were consulted as part of this application and advised that given the road speed of Muirfield Park is 20mph, a visibility splay of 2.0 (x) metres by 45.0 (y) metres should be provided and maintained on each side of the proposed vehicular access such that there is and shall be no obstruction to visibility splays above a height of 1.05 metres measured from the adjacent carriageway level within the area defined above. A visibility splay should also be provided from the driveway to the footway to allow young children to be seen by the drivers accessing and egressing the property. This splay should be two metres by 2 metres from the driver's eye height of 1.05 metres to an object height of 0.6 metres above the rear of the footway. The Roads Officer further advises that where the proposed boundary enclosure is greater than 0.6m as is in this case, the vehicular access should be a minimum width of five metres.

In this instance and owing to the positioning and height of the boundary enclosures, the Council's Roads Officer advises that the application documents and drawings are not reflective of their stipulations and do not show the required visibility splays or gate width can be achieved. Therefore, the Council's Road Services advise that they cannot support the boundary enclosures proposed to enclose the front garden of the house and forward of the principal elevation of this house as they are contrary to Policy T2 of the ELLDP 2018.

In conclusion, the boundary enclosures proposed for the front garden of the house would be harmful to the character and amenity of the surrounding area and are therefore contrary to Policies 14 and 16 of NPF4 and DP2 of the ELLDP and also contrary to Policy T2 of the ELLDP 2018 as they form as a road safety hazard. Therefore, it should be made a condition of any grant of planning permission for the proposed extension that the boundary enclosures ranging from 1.5 - 1.7m in height to be erected to enclose the front garden of the house should be refused planning permission.

Given the above considerations and with the exception of the boundary enclosures, the erection of this extension is consistent with Policies 1 (Tackling the Climate and nature Crises), 2 (Climate Mitigation and Adaptation), 6 (Forestry, Woodland and Trees), 14 (Design, Quality and Place) and 16 (Quality Homes) of NPF4 and Policies DP2 (Design) and DP5 (Extension and Alterations to Existing Buildings), T2 (General Transport Impact) and NH8 (Trees and Development) of the adopted ELLDP 2018. No material considerations outweigh the proposed extension accordance with the Development Plan. It is therefore recommended that planning permission be approved for the proposed extension only.

CONDITIONS:

- 1 Planning permission is not granted for the wall, fencing and gates proposed to enclose the front and side boundaries of the front garden of the house, and positioned forward of the principal elevation of the applicant's house.

Reason:

The boundary enclosures are harmful to the character and residential amenity of the surrounding residential area and would pose a road safety hazard contrary to policies DP5 and T2 of the ELLDP 2018 and policies 14 and 16 of NPF4.

- 2 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 3 Prior to any use being made of the extension hereby approved, the glazed openings of the projecting component of the extension as approved shall be obscurely glazed on its rear (north) and side (east and west) elevations in accordance with a sample of the obscure glazing to be submitted to and approved by the planning authority prior to its installation within these window openings. The obscure glazing of the glazed openings shall accord with the sample so approved and thereafter shall remain obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

In order to safeguard the privacy and amenity of the occupants of the neighbouring house to the north, east and west.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended by Part 1 of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011), or of any subsequent Order amending, revoking or re-enacting the 1992 Order, no windows or other glazed openings, other than the glazed openings approved as part of this application shall be formed within the west side elevation or the west side roof slope of the extension hereby approved, unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and residential amenity of the residential property to the west.

