

## Proposal Details

Proposal Name	100723268
Proposal Description	ERECTION OF 1 HOUSE AND FORMATION OF HARDSTANDING AREAS AND ASSOCAITED WORKS
Address	THE STUDIO, GOOSE GREEN ROAD, GULLANE, EH31 2AT
Local Authority	East Lothian Council
Application Online Reference	100723268-001

## Application Status

Form	complete	
Main Details	complete	
Checklist	complete	
Declaration	complete	
Supporting Documentation	complete	
Email Notification	complete	
Fee	complete	286.00
Payment Method	complete	Pay Direct

## Attachment Details

Notice of Review	System	A4
24-01372-P - THE STUDIO - GOOSE GREEN - GULLANE - LOCAL REVIEW BODY APPEAL STATEMENT - AUGUST 2025	Attached	A4
24-01372-P - THE STUDIO - GULLANE - PIN HIGH PROPERTIES - ELEVATION COMPARISONS - A1	Attached	A1
24-01372-P - THE STUDIO - GULLANE - PIN HIGH PROPERTIES -May Cotttage - Sun Settings_ 3D	Attached	A3
24-01372-P - THE STUDIO - GULLANE - PIN HIGH PROPERTIES - May Cottage - Sun Settings 2D_08025	Attached	A3
24-01372-P - THE STUDIO - GULLANE - PIN HIGH PROPERTIES _Sunnyside Daylight Assessment	Attached	A3
24_01372_P - THE STUDIO - GULLANE - PIN HIGH PROPERTIES - STAMPED_REFUSED_COLOUR_DRAWINGS	Attached	A3
24_01372_P - THE STUDIO - GULLANE - PIN HIGH PROPERTIES - OFFICER REPORT	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

# OFFICER REPORT

**15th May 2025**

App No. **24/01372/P**

Application registered on **9th January 2025**

Target Date **8th March 2025**

Proposal	<b>Erection of 1 house and formation of hardstanding areas and associated works</b>	SDELL	Y
		CDEL	N
Location	<b>The Studio Goose Green Road Gullane EH31 2AT</b>	Bad Neighbour Development	N

APPLICANT: **Pin High Properties**

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

**c/o Architecturejfltd  
Per Julian Frostwick  
Gullane Business Centre  
12A Lammerview Terrace  
Gullane  
EH31 2HB**

DECISION TYPE:

**Application Refused**

## REPORT OF HANDLING

The application relates to a single storey, semi-detached, pitched roof house that is located to the east of Goose Green, Gullane. The property is situated within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. The building is not listed as being of special architectural or historic interest. It is however located within the Gullane Conservation Area.

The application site comprises an existing a semi-detached, pitched roof, single storey house with a projecting side component which adjoins May Cottage to the west and also has a projecting porch element on the front (north) elevation. The building is attached to, and immediately to the northeast of, the single storey building of May Cottage. The site is otherwise bounded to the north, east and south by residential properties.

The application site is bounded to the north by an access lane serving The Studio and Elm Cottage and beyond by the neighbouring property of Victoria Cottage. To the east the site is bounded by the property of Victoria Cottage, to the south by the access land serving

Sunnyside Cottage and beyond to the property of Sunnyside and to the west by the adjoining property of May Cottage and beyond to the public road of Goose Green road and associated green area of public open space, Goose Green.

## PLANNING HISTORY

In November 2017, and again in April 2018, conservation area consent (Refs: 17/01005/CAC and 18/00378/CAC) was sought for the demolition of the existing building. Those applications were submitted in respect of redevelopment proposals for the site. Also in April 2018 planning permission (Ref: 18/00379/P) was sought for the erection of one house on the site. All of those applications were withdrawn without them having been determined.

In September 2018 conservation area consent (Ref: 18/00757/CAC) was granted for the demolition of the existing house on the application site. That consent was not implemented and as such has since lapsed.

In September 2018 planning permission (Ref: 18/00756/P) was granted for the erection of a house on the site subject to conditions. That planning permission was not implemented and as such has since lapsed.

The house approved through planning permission 18/00756/P was a semi-detached, single storey house with accommodation in its roof space. It had a square shaped footprint with a recessed element along the front elevation. The proposed house had a slightly bigger footprint in comparison to the existing house. It was rectangular in shape with a projecting element to the front (north), measuring some 96.12 square metres in area which takes in the majority of the land within the plot. The eaves of the roof of that approved house sat below the height of the ridge of the roof of the neighbouring house of May Cottage.

## PROPOSAL

Planning permission is again sought for the erection of a single storey house with accommodation in its roof space as a replacement for the existing house on the site. The proposal also includes the formation of hardstanding areas and a bin store for use in conjunction with the proposed house.

The site would continue to be accessed from the existing access lane that currently runs along the north side of the application site. It is also proposed that existing boundary wall would remain along the southern boundary of the property. The proposed house would have no useable garden ground.

The proposed house would have a similar amount of accommodation as the house previously approved by planning permission 18/00756/P which comprise of a hall, 3 bedrooms, dressing room, laundry room, bathroom and storage at ground floor level and an open plan kitchen/living area and associated roof terrace at first floor.

The proposed house would be some 0.8m higher than the house approved through the grant of planning permission 18/00756/P with the eaves of its roof sitting above the ridge of the roof of the neighbouring houses of May Cottage and would have more roof windows on its

north, south and east elevation. Otherwise, the proposed house would occupy a similar footprint as the previously approved house.

The walls of the proposed house would be finished externally in a white painted wet dash render to the north and east elevations. The south and west elevations would be finished externally in Scotch buff. The west elevation would contain sections of vertical Cedral wood fibre cement weatherboarding which would be white in colour. The roof of the house would be clad in natural slate. The proposed roof lights would be of grey aluminium frame construction and would each feature a conservation astragal bar. The proposed window and door frames would be of white painted, timber frame construction with double glazed units.

The side (west) elevation roof slope of the house is proposed to have a balcony cut into it with an area of outdoor amenity space. The proposed balcony would be enclosed by a 1.1-metre-high clear glass balustrade enclosing its front and a 1.5-metre-high frosted glass balustrade enclosing its sides.

The proposed house would comprise of a hall, 3 bedrooms, dressing room, laundry room, bathroom and storage area at ground floor level. At first floor level the proposed house would contain an open plan kitchen/living area and associated roof terrace.

Access to the proposed house would be taken via the existing access from Goose Green Road that serves the neighbouring residential property of Elm Cottage, which is situated to the northeast of the application site.

Like the existing house and the house approved by planning permission 18/00756/P the proposed house would not benefit from any significant degree of garden ground. It would have areas of hardstanding to its front and side.

Like the existing house and the house approved by planning permission 18/00756/P the proposed house would not benefit from any designated off-street parking space.

The submitted drawings indicate bin storage would be provided to the front (northwest) of the proposed house. The proposed wooden bin store would have a length of some 1.5 metres, a width of some 0.9 metres and would have a height of some 1.2 metres.

A design and access statement has been submitted by the agent in support of this planning application which notes the proposals are for a replacement dwelling on the application site. It further advises the proposed house would meet all accessibility standards. It further advises the proposed replacement house is of a traditional form and materials which are appropriate to the Gullane Conservation Area and consistent with lapsed planning permission 18/00756/P.

Through separate application 24/01373/CAC conservation area consent is sought for the demolition of the existing house. That application stands to be determined on its own merits.

## 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 National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 6 (Forestry, woodland and trees), 7 (Historic Assets and Places), 9 (Brownfield, vacant and derelict land and empty buildings), 11 (Energy), 12 (Zero Waste), 13 (Sustainable Transport), 14 (Liveable Place), 16 (Quality Homes) and 22 (Flood risk and water management) of NPF4 and Policies CH2 (Development Affecting Conservation Areas), DP2 (Design), DP7 (Infill, Backland and Garden Ground Development), NH8 (Trees and Development), NH11 (Flood Risk), RCA1 (Residential Character and Amenity), SEH2 (Low and Zero Carbon Generating Technologies), T1 (Development Location and Accessibility), T2 (General Transport Impact), W3 (Waste Separation and Collection) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Material to the determination of the application is Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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.

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 this planning application is the Council's Supplementary Planning Guidance on The Cultural Heritage and the Built Environment and the planning history of the application site as outlined above in this report.

COMMUNITY COUNCIL

Gullane Community Council (GCC) have objected to this planning application in their capacity as a consultee. In summary, their main grounds of objection are:

- i) The scale of the proposed house is significantly bigger than that of the 2018 application that was approved;
- ii) The proposed house is likely to adversely affect the amenity of the immediate neighbours given their close proximity;
- iii) The construction of the house would cause disturbance to neighbours, particularly given the need for access via the shared lane; and
- iv) If the property were intended to be used as a short-term let then GCC would object to that on the basis of the impact on parking.

## REPRESENTATIONS

A total of 25 objections have been received in relation to this planning application, a number of which were received from the same objectors' due to the application being re-advertised and neighbours re-notified. In summary the main grounds of objection are:

- i) The proposal is an overdevelopment of the small application site;
- ii) The proposed house would overshadow and result in a loss of daylight to neighbouring properties;
- iii) The proposed house would be overbearing on neighbouring properties;
- iv) The proposed house would both be taller and larger in footprint than the existing house;
- v) The design, form and appearance of the proposed house would not be in-keeping with the character and appearance of the surrounding area and Gullane Conservation Area;
- vi) The proposed house would not be in-keeping with the surrounding area and would be a prominent and detrimental addition to the character and appearance of the surrounding area and Conservation Area;
- vii) There is no parking available which would create additional strain on Goose Green;
- viii) The proposed house would harmfully overlook neighbouring properties and the use of the roof terrace may be noisy;
- ix) The proposed house may impact on the price of neighbouring properties;
- x) Objectors note the proposed house may be used as a short-term holiday let;
- xi) Objectors raise concerns about the need to control short-term lets in general;

- xii) The proposed house would be significantly higher than the previously approved scheme;
- xiii) The current gap between an objectors' boundary wall and the south-facing wall of the new build will be lost and it is alleged that ventilation holes may need to be bored in a neighbours wall;
- xiv) Objectors raise general points regarding the use, layout and maintenance of the amenity space of Goose Green and that if the house were to be used as a short-term holiday let then visitors would be less likely to respect that amenity space;
- xv) Objectors raise concern about the construction and maintenance of the property,
- xvi) An objector would not allow the removal, damage or alteration to their boundary wall for the purpose of constructing the proposed house;
- xvii) The proposed house could not be constructed without disruption to the shared access to the site;
- xviii) The proposed house would prevent access to a manhole and that the house would appear to extend over the drain that runs below;
- xix) The floor area of the proposed house would be more than double that of the existing house;
- xx) Neither the exiting or proposed houses benefit from an useable private garden space;
- xxi) The submitted drawings and application form are inaccurate and do not reflect the existing layout of the site and its surroundings;
- xxii) Since the granting of 18/00756/P and 18/00756/CAC the adjoining neighbouring property of May Cottage has been granted planning permission (Ref: 24/00876/P) for alterations to that property which should be shown on the submitted drawings;
- xxiii) The properties known as May Cottage and The Studio were under the same ownership at the time planning permission and conservation area consent were previously granted. This is no longer the case with the two properties now being in separate ownership;
- xxiv) The previous grant of permission was assessed under a previous Local Development Plan and the proposals should now be assessed under the current Local Development Plan and NPF4;
- xxv) The proposal does not include sufficient space for external activities such as recreation and drying clothes;
- xxvi) There is not sufficient provision for bin storage or cycle storage;
- xxvii) The proposals are contrary to relevant development plan policies and the Gullane Conservation Area character statement;

xxviii) The previous assessment of the granted planning permission was incorrect in stating that proposed house would not cause harmful overlooking as there were roof lights installed within the roof of May Cottage;

xxix) The proposed 1.5-metre-high frosted glass to the sides of the proposed roof terrace are considered insufficient to prevent from harmful overlooking to neighbouring properties;

xxx) There is an existing cherry tree to a neighbouring garden which would be adversely affected by the proposed house and associated demolition/construction works;

xxxi) Concerns are raised about surface water run-off as a result of the proposed house and the carrying capacity of the foul drainage system;

xxxii) The proposals are devoid of proposals for any low and/or zero carbon generating technologies;

xxxiii) If approved a construction management plan is requested;

xxxiv) There is no justification submitted for the demolition for the existing house; and

xxxv) There is no space to store building materials on-site.

There is nothing unusual in the development proposed to suggest that construction works would have an unacceptable impact on neighbouring properties. Any issues of noise would be for the Council's Environmental Health Service to investigate under their separate statutory powers.

Sufficient details have been submitted with the application to allow a full and accurate determination of the application.

With regards the proposals not complying with building regulations, this would be a matter for building control to consider and is not a material consideration in the determination of this planning application.

Any unreasonable noise or anti-social behaviour from the property are matters for the Council's anti-social behaviour team and Police Scotland. They are not matters relevant to the determination of this planning application.

In relation to the alleged proposal to use the proposed house as short-term holiday let accommodation, this concern has been passed onto the applicant who confirmed in writing that the property would be let out, if approved however, this would be on a long term let as opposed to being used as a short-term let. The applicant further advises they are aware if they did wish to use the property as short-term holiday let accommodation then they would need to apply for the relevant licence. In any event any future use of the proposed house as short-term holiday let accommodation would be assessed on its own individual merits to assess if a material change of use would occur and therefore if planning permission would be required. Nevertheless, this is not material to the determination of this planning application as the applicant is not proposing a short-term holiday let accommodation.

The alleged impact of the proposed house upon the property values of neighbouring residential properties is not a material consideration in the determination of this planning application.

The submitted drawings note the existing low boundary wall to the northeast of the proposed house would remain unaltered by the proposals. Similarly, the submitted drawings note the existing boundary wall to the south of the proposed house would remain unaltered.

Concerns regarding the maintenance and construction of the proposed house, existing wall along the southern boundary and how drainage will be managed are all private matters and not material considerations in the determination of this planning application.

Any dispute over the alteration, damage or removal of any boundary wall is a civil matter between affected parties and is not material to the consideration of this planning application.

The disruption or prevention of any access to any manholes and/or drainage pipes is a civil matter between affected parties and is not material to the consideration of this planning application.

Subsequent to the initial registration of the application the agent has submitted amended drawings which are deemed sufficient to allow for the determination of this planning application. Furthermore, subsequent to the receipt of those amended drawings the application was re-registered, re-advertised and neighbours were re-notified.

Furthermore, there is no requirement for the agent to show alterations to a neighbouring property. The Council, as Planning Authority has access to the approved plans for the alterations approved to the adjoining neighbouring residential property known as May Cottage. Therefore, an accurate assessment of the impact of the proposed house on that neighbouring property and other neighbouring properties can be undertaken.

The justification for the demolition of the existing house shall be assessed by the associated conservation area consent application (Ref: 24/01373/CAC) and not through this planning application. Both applications stand to be determined on their own merits.

The lack of space to store building materials and equipment on the application site is not material to the consideration of this planning application.

In September 2018 planning permission (Ref: 18/00756/P) was granted for the erection of a house on the site subject to conditions. That planning permission was not implemented and as such has since lapsed. Furthermore, the assessment of that planning permission was made under a previous development plan. As such, this current planning application stands to be determined on its merits in accordance with the relevant development plans, those being NPF4 and the adopted East Lothian Local Development Plan 2018.

## PLANNING ASSESSMENT

The Council's Environmental Health Officer has been consulted on this application and advises he has no comments relating to the proposed development.

The Council's Contaminated Land Officer has been consulted on this application and advises there is no direct evidence to suggest any previous (historic) contaminative use of the site, however, given the proposed demolition of the existing dwelling there is the possibility that localised 'hotspots' of contamination may exist (possible asbestos containing materials in the building fabric) as well as areas of made ground in the wider site area.

Given the above, if planning permission were to be granted then further information would be required to determine the ground conditions and potential contamination issues impacting on the site (with the minimum of a Phase I Geo-Environmental Assessment being carried out). If planning permission were to be granted this could reasonably be made a condition of any grant of planning permission.

The Council's Flooding Officer has been consulted on this application and he advises that in terms information that this Council has concerning flood risk to this site, he would state that SEPA's Flood Hazard Mapping indicates that the site is not at risk from a flood event with a return period of 1 in 200 years, plus climate change. Furthermore, the Council's Flooding Officer advises the proposed development is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems. As such, the Council's Flooding Officer raises no objection on the grounds of flood risk. Therefore, the proposed development complies with Policy 22 of NPF4 and Policy NH11 of the adopted East Lothian Local Development Plan 2018.

The Council's Senior Landscape Officer has been consulted on this application and she advises the cherry tree situated within the garden of the neighbouring residential property known as Victoria Cottage, to the northwest of the application site was identified in planning application 16/00259/P. The Council's Landscape Officer advises the property at Victoria Cottage is at a raised level from the development site and is separated from the site by a stone retaining wall and 4m wide monoblock drive. These constraints are likely to prevent tree root growth in the direction of the site. Referring to BS5837:2012, these constraints together with the distance of the proposal from the cherry tree mean that the proposals are unlikely to impact on the cherry tree. As such the proposed development complies with Policy 6 of NPF4 and Policy NH8 of the adopted East Lothian Local Development Plan 2018.

The Council's Waste Services have been consulted on this application and advise they raise no objection to the proposed development but advise residents would be required to present containers for waste and recycling collections at the nearest accessible point for HGVs. As such the proposed development complies with Policy 12 of NPF4 and Policy W3 of the adopted East Lothian Local Development Plan 2018.

The Council's Road Services have been consulted on this planning application and object to the proposal on the basis that one off-street parking space should be provided. On this matter, the sites planning history is a material consideration. The existing house, and previously approved house, like other houses in the area, do not benefit from any off-street parking. Given the small scale of the plot of land associated with the application site, it is not possible to incorporate a parking space within the curtilage of the proposed property. Furthermore, the application site is located in close proximity to a number of bus services on Gullane Main Street and as such the application site can be easily accessed by public transport. On the matter of cycle storage, the Council's Road Services advise that cycle storage is not required for the proposed house. As such the proposal complies with Policy 13 of NPF4 and Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

Scottish Water have been consulted on this application and advise they raise no objection and advise there is currently sufficient capacity in the Castle Moffat Water Treatment Works to service the proposed development. In addition, Scottish Water advise the proposed development is within the Gullane Wastewater Treatment Works.

Notwithstanding the above the principal determining factor in this case is whether, having regard to national, strategic and local planning policy and guidance and other material considerations the principle of a new house and the works associated with it would be acceptable, with due regard to its potential impact on the character and residential amenity of the area, including the impact on the character of the character and appearance of the Gullane Conservation Area. Furthermore, due regard has to be placed on the impact of the proposed development on neighbouring residential properties.

The application site is part of a wider area characterised as being of residential character and amenity by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. Policy RCA1 does not actively promote the development of land for new residential development. 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. However, Policy RCA1 does state that proposals for new development will be assessed against appropriate local plan policies, which in the case of infill, back land and garden ground development is Policy DP7 of the adopted East Lothian Local Development Plan 2018.

The site is within a predominantly residential area with residential properties to the north, east, south and west of it. The erection of a house on the site would amount to infill housing development within this part of Gullane and therefore Policy DP7 would apply.

With respect to infill, back land and garden ground development Policy DP7 of the adopted East Lothian Local Development Plan 2018 requires that the following design principles are met:

1. The site can accommodate the entire development, including an appropriate amount of open space, satisfactory vehicle and pedestrian access, car parking and where necessary vehicle turning space; and
2. The occupants of existing neighbouring development experience no significant loss of privacy and amenity and occupants of any new development must also enjoy privacy and amenity; and
3. The scale, design and density of the proposed development will be sympathetic to its surroundings, overdevelopment of the site will be unacceptable, and landscape and boundary features important to the character of the area must be retained where possible; and
4. There will be no material loss of greenfield land or open space important to the character or recreation and amenity requirements of the area, and no loss of important physical or natural features.

Policy DP2 of the adopted East Lothian Local Development Plan 2018 requires that all new developments must be well designed and sets out a number of design principles. Amongst

these are the requirement that 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 palate of materials and colours that complement its surroundings and retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate.

Policy DP7 amongst other things requires that the occupants of existing neighbouring properties experience no significant loss of privacy and amenity from new development and that the occupants of any new development must also enjoy privacy and amenity.

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 a planning authority to apply the general rule of 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 residential properties.

In relation to the above, the glazed openings to be formed at ground floor level in the front (northwest) elevation of the proposed house would face over the shared access for some 4 metres and beyond to a high stone wall boundary treatment. Therefore, the use of those glazed openings would not allow for any harmful overlooking of any neighbouring residential properties.

There are no proposals to form windows or other glazed openings at ground floor level within the side (northeast) or rear (southeast) elevation walls of the proposed house. As the property falls within a conservation area any future proposals to form windows or other glazed openings would require planning permission and as such could be controlled by the Planning Authority.

The ground floor component of the side (southwest) elevation of the proposed house would abut the adjoining neighbouring residential property known as May Cottage and as such there would be no windows or other glazed openings formed at ground floor level in this elevation wall.

The glazed openings to be formed within the front (northwest) roof slope would face over the shared access for some 4 metres and beyond to the garden ground of the neighbouring residential property known as Victoria Cottage. The double roof lights to be formed in the lower position in the front (northwest) and side (southeast) elevation roof slope would serve the ground floor component of the proposed house and as such those roof lights would be of sufficient height above floor level to ensure that they would not allow for any harmful overlooking of any neighbouring residential property.

The double roof lights to be formed in the higher position of the roof would be set some 1.7 metres up from the finished floor level of the first floor. As such, those roof lights would also be of sufficient height above floor level to ensure they would not allow for harmful overlooking of any neighbouring residential properties.



The roof light to be formed within the side (northeast) roof slope of the proposed house would serve a ground floor en-suite and as such the use of it would not allow for any harmful overlooking of any neighbouring residential properties.

The proposed house would have a roof terrace with associated glass balustrade within the side (southwest) roof slope. The side (northwest and southeast) elevations of the proposed roof terrace would be enclosed by a 1.5 metre high frosted glass balustrade to both its side elevations and as such these frosted screens would prevent harmful overlooking of neighbouring residential properties to the northwest and southeast respectively.

However, the front of the roof terrace would be enclosed by a 1.1-metre-high clear glazed balustrade. This would face over the roof slopes of the adjoining neighbouring residential property of May Cottage. Since the grant of planning permission 18/00756/P that neighbouring house has had new roof lights installed in its roof, including within the north elevation roof slope through the grant of planning permission ref: 24/00876/P. However, should planning permission be granted for the proposed house then harmful overlooking could be mitigated by a condition requiring a 1.5-metre-high frosted balustrade to enclose the front component of the roof terrace. Subject to the imposition of that planning control the proposed roof terrace would not allow for harmful overlooking of May Cottage or any other neighbouring residential property.

On the matter of the impact of the proposed house 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.

The sunlight test has been undertaken on March 21st in line with the guidance set out in Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair. The sunlight test indicates the proposed house would cast a shadow on the garden ground of Sheilbrae at 08.00. In addition, the proposed house would also cast a gradual shadow on the garden ground of Victoria Cottage between the hours of 08.00 and 13.00. The sunlight test also indicates the proposed house would cast a gradual shadow on the garden ground of Elm Cottage between the hours of 12.00 and 16.00. Therefore, in accordance with the Guide the proposed house by virtue of its size, form and positioning would not allow for a harmful loss of sunlight to any neighbouring residential properties.

Application of the 25-degree daylight test to the neighbouring residential properties of Elm Cottage and Victoria Cottage indicates the proposed house would not result in a harmful loss of daylight to those neighbouring residential properties.

Application of the 25-degree daylight test to the neighbouring residential property of Sunnyside indicates the proposed house would fail in relation to the bedroom windows to the side (northwest) elevation of that property. As such the proposed house would result in a harmful loss of daylight to those windows of that neighbouring residential property.

Application of the 25-degree daylight test to the neighbouring residential property of May Cottage indicates the proposed house would fail in relation to the roof lights that have been installed in the northeast elevation roof slope which were approved through planning permission 24/00876/P. One of those roof lights serves a bedroom and that bedroom would only be served by that affected roof light. As such the proposed house would result in a harmful loss of daylight to that neighbouring residential property.

Therefore, given the above considerations the proposed house would result in a harmful loss of daylight to the neighbouring residential properties of Sunnyside and May Cottage and as such would be contrary to Policy DP7 of the adopted East Lothian Local Development Plan 2018.

Policy DP7 amongst other things requires that a site for a new development is of sufficient size so that it can accommodate the entire development, including an appropriate amount of open space.

In relation to the above, the proposed house would not have any useable garden ground for its occupants. However, the existing house has very little garden ground and the house granted planning permission Ref: 18/00756/P had no useable garden ground associated with it. Therefore, and as the proposed house would have a roof terrace that any occupants could use the fact that there is no useable garden ground is not in this circumstance unacceptable.

Policy 7 of NPF4 and Policy CH2 of the adopted East Lothian Local Development Plan requires development in a conservation area to preserve or enhance the character and appearance of the conservation area.

Policy DP7 of the ELLDP requires that, amongst other things, the scale, design and density of a proposed development will be sympathetic to its surroundings.

Like the house approved through planning permission 18/00756/P the proposed house would be single storey in height with accommodation in its roof space. It would differ from that previously approved house in that the flat top of its roof would be some 0.8 metres taller than and, unlike that previously approved house, the eaves of its roof would now sit some 0.4m above the ridge of the roof of May Cottage. As such the full extent of the roof of the proposed house would be visible above May Cottage in views from Goose Green to the south. Therefore, unlike the previously approved house, the proposed house would not be of a scale that would be sympathetic to or respect the size and massing of the neighbouring house of May Cottage and therefore would not integrate sympathetically into its setting. Instead, it would appear overly dominant and intrusive which would neither preserve nor enhance but would be harmful to the character and appearance of this part of the Gullane Conservation Area contrary to Policies 7 and 14 of NPF4 and Policies CH2, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018.

The proposed house would not preserve or enhance the conservation area and therefore is contrary to the development plan, it must now be established if there are any material planning considerations that would outweigh the policies of the development that would indicate that this proposal should be granted planning permission. In this instance a material planning consideration is that in September 2018 planning permission (Ref: 18/00756/P) was granted for the erection of a house on the site. That planning permission was not implemented and has lapsed. Therefore, and as the scheme of development proposed through this application is different to that previously approved scheme of development the granting of planning permission 18/00756/P for a replacement house on this site is not a material planning consideration that outweighs the fact that the proposed development would neither preserve nor enhance but would be harmful to the character and appearance of the conservation area.

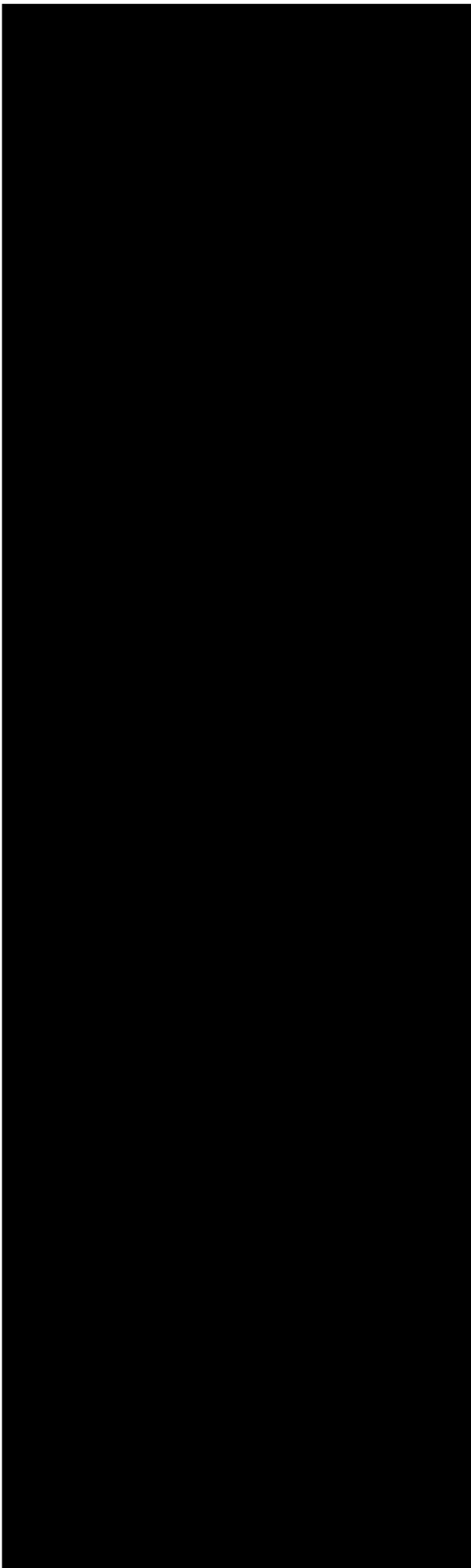
Given the above considerations, the proposed house is contrary to Policies and 14 of NPF4 and Policies CH2 (Development Affecting Conservation Areas), DP2 (Design) and DP7 (Infill, Back land and Garden Ground Development) of the adopted East Lothian Local Development Plan 2018. In conclusion, the proposal is considered not to be in accordance with the aforementioned provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's discordance with the Development Plan.

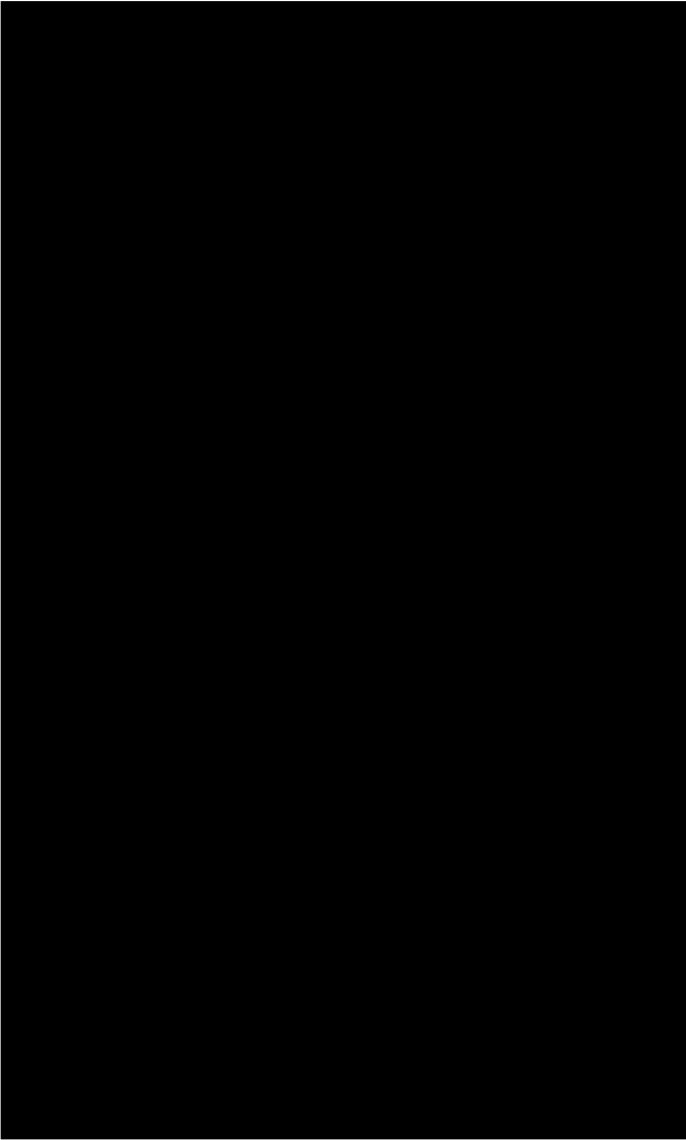
#### REASONS FOR REFUSAL:

- 1 The proposed house would not due to its size and scale be sympathetic to and would not integrate sympathetically into its setting. Instead, it would appear overly dominant and intrusive which would neither preserve nor enhance but would be harmful to the character and appearance of this part of the Gullane Conservation Area contrary to Policies 7 and 14 of NPF4 and Policies CH2, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018.
- 2 The proposed house by virtue of its size, form and positioning would result in a harmful loss of daylight to the neighbouring properties of Sunnyside and May Cottage Therefore, the proposal is contrary to Policy 16 of NPF4 and Policy DP7 of the adopted East Lothian Local Development Plan 2018.

#### LETTERS FROM







15th May 2025



# Local Review Body Appeal



## Pin High Properties Ltd.

Application 24/01372/P - Erection of 1 house and formation of hardstanding areas and associated works, The Studio, Goose Green Road, Gullane, EH31 2AT

### REVIEW STATEMENT

AUGUST 2025

apt planning &  
development

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East Linton

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## Executive Summary

- i. *The appellants are seeking permission to build a new home on the site of an existing run-down property and for a proposal that is very similar to a previous development granted planning permission in 2018;*
- ii. *The application would see the creation of an attractive three bedroom home with an upper floor built into the roof-space to create an open plan kitchen, dining and living area leading out to a west-facing recessed balcony affording views over Goose Green;*
- iii. *Work to improve the existing building subsequently found that it was no longer fit for purpose with no foundations and other defects. The only option is to demolish and start again.*
- iv. *Submitted in January 2025 and refused in May of 2025, two reasons for refusal were given. To summarise;*
  - a. *The proposed new home would appear overly dominant and intrusive which would neither preserve nor enhance but would be harmful to the character and appearance of this part of the Gullane Conservation Area;*
  - b. *The proposed house by virtue of its size, form and positioning would result in a harmful loss of daylight to the neighbouring properties of Sunnyside and May Cottage.*
- v. *This appeal statement clearly demonstrates that the proposal reflects the built form of the existing building as well as being subordinate to the surrounding buildings and mature trees that line the eastern edge of Goose Green – it would not be intrusive or overly dominant;*
- vi. *May Cottage will experience a negligible level of additional shade across two new east facing roof-lights for a short period of the year. The difference will be marginal given that there is already a pitched roof on The Studio and that the majority of overshadowing of these two windows is from the south/south-west and west and is created by the roof of May Cottage itself and the nearby trees in Goose Green;*
- vii. *To suggest that the proposals at The Studio would have a material impact on the enjoyment and amenity of the bedroom at May Cottage is a significant over-exaggeration of the facts;*

- viii. *Similarly, concern was raised over the impact on a single bedroom window in Sunnyside, the adjacent property to the south-west. We think this is marginal in terms of the calculations/measurements. Moreover, The Studio lies to the north-east creating very little if any shadow throughout the year;*
- ix. *Sunnyside has been extended in recent years the result of which has seen an extension added to the northern elevation which stops short of the window into the bedroom. The overshadowing caused by the side extensions to Sunnyside will be considerable whilst the owners have also added an east facing window to supplement the daylight to the en-suite bedroom. The east facing window is not affected by the proposals for the redevelopment of The Studio;*
- x. *This Review Statement addresses the two reasons for refusal in more detail but in essence we do not think there is justification to refuse this application and that the Council should be supporting this high quality solution to a small site, at a sustainable location which would afford new residents a very high level of amenity through the upstairs space and west facing recessed balcony.*
- xi. ***The positives of this high quality attractive proposal far outweigh the perceived minor concerns over the development most of which we believe are an exaggeration of the facts or misplaced in the context of the site and the proposals;***
- xii. *What we therefore seek is for the LRB Panel to be able to look at this case, consider what we believe to be an exaggerated and overly restrictive interpretation of policy, acknowledge the site-specific circumstances of this case and allow this appeal for the redevelopment to create an attractive new home to replace The Studio;*
- xiii. *East Lothian and Scotland is in the midst of a housing emergency and we should not be refusing applications for new homes at sustainable brownfield locations unless there are overwhelming and significant negative impacts of that proposed development – that is not the case in this instance.*





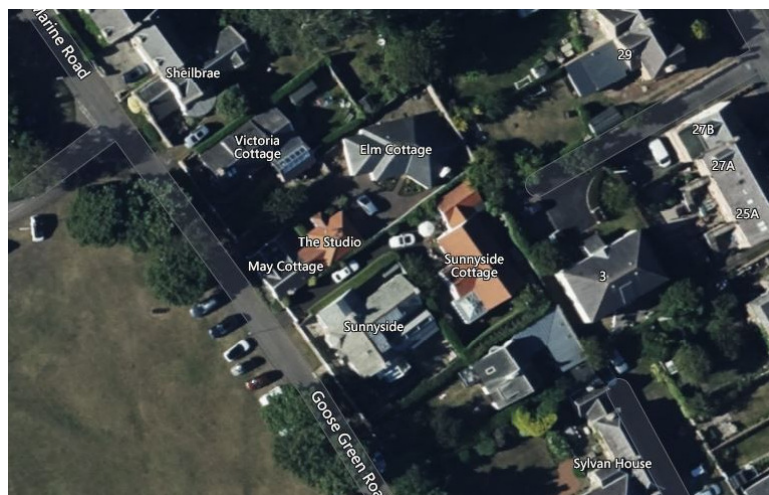
## Introduction

1. This appeal follows the refusal of planning application 24/01342/P on the 23<sup>rd</sup> May 2025 for the erection of a single family home on land to the rear of May Cottage on Goose Green in Gullane. Two reasons for refusal were given and these are assessed in detail later in this Appeal Statement but essentially they centre on the perceived impacts on the neighbouring properties and Gullane Conservation Area and despite an earlier planning permission for a very similar proposal. We therefore believe that there are good reasons to allow this appeal and grant planning permission enabling this high quality development to proceed.
2. The proposed development site at Goose Green is the site of an existing property, lying immediately to the rear (east) of May Cottage which fronts Goose Green Road. There has been a long-standing relationship between the two properties. The Studio is an existing example of backland/infill development as seen throughout East Lothian and indeed at many locations in Gullane. It is an efficient use of land and this proposal will see redevelopment of an existing residential property to deliver a new and innovative home at a sustainable location in the centre of Gullane.
3. The existing property at The Studio is no longer fit for purpose. Earlier renovation work discovered that the property does not have foundations and has other defects making demolition and rebuild the only viable and credible option. This gave both the previous owners and Pin High Properties the opportunity to look at the plot and assess opportunities to improve the existing property. It was obvious that a new development affording views west over Goose Green would be the best possible outcome and this was reflected in both the 2018 planning permission and the 2024 application that is the subject of this appeal.
4. The site is well located for easy access to Gullane and the many local services on facilities including shops, bars and restaurants, the beach and golf courses, whilst there is easy access via the regular bus services to North Berwick to the east, Edinburgh to the west and Longniddry and Drem stations for onward rail travel.
5. Application 24/01372/P seeks to improve on the previous permission whilst also reflecting long-standing planning policy around developing homes on existing brownfield sites in urban locations. East Lothian and Scotland as a whole has declared a housing emergency and it is our belief that an opportunity like this should be supported in delivering a unique home in a popular location.
6. The key points of this application include:
  - A site that already accommodates a residential property that is no longer fit for purpose;
  - A site that has a planning history of planning permission being secured for a very similar development in 2018;

- There are no concerns over materials, overall design approach, access or any other key consultee feedback;
  - A well designed, sympathetic development would be entirely appropriate to the location providing a redeveloped property that would enhance both the existing plot but also create interesting and high quality views looking east from Goose Green;
  - The site is ideally located to benefit from the many services and facilities found in and around Gullane.
  - The site benefits from existing relevant infrastructure and services;
  - This would be an appropriate use in a ‘busy’ residential area; and
  - The client is proposing to build a modest home that is energy efficient utilising a number of renewable energy sources meeting many of the Council’s aspirations for new build homes to be as close to Carbon Neutral/Zero Carbon as possible. Rigorous standards of energy efficiency will be employed to reduce the building’s ecological footprint.
7. This is a perfectly acceptable site to accommodate this proposed replacement property and it is our professional opinion that the slight changes to the appearance of the proposed building do not create any detrimental impacts to neighbouring properties or the wider conservation area (when compared to the approved proposal in 2018).. The proposals will not have any detrimental impacts on the amenity, appearance or character of the immediate area.

## Site Description

8. The site is located immediately to the east of May Cottage and is surrounded by further residential properties including Sunnyside Cottage, Elm Cottage and Hopetoun Court, all of which are backland/garden ground developments of varying ages the result of which is an immediate area characterised by a dense cluster of residential properties.





9. The site is ideally located for Gullane Bents and beach, the Main Street with its variety of outlets as well as the bus service serving the wider area. Gullane Primary School is within walking distance as are the various golf courses. The site is well located for walking and cycling. It is a very attractive place to live and encourages non-car private car travel. It is a genuinely sustainable site in the middle of a popular, bustling village.

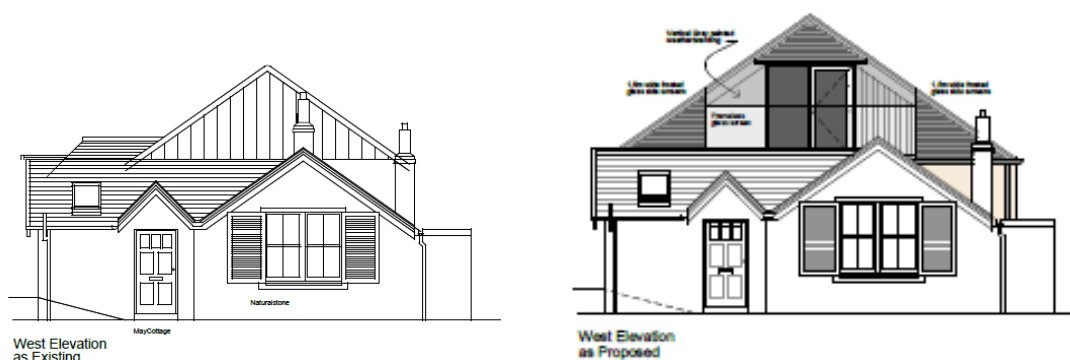
## Design Principles

10. The site already accommodates a small building (The Studio). The proposal is to build a replacement home on the same site. It will be slightly larger footprint whilst also creating a single lounge/kitchen/dining area in the roof-space. The upstairs element will also include an attractive recessed balcony looking west towards Goose Green.
11. We have no doubt that the proposed development will also meet the six qualities of successful place (though clearly on a small scale). The application is for a modest new home in a central location close to all amenities and at the very heart of a very popular East Lothian village.
12. The house will consist of white rendered walls and a tiled roof, entirely appropriate for the location, a point acknowledged in the officer report. The design ensures that the main useable space is on the first floor with three bedrooms and storage on the ground floor. This affords the living space the longer, elevated views to the west making best use of natural light and passive solar gain. It is our opinion that it also presents an attractive and interesting glimpsed frontage from the west, whilst not being at all dominant in the easterly view across Goose Green.
13. In essence the property will barely be seen with May Cottage being the predominant property from the front, whilst the close and more substantial neighbouring properties as well as the much taller buildings to the east completely mitigate any impact of the new property when looking east. There are a number of mature trees on the eastern edge of Goose Green that provide further (much taller and more eye-catching) context.
14. The development of this backland plot will not have any detrimental impacts on neighbouring properties or the wider group of homes in the area. The development would have no detrimental impact on the wider Conservation Area whilst adding an attractive and interesting building into views to the east.

## Planning History

15. This application follows the previous planning permission (18/00756/P) granted in September 2018 for a near identical redevelopment proposal for The Studio. It also involved three bedrooms on the ground floor with a lounge/kitchen dining area built into the combed roof-space and including a west-facing balcony looking towards Goose Green.

16. It is worth noting that the previous owner of The Studio submitted details confirming that development had commenced on the 2018 permission (and therefore implementing that permission). No response confirming or otherwise that this was agreed has ever been received and it is fair for an applicant to assume that no response is a tacit acceptance that work has indeed commenced.
17. Whilst in the interim period, the Local Development Plan has changed and we have seen the introduction of National Planning Framework 4, the fundamental considerations of the proposal remain the same; the appropriateness of the design and the impact of the development on the character and setting of the Gullane Conservation Area and the potential impacts on neighbouring properties.



18. Planning permission 18/00756/P assessed all these key areas and granted permission for the redevelopment of the site. As the drawing above illustrate the changes proposed in 2018 are consistent with the existing built form, creating a more attractive and useable space for the occupants of The Studio. The views east from Goose Green towards May Cottage and The Studio behind would change but not dramatically so. In the true context it would be a pitched roof replaced with a slightly larger pitched roof.
19. This change is the same with the new proposal, though we acknowledge that the new application is slightly taller to create a better and more useable first floor space in the roof.
20. Having said that, the drawing does not take in the wider context of buildings and trees. The change in appearance is not nearly as stark when considered alongside the neighbouring buildings, buildings to the rear and the trees to the north and south along the eastern boundary to Goose Green which further frame and obscure views towards the May Cottage and The Studio (See Appendix 1).
21. The 2018 application also addressed other matters such as parking and access and amenity ground. This is a backland/garden ground development of an existing residential property. The compromises of the existing property are also acknowledged and accepted. The site is at an accessible location with open space and other amenities all within close walking distance. Matters around parking, garden ground etc. were assessed and accepted and this was carried forward to the consideration of application 24/01372/P.



22. [Planning permission 24/00876/P](#) was granted on the 15<sup>th</sup> October 2024. This application relates to proposed changes to May Cottage. May Cottage is one-bedroom bungalow and the proposals will see the rearrangement of the floor plan to swap the bedroom and living space/kitchen around. Most of the changes are internal with some changes to the window arrangements.
23. The changes to May Cottage will swap the kitchen/dining/living area to the south side of the property enabling the property to benefit from long westerly views and the passive solar gain/natural light associated with this.
24. With regards to this appeal, the key change of note is the introduction of six new roof-lights to the east (two roof-lights) and south (four roof-lights) pitches of the single storey building.

## Planning Application 24/01372/P

25. The planning application seeking the development of a single family home was validated on the 13<sup>th</sup> January 2025. Despite a positive overall report of handling, the application was refused on the 23<sup>rd</sup> May 2025. Any subsequent appeal to the Local Review Body must therefore be lodged within three months, and as such this appeal had to be lodged by the 22<sup>nd</sup> August 2025 deadline.
26. Despite the refusal of this application, it is worth highlighting several aspects of the Report of Handling:
  - a. The overall appearance would be in keeping with the existing views to May Cottage and The Studio from the west and also very similar to the proposal that secured planning permission via application 18/00756/P;
  - b. The development will create a modern house with key design characteristics to ensure it not appear incongruous when viewed in the context of the neighboring properties surrounding the appeal site;
  - c. Given the existing home on site the proposed access and parking arrangements are deemed acceptable;
  - d. No other consultees have objected or raised concerns over the proposed development;
27. As we will state when addressing the reasons for refusal below, the proposed development is acceptable in terms of amenity/privacy and overlooking and design and access.
28. As noted above however, the application was refused on May 23<sup>rd</sup> with two reasons for refusal given. The next section looks at these reasons.

## 24/01372/P - Reasons for Refusal

- **Reason 1** - *The proposed house would not due to its size and scale be sympathetic to and would not integrate sympathetically into its setting. Instead, it would appear overly dominant and intrusive which would neither preserve nor enhance but would be harmful to the character and appearance of this part of the Gullane Conservation Area contrary to Policies 7 and 14 of NPF4 and Policies CH2, DP2 and DP7 of the adopted East Lothian Local Development Plan 2018.*

29. [Policy 7 of NPF4 looks at Historic Assets and Places](#). The relevant sections are part (d) and part (e). Part (d) seeks to ensure that the character and appearance of the conservation area is preserved or enhanced in terms of the architectural and historic character, the existing density, built form and layout as well as the context and siting, quality of design and materials.
30. The proposals reflect and respect the existing density, built form and layout – the proposed new house replaces an existing structure of similar size and character.
31. The report of handling accepts the choice of materials (white rendered walls and tiled roof) and there are not concerns over the overall design of the proposed new home.
32. Appendix 1 at the end of this document provides a series of photographs which illustrate the setting of the building in the context of Goose Green. The building cannot be seen from the north, east or south due to its modest scale and the height and density of surrounding buildings. The photographs amply demonstrate that the existing building is seen in an overall context of mature trees, much larger buildings to the rear as well as May Cottage to the front. The building is only really visible from directly in front as the trees and other buildings soon interrupt any views once you move further along Goose Green.



33. The appeal site represents a negligible element of the overall Conservation Area. The development will at the very least preserve the current situation. IT would not be reasonable to conclude that the proposed development would have a material impact on the character of the Conservation Areas when seen in the correct context of the image above.



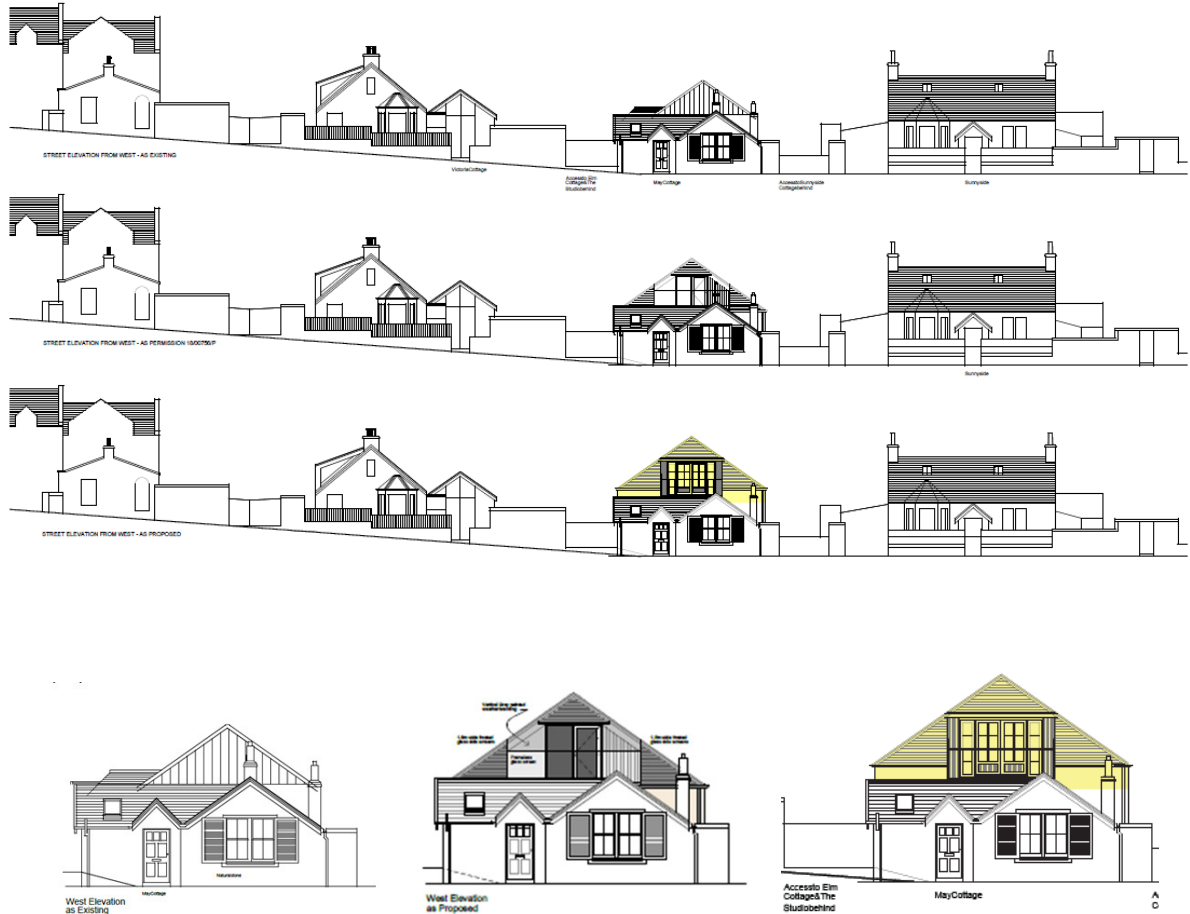


34. Part (e) of Policy 7 seeks to ensure that existing natural and built features that contribute to the character of the conservation area are retained. Clearly the mature trees on the east side of Goose Green are integral features of the conservation area. These will not be impacted at all by the proposed development. May Cottage presents itself as a modest single storey cottage to Goose Green. It currently has the larger/higher Studio building to the rear with the pitched roof appearing above May Cottage to the rear of the property. This is a very similar arrangement to that proposed both by the 2018 and 2024 applications.
35. We would argue that the more modern approach of the two applications results in a more attractive and interesting feature that adds to the character of the Goose Green and wider Conservation Area, hinting at life and activity taking place beyond the property frontage. It will not be apparent to those seeing the proposed replacement building whether it is part of May Cottage or forms part of a larger extension to the rear (something commonly seen throughout East Lothian).
36. To this end we are of the opinion that the proposals will clearly align with [Policy 14 of NPF4 \(Design Quality and Place\)](#) – the proposal will be a high quality and interesting addition to the street-scene though set back from main road frontage. Whilst the test against the Six Qualities of a Successful Place is really meant for larger developments, the proposed new home will be at a location that encourages healthy outdoor living being close to beaches, golf courses and within walking distance of all local amenities.
37. The property would be distinctive in its backland location whilst being on a sustainable well-connected site with sustainable construction ensuring a low carbon footprint. Overall, it is an attractive and cleverly designed building, encouraging in-to-out living with the west-facing recessed balcony on the upper floor encouraging views over Goose Green and making use of passive solar gain and natural light throughout the day and evening.
38. [Policy CH2 of the East Lothian Local Development Plan](#) mirrors the key considerations of Policy 7. Given the quality and scale of the proposed new home and specifically the upper level, and the context of surrounding buildings and mature trees, we are clear in our position that the development will at the very least preserve the character and appearance of the Conservation Area and the quality and design of the proposal will add interest to the street-scape enhancing this tiny element of the conservation area.
39. This is a negligible element in the much wider Gullane Conservation Area and other modern developments in the village have had a far greater impacts on the character and appearance of the wider Conservation Area including redevelopment proposal on the Main Street and garden ground plots across the village. In comparison, this is a very modest proposal, and even more so when viewed in the context of the 2018 permission (in terms of the difference between the two).



40. Similarly [Policy DP2 of the East Lothian LDP](#) seeks to ensure new development is well designed and well integrated with its surroundings (and as such similar to Policy 14 of NPF4). The new house is to replace a very similar structure both in size and appearance, with the only visible element being the pitched roof upper part of the building. The 2018 planning permission established that the upper floor could be utilised for living space (the existing property is contained only on the ground floor) whilst also enabling the formation of the west facing balcony at 1<sup>st</sup> floor level.
41. This appeal relates to a very similar proposal (just 0.8m higher – well below most people’s waist height) that will also enable first floor living and a west facing balcony. It is our opinion that the proposals remain an appropriate replacement for the existing building and will not have any detrimental impact on the Goose Green area of Gullane. This is an appropriate design (for good reason to enable more useable and attractive space at 1<sup>st</sup> floor level) on an existing brownfield residential site with a planning history permitting a very similar development.
42. [Policy DP7 \(Infill, Backland and Garden Ground Development\)](#) of the East Lothian LDP has four criteria for assessing development proposals. In this instance the site has been demonstrated to be of a size and character to accommodate the proposals highlighted by the fact that the application seeks the replacement of an existing house. Criterion 2 looks at privacy and amenity of neighbouring properties and we will address this in more detail below and with regards to the 2<sup>nd</sup> reason for refusal. As we have illustrated the size, scale and design is in-keeping with the existing building and surrounding buildings, all of which are larger and taller than the proposed new home and finally there will be no loss of greenspace.
43. The reason for refusal states that the proposed building *“would appear overly dominant and intrusive which would neither preserve nor enhance but would be harmful to the character and appearance of this part of the Gullane Conservation Area”*. When considering the proposal in the context of the existing building, what has been permitted before and the context of the locality and surrounding built and natural environment, we cannot see how that statement is a fair and reasonable reflection of the proposal. This will be an appropriate development intended to create a much more modern, attractive and user-friendly home at Goose Green.
44. As the extracts below clearly illustrate, the essence of the development is the same as the previous planning permission as well as the built form of the existing pitched roof of a building that is no longer fit for purpose.





45. We believe that the proposals that form 24/01372/P area a significant improvement to the existing building and a better version of the previously consented proposal affording residents a genuinely spacious area and stunning (recessed) balcony looking west over Goose Green. As Appendix 1 (and below) goes on to illustrate, the physical and visual impact of the building is considerably mitigated by surrounding larger and higher buildings and the mature trees along the eastern edge of Goose Green.

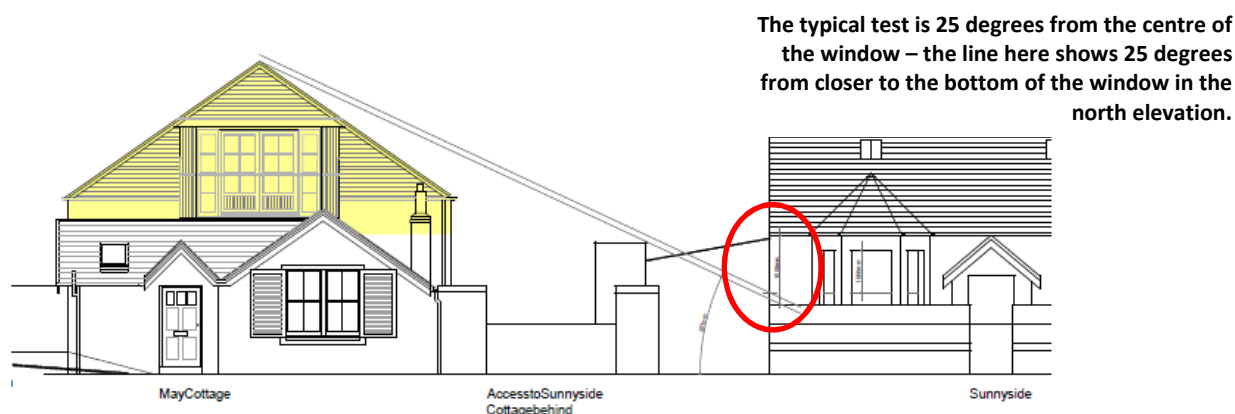




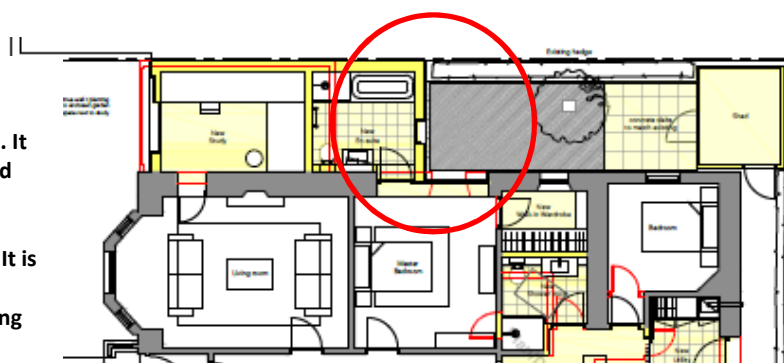
- ***Reason 2 - The proposed house by virtue of its size, form and positioning would result in a harmful loss of daylight to the neighbouring properties of Sunnyside and May Cottage Therefore, the proposal is contrary to Policy 16 of NPF4 and Policy DP7 of the adopted East Lothian Local Development Plan 2018.***

46. We are not sure of the relevance of Policy 16 of NPF4. Any comment/policy test regarding daylight/privacy etc. is contained within part (h) which relates to householder applications (**this is not a householder application**), whereas this is a proposal that falls under apart (f) and we would contend that the development of a replacement home at The Studio meets the terms of this section in that it respects the spatial arrangement/density of development at Goose Green, is ideally located to meet the aspirations of the 20 minute neighbourhood, and is a small-scale proposal within an existing settlement boundary. **The proposals accord with Policy 16.**
47. We have assessed the application against 3 of the four criteria in Policy DP7 (Infill Backland and Garden Ground Development). The second criteria states:
- “The occupants of existing neighbouring development experience no significant loss of privacy and amenity and occupants of any new development must also enjoy privacy and amenity”;*
48. In the first instance, the occupants of the proposed new home will benefit from sufficient privacy with no overlooking or loss of daylight or sunlight. The key consideration is whether the occupants of Sunnyside and/or May Cottage will suffer a detrimental loss of amenity (privacy and/or daylight/sunlight) as a result of the proposed new home.
49. There was no such concern during the determination of the 2018 application. The key difference is the planning permission secured by the owners of May Cottage (24/00876/P) which secured permission to install new roof-lights on the east and south facing pitches of the roof. These would be ‘underneath’ the proposed balcony of the redeveloped balcony. Sunnyside has also undertaken changes secured through a 2017 planning permission.
50. The Officer Report undertakes a thorough assessment of the proposals in terms of overlooking/loss of privacy. **The conclusion is that the proposals will not result in any harmful overlooking.** Therefore we are clear that the key consideration is the impact of the proposals with regards to the potential loss of daylight and sunlight to May Cottage and Sunnyside.
51. With regards to Sunnyside, we believe that this is a very marginal call relating to a bedroom with a window in the north elevation. The property has undertaken considerable improvements in recent years which include a protruding extension to the north of the property. This extension creates its own shading and overshadowing to other elements of the north elevation and including the window in question. This is now a much larger window than was previously the case, letting in more light and has been supplemented by an additional window facing east in the extension (the en-suite bathroom to the bedroom).

52. The sun's path (from east to south to south-west to north-west at the height of summer) will mean that it is unlikely that a property to the north of Sunnyside will cause any significant overshadowing. Even then it is one window in the whole house and there is already a pitched roof on The Studio. Furthermore, the 2018 application was passed without any concerns for the window at Sunnyside whilst as we state above, the modern additions to Sunnyside create far more overshadowing of the existing elements of the building.
53. As the drawing below illustrates it is very marginal that the bedroom on the north side of the house is affected at all (and ignoring the shading being caused by its own extension anyway and the fact that The Studio is positioned to the north-east and therefore casts very little shadow throughout the year). **The angle of the roof of the proposed new home at The Studio may not breach the standards at all.**

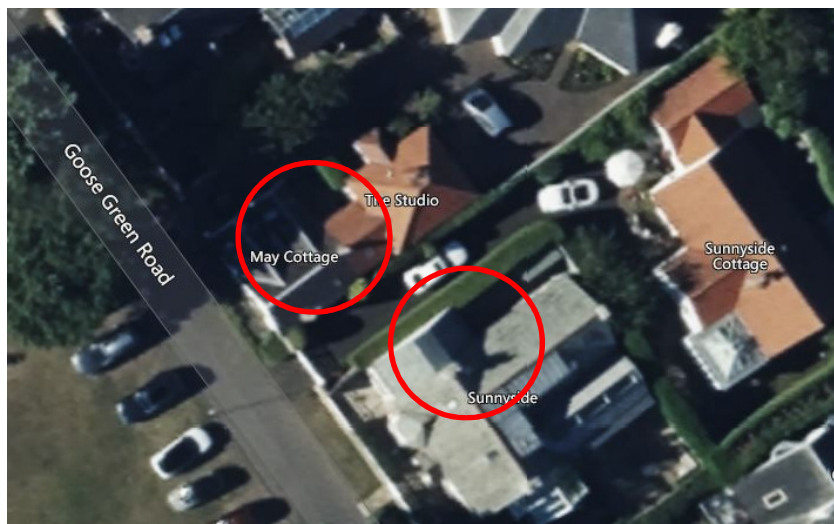


The bedroom window at Sunnyside is tucked behind the new extension. This will create far more shadow than The Studio to the north and east (an angle that generates very little shadow anyway). It is a much bigger window than was previously the case (which would have passed the test as it was smaller and higher in the wall). It is possible that the window does not fail the test anyway, it is that marginal whilst the impact of the extension is far more noticeable. It is not reasonable to prevent the development at The Studio when changes to Sunnyside have already created their own overshadowing issue ?



54. With regards to the adjacent May Cottage to the west, we have submitted a Daylight study in support of this appeal and the extract is shown below. What this demonstrates is that the concern is marginal at best.
55. It is true that during the summer solstice, at approx. 9am, the two roof-lights (over a bedroom) are in shade due to the structure of The Studio. However well before midday, that shade has completely gone. The application fails roughly between 4am and 9am at the very height of summer.

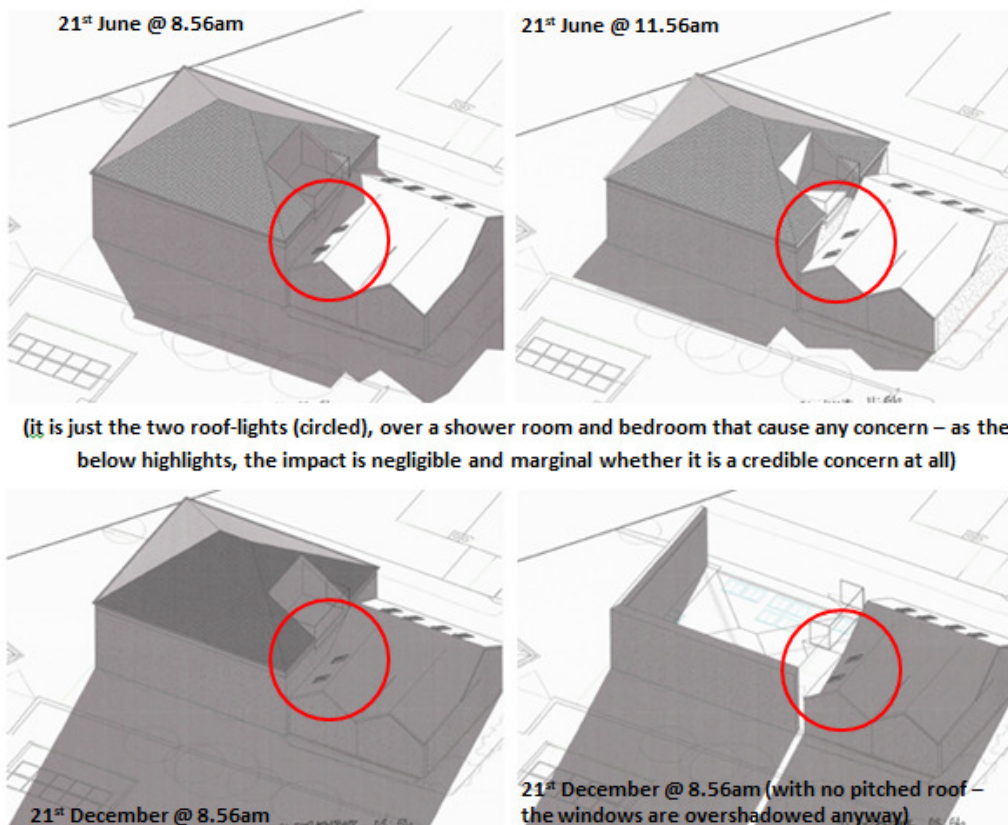
56. **The assessment in December shows that the roof of May Cottage already shades the roof-lights.**  
The winter solstice is not really relevant as most light will inevitably come when the sun peaks to the south-west (when the redeveloped Studio will not have any impact).
57. The model below demonstrates how May Cottage throws shade on itself without any pitched roof on The Studio. What this illustrates is that even with a flat roof (which does not reflect the current situation) those two roof-lights are in shade throughout much of the autumn/winter/spring anyway. This ignores the fact that the existing Studio has a pitched roof which will cast shade.
58. In reality over a 12 month period, the overshadowing is an extremely marginal and minor concern for May Cottage. Critically 24/00876/P sought to move the living accommodation in May Cottage to ensure that the key rooms face south and west therefore making the most of the view, passive solar gain and natural light.
59. The image below is taken from Bing Maps. It clearly shows May Cottage being in shadow as a result of the trees on the eastern edge of Goose Green a far more dominant feature and capable of casting significant shadow over any buildings in relatively close proximity. The shadow includes the area where the two new east-facing roof-light windows are being installed. It would appear that the image is taken in late afternoon/early evening in summer.
60. The image also shows the shadow being thrown onto Sunnyside by its own north elevation extension again clearly illustrating that the potential overshadowing that could be caused by the new Studio development is negligible in the context of the overall relationship of the sun's path to these two properties.



61. It reads as though it is perfectly fine for the trees to overshadow, for the building to overshadow itself but the marginal overshadowing by The Studio is deemed unacceptable. It is neither a fair nor reasonable conclusion.

62. When breaking down the two reasons for refusal they do not stand up to scrutiny. The views to the property from the west take in far more dominant features, whether more prominent buildings to the rear and side as well as the mature trees that dominate the east edge of Goose Green.
63. The overshadowing argument is marginal at best. The impact on May Cottage occurs during the very early morning hours at the height of summer (when the path of the sun is far enough east to generate any impact). To suggest this would impact on the amenity and enjoyment of May Cottage is a gross exaggeration of the actual likely impacts.
64. What the model below illustrates is the two north facing roof-lights (as per the 2024 permission) were always positioned in a compromised location in the roof space. They are necessary due to the way the internal floor area of May Cottage has been re-modelled. The additional impact of already compromised windows is minimal and only very early in the morning at the height of summer.
65. Similarly for Sunnyside immediately to the south. We do not think that the proposals fail the test with regards to the bedroom window and even so, the cottage has been extended the result of which is a north elevation extension that generates far more overshadowing and for far more of the day and year. It is a marginal call and not something that will impact on the enjoyment and amenity of the residents.

#### Sun-path Model to May Cottage







## Conclusions

66. This site at Goose Green represents a unique opportunity to redevelop this existing and run-down property to create an attractive new home at a popular location and within walking distance of all local amenities and encouraging local living (20 minute neighbourhoods etc). The property is no longer fit-for-purpose as recent renovation work uncovered major defects including the lack of any load bearing foundations. Demolish and rebuild is the only credible and viable option.
67. As this Review Statement has outlined, the proposals are an appropriate design within the Gullane Conservation area, closely following the character of the existing building whilst also being almost identical to previous planning permission, also for a three-bedroom house with living accommodation built into the roof space and creating an attractive west-facing balcony giving views over Goose Green.
68. We have outlined (and illustrate at Appendix 1) how the context of May Cottage and The Studio is that of a 'busy' residential area framed by matures trees with far more prominent buildings to the north, south and behind. An increase in appearance and height has a negligible impact on the wider views over Goose Green looking east. The proposals cannot credibly be described as overly dominant or intrusive in this wider view.
69. In the interim period, the owners of the adjacent May Cottage have secured permission for works to that property. It will reimagine the internal floorplan to create an attractive 1 bedroom house. These works also include the introduction of 6 new roof-lights 2 of which are north-east facing and close to The Studio.
70. These two roof-lights are over a bedroom and en-suite bathroom, habitable rooms but obviously not principle rooms where occupants spend the majority of their time. There are no concerns over overlooking or loss of privacy but there may be some periods of overshadowing in the early morning at the height of summer when the sun is rising from the east. This overshadowing occurs between 4am and 9am.
71. **Far more overshadowing occurs from the roof of May Cottage itself** which casts the shadow from south/west to north/east as the sun's path continues throughout the day and into the evening. When considering the details of the proposal alongside the positioning of The Studio to the sun's path, The Studio does not generate any shadow at all towards May Cottage for the vast majority of the year. **This is not a proposal that will result in any permanent overshadowing of any neighbouring properties or windows.**
72. The Goose Green site is ideally placed to utilise all existing services in Gullane as well as being within walking distance of each of these facilities and services in Gullane.



73. The Report of Handling that accompanied the decision notice confirms that there are no fundamental concerns over the redevelopment of the site and indeed the 2018 permission confirms this stance. No other consultees have raised any concerns.
74. We have responded to the reasons for refusal outlining why we believe that an unreasonable conclusion has been reached when considering the proposals in the context of the Goose Green area and specifically the neighbouring properties.
75. Both May Cottage and Sunnyside have undertaken recent changes that overshadow their own properties. The trees on Goose Green also cast a long and significant shadow over May Cottage as the sun moves to the west and north-west, yet very marginal changes are being cited as a reasonable reason to refuse the exciting and high quality plans for The Studio. This is not a credible or fair stance.
76. **We would stress that the LRB has the ability to review this appeal and judge this application on its individual and site-specific merits at a site with significant mitigating factors. In this instance, it is clear that the proposals would not be overly dominant or intrusive or that any overshadowing would not have a noticeable impact on the amenity or enjoyment of the neighbouring properties. This will be a high quality and attractive redevelopment of an existing building no longer fit-for use, and at a time when sustainable brownfield development must be supported.**



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# APPENDIX 1

## GOOSE GREEN VIEWPOINTS





24/01372/P – The Studio, Goose Green, Gullane  
Pin High Properties Ltd. – Local Review Body Appeal  
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**This series of images are taken as you move around Goose Green – above as you enter from Main Street. It is clear that the houses on the north side of Goose Green and the mature trees to the east form the dominant feature. May Cottage is visible (if you know where you are looking) but The Studio is obscured by mature trees.**



**This next image is further into Goose Green heading north (and slightly zoomed in). May Cottage is in the gap between trees with the red roof of The Studio to the rear. The much larger Elm Cottage looms behind The Studio whilst again, the trees and larger stone villas to the north and south are the more prominent visual attractions.**



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**These images are when you look straight at May Cottage and The Studio from the west across Goose Green. Again the trees are the dominant feature as are the much taller buildings of Hopetoun Terrace to the east. Sunnyside, immediately to the south also has a much greater massing being a much more dominant building in the image below clearly illustrating that a little more height and detail will make no difference to these attractive and important views across the Green. One thing we must not lose sight of is the quality of the environment for the potential occupiers of the Studio. They will benefit greatly from the revers view looking west across Goose Green – it will be a very attractive place to live in East Lothian.**





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**As you then approach May Cottage from the north, the trees totally obscure any views to and from the properties. The workers compound are immediately to the west of May Cottage with the red roofed Studio just visible to the left. Again any changes will be inconceivable from these angles.**





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Even closer and again from the north, the trees, walls and other buildings obscure views to and from the properties. The north gable of May Cottage is visible with the red roof of The Studio behind. Any changes to the roof of The Studio to the rear would be seen in the context of a dense and busy street scene with a wide range of house types and sizes whilst creating a unique and hugely impressive space for its new residents.



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From the southern side of May Cottage and taken from the Green, May Cottage is clearly visible (with the work being done to it under planning permission 24/00873/P) but the roof of The Studio is heavily obscured by the mature trees as well as Sunnyside, the neighbouring property to the south. This would continue to be the case should The Studio be redeveloped.





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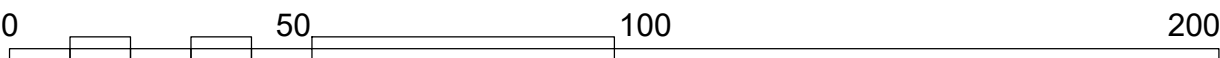


The above image demonstrates that even from right in front of the property, The Studio cannot be seen. Any glimpsed views from Goose Green will be of a high quality redevelopment creating interest and activity on this existing backland site. What these images have demonstrated is that there will be no detrimental impact on the character or appearance of the Gullane Conservation Area. Even in the immediate context of Goose Green there are far more important and dominant buildings and features (trees) that very much set the character of the setting. Any changes to this existing backland development site, which already has a pitched roof feature, and secured planning permission for a near identical development in 2018, will not be detrimental to the Conservation Area of immediate setting of Goose Green.



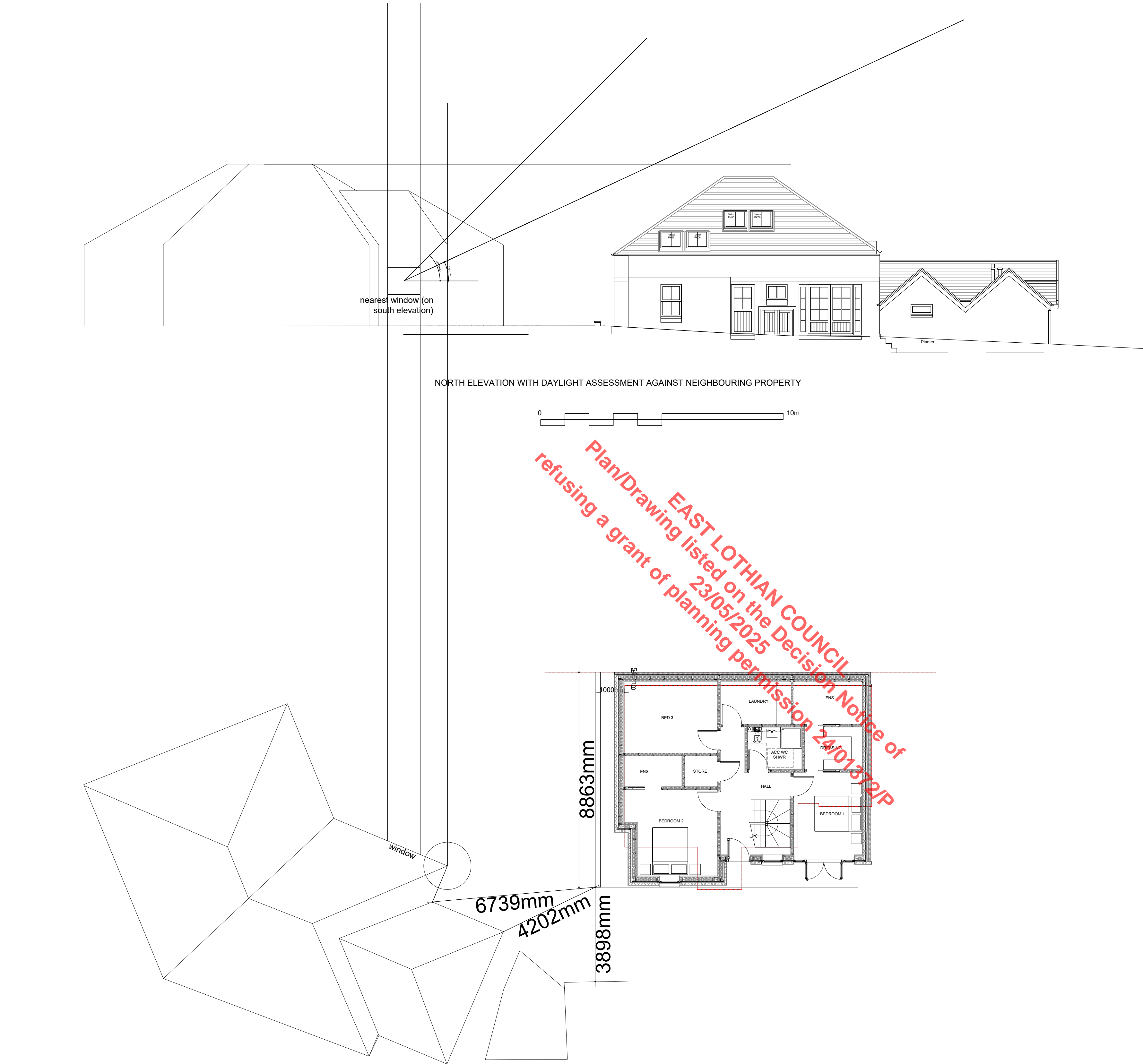


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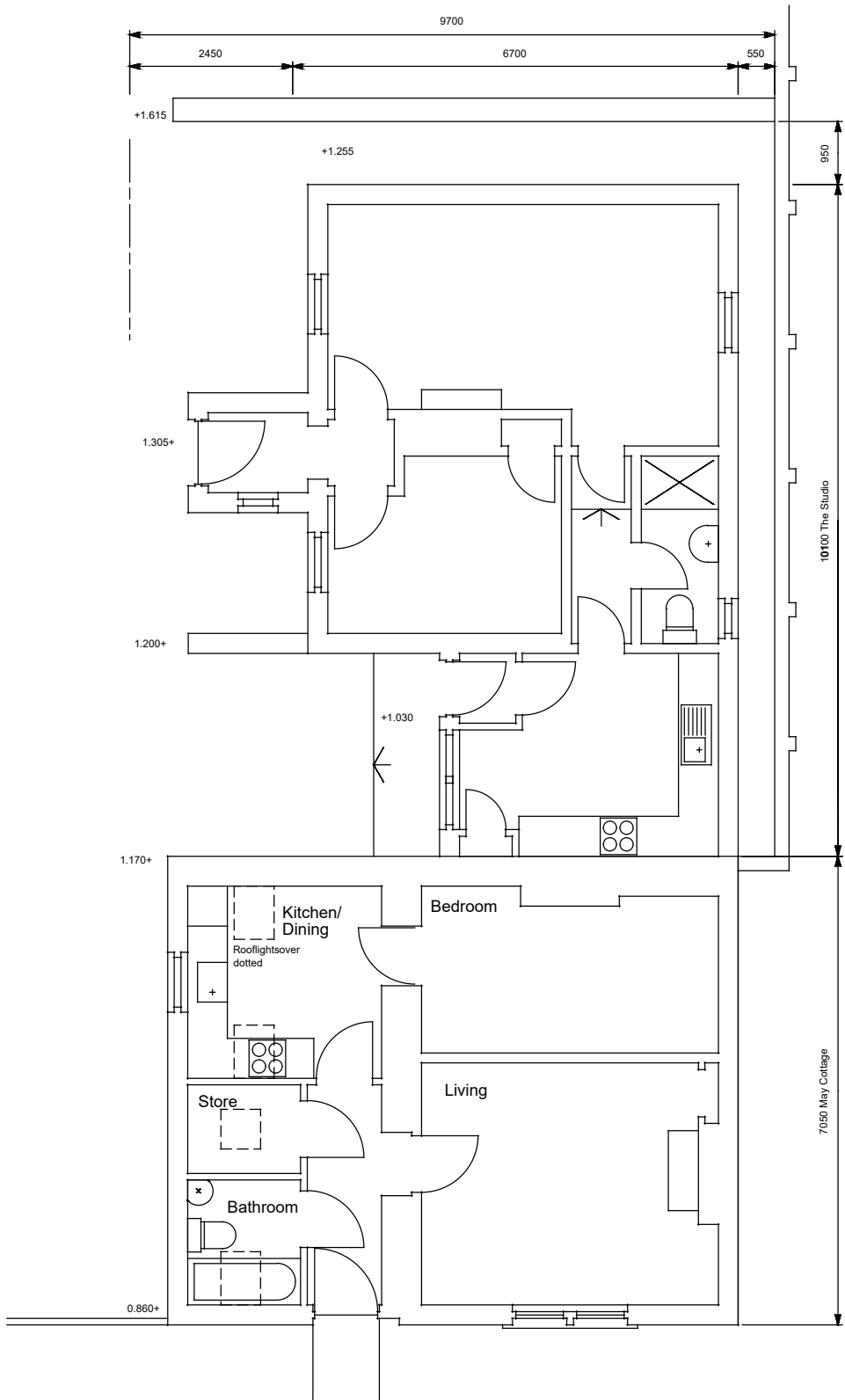


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t: 01620 84 5555		f: 01620 84 5559	
e: architecturej@btconnect.com			
project			
The Studio			
Goose Green Road, Gullane			
for			
Pin High Properties			
drawing			
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scale	date	drawn	
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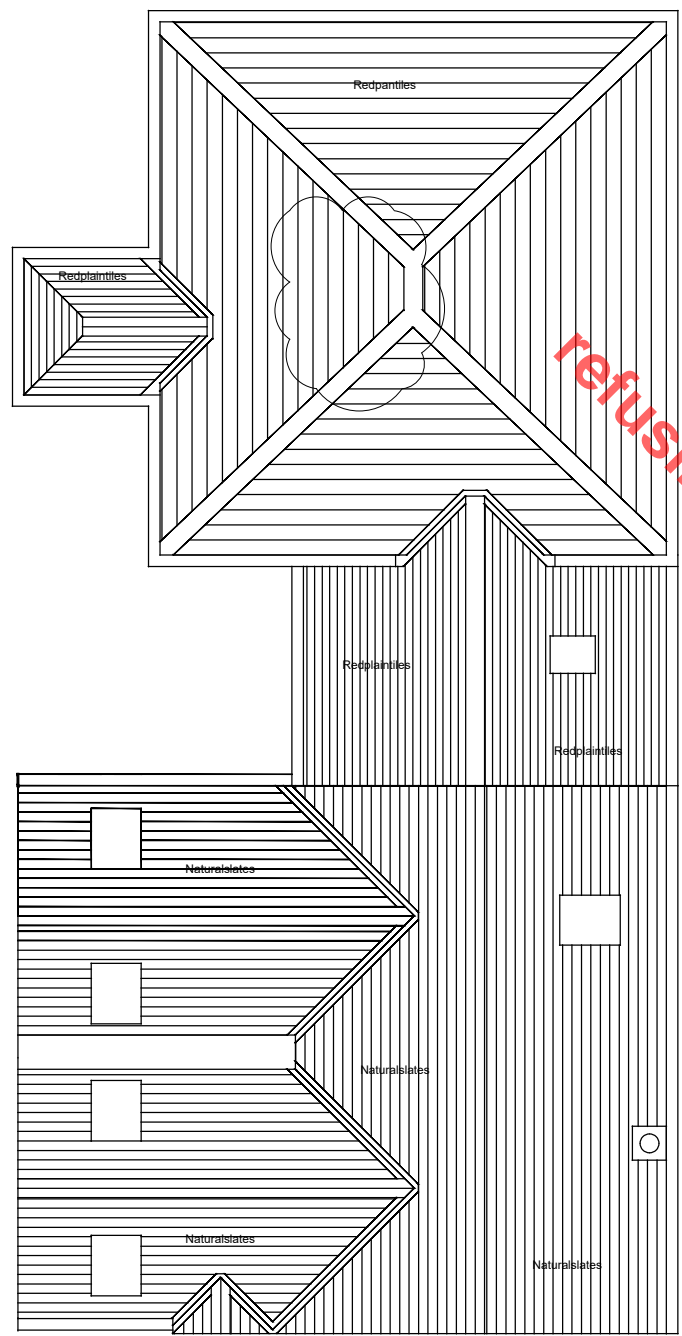




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Goose Green Road, Gullane		
for		
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drawing		
Daylight Assessment		
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As Existing

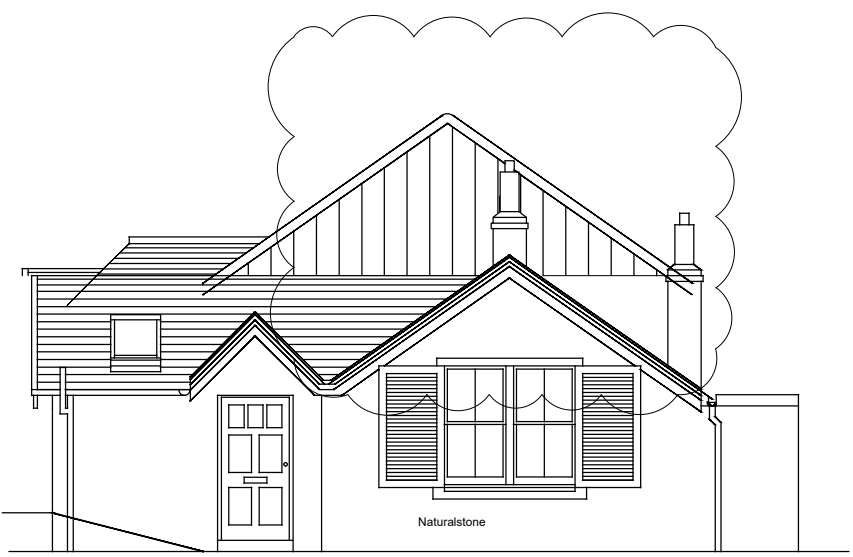


Roof Plan  
As Existing

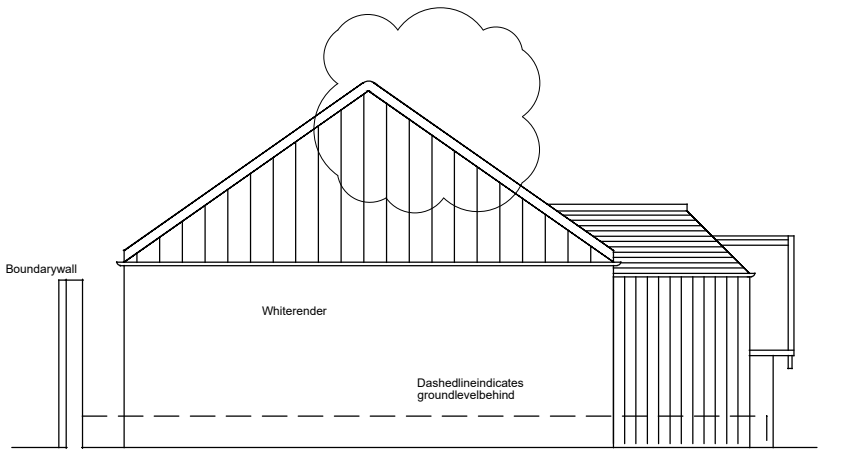


North Elevation  
as Existing

South Elevation  
as Existing



West Elevation  
as Existing



East Elevation  
as Existing

Feb 25 - chimney deleted, chimney added	RevB	
Jan 25 - dotted red lines showing removals deleted	RevA	
date	description	revision

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Goose Green Road, Gullane

for  
Pin High Properties

drawing  
As Existing Plans and Elevations

scale date drawn

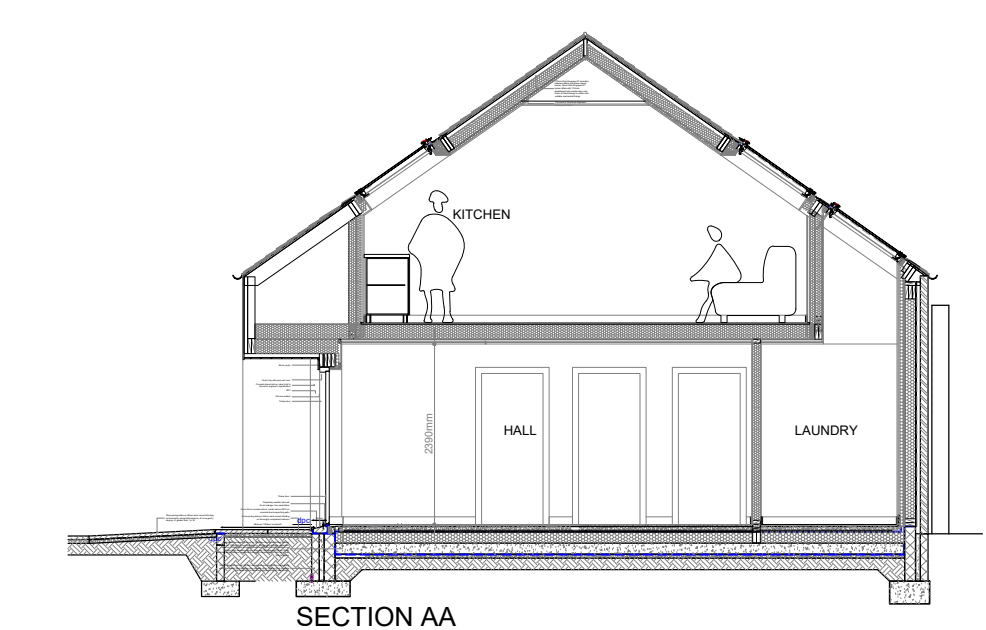
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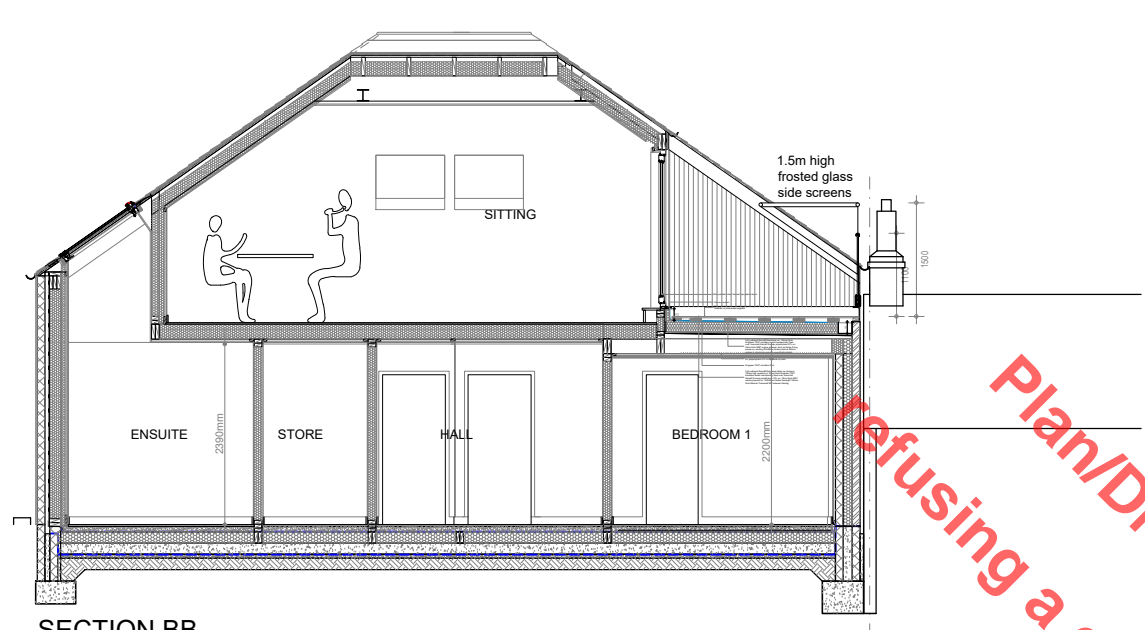
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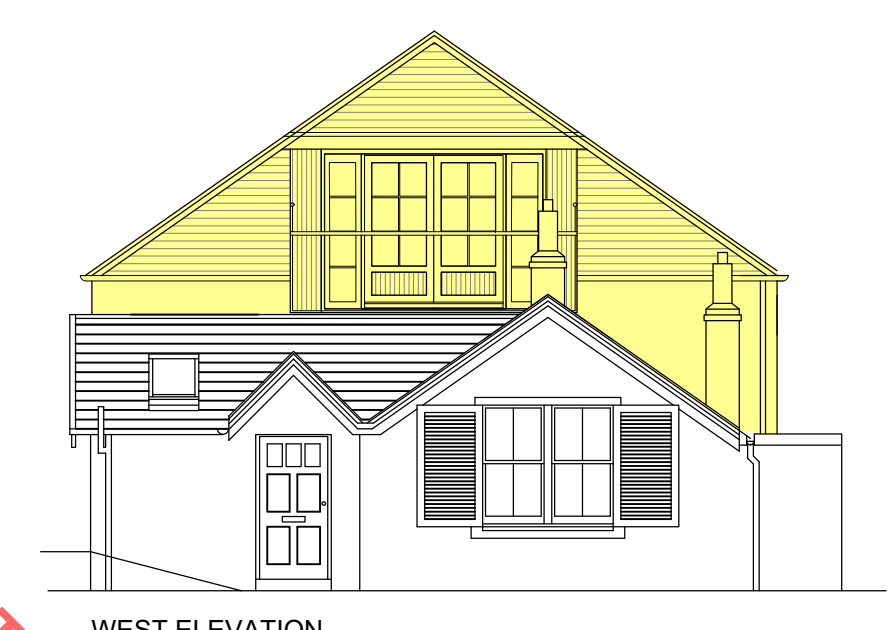
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SECTION AA



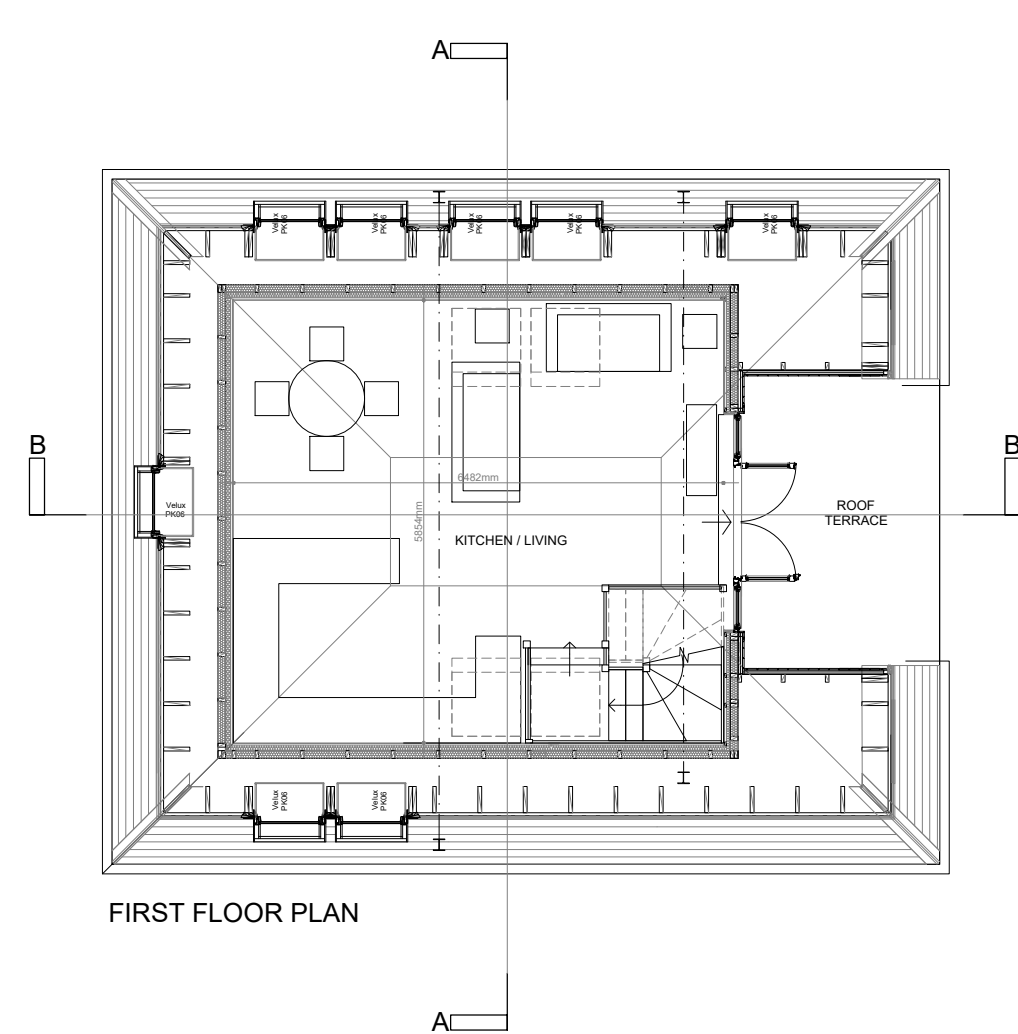
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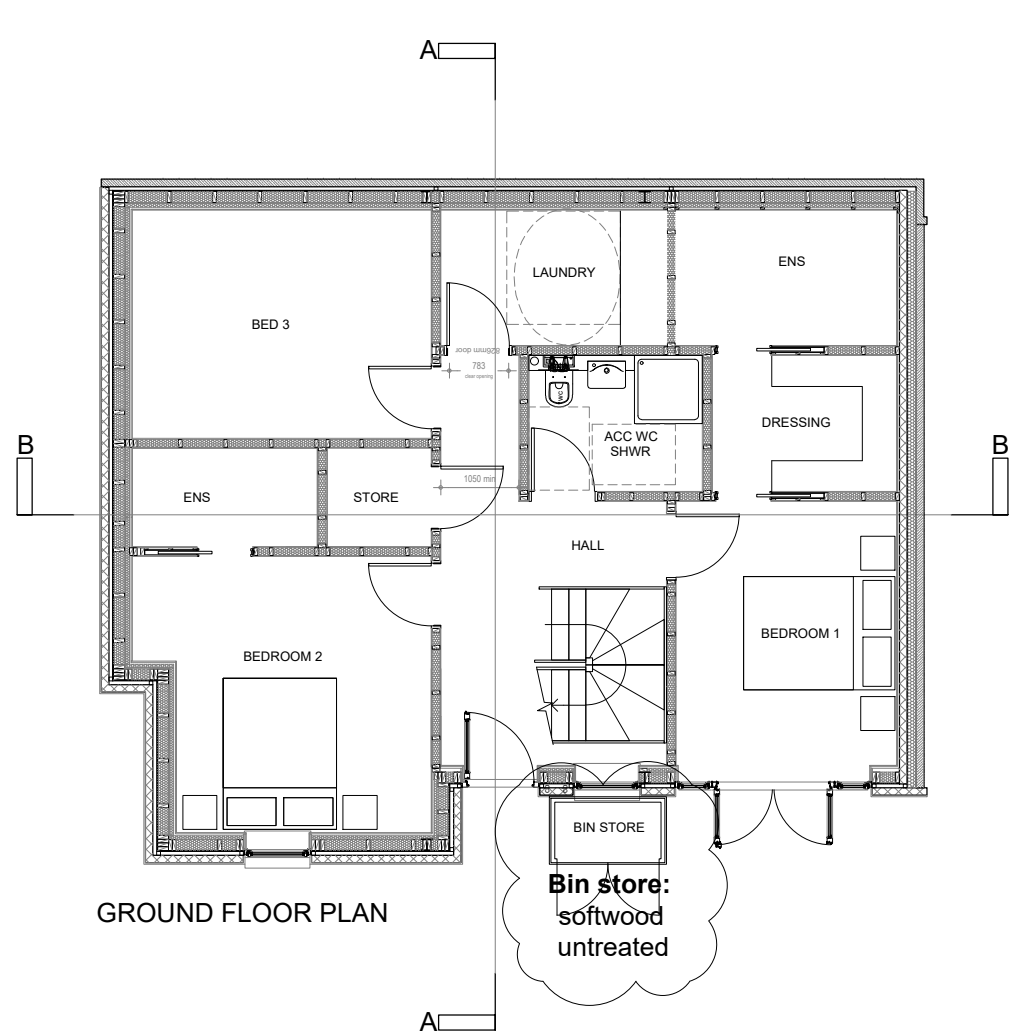
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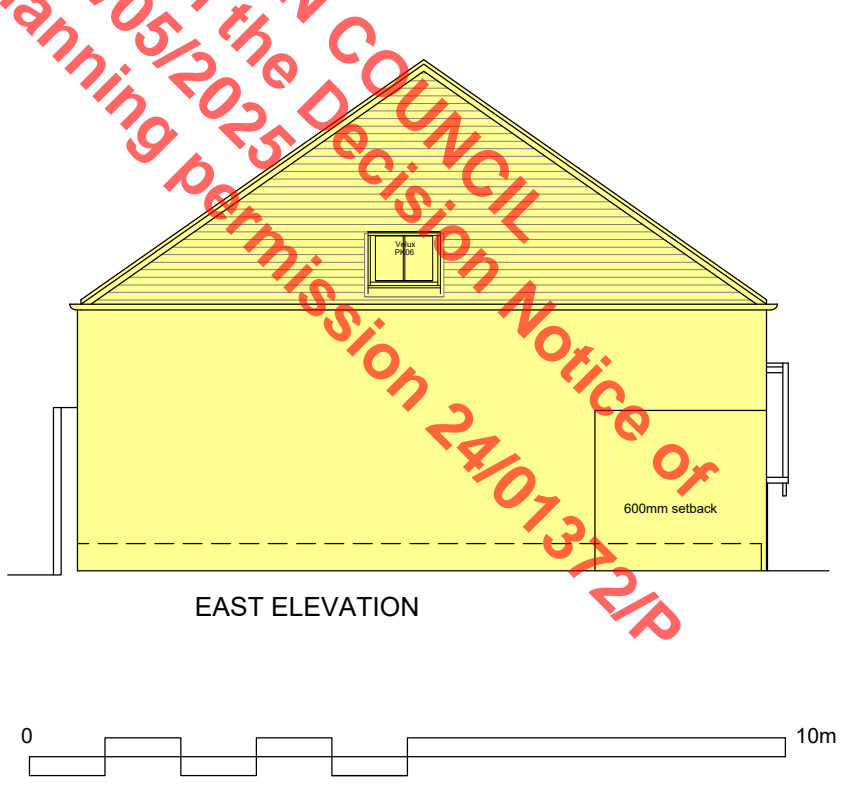
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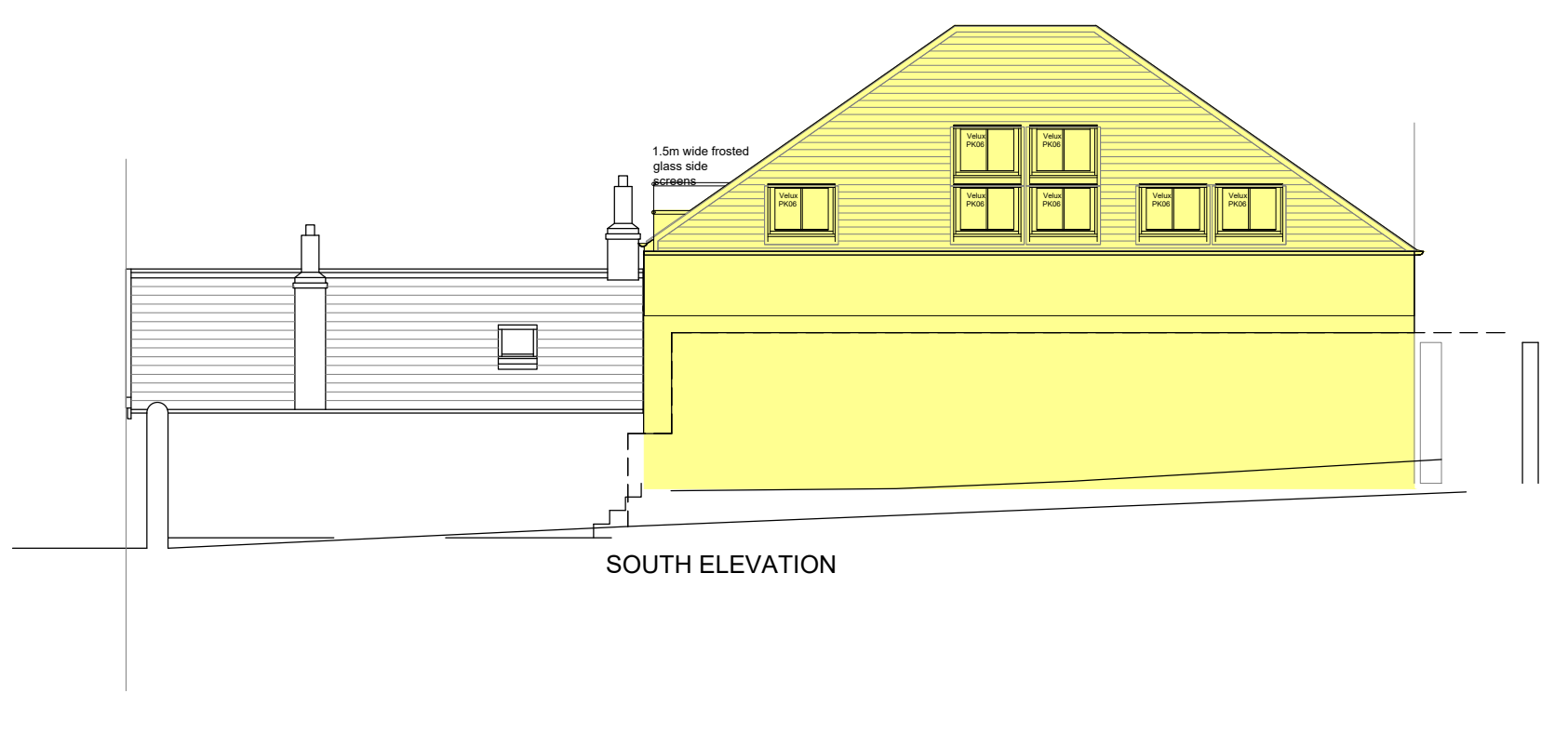
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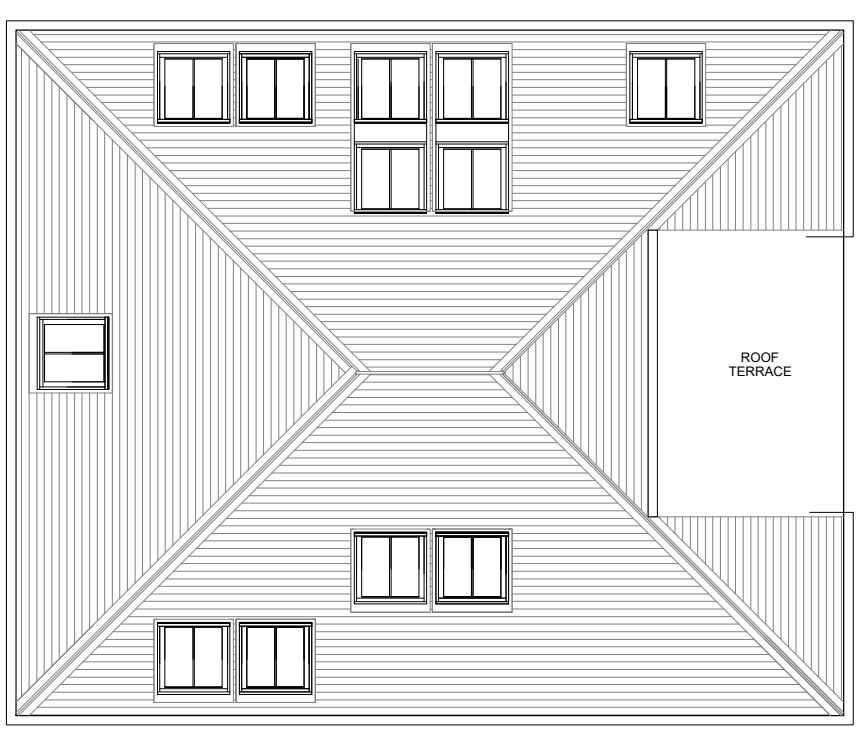
GROUND FLOOR PLAN



EAST ELEVATION



SOUTH ELEVATION



ROOF PLAN

EAST LOTHIAN COUNCIL  
23/05/2025 Decision Notice of  
refusing a grant of planning permission 24/01372/P

External Finishes/Materials

**Walls:** white painted wet dash render to North and East elevations. South and West elevations; Scotch Buff or equal sandstone. West elevation vertical weatherboarding; Cedral Click Wood fibre cement boarding, colour White C01

**Roof:** Natural slate, zinc ridge and hip flashings

**Windows and doors:** white painted timber with clear double glazing

**Rooflights:** grey anodized aluminium with clear glazing Low profile EDN2000 flashing. Window within kerb Velux GGL PK06 with Conservation astragal bar

**Rainwater goods:** grey upvc Brett Martin Cascade cast iron style; 112mm 'Roundstyle' half round gutters and 68mm 'Round' downpipes

**Decking:** 147x27mm grooved Ryno TerraSmart vitrified composite decking boards, wood effect colour Himalayan Birch; untreated

**Glass balustrade:** 21.5mm toughened laminated glass with 48mm stainless steel top and bottom rails. 110mm high clear glass to west elevation; 1500mm high frosted glass to north and south elevations

Feb 25 - bin store added to plan	RevC	
Jan 25 - north elevation amended	RevB	
Jan 25 - roof plan added	RevA	
date	description	revision

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for  
Pin High Properties

drawing  
Proposed Plans Sections & Elevations

scale date drawn

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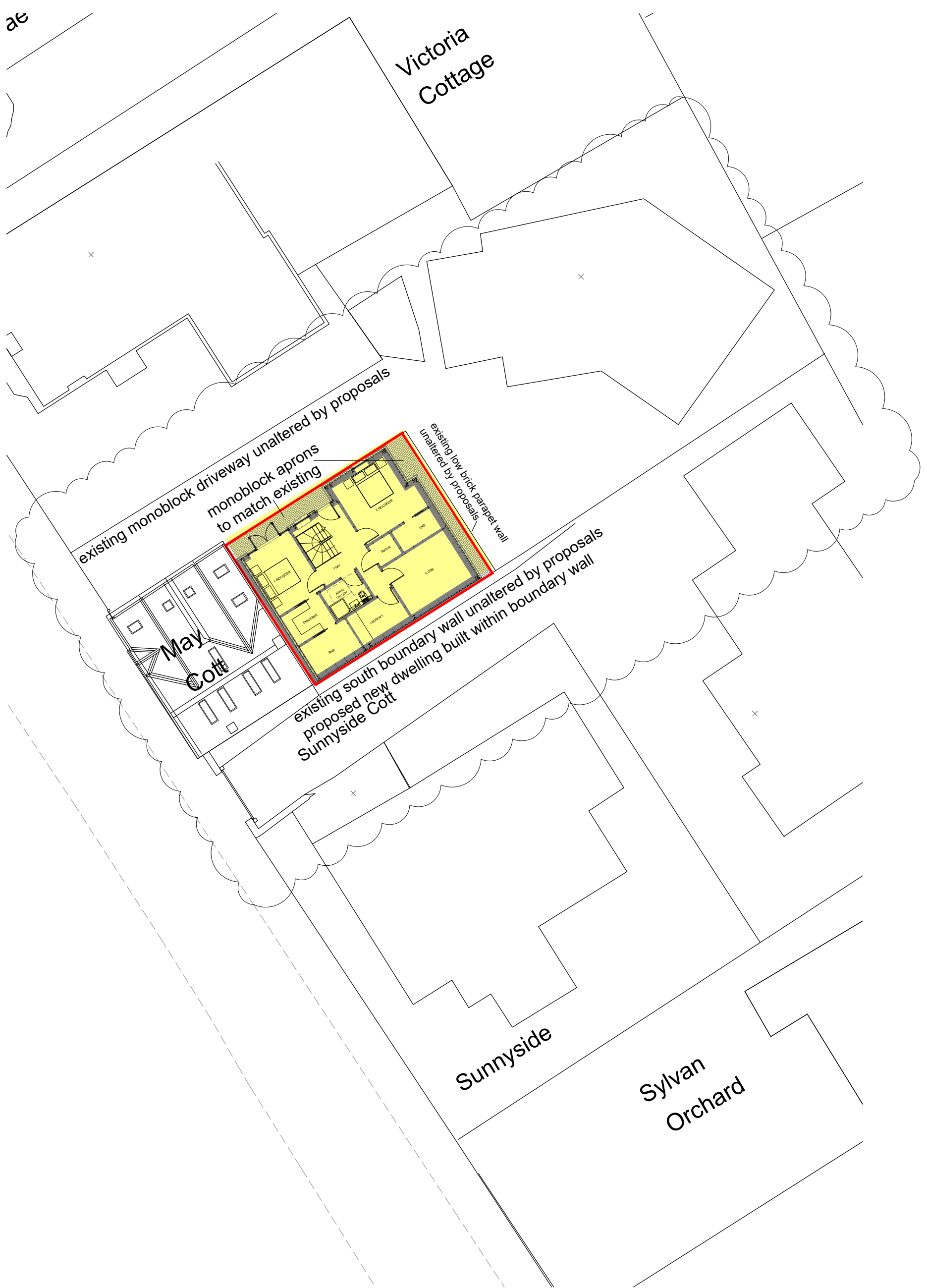




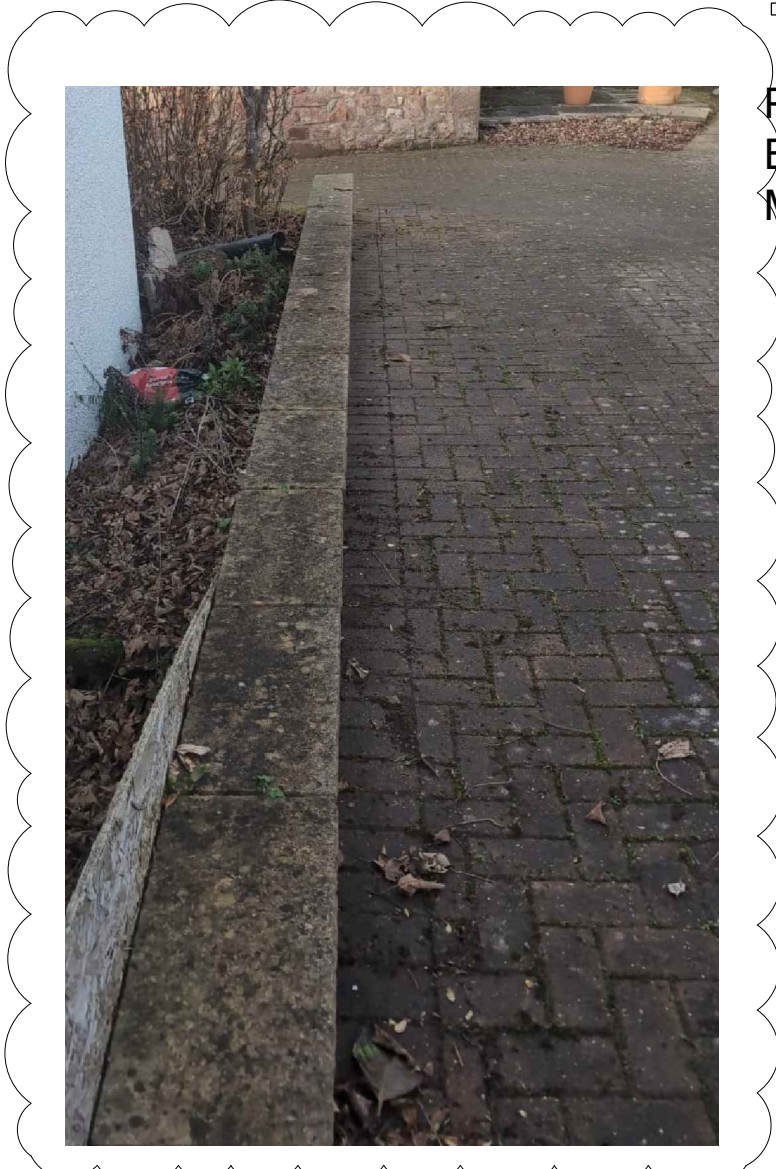
AS EXISTING SITE PLAN 1:200 SCALE



AS EXISTING SITE PLAN WITH PROPOSED REMOVALS SHOWN DOTTED RED 1:200 SCALE



PROPOSED SITE PLAN 1:200 SCALE



PROPOSED MONOBLOCK APRONS TO BE BRINDLE BROWN IN HERRINGBONE PATTERN TO MATCH EXISTING (SHOWN PHOTO BELOW)



Feb 25 - adjacent buildings amended	RevC	
Jan 25 - north east boundary amended	RevB	
Jan 25 - monoblock and plant bed added	RevA	
date	description	revision

**architecturejfltd**  
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Goose Green Road, Gullane

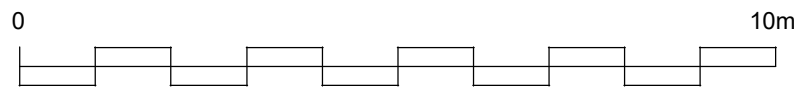
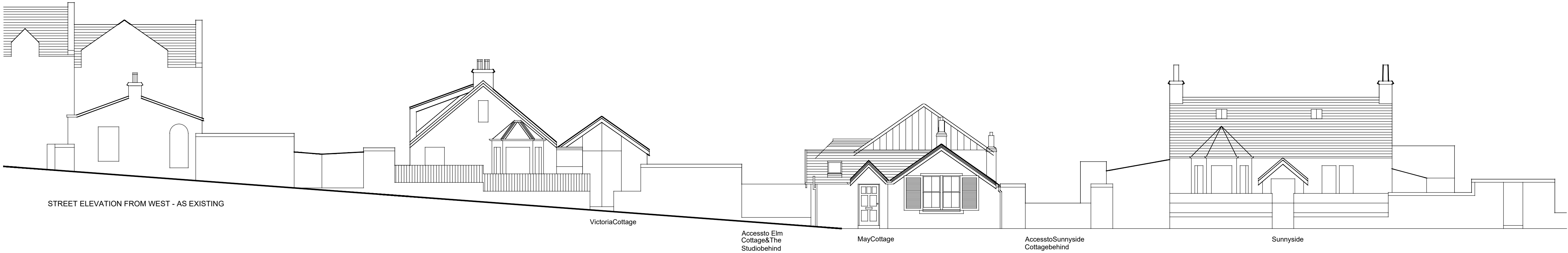
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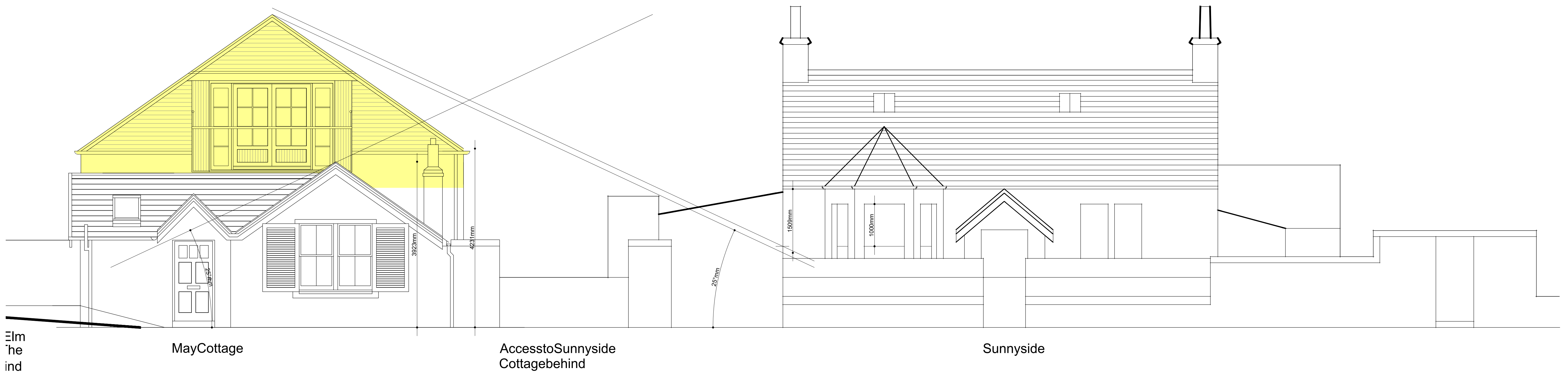
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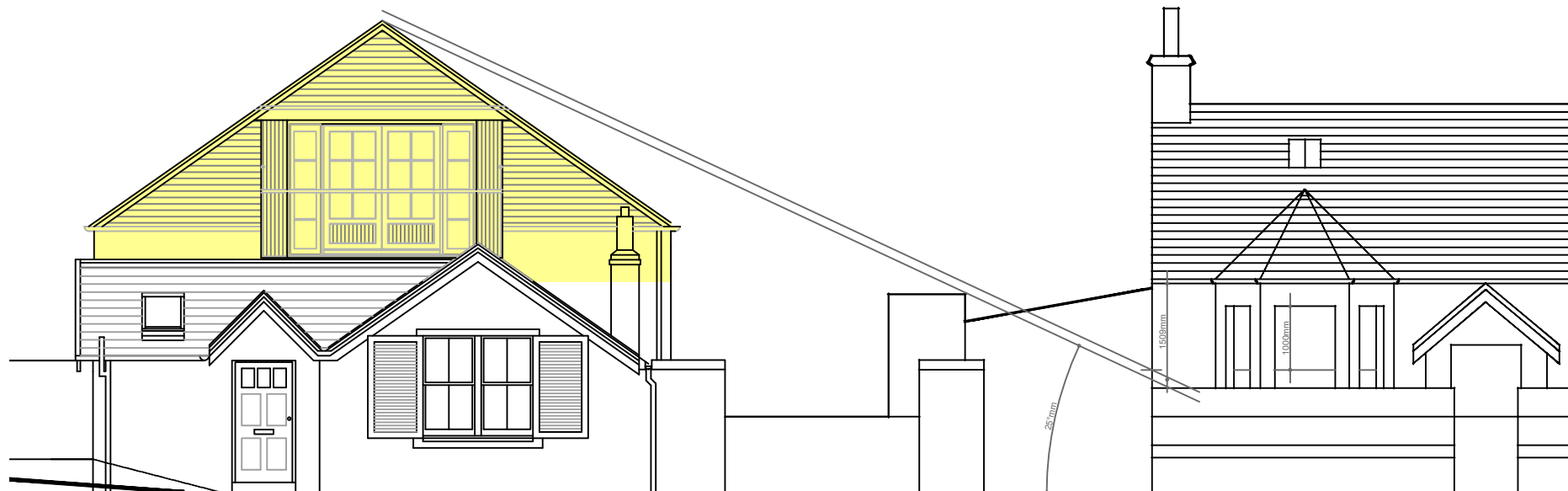
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May Cottage

Access to Sunnyside  
Cottage behind

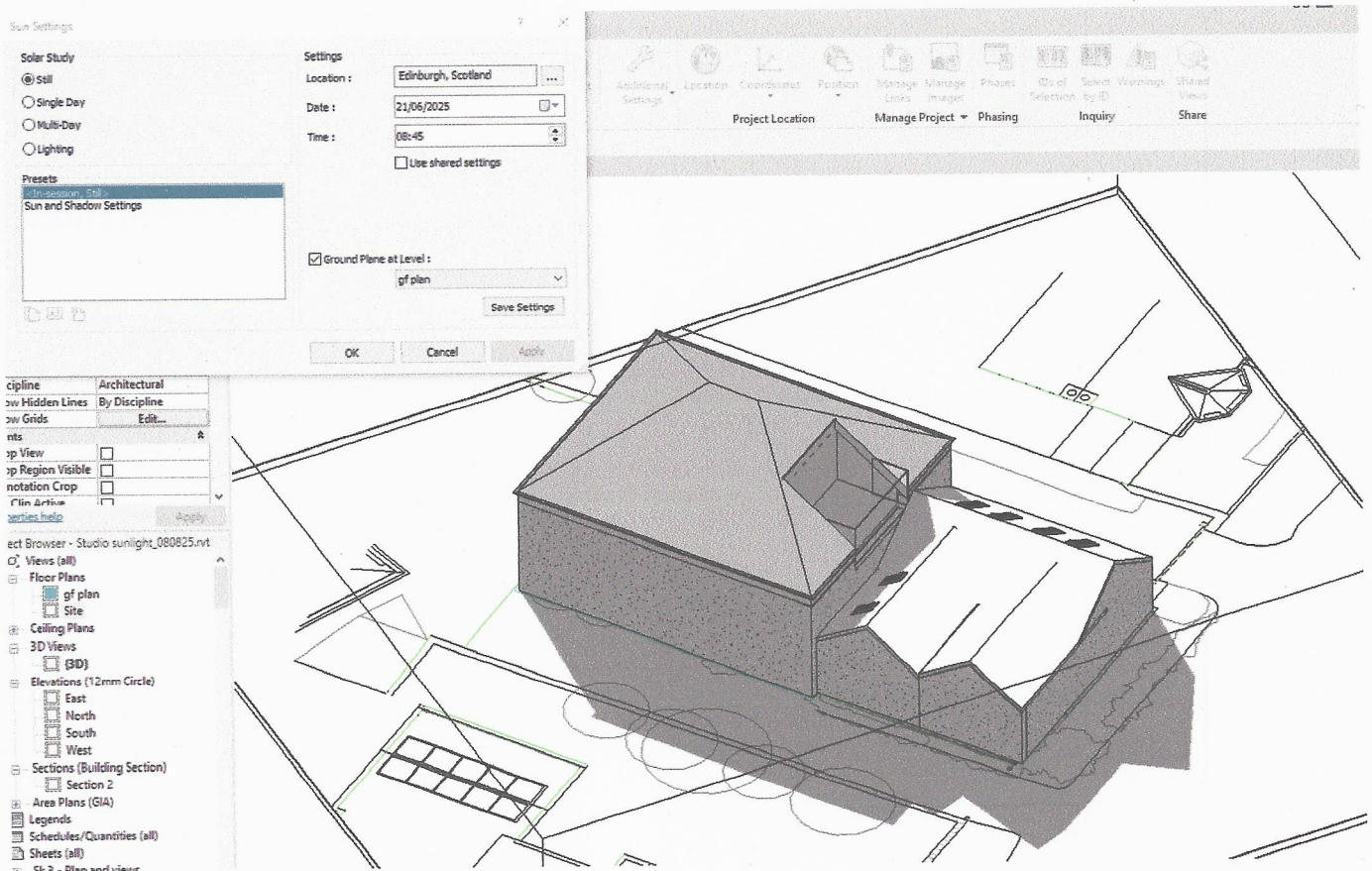
Sunnyside

## Studio / May Cottage sun settings - 21 June 08:45

From architecture jf <architecturejf@btconnect.com>

Date Fri 08/08/2025 13:59

To architecture jf <architecturejf@btconnect.com>



Julian Frostwick RIAS RIBA

architecturejf

Gullane Business Centre  
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Gullane  
East Lothian  
EH31 2HB

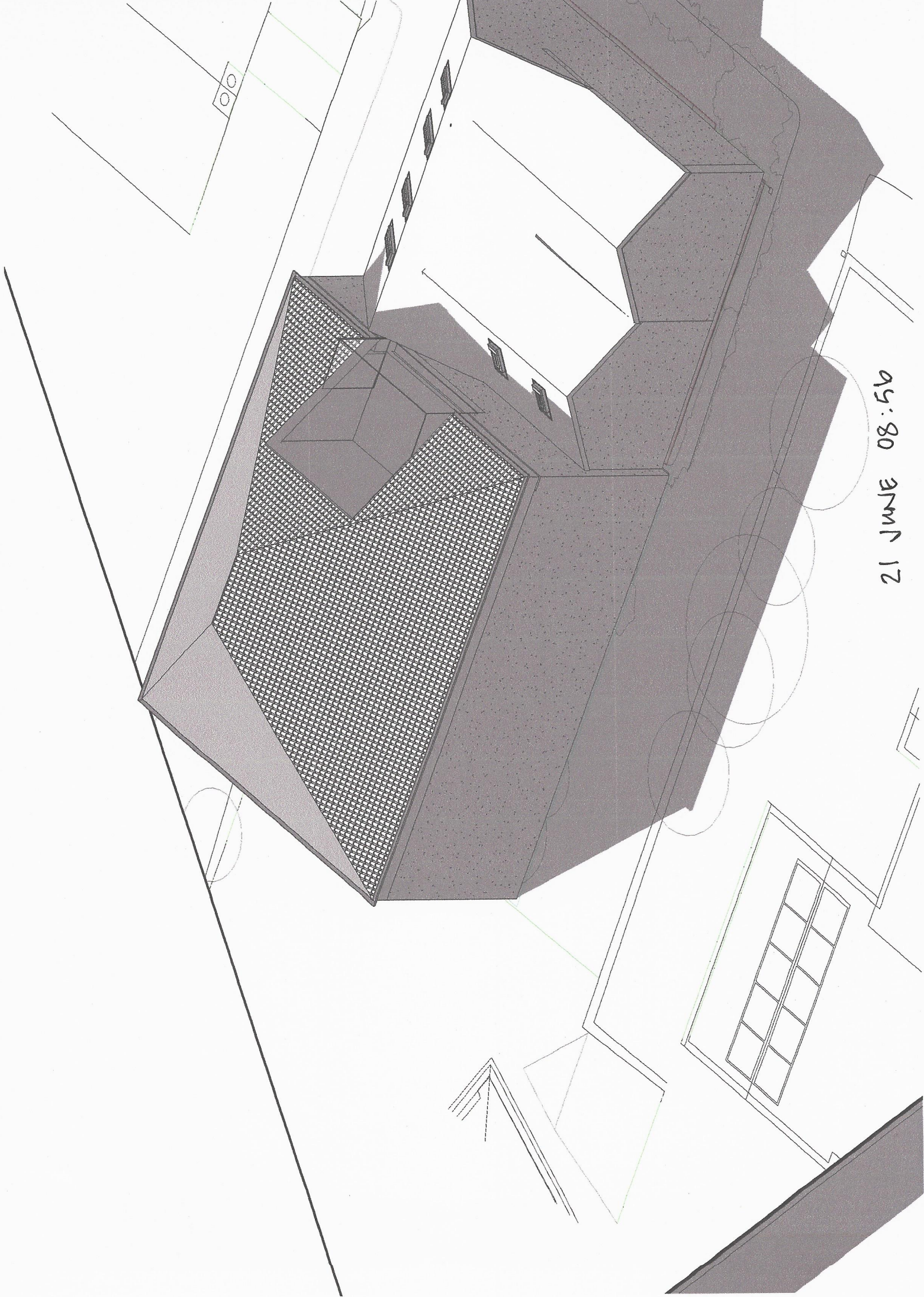
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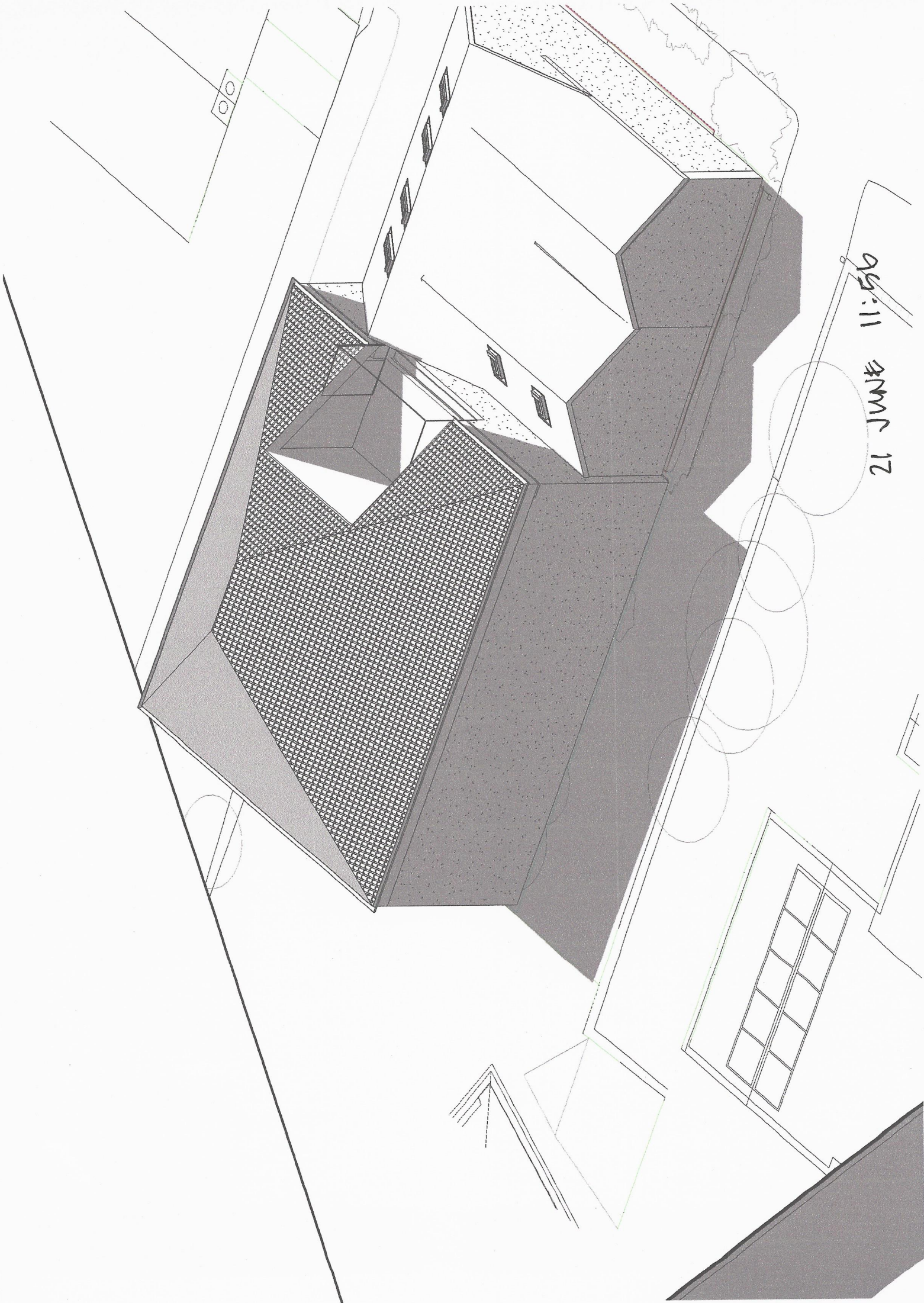




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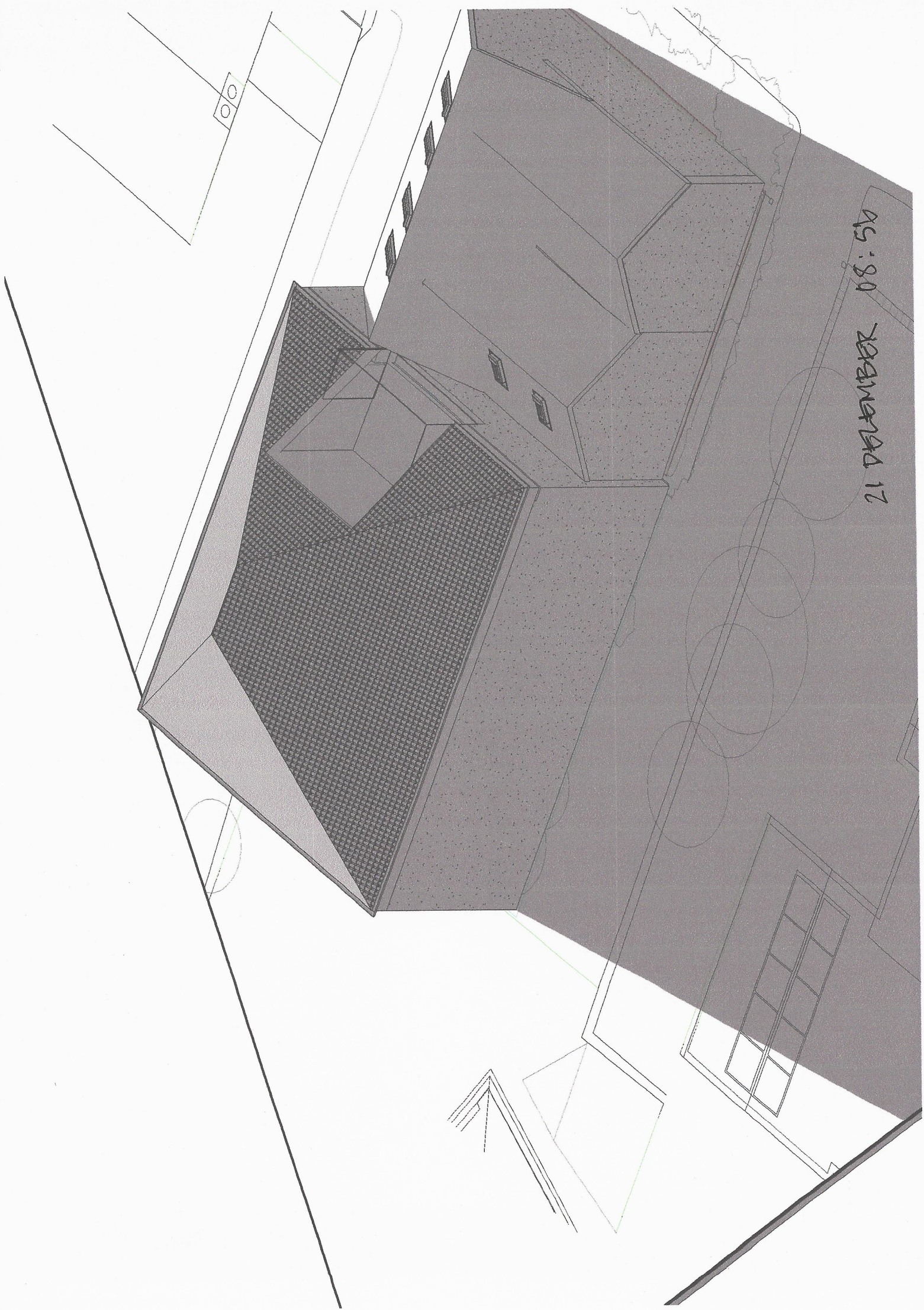


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21 DECEMBER 08:56





21 DECEMBER 08:56

