

REVIEW DECISION NOTICE

Decision by East Lothian Local Review Body (the “**ELLRB**”)

Application for Review by Ms Lesley Kay c/o Somner Macdonald Architects per Keith Macdonald 2B Law Road North Berwick EH39 4PL of decision to refuse Planning Permission for alterations, 1st floor extension to house, formation of ramps with handrails and balustrading at 16 Forth Street, North Berwick

Site Address: 16 Forth Street, North Berwick

Application Ref: 25/00229/P

Application Drawing: Please refer to the Drawings/Plans detailed at 3.1 (i)

Date of Review Decision Notice: 25 September 2025

Decision

The ELLRB unanimously agreed to dismiss the appeal and refuse Planning Permission for alterations, 1st floor extension to house, formation of ramps with handrails and balustrading at 16 Forth Street, North Berwick for the reasons more particularly set out below.

This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

1. Introduction

The above application 25/00229/P for Planning Permission for alterations, 1st floor extension to house, formation of ramps with handrails and balustrading at 16 Forth Street, North Berwick was considered by the ELLRB, at a meeting held on Thursday, 21 August 2025. The Review Body was constituted by Councillor N Hampshire (Chair), Councillor D Collins, Councillor L Allan and Councillor K McLeod. All four members of the ELLRB had attended a site visit in respect of this application prior to the meeting.

1.1. The following persons were also present at the meeting of the ELLRB:-

Mr P Zochowski, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser to the LRB
Ms F Currie, Clerk

2. Proposal

2.1. The planning application is for Planning Permission for alterations, 1st floor extension to house, formation of ramps with handrails and balustrading at 16 Forth Street, North Berwick and was registered on 11 March 2025.

2.2. The Decision Notice refusing the application was dated 9 May 2025.

2.3. The reason for refusal more particularly set out in full in the said Decision Notice and set out as follows:

1. *The proposed 1st floor extension would not be of a size, form, proportion and scale appropriate to the existing house, and would not be in keeping with or complementary to*

the existing house. Instead, it would be an unacceptable and unsympathetic addition to the house and consequently would not preserve or enhance but would be harmful to the character and appearance of this part of the North Berwick Conservation Area contrary to Policies 7 and 16 of NPF4 and Policies CH2 and DP5 of the adopted East Lothian Local Development Plan 2018.

2.4. The notice of review is dated 13 June 2025

3. **Preliminaries**

3.1. The ELLRB members were provided with copies of the following:-

i.	<p>The drawings accompanying this application are referenced and numbered as follows:</p> <table><tr><td><u>Drawing No.</u></td><td><u>Revision No.</u></td><td><u>Date Received</u></td></tr><tr><td>2456-01</td><td>-</td><td>06.03.2025</td></tr><tr><td>2456-03</td><td>-</td><td>06.03.2025</td></tr><tr><td>2456-02-A</td><td>-</td><td>11.03.2025</td></tr></table>	<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>	2456-01	-	06.03.2025	2456-03	-	06.03.2025	2456-02-A	-	11.03.2025
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2456-01	-	06.03.2025											
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2456-02-A	-	11.03.2025											
ii.	The Application for planning permission registered on 11 March 2025												
iii.	The Appointed Officer's Submission												
iv.	<p>Policies relevant to the determination of the application:</p> <p>Policies 7 (Historic Assets and Places), 14 (Design, Quality and Place) and 16 (Quality Homes of National Planning Framework 4 (NPF4)</p> <p>Policies CH2 (Development Affecting Conservation Areas), DP2 (Design) and DP5 (Extensions and Alterations to Existing Buildings) of the adopted East Lothian Local Development Plan 2018</p> <p>Material to the determination of the application is Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.</p>												
v.	Notice of Review dated 13 June 2025 together with Applicant's Submission with supporting statement and associated documents.												

4. **Findings and Conclusions**

4.1. The ELLRB confirmed that the application for a review of the planning application permitted them to consider the application afresh and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it. They confirmed that they had access to the planning file in respect of this matter and to all the information that the Appointed Officer had available when reaching the original decision to refuse planning permission including all drawings and copies of all representations and objections received in respect of the original application. They also confirmed they had received and reviewed the Applicant's Submission and further representations made in connection within this appeal before the ELLRB today.

Planning Adviser's Summary

- 4.2. The Members then asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser advised that the case before members is that for application 25/00229/P at a site at 16 Forth Street North Berwick for alterations, first floor extension to house, formation of ramps with handrails and balustrading.

No. 16 Forth Street is small early 19th C single storey mid terraced house that lies on the seaward side of Forth Street. It has accommodation in its roof space that is shown by three rooflights in the front elevation and two dormer windows on the rear elevation that also has a single storey rear extension.

The proposal is for an additional rooflight to the front elevation of the house; replacement of a window on the rear elevation with French doors with stone surround; a first floor extension to form a sun room above the flat roofed existing extension wrapping around it on three sides and the reconstruction of the wallhead dormer windows to lower the sills to floor level and reposition the eastmost dormer in line with the door below; and a disabled ramp with balustrading from the new French doors at the rear elevation.

The property is not listed but lies within the designated North Berwick Conservation Area. It has the appearance of an old fishing family cottage with a low stone built shed with chimney at the back of the beach which may have been used for storage of gear and processing of fish.

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise. The development Plan comprises NPF4 and the East Lothian LDP 2018 and the relevant planning policies as set out at 3.1(iv) of this Decision Notice. He further commented that material to the determination of the application is Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. This requires 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.

The Planning Adviser then noted objections received committing that there were 30 letters of objection to this application.

Details of how the officer assessed the application against planning policies and an assessment of any harmful overlooking and associated loss of privacy. The officer concluded that the proposed rooflight, the proposed French doors and fanlight and the proposed ramp access would not be harmful to the character or appearance of the Conservation Area. However, on the matter of the first-floor extension it was concluded that it would be an unacceptable and unsympathetic addition to the house such that would be harmful to the character and appearance of the conservation area.

On the matter of privacy and amenity it was concluded that glazing on the east and west sides of the proposed sunroom should be obscured to a height of 1.8m to prevent harmful overlooking of neighbouring gardens otherwise it was acceptable. It was noted that the applicant's agent has indicated acceptability of the heightening of obscured glazing.

On the matter of material considerations, the case officer referred to the examples of

extensions elsewhere in seaward positions that were submitted by the applicant by way of precedent established elsewhere. It was considered that these were provided in buildings with a different context generally not being as small a building as 16 Forth Street and that each case required consideration on its own merits. These were not sufficient to outweigh the consideration that the first-floor extension as proposed was contrary to the development plan in respect of its policies CH2 and DP5 as well as policy 7 14 and 16 of NPF4.

These accordingly were the reasons for refusal in the decision notice dated 9 May 2025

The Planning Adviser then moved to summarise the applicant's review submission confirming that the applicant's agent Somner MacDonald Architects has made a submission to the Review in respect of the officer's report and makes the following summarised points:

- Attention is drawn to procedural difficulties with lack of effective communication from the case officer to the agent. The Planning Adviser commented that while this is not a matter that will determine the outcome of this Review, he would nonetheless bring this to the attention of the Planning Delivery Manager after the review
- The officer failed to correctly describe the changes made to the dormers which the agent states of the same size and alignment. The Planning Adviser commented that he noted it is also acknowledged that the easternmost dormer is moved further east – perhaps the conclusion that can be agreed on here is that there would be less roof visible and more glass visible to the rear than at present.
- The scale of the proposed sunroom alteration is considered to be a comparatively minor addition which would not be noticed significantly nor in a negative manner in the context of the surrounding properties. The Planning Adviser reminded the members that the test in a conservation area is whether the proposal would cause harm to the character or appearance of the conservation area not just whether or not it is noticed significantly.
- Four images of other glass fronted sunrooms at the seaside in North Berwick are submitted with comments on each.

Member's Questions

- 4.3. The Planning Adviser responded to a question from Councillor Hampshire on whether a smaller scale extension might be more acceptable to the planning authority.

Member's Comments and Determination

- 4.4. The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.
- 4.5. Councillor McLeod commented that in his opinion the cottage is stunning and he looks to treat all applications on their own merits. Based on the information before him today and the size and scale of the proposal before him, he was minded to support the Planning Officer's decision to refuse planning permission.
- 4.6. Councillor Collins stated that the site visit was helpful. She noted that this was the last of

the houses to preserve the history of North Berwick as a fishing village and to change the character of this property would be harmful to the area. She was minded to support the decision of the Planning Officer to refuse planning permission

- 4.7. Councillor Allan agreed with her colleagues. She feels she is a progressive person but in this case the building is special and a reminder of the history in North Berwick. In terms of the application before her she was minded to support the Planning Officer's decision to refuse planning permission.
- 4.8. The Chair was of similar view to his colleagues. He was of the view this was a beautiful cottage and having seen the property from the beach could understand the applicant wanting a viewpoint from the property of the beach. However, the scale and size of the proposal is too much to the smaller building and would overburden the attractive cottage. He was therefore minded to support the Planning Officer's decision to refuse planning permission.

Accordingly, the ELLRB unanimously agreed to dismiss the appeal and refuse planning permission for the reasons more particularly set out in the Planning Officer's Report.

Planning Permission is hereby refused.



Carlo Grilli
Legal Adviser to ELLRB

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under Section 43A(8)**

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.