

REVIEW DECISION NOTICE

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

Application for Review by Mr & Mrs Llewellyn of 5 Bowmont Terrace, Queens Road, Dunbar EH42 1LF decision to refuse Planning Permission for the erection of conservatory at 5 Bowmont Terrace, Queens Road, Dunbar EH42 1LF.

Site Address: 5 Bowmont Terrace, Queens Road, Dunbar EH42 1LF

Application Ref: 25/00618/P

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

Date of Review Decision Notice: 17 November 2025

Decision

The ELLRB by a majority of three (3) to one (1) decided to dismiss the appeal and refuse planning permission for the erection of conservatory at 5 Bowmont Terrace, Queens Road, Dunbar EH42 1LF 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 for Planning Permission was considered by the ELLRB, at a meeting held on Thursday, 18 January 2024. The Review Body was constituted by Councillor A Forrest (Chair), Councillor S McIntosh, Councillor D Collins 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 M Mackowiak, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser to the LRB
Ms M Scott, Clerk

2. Proposal

- 2.1. The planning application is for review of decision to refuse Planning Permission for the erection of conservatory at 5 Bowmont Terrace, Queens Road, Dunbar EH42 1LF.
- 2.2. The planning application was registered on 13 June 2025 and the Decision Notice refusing the application is dated 18 August 2025.
- 2.3. The condition and the reason for the condition is more particularly set out in full in the said Decision Notice. The reason for refusal is set out as follows:

1. *The UPVC framing of the proposed conservatory would not, as required by the HES Guidance, be a high-quality material appropriate for use on a category B listed building. Instead it would be a non-traditional material that would detract from and would neither preserve nor enhance but would be harmful to the special architectural or historic interest of the listed building and the group of listed buildings at Bowmont Terrace of which it is a part and harmful to the character and appearance of the Dunbar Conservation Area contrary to Policy 7 of NPF4 and Policies CH1 and CH2 of the adopted East Lothian Local Development Plan 2018 and the Scottish Government's policy on development affecting a listed building given in the Historic Environment Policy for Scotland (HEPS): April 2019.*

2.4. The notice of review dated 2 September 2025.

3. **Preliminaries**

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

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|--------------------|---|----------------------|---------------------|----------------------|--------------|---|------------|--------------|---|------------|--------------|---|------------|--------------|---|------------|--------------|---|------------|
| 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>DL/JAF/CC/01</td><td>-</td><td>13.06.2025</td></tr><tr><td>DL/JAF/CC/02</td><td>-</td><td>13.06.2025</td></tr><tr><td>DL/JAF/CC/03</td><td>-</td><td>13.06.2025</td></tr><tr><td>DL/JAF/CC/04</td><td>-</td><td>13.06.2025</td></tr><tr><td>DL/JAF/CC/05</td><td>-</td><td>13.06.2025</td></tr></table> | <u>Drawing No.</u> | <u>Revision No.</u> | <u>Date Received</u> | DL/JAF/CC/01 | - | 13.06.2025 | DL/JAF/CC/02 | - | 13.06.2025 | DL/JAF/CC/03 | - | 13.06.2025 | DL/JAF/CC/04 | - | 13.06.2025 | DL/JAF/CC/05 | - | 13.06.2025 |
| <u>Drawing No.</u> | <u>Revision No.</u> | <u>Date Received</u> | | | | | | | | | | | | | | | | | |
| DL/JAF/CC/01 | - | 13.06.2025 | | | | | | | | | | | | | | | | | |
| DL/JAF/CC/02 | - | 13.06.2025 | | | | | | | | | | | | | | | | | |
| DL/JAF/CC/03 | - | 13.06.2025 | | | | | | | | | | | | | | | | | |
| DL/JAF/CC/04 | - | 13.06.2025 | | | | | | | | | | | | | | | | | |
| DL/JAF/CC/05 | - | 13.06.2025 | | | | | | | | | | | | | | | | | |
| ii. | The Application for planning permission registered on 13 June 2025 | | | | | | | | | | | | | | | | | | |
| iii. | The Appointed Officer's Submission | | | | | | | | | | | | | | | | | | |
| iv. | <p>Policies relevant to the determination of the application:</p> <p>National Planning Framework 4 – Policy 7 (Historic Assets and Places)</p> <p>The adopted East Lothian Local Development Plan 2018:</p> <ul style="list-style-type: none">- CH1 (Listed Buildings);- CH2 (Development Affecting Conservation Areas). <p>In addition material to the determination of the application is supplementary Planning Guidance (SPG) on 'Cultural Heritage and the Built Environment' adopted by the Council on 30th October 2018.</p> <p>Also material to the determination of the application are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.</p> | | | | | | | | | | | | | | | | | | |
| v. | The said Notice of Review 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 grant planning permission subject to conditions, 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.

- 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 planning application relates to a review of the decision on application that sought planning permission for the replacement of the conservatory on the rear (north) elevation of no 5 Bowmont Terrace in Dunbar. The existing conservatory is timber framed, painted white with a polycarbonate roof. The proposed replacement conservatory would replicate the size and scale of the existing conservatory but would be uPVC framed and feature a glass roof.

Through separate application 25/00625/LBC listed building consent was sought for the replacement of a conservatory. The Planning Adviser confirmed that this application was refused in August.

The Planning Adviser then advised members of the Policies and legislative provisions which are material to the determination of this application more particularly detailed at paragraph 3(iv) of this Decision Notice.

The Planning Adviser then confirmed that the report of handling confirms that the proposed replacement conservatory would not be harmful to the residential amenity of any neighbouring residential properties. The case officer considered policy 7c of NPF4 and CH1 of the adopted LDP. In his report the case officer confirmed that the building of 5 Bowmont Terrace is part of a group of buildings a Bowmont Terrace that are all listed as being of special architectural or historic interest (Category B). Their rear elevations are readily visible in views from East Links Road to the north and Golf House Road to the east. Although there have been alterations to the rear of these listed buildings, they still retain traditional elements and are still of some special architectural or historic interest. The officer acknowledged that the existing conservatory is attached to the rear of the listed building and is not in itself of any particular special architectural or historic interest. Therefore the demolition of that existing conservatory would not be harmful to the special architectural or historic interest of the listed building or harmful to the character and appearance of the conservation area. The proposed conservatory would be located in the same position as the conservatory that is to be removed. It would be subordinate in scale and form and would be located on a secondary (rear) elevation of the listed building so on those counts the proposed conservatory accords with the HES Guidance "Managing Change in the Historic Environment: Extensions" (2010). The report noted however that unlike the existing conservatory which has white painted timber frame, the proposed conservatory would have white coloured UPVC frames. The UPVC framing of the proposed conservatory would not, as required by the HES Guidance, be a high quality material appropriate for use on a category B listed building. The officer concluded that it would be a nontraditional material that would detract from and would neither preserve nor enhance but would be harmful to the special architectural or historic interest of the listed building and the group of listed buildings at Bowmont Terrace of which it is a part. The proposed replacement conservatory by being harmful to the special architectural or historic interest of the listed building would be harmful to the character and appearance of the Dunbar Conservation Area. As such the proposal was considered contrary to Policy 7

of NPF4 and Policies CH1 and CH2 of the adopted East Lothian Local Development Plan 2018 and the Scottish Government's policy on development affecting a listed building given in the Historic Environment Policy for Scotland (HEPS): April 2019.

The Planning Adviser then considered the submissions from the appellant's agent. The Planning Adviser summarised the key points of this submission as follows:

- Inconsistent application of planning decision making and accentuation of effect on listed building when no alterations to the structure or fabric is proposed.
- Historic Environment Scotland saw fit not to comment on the work on this category B listed building.
- The streetscape and the associated main front elevations is what defines these buildings and to the rear there are many 'evolutionary' individually designed and constructed extensions and conservatories of all forms and elemental variations
- The aggressive environment experienced on the seaward facing elevations of these buildings soon degrades even the best of hardwood and that is why uPVC is being proposed.
- The proposed uPVC frames will include a large proportion of reclaimed material which will withstand the aggressive seaward environment and reduce the demand for ancient hardwoods.

4.3. 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.

4.4. Councillor Collins expressed her frustration at Historic Scotland not making comment on applications of listed buildings as it made Members and planning officers jobs very difficult. She noted her struggle with coming to a decision on the application due to the fact the conservatory will be hit with weather from the North Sea but also due to the historic building significance she felt the conservatory should be a wooden structure and not UPVC as it would set a precedence for more UPVC structures which would be a concern due to the architectural significance of the building. Councillor Collins confirmed she would be voting to support the officers recommendations.

4.5. Councillor McLeod stated the current conservatory had been left in a bad state from the weather and with the new technology and equipment that can be used, as well as the conservatory not being visible from the main road then UPVC would make sense, but he was keen to hear from Councillor McIntosh on the environmental implications of using UPVC versus using wood before he made a decision.

4.6. Councillor McIntosh commented that she found the site visit helpful and the appeal interesting as they raised the issue of whether timber was sustainable and the rates that forests will sequester carbon if you don't cut them down in order to build conservatories. She added she had friends in sustainable construction and the debate on this issue was still live and not settled but said in general the climate benefits of PVC were quite often overstated as it was made out of fossil fuel products and was not really recyclable at the end of life. Councillor McIntosh explained to Members the whole life cycle of the product must be looked at, but it was still unclear whether timber or PVC were better from a climate point of view however she felt if you purchase a listed building then you have the responsibility to be a custodian of historic heritage and therefore, she would be supporting the officers recommendations.

- 4.7. The Chair agreed with Councillor Collins that it is a historic building, and the conservatory should be made of wooden frames therefore he would be supporting the officers recommendation.

Accordingly, the ELLRB by majority of three (3) to one (1) decided to dismiss the appeal and refuse planning permission for the reasons set out within the Planning Officer's Report.

Planning Permission is hereby refused.

A handwritten signature in cursive script, appearing to read 'Carlo Grilli'.

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.