

## **REVIEW DECISION NOTICE**

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

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Application for Review by Pin High Properties Ltd c/o APT Planning & Development 6 High Street, East Linton EH40 3AB of decision to refuse Planning Permission for erection of 1 house and formation of hard standing areas and associated works, The Studio, Goose Green Road, Gullane, EH31 2AT at The Studio, Goose Green Road, Gullane, EH31 2AT

Site Address: The Studio, Goose Green Road, Gullane, EH31 2AT

Application Ref: 24/01372/P

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

Date of Review Decision Notice: 17 November 2025

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### **Decision**

The ELLRB by a majority of three (3) to one (1) decided to refuse the appeal and refuse planning permission for erection of 1 house and formation of hardstanding areas and associated works, The Studio, Goose Green Road, Gullane, EH31 2AT at The Studio, Goose Green Road, Gullane, EH31 2AT 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, 23 October 2025. The Review Body was constituted by Councillor A Forrest (Chair), Councillor D Collins, Councillor K McLeod and Councillor S McIntosh. 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 1 house and formation of hardstanding areas and associated works, The Studio, Goose Green Road, Gullane, EH31 2AT at The Studio, Goose Green Road, Gullane, EH31 2AT reference 24/01372/P

2.2. The planning application was registered on 9 January 2025 and the Decision Notice refusing the application is dated 23 May 2025.

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

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 23 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.*

2.4. The notice of review is dated 21 August 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 border="1"> <thead> <tr> <th><u>Drawing No.</u></th> <th><u>Revision No.</u></th> <th><u>Date Received</u></th> </tr> </thead> <tbody> <tr> <td>AD(0)01</td> <td>B</td> <td>26.02.2025</td> </tr> <tr> <td>AL(0)02</td> <td>A</td> <td>26.02.2025</td> </tr> <tr> <td>AL(0)100</td> <td>A</td> <td>26.02.2025</td> </tr> <tr> <td>AL(0)01</td> <td>C</td> <td>14.03.2025</td> </tr> <tr> <td>AL(0)101</td> <td>C</td> <td>14.03.2025</td> </tr> </tbody> </table>	<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>	AD(0)01	B	26.02.2025	AL(0)02	A	26.02.2025	AL(0)100	A	26.02.2025	AL(0)01	C	14.03.2025	AL(0)101	C	14.03.2025
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ii.	The Application for planning permission registered on 9 January 2025																		
iii.	The Appointed Officer's Submission																		
iv.	<p>The development plan is the adopted National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.</p> <p>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 Places), 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 East Lothian Local Development Plan 2018 are relevant to the determination of this application.</p> <p>Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Planning Advice Note 67: Housing Quality, the Council's Supplementary Planning Guidance on The Cultural Heritage and the Built Environment <b>and</b> the planning history of the application site are also material considerations.</p>																		

v.	Notice of Review dated 21 August 2025 together with Applicant's Submission with supporting statement and associated documents.
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#### **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 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 application site is located to the east of Goose Green in 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 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 Planning Adviser confirmed that in his report the case officer provided information about the site's planning history including information about conservation area consent and planning permission for the demolition of the existing house and the erection of a house on the site (Ref: 18/00757/CAC and Ref: 18/00756/P). Both, the conservation area consent and planning permission were not implemented and as such have since lapsed. The proposed house would be some 0.8m higher than the house approved through the previously granted planning permission 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. This 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.

As part of the application process the case officer sought comments from the Council's internal consultees and the Planning Adviser confirmed that none of these consultees objected to the current application. In his report the case officer accurately summarised and addressed an objection received from Gullane Community Council and 25 objections from members of the public.

The Planning Adviser then confirmed the policies, as listed in 3(iv) above were material to the determination of this application.

The Planning Adviser noted that in his planning assessment the case officer confirmed that 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 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.

With regards to criterion 2 the case officer concluded that the windows and rooflights of the proposed new house would not allow for any harmful overlooking of any neighbouring residential property. The case officer noted that 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, 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.

The case officer also assessed if the proposed house would result in overshadowing of any neighbouring properties. The sunlight test was undertaken 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. This test confirmed that 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. Furthermore the case officer conducted the 25-degree daylight test to the neighbouring residential properties. The results of this test indicate that the proposed house would fail in relation to the bedroom windows to the side (northwest) elevation of the neighbouring property of Sunnyside and in relation to the roof lights that have been installed in the northeast elevation roof slope of May Cottage (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. 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 LDP. The case officer also considered Policy 7 of NPF4 and Policy CH2 of the adopted East Lothian Local Development Plan which require development in a conservation area to preserve or enhance the character and appearance of the conservation area.

The Planning Adviser then commented that criterion 3 of Policy DP7 of the LDP is also relevant to this part of the planning assessment as it requires the scale, design and density of a proposed development to be sympathetic to its surroundings. The officer noted that like the house approved through planning permission in 2018 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 and, unlike that previously approved house, the eaves of its roof would now sit some 0.4 metres 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 LDP. The case officer also looked at any material planning considerations that would outweigh the policies of the development plan and sought to establish if these material considerations 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 also because the current proposal is different to that previously approved in 2018, the case officer concluded that the previously granted planning permission 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.

The Planning Adviser then stated that given the above considerations, the case officer concluded that the proposed house was 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 LDP. 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.

The Planning Adviser then confirmed the key points of the applicant's submission and summarised them as follows:

- 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;
- the proposals at The Studio would not have a material impact on the enjoyment and amenity of the bedroom at May Cottage
- concern was raised over the impact on a single bedroom window in Sunnyside, the adjacent property to the south-west. The agent argues that 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
- 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
- the size, scale and design of the proposal 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 (this in my view is inaccurate e.g. May Cottage is a significantly lower building)
- The current proposal is only 0.8m taller than that approved in 2018
- The proposal 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 and as such it complies with Policy 16 part f of NPF4.
- The agent 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. 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.
- 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.
- The appeal site represents a negligible element of the overall Conservation Area. The development will at the very least preserve the current situation.
- Also, in your information pack you will find four additional representations from the local residents. The representations are in support of the original decision to refuse planning permission for the proposed new house. However, within these submissions there are also some points that are directly relevant to the appeal submission. These are as follows:
  - The trees mentioned in the Review Request are all deciduous and as such will lose their leaves in the autumn and will provide no screening until spring. At no time will they give full screening of the property.
  - The proposed 1.5 metres frosted screening around the balcony will not afford privacy for neighbours and especially the owners of May Cottage. The normal requirement for screening is a minimum of 1.83 m
  - Loss of privacy - the owners of May Cottage will not want to spend their time in the bedroom with the roof blinds closed
  - The owners of May Cottage emphasise that the proposal would completely

dominate their new home. They disagree with the agent who seems to suggest that the bedroom is not a principal room. They also noted that this room would experience 6 hours loss of daylight per day during summer.

Finally the Planning Adviser summarised the agent's response to the points made by the neighbours, as follows:

- It was not suggested at any time that the trees give 'full screening' of the property but that they are an important part of the visual context of the views to and from the property and at any time of the year. They are substantial trees and even when out of season, they create significant visual interruption and focus away from the properties behind them.
- there is also significantly less daylight when the trees are bare so that balances the fact that they may provide less cover
- the proposal will not be overbearing or prominent in the wider Goose Green vista, it is a gross exaggeration of the truth. In this context the proposals will have no impact on the setting of the Gullane Conservation Area (not Goose Green)
- The height of the screen reflects the previous planning permission and is a common approach to alleviate any potential conflicts. It is normal practice; Similarly the height of the screen is also as seen elsewhere across East Lothian.
- The permitted development, protruded above May Cottage and included a west facing recessed balcony. This proposal follows this lead and whilst slightly taller (just 0.8m) to enable a more useable 1st floor space, will not dominate May Cottage
- With regards to May Cottage, the loss of sunlight is minimal and only to those two very minor windows.
- Loss of privacy to the bedroom of May Cottage – the bedroom and shower room roof-lights were installed in full knowledge that planning permission existed to the rear. The owners of May Cottage have the option of obscuring the glass in the roof-light or using blinds, but the agent does not think they will have to, given the angles involved. (I would like to draw your attention to the fact that the previous planning permission for the redevelopment of the Studio lapsed on 31 March 2023 and planning application for the alterations to May Cottage was submitted in August 2024)

- 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 McLeod commented that the current house is in a bad state and something should be done, whether this particular application today was accepted or not. He highlighted the applicant would be looking for a construction management plan and that an application to build a new property had been approved in 2018 but the time had lapsed therefore would be voting against officers recommendations.
- 4.5. Councillor McIntosh stated the sunlight test was key and officers have clear tests with clear methodology and the proposed development failed the test. She added that that if a neighbour was planning something that would negatively affect their sunlight this Committee would uphold the rules consistently. Councillor McIntosh commented that the height of the proposal combined with the balcony and number of bedrooms made it an overdevelopment and noted the housing emergency referenced within the application did not apply as what East Lothian required were one and two bedroom homes, therefore she would be voting to uphold the officers recommendations.

4.6. Councillor Collins explained the 0.8m mentioned within the papers was the difference between the lapsed building application and the new proposed building, not the difference between the proposed building and May Cottage. She noted the proposed building would be double the height of May Cottage and would be an overwhelming development, affecting the sunlight to neighbours and therefore she would be voting to uphold the officers recommendations.

4.7. The Chair said he was of a similar opinion to Councillors McIntosh and Collins, and he would be supporting the decision of the planning officer.

Accordingly, the ELLRB by majority of three (3) to one (1) decided 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.