

COMMITTEE: Planning Committee
MEETING DATE: 2 June 2026
BY: Depute Chief Executive - Resources and Economy
REPORT TITLE: Application for Planning Permission for Consideration

3

Note: This application has been called off the Committee Expedited List by Councillor Gilbert for the following reason: Multiple concerns from Prestonpans Community Council, neighbours of the proposed development, and local residents regarding the grant of this application.

Application no. **26/00346/P**
Proposal Erection of one house and associated works
Location **Garden Ground of 73 Polwarth Terrace
Prestonpans
East Lothian**

Applicant JD Property (EDI) Ltd
Per King Architects

RECOMMENDATION Granted Permission

REPORT OF HANDLING

APPLICATION SITE

The property to which this application relates is the west half of the garden ground of a single-storey, semi-detached house. The site is located within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan (ELLDP) 2018.

The application site is immediately outwith the Prestonpans Conservation Area. The west boundary with the conservation area is formed by a stone wall measuring approximately 3m in height.

The property is bounded to the east and west by neighbouring residential properties, to the south by the public road of Polwarth Terrace and to the north by a medical centre. The site contains three single storey structures and the driveway serving the existing house.

PLANNING HISTORY

In February 2026 planning permission Ref: 26/00012/P was granted for the erection of porch, extension to house and formation of vehicular access. Permission granted 25.02.2026.

PROPOSAL

Planning permission is now sought for the erection of one house and associated works. The proposed house would be a detached, part single storey part one and a half storey house that would be one and half storeys in height at the front and single storey, with inhabited roof space to the rear. The house would have a pitched roof with the front section running east/west including a front dormer. The rear roof section would run from north to south.

The main mass of the property would measure 6.3m in width by 12.8m in depth with a vestibule extending 2m to the front. The property would comprise three bedrooms, with one at ground floor and incorporate an open plan living/kitchen/dining area. A patio is proposed to the rear. The existing vehicle access will be retained and a driveway formed.

The walls of the main building would be finished externally in off white render. It would have Upvc framed windows (colour anthracite) and brown concrete interlocking roof tiles.

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 the adopted National Planning Framework 4 (NPF4) and the ELLDP.

Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 7 (Historic Assets and Places), 14 (Liveable Place), 15 (Local Living and 20 minute neighbourhoods), 16 (Quality Homes) of NPF4 and Policies CH2 (Development Affecting Conservation Areas), T1 (Development Location and Accessibility), T2 (General Transport Impact), DP2 (Design), Policy CH5 Battlefields, DP7 (Infill, Backland and Garden Ground development) of the ELLDP are relevant to the determination of the application.

Material to the determination of this application is Section 64 of the (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.

REPRESENTATIONS

Two letters of objection have been received in relation to the application. In summary, the main grounds of objection are:

- o Sunlight/overshadowing and Loss of Light, loss of privacy;
- o Disturbance from building works;
- o Preservation zone exclusion clauses; This is a legal matter and not a material planning consideration.
- o Detrimental to adjoining conservation area;
- o Not in keeping with the area;
- o The windows should be sash and case;
- o Adverse impact on Roads Traffic Management and parking.

The disturbance from building works is not a material planning consideration relevant to the determination of this planning application.

The preservation of zone exclusion clauses is a legal matter and not a material planning consideration.

COMMUNITY COUNCIL

The Prestonpans Community Council were consulted and have objected. The grounds of objection are;

- o Failure to preserve or enhance the Character of the Conservation Area;
- o Inappropriate Plot Density and Loss of Established Townscape Character;
- o Adverse impact on built heritage remains that constitute part of the historic battlefield;
- o Lack of Robust Supporting Evidence; There is adequate information to assess this scale of proposal in this instance.
- o Inadequate Response to Residential Amenity Concerns; Impacts on amenity are assessed in this report.
- o Precedent. Not a material planning consideration.

PLANNING ASSESSMENT

Policy CH2 of the ELLDP requires all development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area. The application site is not within a conservation area but lies immediately to the east of the Preston Conservation Area. This part of the conservation area is characterised by one and half storey residential properties finished in white render with red interlocking roof tiles and box dormers.

The proposed house would be a one and a half storey dwelling. The front buildings line reflects that of the adjoining buildings. From the street the proposed design, incorporates a pitched roof and dormer and is finished in render and interlocking

roof tiles. The proposed dwelling massing and design will be entirely in keeping with the character and appearance of the area. The west boundary of the site comprises a high stone wall. This will be retained and as a result there will be no adverse impact on the edge of the conservation area.

Policy 15 of NPF4 supports development that will contribute to local living, including where relevant, 20 Minute Neighbourhoods. In this instance the application site is located within Prestonpans and would be well located for access to local services and facilities and therefore would contribute to local living. Consequently, the principle of the development of the site for residential development would be entirely compatible with Policy 15 of NPF4.

Policy 16(f) of NPF4 states that development proposals for new homes on land not allocated for housing in the LDP will be supported where the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods and the proposal is for smaller scale opportunities within an existing settlement boundary. Consequently, as the application site is within Prestonpans, and is sited within easy walking distance of numerous facilities, the principle of the erection of a dwelling building on this site is in accordance with Policy 16 of NPF4.

The erection of a house on the site would amount to infill housing development within this part of Prestonpans and therefore ELLDP Policy DP7 applies. 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.

Policy DP2 of the adopted ELLDP 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 palette 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.

The application site forms half of a generous garden ground. The retained house and the proposed house would both benefit from front and rear gardens of a size suitable for the size of dwellings and in keeping with the character of the area. There is adequate space to accommodate car parking for the proposed and retained dwellings.

The separation between existing residential properties in the street measures approximately 4.5m between gables. The existing house is separated from the adjoining house to the west by 13m and this is at odds with the prevailing spatial character. This allows scope for a suitably scaled additional structure which would not harm this section of the street scene.

The application site is located adjacent to two modest dwellings both of which incorporate similar design elements such as white render walls and pitched roofs with brown interlocking roof tiles. The property to the west has a box dormer to the front. The proposed dwelling is similar in eaves and ridge height, uses similar details, fenestration and materials including a pitched roof with dormer to the front. The proposed siting of the building and architecture will result in a design and size of dwelling that will sit comfortably within the street scene.

The proposed dwelling contains a number of ground floor windows looking west. These will be screened from the neighbouring property by the existing boundary wall. The rear upper floor accommodates a bedroom with a gable window looking to the rear and Velux windows proposed on the side roof planes. The windows are located higher up the roof plane with the bottom of the window being 1.6m above the finished floor level. As a result, the occupant would look beyond the neighbouring property and not down into the garden. The proposal will not result in any unacceptable overlooking to neighbouring property. A condition is recommended to control any side facing first floor glazing.

The main mass of the proposal sits between the gables of the adjoining properties. The rear section of the proposal is a single storey structure set off the west boundary. Due to the modest scale of the proposal and the existing 3m high boundary wall the impact on daylight and sunlight on the property to the west is acceptable. The proposed house sits close to the existing retained house and is marginally higher in height. The applicant has submitted a daylight and sunlight assessment to evaluate the impact on this dwelling. The assessment demonstrates that there will be no unacceptable impact on the daylight to the house or overshadowing of the garden ground.

Policy DP7 part 1 of the ELDP requires that the site can accommodate the entire development, including an appropriate amount of open space. The proposed building will be setback 9m from the pavement and will have a rear garden measuring 21m long by 8m wide. The rear garden ground would be of sufficient size to afford the occupants of the house adequate amenity and accommodate off-street car parking to the front. Policy DP7 part 2 of the ELDP requires that the occupants of existing neighbouring development experience no significant loss of privacy and amenity. As set out above the proposal does not unacceptably harm the amenity of neighbouring properties.

The proposed dwelling would be appropriate to its location in terms of its positioning, size, form, and massing and would not be harmful to the adjacent conservation area. On those matters of design the proposal would accord policies 7 (Historic Assets and Places), 14 (Liveable Place), 15 (Local Living and 20 minute neighbourhoods), 16 (Quality Homes) of NPF4 and Policies CH2 (Development Affecting Conservation Areas), DP2 (Design) and DP7 (Infill, Backland and Garden Ground development) of the ELLDP are relevant to the determination of the application.

This property lies within the Battle of Prestonpans (BTL16) site. **Historic Environment Scotland** were consulted on the application and have confirmed they have no objection to the proposal. The proposal will have no impact on the historic battlefield and is in accordance with policy 7 (Historic Assets and Places) of NPF4 and Policy CH5 (Battlefields) of the ELLDP.

Road Services were consulted on the application and have raised no objection to the proposed parking or impact on the road network.

The application site falls within the **Coal Authority's** defined Development High Risk Area. The planning application is accompanied by a Phase 1 Desk Study Report and Coal Mining Risk Assessment (Rev01, March 2026) produced by Harley Haddow Ltd. The Report has been informed by an appropriate range of sources of historical, geological and coal mining information. The Coal Authority records indicate that the site lies within an area of probable historic unrecorded shallow coal mining. The Coal Authority has no objection to the proposed development subject to the imposition of the conditions to secure further investigation and any required mitigation. Appropriate conditions are attached.

With regards to Policies 1 and 2 of NPF4, the proposal includes fourteen solar panels to the rear roof surfaces. At its meeting on 27 August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on 3 September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. This proposed development incorporates appropriate measure to mitigate its impact on the environment and therefore a condition is not required and the proposal complies with Policies 1 and 2 of NPF4 as submitted.

The site is currently laid to grass at the rear with the centre and front of the site being hard surfaced, containing three built structures. The proposal will retain the rear of the site as garden ground and will have a neutral impact on biodiversity opportunities. As the proposal relates to private garden ground and is of modest scale the proposal does not conflict with Policy 3 of NPF4.

In conclusion, the proposed house would be an appropriate addition to this street and would be in accordance with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and the stated relevant Development Plan policies. There are no material considerations which outweigh the proposal's alignment with the Development Plan.

CONDITIONS:

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

Reason:

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

- 2 Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

To ensure the suitable investigation of ground conditions prior to commencement of development.

- 3 No development shall commence until;
 - a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason

To ensure any requirement mitigation of ground conditions is carried out prior to commencement of development.

- 4 The level of the bottom opening of any side facing first floor rooflights shall be no lower than 1600mm above the first floor finished floor level as shown on approved drawing reference L(--)-13 Section.

Reason:

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

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any subsequent Order amending, revoking or re-enacting that Order, other than the glazed openings shown on the application drawings, no other windows or other glazed openings shall be formed within the side east and west elevation walls or roof slopes of the house hereby approved, or any roof windows in the roof space altered unless otherwise approved by the Planning Authority.

Reason:

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