



DEVELOPMENT MANAGEMENT COMMITTEE

Report by Head of Planning, Economic Development and Regeneration

1 DESCRIPTION

Sub-division of garden and conversion of garage to form a house at 36 Ellen Street, Whitburn

2 DETAILS

Reference no.	0631/FUL/24	Owner of site	Mr Graham Easton
Applicant	Mr Graham Easton	Ward & local members	Whitburn & Blackburn Cllr Jim Dickson Cllr Mary Dickson Cllr George Paul
Case officer	Robert Croydon	Contact details	01506 281110 Robert.croydon@westlothian.gov.uk

Reason for referral to Development Management Committee: Referred by Councillor Jim Dickson.

3 RECOMMENDATION

3.1 Refuse planning permission.

4. DETAILS OF THE PROPOSAL AND BACKGROUND

- 4.1 The site forms part of the rear garden of No. 36 Ellen Street. Planning permission is sought for the conversion of a detached garage in the garden to form a house and the subdivision of the plot from the main dwelling in order to form a separate planning unit. The existing house on the site is two storeys and has been previously combined into a single house from two separate dwellings.
- 4.2 The site is located within the settlement boundary of Whitburn, as defined in the West Lothian Local Development Plan.
- 4.3 The existing rear garden has a length of 22.5m (measured from the rear elevation of the main site dwelling) and the subdivision would see it reduced to 7.1m in length. The width of the existing plot is 28.4m (measured along the southern site boundary) and it would be

reduced to 19.9m to accommodate vehicle access to the proposed rear garden plot, down the eastern side elevation of the existing house. The length of the proposed plot would be 10.9m from the western elevation of the existing garage and it would have a width of 15.4m. The existing garage is proposed to be converted to living accommodation and would have a living room, kitchen/diner, utility room, study, WC and hallway on the ground floor and three bedrooms, one with an en-suite, a separate bathroom and storage, within the eaves of the current garage roof. The footprint and scale of the existing garage is not proposed to be increased.

- 4.4 The application site is flat, with vehicle and pedestrian access off Ellen Street. There is a service road to the east of the site which serves the sewage works to the north of the site, beyond the M8 motorway. The site is bound by similar residential dwellings to the south, east and west, which were all built at the same time as part of a purposed-built housing scheme. There are several semi-detached dwellings further to the west of the site which were built more recently (approx. 1990s). The town centre of Whitburn is approx. 309m to the south of the site.

History

- 4.5 The relevant planning history of the site, as follows:
- 0446/FUL/24 - Sub-division of garden and conversion of garage to a house with associated works – Withdrawn – 29-JUL-2024
 - 0795/H/18 - Erection of a garage (amendment to planning permission 0317/H/14 (in retrospect)) – Grant Planning Permission – 22-NOV-2018
 - LIVE/0317/H/14 - Erection of a garage – Grant Conditional Permission – 16-JUN-2014
 - LIVE/0472/FUL/13 - Erection of a house – Refuse Planning Permission – 12-SEP-2013
 - LIVE/0230/FUL/13 - Erection of 2 houses – Withdrawn – 23-MAY-2013
 - LIVE/0664/H/06 – Erection of a porch – Grant Conditional Permission – 20-JUL-2006

EIA Development

- 4.6 The proposal is not EIA development as it does not fall within Schedule 1 or Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2017 (EIA Regulations).

Equalities Impact

- 4.7 The application has been assessed and has no impact in terms of equalities or human rights.

5. REPRESENTATIONS

5.1 No letters of representation have been received.

6. CONSULTATIONS

6.1 This is a summary of the consultations received. The full documents are contained in the application file.

Consultee	Objection?	Comments	Planning Response
WLC Flood Risk Management	Yes.	<p>A risk of river flooding (Low Likelihood) from the River Almond, and surface water flooding (Low, Medium & High Likelihood) affecting the application site, as shown in SEPA's flood maps (https://beta.sepa.scot/flooding/flood-maps/)</p> <p>As this development will increase the land use vulnerability of the site (least vulnerable garage to a highly vulnerable dwelling) it is not suitable for this location. Please refer to https://www.sepa.org.uk/media/143416/land-use-vulnerability-guidance.pdf</p>	Noted.
WLC Environmental Health	No.	<p>Standard conditions recommended;</p> <p>1 - Noise 2 - General (Construction) 3 - Air Quality (Construction) 4 - Noise (Construction)</p>	Noted.

<p>WLC Roads & Transportation</p>	<p>Holding Objection</p>	<p>Details required of the car parking provision for both the existing house and proposed house.</p> <p>The proposed drive is only 2m wide for each property which is unacceptable.</p>	<p>Noted.</p>
<p>WLC Education Planning</p>	<p>No</p>	<p>Contributions required towards; Denomination Secondary Schools</p>	<p>Noted.</p> <p>Should planning permission be granted, then the relevant developer contributions would need to be secured through a planning obligation.</p>
<p>SEPA</p>	<p>-</p>	<p>Note the flood risk is surface water from an overland flow pathway and SEPA standing advice applies.</p>	<p>SEPA standing advice on development proposals at flood risk solely from surface water applies. This states that the surface water flood risk should be adequately assessed via a drainage impact assessment and/or flood risk assessment which looks at surface water from within and out with the development site and that local authorities are best placed to assess and manage the different components of surface water flooding in relation to new development as part of their existing responsibilities in relation to roads and flood risk management.</p> <p>WLC Flood Risk Management has objected to the proposal due to surface water flood risk and no information has been</p>

			submitted by the applicant to address the flood risk.
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7. PLANNING POLICIES

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.2 The development plan comprises of National Planning Framework 4 (NPF 4) and the West Lothian Local Development Plan (LDP).
- 7.3 It is important to bear in mind that NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and should be used to guide decision-making and Scottish Ministers have indicated that conflicts between policies are to be expected. Factors for and against development will therefore require to be weighed up in the balance of planning judgement.
- 7.4 The relevant development plan policies are listed below:

Plan and Policy	Policy Summary	Assessment	Conform?
National Planning Policy (NPF) 4 Policy 1 Tackling the climate and nature crises	This policy states significant weight is to be given to the global climate and nature crises in assessing proposals.	This development relates to a back-garden site of an existing dwelling and is surrounded by residential properties and close to public amenities. It is, therefore, a sustainable location, however the location in a flood risk area would conflict this.	No

NPF 4 Policy 2 Climate mitigation and adaption	To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change	The proposed location is close to public transport links and within close proximity to Whitburn town Centre and would not be car reliant. However, the site is within a flood risk area and would not be resilient to increased climate change impacts such as flooding from rivers (fluvial) or surface water flooding.	No
NPF 4 Policy 3 Biodiversity	This policy requires development proposals to conserve, restore and enhance biodiversity.	Biodiversity enhancements to the site have not been included in the application. The site and the surrounding area would benefit from this.	No, but could be secured by a planning condition.
NPF 4 Policy 14 Design, quality and place	This policy requires development to improve the quality of an area and meet the six qualities of successful places.	The footprint and scale of the existing garage is not proposed to be increased, however the subdivision of the garden ground, creating two smaller gardens, and the proposed parking and vehicle access is substandard in terms of size. The combined density of the proposed dwelling and the surrounding dwellings is not acceptable as it doesn't match the surrounding built form, which consists of two-storey houses facing on to Ellen Street. The proposal would be poorly laid out and would be detrimental to the amenity of the surrounding area. The proposed dwelling would not support or enhance an attractive built space, due to its location at the rear of an existing dwelling which would face on to the sewage works access track.	No

NPF 4 Policy 16 Quality Homes	To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations.	The site is not allocated for housing and is considered a residential garden or back-land location. This type of development would adversely impact the character of the area and would set a negative precedent for other similar sites. The proposal would also introduce a dwelling close to the rear elevation of an existing dwelling which would adversely increase overlooking to current and future residents of the main site dwelling.	No
NPF 4 Policy 22 Flood risk and water management	Development proposals at risk of flooding or in a flood risk area will only be supported where it meets the criteria.	The site is at risk of surface water flooding. Surface water drainage information has not been submitted by the applicant prior to determination.	No
West Lothian Local Development Plan (LDP) (2018) DES1 - Design Principles	All development proposals will require to take account of and be integrated with the local context and built form.	The proposed use of this site for residential purposes is not acceptable in principle. Although the site is located within an established residential area close to public transport links and within close proximity to Whitburn Town Centre, its location in the rear garden of an existing residential plot would not harmonise with the surrounding built form. The proposal would not align correctly with the established streetscape along Ellen Street. The amenity of surrounding residents would also be impacted from increased noise levels which would emanate from this proposed dwelling at the rear of the existing dwellings along this street.	No

West Lothian LDP HOU 3 – Infill/ Windfall Housing Development within Settlements	Housing will be supported if they meet criteria a-i.	The proposed housing use is compatible with nearby uses, however is not compatible with the character of the local area. Creating a back-land dwelling would be adversely detrimental to the established layout of the surrounding area. A satisfactory residential environment would not be achieved due to a cramped built form and layout and resulting small gardens. The site is also at risk of flooding.	No
West Lothian LDP INF1 – Infrastructure Provision and development obligations	The council will seek developer obligations in accordance with Scottish Government Circular 3/2012.	The proposal does not raise any infrastructural or education capacity concerns. The LDP and statutory guidance, sets out the required developer obligations and these are listed below: • Education Non-Denominational Primary and Denomination Primary and Secondary • Cemeteries Provision	Yes – Subject to the relevant planning obligations being secured by legal agreement.
West Lothian LDP EMG 2 – Flooding	The council will, as a first principle, seek to prevent development which would have a significant probability of being affected by flooding or would increase the probability of giving rise to flooding.	The proposal to convert an existing garage to living accommodation would mean that people would be living in a space which is not currently living accommodation. This would inherently increase the land use vulnerability of this plot (least vulnerable garage to a highly vulnerable dwelling) and is not suitable for this location which is at risk of flooding.	No
West Lothian LDP EMG 3 – Sustainable Drainage	Developers may be required to submit a Drainage Impact Assessment (DIA) to ensure that surface water flows are properly considered in the design of a development.	Surface water treatment and attenuation is not required for a single house.	Yes

West Lothian LDP ENV 20 - Species Protection and Enhancement	Development that would affect a species protected by European or UK law will not be permitted unless it meets the four criteria.	Given the nature of the proposal, it will not adversely impact on species.	Yes
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7.4 Other relevant policy guidance and documents are listed below:

- o Designing Streets

Statutory Supplementary Guidance (SG)

- o Residential Development Guide, 2019
- o Flooding and Drainage, 2019
- o Planning and Education, 2021
- o Developer Contributions towards Cemetery Provision, 2021

Non-Statutory Planning Guidance (PG)

- o Planning for Nature: Development Management and Wildlife, 2020

8. ASSESSMENT

8.1 The determining issues in respect of this application are listed below:

Principle of development

8.2 The application site is within the settlement boundary of Whitburn and is located within a well-established residential area, where the principle of infill housing is supported under LDP Policy HOU 3 (Infill/Windfall Housing Development within Settlements). However, this application is for planning permission for the conversion of a large detached garage in the rear garden of 36 Ellen Street, Whitburn, in to a three bedrooomed dwelling and the subdivision of its curtilage into a separate residential plot. The plans submitted show that the current garage building would not be extended, that there would be vehicle access from Ellen Street and that the rear garden of the existing plot would be sectioned off to form a separate amenity space. Therefore, the principle of the development would not be accepted due to adverse conflicts with the relevant policies of NFP4 and West Lothian LDP.

Design and Layout

8.3 Policy HOU 3 (Infill/Windfall Housing Development within Settlements) criterion (a) of the West Lothian Local Development Plan (LDP) states development should be in keeping with the character of the settlement and local area. Policy DES 1 (Design principles) of the LDP states "All development proposals will require to take account of and be integrated with the local context and built form". Policy 14 (Design, quality and place) and Policy 16

(Quality Homes) of NPF4 has similar context.

- 8.4 The surrounding area is predominately residential use, with a mix of two storey dwellings nearby, mostly built around the same time as part of a purpose-built local authority scheme. The proposed house is of a modern design, with a dual pitched roof, and would be considered smaller in scale than the three-bedroom dwellings nearby. All the proposed first-floor rooms, including the habitable bedrooms, would be located within the eaves of the existing roof, and although the garage has already been designed and built with higher than average eaves to accommodate a usable storage space on the first floor in terms of internal roof slope height, its difficult to make a judgement on whether this would be useable as habitable room space as no section drawings have been submitted. A judgement has to be made on the plans which have been submitted and they don't show how this would work effectively as a habitable room. Furthermore, there would be no direct visual outlook from these upper rooms to the outside, as the only windows would be 'velux' type roof light windows on the existing roof slopes. Any outlook from them would intrinsically overlook the residential gardens and dwellings to the west, east and potentially the south (No. 36 Ellen Street).
- 8.5 However, the main impact here would be that the proposed residential dwelling would not align with the established pattern of development nearby. All the nearby dwellings face directly on to their respective roads (i.e.- Ellen Street), all with traditional frontages facing on to the street, which provides a coherent street scene. The proposed dwelling would effectively face on to a single-track tarmac road (to the east of the plot) which provides access to the sewage works to the north of the site. This would not accord with the established character of the surrounding area and would be a concern, especially given that this could also set a precedent in the area, and the wider-borough, for poorly laid out back-land/garden ground dwellings.
- 8.6 The resulting rear garden for 36 Ellen Street would be 7.1m from the existing rear elevation, which is smaller than the accepted minimum of 9m in the 'Residential Development Guide' (SG). The garden length for the proposed garage conversion would be 10.9m which would be acceptable. However, the subdivision of the plot would be detrimental to the amenity of the resident of No. 36 Ellen Street (both current and future residents). Therefore, this would represent an unacceptable and adverse impact to residential amenity. No internal boundary treatments have been provided so it's unclear if there would be any screening to the proposed rear gardens. Based on the current plans, this would mean that there would be unacceptable levels of overlooking to the proposed gardens from 36 Ellen Street. The proposed house would also be considered to be overdevelopment of the site, in terms of density and would result in town cramming and would result in unacceptable damage to the established townscape character of this vicinity.

Flood Risk

- 8.7 The site has been identified on the SEPA flood maps as having low, medium and high risk of surface water flooding.
- 8.8 SEPA have recommended to review the Flood Study for Whitburn, undertaken by Mott MacDonald on behalf of WLC in 2018. However, the study area for this report was 'White Burn' which is to the south of Whitburn and it does not relate to the site as it's located on the northern edge of Whitburn, near to the River Almond.

- 8.9 SEPA's standing advice on surface water flooding applies which requires such flood risk to be assessed via a flood risk assessment. No assessment has been submitted and WLC Flood Risk Management do not support the proposal.

Biodiversity

- 8.10 The applicant has not submitted a biodiversity enhancement statement to demonstrate meeting the requirements of NPF 4, Policy 3 (Biodiversity). , At least two biodiversity enhancements on the site would be required. . These could include openings to any proposed fences for hedgehogs or bird/bat boxes attached appropriately to the buildings on site.

Parking/Access

- 8.11 The proposed vehicular access is unacceptable and appropriate parking cannot be achieved within the site of each plot. WLC Roads and Transportation has a holding objection until further details of the parking provision for each separate dwelling is provided. This should accord with the accepted standards as set out in the 'Residential Development Guide' (SG) as the current plans show a 2m wide driveway for each property, which is too narrow, and parking spaces have not been defined on site. At least 1.5 spaces for three bedroomed properties and 2.5 spaces for properties with four or more bedrooms should be indicated on the plans. It should be noted that a site visit has confirmed that the area of hardstanding at the existing site does not correspond accurately with hardstanding set out on the existing or proposed plans.

- 8.12 It is noted, the site is located close to public transport links and the town centre for local amenities.

Trees/Landscaping

- 8.13 No trees or landscaping have been indicated on the plans, their inclusion would help enhance both plots, in terms of improved biodiversity/ecology.

Developer Contributions

- 8.14 Developer contributions are required for education and cemetery provision in line with the council's policies. Subject to these contributions being secured, the proposal complies with Policy INF1 (Infrastructure Provision and development obligations) within the LDP.

9. CONCLUSION AND RECOMMENDATION

- 9.1 The proposal does not comply with policies DES1 (Design Principles), HOU 3 (Infill/Windfall Housing Development within Settlements) and EMG 2 (Flooding), of the LDP.

- 9.2 The proposal does not comply with policies 14 (Design, quality and place), 16 (Quality Homes) and 22 (Flood Risk and Water Management) of NPF 4.

9.3 It is therefore recommended that planning permission is refused.

10. BACKGROUND REFERENCES & ATTACHMENTS

- Draft reasons for refusal
- Location Plans
- Local Member Request Form

Plans and site photos are available in the accompanying slide presentation pack.

Craig McCorrison

Head of Planning, Economic Development & Regeneration

Date: 20 November 2024

Draft reasons for refusal – Application 0631/FUL/24

- 1) The proposed house, by virtue of being a form of back land development, will result in a development that is an unacceptable break from the spatial character of the surrounding area. The proposed house will fail to integrate with the local character and built form resulting in an overdevelopment of the plot.

The proposal is therefore contrary to Policy 14 (Design, quality and place), 16 (Quality Homes) of NPF4 and Policy HOU 3 (Infill/Windfall Housing Development within Settlements) and Policy DES 1 (Design Principles) of the West Lothian Local Development Plan (2018), as well as the Residential Development Guide Supplementary Guidance (2019).

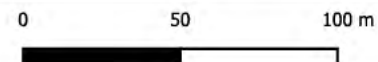
- 2) The applicant has not demonstrated or justified why this proposal would be acceptable in terms of the flood risk to the proposed house that would arise from the conversion of the existing garage. The proposal is therefore contrary to Policy EMG 2 (Flooding) of the West Lothian Local Development Plan (2018) and Policy 22 (Flood Risk and Water Management) of NPF4.





0631/FUL/24 - 36 Ellen Street / Whitburn / EH47 0HJ

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Development Management

WEEKLY LIST OF APPLICATIONS RECEIVED

☒ LOCAL MEMBER REQUEST FORM ☒

Weekly List for the week commencing

19th August 2024

Members wishing further information on any of the applications in the attached Weekly List of Planning Applications or wishing any application to be referred for determination to the Development Management Committee are asked to complete and return this form to Wendy McCorriston, Development Management Manager, as soon as possible and no later than:

9nd September 2024

PLEASE NOTE:

In accordance with standing orders any request for an application to be referred to Development Management Committee has to be from a member of the ward in which the application site is located or Chair of the Development Management Committee.

The planning application details are available for inspection within the Planning & Building Standards web site by clicking on the link below.

<https://planning.westlothian.gov.uk/publicaccess/>

<p>Action Required (please tick ✓)</p> <p><input type="checkbox"/> Contact me to discuss these proposals</p> <p><input type="checkbox"/> Refer this application to the Development Management Committee</p> <p><input type="checkbox"/> Other (please specify)</p>	<p>Application Number 0631/FUL/24</p> <p>Member Cllr Jim Dickson</p> <p>.....</p> <p>Dated28/8/24.....</p>
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My reasons for this action are: Requested by applicant