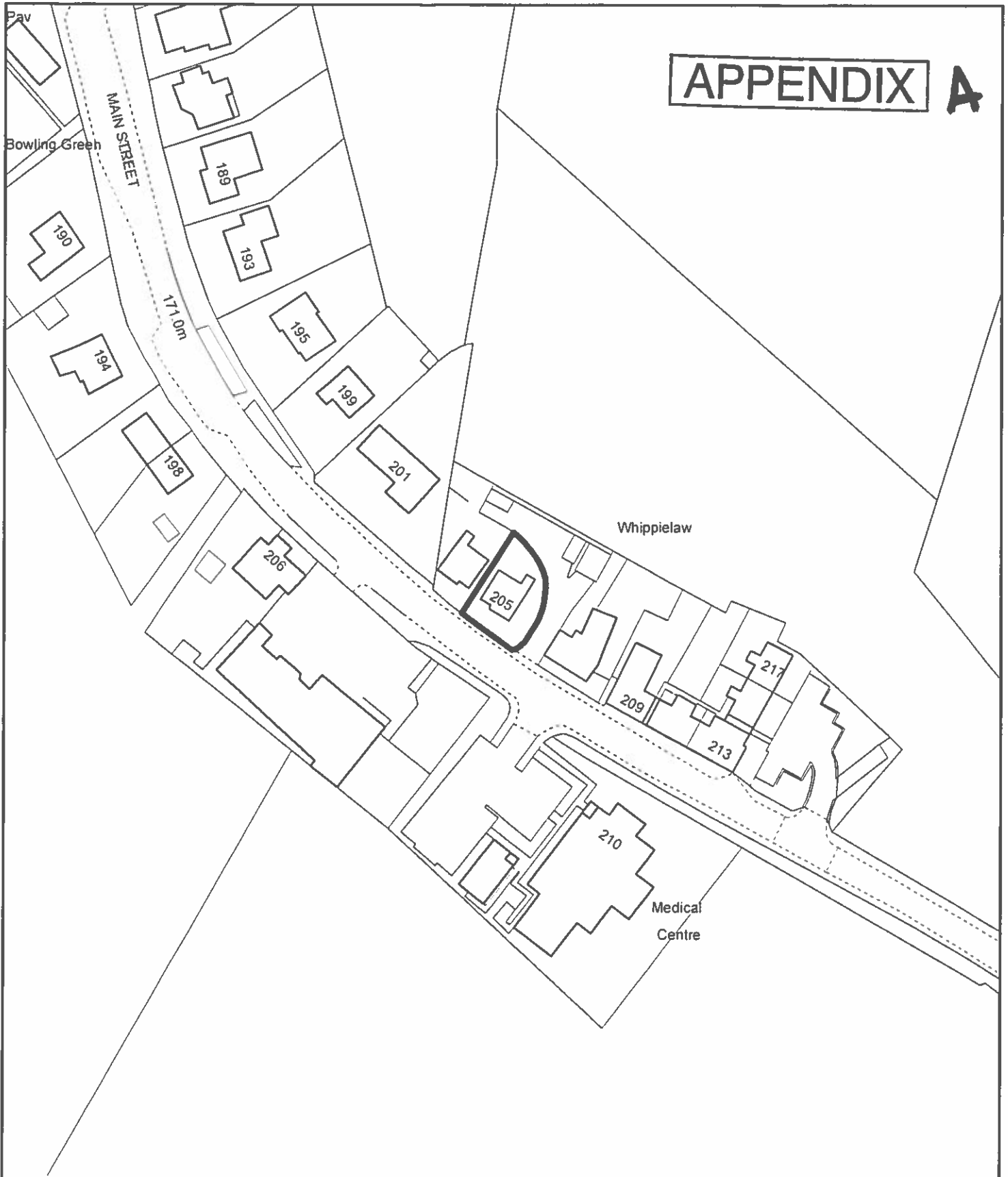


# APPENDIX A



**Education, Economy  
& Communities**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

Installation of replacement windows at 205 Main Street,  
Pathhead

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Midlothian Council Licence No. 100023416 (2015)

File No. 15/00325/DPP

Scale: 1:1,250



Midlothian



Fairfield House 8 Lothian Road Dalkeith EH22 3ZN

Tel: 0131 271 3302

Fax: 0131 271 3537

Email: [planning-applications@midlothian.gov.uk](mailto:planning-applications@midlothian.gov.uk)

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000117475-002

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

## Applicant or Agent Details

Are you an applicant, or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation: John Gordon Associates Ltd.

Ref. Number:

First Name: \*

Last Name: \*

Telephone Number: \*

Extension Number:

Mobile Number:

Fax Number:

Email Address: \*

John Gordon Associates Ltd.

John

Gordon

01383850134

01383850134

[gordonassociates@sky.com](mailto:gordonassociates@sky.com)

You must enter a Building Name or Number, or both: \*

Building Name:

Building Number:

Address 1 (Street): \*

Address 2:

Town/City: \*

Country: \*

Postcode: \*

3

Dean Acres

Comrie

Dunfermline

UK

KY12 9XS

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: *	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	P	Building Number:	205
Last Name: *	McGonigle	Address 1 (Street): *	Main Street
Company/Organisation:		Address 2:	
Telephone Number:		Town/City: *	Pathhead
Extension Number:		Country: *	UK
Mobile Number:	07890331538	Postcode: *	EH37 5SQ
Fax Number:			
Email Address:			

## Site Address Details

Planning Authority:	Midlothian Council		
Full postal address of the site (including postcode where available):			
Address 1:	205 MAIN STREET	Address 5:	
Address 2:		Town/City/Settlement:	PATHHEAD
Address 3:		Post Code:	EH37 5SQ
Address 4:			
Please identify/describe the location of the site or sites.			
<div></div>			
Northing	663742	Easting	339871

## Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*

(Max 500 characters)

Installation of replacement windows

## Type of Application

What type of application did you submit to the planning authority? \*

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? \*

- ☐ Refusal Notice.
- ☒ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

TO REMOVE THE CONDITION WHERE THE PROPOSED WINDOWS TO THE FRONT ELEVATION ARE NOT APPROVED.  
THE REASON BEING BECAUSE PVCU WINDOWS WERE GRANTED FOR NO. 203 MAIN STREET NEXT DOOR.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? \*

☐ Yes ☒ No

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

PP APPROVAL NO. 203  
PP APPROVAL NO. 205  
APPLICATION DRAWINGS

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

15/00325/DPP

What date was the application submitted to the planning authority? \*

16/04/15

What date was the decision issued by the planning authority? \*

12/06/15

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? \*

☒ Yes ☐ No

## Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? \*

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

☒ Yes ☐ No

**Note:** You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review \*

☒ Yes ☐ No

**Note:** Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: John Gordon

Declaration Date: 21/07/2015

Submission Date: 21/07/2015

**MIDLOTHIAN COUNCIL****DEVELOPMENT MANAGEMENT  
PLANNING APPLICATION DELEGATED WORKSHEET:**

**Planning Application Reference:** 15/00325/dpp

**Site Address:** 205 Main Street, Pathhead

**Site Description:**

The application property comprises a detached two storey house finished externally in wetdash render with a slate roof and white painted timber sash and case windows.

The property was built in 2010.

The application property is located within the Pathhead and Ford Conservation Area.

**Proposed Development:**

Installation of replacement windows

**Proposed Development Details:**

It is proposed to replace the existing timber windows with white upvc windows comprising a mix of fixed pane, side hung and top hung windows. False astragals are proposed between the panes of glass on the windows on the front elevation.

**Background (Previous Applications, Supporting Documents, Development Briefs):**

History sheet checked.

14/00265/dpp – Installation of replacement windows at 203 Main Street, Pathhead – pp 23.05.14 – white upvc tilt and turn with false transom on the front windows approved.

(Note: There are white upvc windows with false astragals at no 206 Main Street on the opposite side of the road. These were installed without the benefit of having planning permission. Planning permission was subsequently granted on 1 September 2011. The windows replaced aluminium framed windows and the design of the windows reflected the original traditional astragalled timber windows (now replaced) at the neighbouring former school and have a transom detail reflecting the design of sash and case windows.)

**Consultations:**

None required.

**Representations:**

None received.

**Relevant Planning Policies:**

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Historic Scotland's Managing Change in the Historic Environment Guidance Notes on windows recognises that windows make a substantial contribution to the character and interest of historic buildings, streets and places.

The relevant policies of the **2008 Midlothian Local Plan** are;  
RP20 – Development within the built-up area - seeks to protect the character and amenity of the built-up area.

RP22 – seeks to ensure that development proposals do not have a detrimental impact on the character or appearance of conservation areas. It requires the use of traditional natural materials and that particular care in the design of replacement windows and doors will be required on the public frontage of buildings.

#### **Planning Issues:**

The main planning issue to be considered is whether or not the proposal complies with the development plan policies and, if not, whether there are any material planning considerations which would otherwise justify approval.

It is the Council's duty to preserve and enhance the character and appearance of conservation areas. In particular as regards replacement windows, care is required in terms of materials used, design and method of opening.

Whilst the application property was built relatively recently the external materials used are traditional, reflecting its location within the conservation area.

Taking in to account the location of the application property within a conservation area and the existing character of the property ideally the windows on the front of the property should be replaced with timber sash and case windows.

However, Main Street there are a number of upvc windows on the fronts of properties in Main Street. Upvc is not a traditional, vernacular material and does not make a positive contribution to the conservation area. However in 1996 in relation to a planning application for replacement windows at no 66 Main Street the Planning Committee took the view that white upvc sliding sash and case windows may be acceptable in the conservation area subject in particular to the method of opening, the profile of the windows and the dimensions of the frames matching as near as possible the original windows. (Upvc windows are not acceptable where they would detract from the distinct uniform character of the street scene or of a building containing flatted property.) Since then upvc windows have been approved on the fronts of the houses within this part of the conservation area. Accordingly the installation of upvc framed windows on the application property may be acceptable. Sash and case windows would be the preferred option for the windows on the front of the property.

However the application property forms a pair with no 203 Main Street. White upvc tilt and turn windows were approved at no 203 which whilst not traditional have false

transoms to reflect the style of a sliding sash and case window. At the very least the windows at the application property should match these. The design of the proposed windows at the application property differs significantly from these with no transoms and false astragals. The windows on the front elevation would be an unconvincing substitute and would not respect the traditional proportions of the existing frames or the design of traditional sash and case windows and would neither preserve nor enhance the character of this part of the conservation area. As currently proposed the traditional sash and case style and symmetrical detailing of the pair of houses would be lost diminishing the character and appearance of this part of the Pathhead and Ford Conservation Area contrary to policy. Also false astragals rarely give a true impression of being genuine. For the above reasons the proposed windows on the front of the house should be deleted from the scheme. This can be covered by condition.

The applicant's agent was advised of these concerns, however he confirmed that the applicant wished the application to be considered as currently proposed and that if refused they would appeal.

The proposed replacement windows on the rear elevation will not have a significant impact on the character and appearance of this part of the conservation area.

**Recommendation:**

Grant planning permission for the rear windows only.



## Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 15/00325/DPP

John Gordon Associates Ltd.  
3 Dean Acres  
Comrie  
Dunfermline  
KY12 9XS

Midlothian Council, as Planning Authority, having considered the application by Mr P McGonigle, 205 Main Street, Pathhead, EH37 5SQ, which was registered on 21 April 2015, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

### Installation of replacement windows at 205 Main Street, Pathhead, EH37 5SQ

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	21.04.2015
Proposed elevations	30100728/1 1:20	21.04.2015

This permission is granted for the following reasons:

*The proposed replacement windows on the rear of the property will not have a significant impact on the character and appearance of this part of the Pathhead and Ford conservation area and as such comply with policy RP20 and the aims of policy RP22 of the adopted Midlothian Local Plan.*

Subject to the following condition:

1. Planning permission is hereby granted for the replacement windows on the rear of the property only.

**Reason:** *For the avoidance of doubt as to what is approved. The replacement windows proposed on the front of the property would neither preserve nor enhance and would diminish the character of this part of the conservation area contrary to policy RP22 of the adopted Midlothian Local Plan.*

Dated 12 / 6 / 2015



.....  
Duncan Robertson  
Senior Planning Officer; Local Developments,  
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN



**The Coal  
Authority**

**Any Planning Enquiries should be directed to:**

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Website: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

### **STANDING ADVICE - DEVELOPMENT LOW RISK AREA**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com)

*This Standing Advice is valid from 1<sup>st</sup> January 2015 until 31<sup>st</sup> December 2016*

