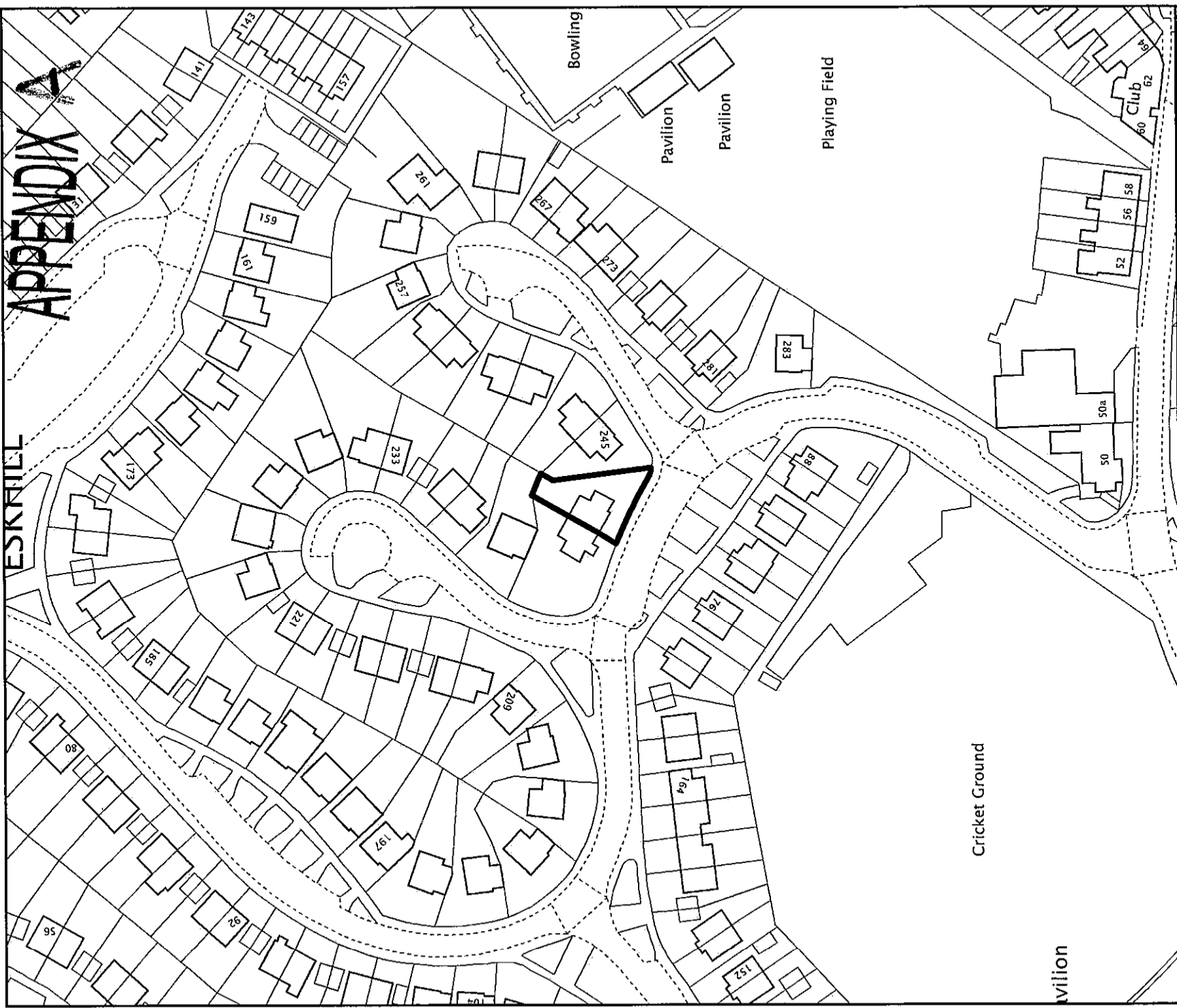




ESKRILL
APPENDIX A



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

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Erection of shed at 243 Eskhill, Penicuik

File No. 13/00634/DPP

Scale: 1:1,250



RECEIVED 13 JAN 2014

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes Delegation and Local Review Procedure) (SCOTLAND) Regulations 2008

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details

Title	Mr
Forename	Alistair
Surname	Huddleston

Ref No.
Forename
Surname

Company Name	
Building No./Name	
Address Line 1	243
Address Line 2	Eskhill
Town/City	Penicuik

Company Name
Building No./Name
Address Line 1
Address Line 2
Town/City

Postcode	EH26 8DF
Telephone	
Mobile	
Fax	
Email	

Postcode
Telephone
Mobile
Fax
Email

3. Application Details

Planning authority

13/00634/DPP

Planning authority's application reference number

Site address

243, Eskhill, Penicuik

Description of proposed development

Erection of shed

Date of application	30/8/13	Date of decision (if any)	29/10/13
Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.			
4. Nature of Application			
Application for planning permission (including householder application)			
Application for planning permission in principle	☒		
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)	☐		
Application for approval of matters specified in conditions	☐		☐
5. Reasons for seeking review			
Refusal of application by appointed officer			
Failure by appointed officer to determine the application within the period allowed for determination of the application	☒		
Conditions imposed on consent by appointed officer	☐		☐
6. 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 submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case. Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.			
Further written submissions	☐	☒	☐
One or more hearing sessions	☒	☒	☐
Site inspection	☒	☒	☐
Assessment of review documents only, with no further procedure			
If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.			
I was told before I applied that I would be assigned a planning officer, and they would come out and see me and the site, I received no contact whatsoever. My application was rejected on the grounds that it was in front of the building line, but there are other structures in front of building line on estate.			
7. Site inspection			
In the event that the Local Review Body decides to inspect the review site, in your opinion:			
Can the site be viewed entirely from public land?			
Is it possible for the site to be accessed safely, and without barriers to entry?			
	☒	☒	

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

No but I would be prefer to be there.

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

There are other structures on the estate which are in front of the building line, some have permission that was applied for, some dont.

I would be happy to paint the shed any colour to help it blend in, or to plants trees, plants or bushes to block it being seen by other houses - anything to make it acceptable to planning.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☒ No ☐

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

- a) I am raising it now to improve my chances of being granted permission
- b) As I was promised that the planning officer would be contacting me to look at the site and discuss the application, I thought I would have a chance to put the additional information to him then.
- c) I had already done the ground work and purchased the shed before I found out that I needed planning permission for this shed. Unlike others who have just ignored planning and built porches, garages and sheds and even complete house extensions on the estate without applying for permission, I applied and was turned down. There must be suitable steps to make the shed blend in enough to get permission.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Site visit, review of above details of how shed could be made to blend in.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:

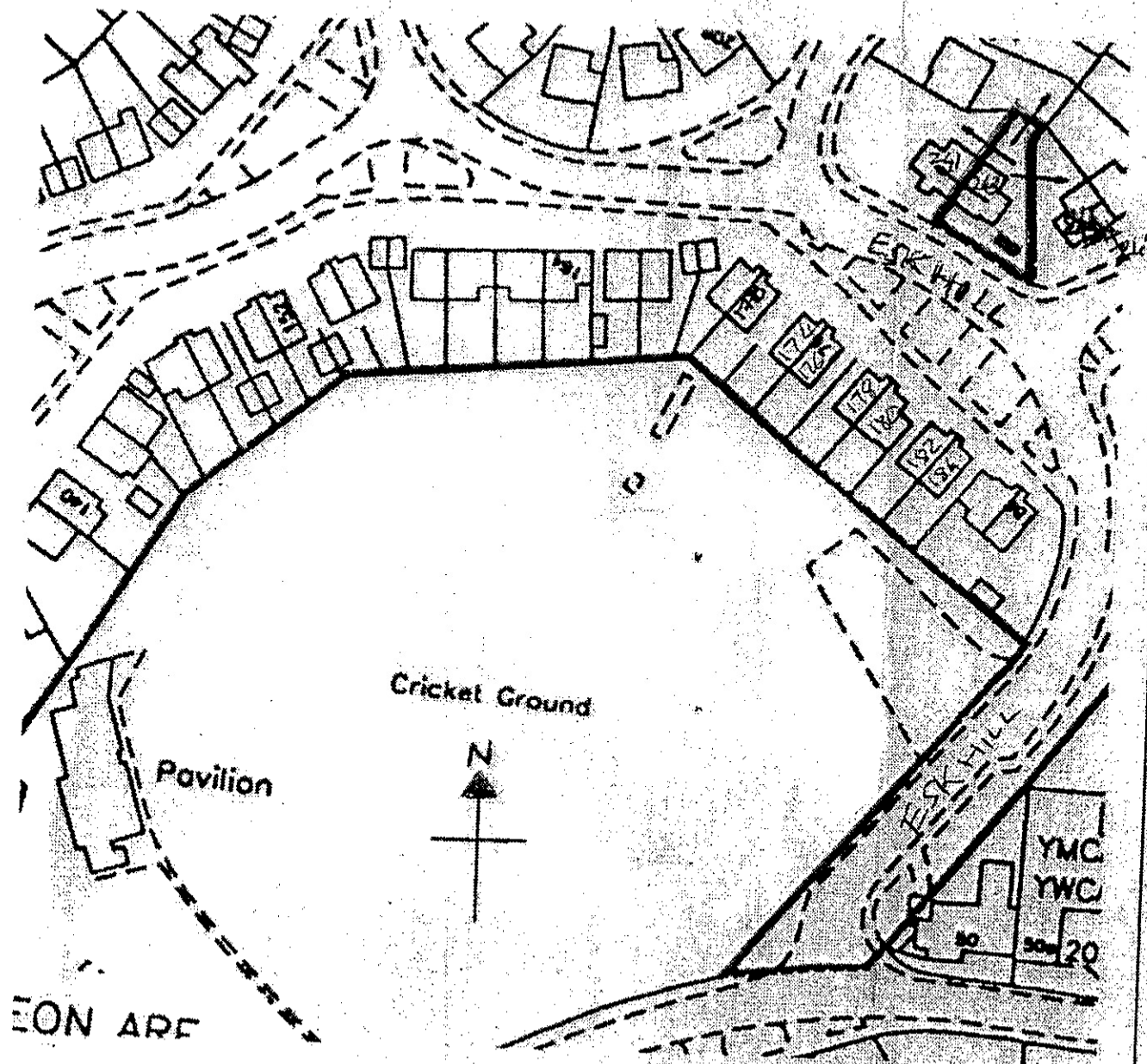
Name:

Ausma Huddison

Date:

9/1/14

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.



The following properties are adjacent to, or in close proximity to my house (243 Eskhill, EH26 8DF).

I have asked the owner/occupiers of each to sign below to indicate that they have no objections to me erecting a "bolt together" shed at the location shown in red on the plan,

Number	Name & Signature
174	[Redacted] A. Brown
176	[Redacted] J. SAUNDERS
178	[Redacted] D. WATSON
180	[Redacted] S. Meikle
182	Garry Craig [Redacted]
184	[Redacted] V. SCOTT
241	[Redacted] CAMY ALEXANDER
245	[Redacted] MRS McKENNA PAUL HOPE

SCALE 0 10 20 30 40 50 60m

1cm = 10m
1mm = 1m

■ = SHED PROPOSED

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 13/00634/dpp
Site Address: 243 Eskhill, Penicuik

Site Description:

The application property comprises a semi-detached two storey house finished externally in drydash render with white plastic windows and grey profiled roof tiles. There is an existing flat roof garage attached to the south east side of the house and a metal container within the back garden. There is an existing concrete base within the front garden in front of the boundary wall to the rear garden.

Proposed Development:

Erection of shed

Proposed Development Details:

It is proposed to erect a shed in the front garden of the application site. The shed measures 5.96m long, 3 m wide and 2.1m high. It is to be a corrugated metal bolt together shed and is to be erected on the existing concrete base within the front garden.

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

History sheet checked.

The applicant has stated that all of the neighbours have been consulted and signed a copy of the plan to say they have no objections. (The location plan has been signed by the occupiers of nos, 174, 176, 178, 180, 182, 184, 241 and 245 Eskhill.)

Consultations:

None required.

Representations:

Eight representations have been received, objecting to the application, from the occupiers of nos 182, 186, 184, 279, 281 and 283 Eskhill.

The occupiers of nos 182 and 184 state that they were misled, by the applicant, regarding the size of the shed.

The objections relate to the size and materials of the shed and that it will appear unsightly and out of keeping with the surrounding residential estate, detrimental to the views of surrounding properties and the open plan layout (with no buildings in the front gardens) specified in the title deeds. Concern is expressed that if allowed a precedent could be set. Concern is also expressed regarding noise or air pollution as a result of the use of the shed.

Relevant Planning Policies:

Midlothian Local Plan 2008

RP20 – Development within the built-up area - seeks to protect the character and amenity of the built-up area.

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.

Whilst not directly in front of the house the shed will be located forward of the front building line of the house within the front garden.

The proposed shed would be a very prominent feature in the front garden and it will be very prominent in the streetscene including on entering Eskhill. There are no other similarly positioned sheds in the immediate vicinity of the site. The general appearance of Eskhill is characterised by an open plan layout with houses set back behind front gardens and their associated driveways.

The proposed corrugated metal finish of the shed is totally uncharacteristic of the surrounding area and as a result of its size and location would detract from the visual amenity of the area, both for occupiers and visitors to the estate.

In its currently proposed position the shed would appear as an incongruous and prominent feature and would have a detrimental impact on the character of the area contrary to local plan policy.

The shed would not have a significant impact on the amenity of neighbouring properties.

Discussed with Transportation colleague – no road safety concerns.

The issue of the title deeds for the estate is not a material planning consideration in the assessment of the application. Should planning permission be granted any issues of noise/air pollution arising from the use of the shed would need to be reported to the Council's Environmental Health team.

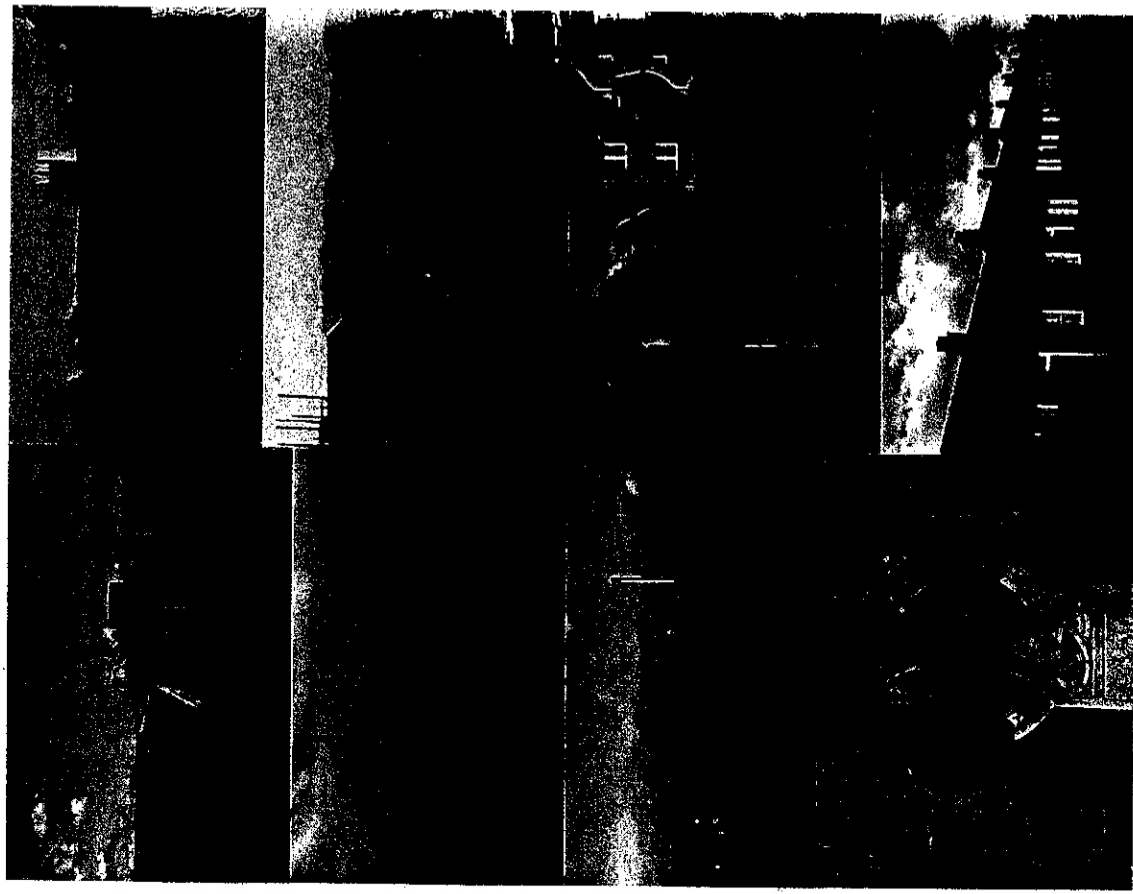
Recommendation:

1. The proposed shed would be located forward of the front building line of the application property within the front garden, and would appear incongruous and prominent in the streetscene with a detrimental impact on the character and visual amenity of the area.
2. For the above reason the proposal is contrary to policy RP20 of the Midlothian Local Plan which presumes against development that harms the character or amenity of built-up areas. If the proposal were approved it would undermine

the consistent implementation of this policy, the objective of which is to protect the character and amenity of the built-up area.

APPENDIX D

Midlothian Local Plan



Midlothian

Midlothian

2.2 The Built Heritage

Policy Title

RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

2.2.1 National Planning Policy National policy as set out in SPP 1 *The Planning System* states that one of the three general objectives of development plans and development control is “to maintain and enhance the quality of the natural heritage and built environment”. In addition, the importance of good design is highlighted as a priority for the planning system, given that “mistakes cannot be easily or cheaply rectified”.

2.2.2 SPP 3 *Planning for Housing* (now replaced by SPP 3 *Planning for Homes* – see para. 3.2.6) encourages the full and effective use of land within existing built areas, giving priority to reusing derelict and vacant land. However, it also requires that “infill development respects the scale, form and density of its surroundings and enhances rather than detracts from the character and amenity of existing residential areas”. It indicates that this should be an important consideration for planning authorities when preparing development plans and in determining applications, and for developers when preparing proposals.

2.2.3 Structure Plan Policy The ELSP 2015 recognises the importance of protecting and

enhancing the amenity of all urban areas to safeguard and improve the quality of life of residents of the Lothians. Policy ENVIG requires local plans, in encouraging the development of infill sites, the redevelopment of brownfield land and the conversion of existing buildings, to promote a high quality of design in all new development.

2.2.4 Local Plan Policy Midlothian is not characterised by large areas of brownfield land ripe for redevelopment. It follows therefore that the main areas of new development will be on greenfield sites on the edge of the built-up areas. There will, however, be opportunities for new development within the existing urban areas, including conversion, intensification, infill or redevelopment.

2.2.5 Policy RP20 applies to the existing built-up area of all towns and villages, and the areas of new housing allocations. The Local Plan Proposals Map defines the urban boundaries of the main settlements and also identifies village envelopes. The purpose of the policy is to ensure that new development does not damage or blight land uses which are already established in the neighbourhood, particularly where residential amenity will be affected. Sections 3.7 and 4 contain guidance with regards to wind turbines (policies NRG1 and NRG2), energy for buildings (policy NRG3), the form and layout of development on greenfield sites (policy DP2), extensions to existing housing (policy DP6) and control over advertising (policy DP8), which may be relevant to proposals for development within the built-up area.

RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

Development will not be permitted within existing and future built-up areas, and in particular within residential areas, where it is likely to detract materially from the existing character or amenity of the area.

Refusal of Planning Permission Town and Country Planning (Scotland) Act 1997



Reg. No. 13/00634/DPP

Mr Alistair Huddleston
243 Eskhill
Penicuik
EH26 8DF

Midlothian Council, as Planning Authority, having considered the application by Mr Alistair Huddleston, 243 Eskhill, Penicuik, EH26 8DF, which was registered on 30 August 2013 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of shed at 243 Eskhill, Penicuik, EH26 8DF

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan		30.08.2013
Illustration/photograph		30.08.2013
Illustration/photograph		30.08.2013
Illustration/photograph		30.08.2013
Illustration/photograph		30.08.2013

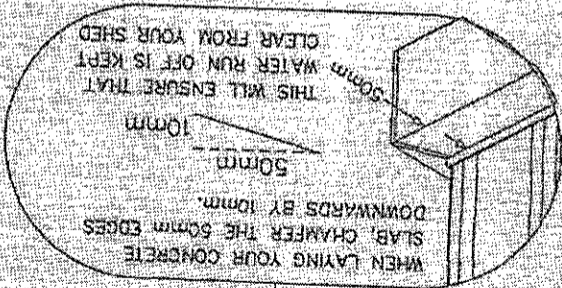
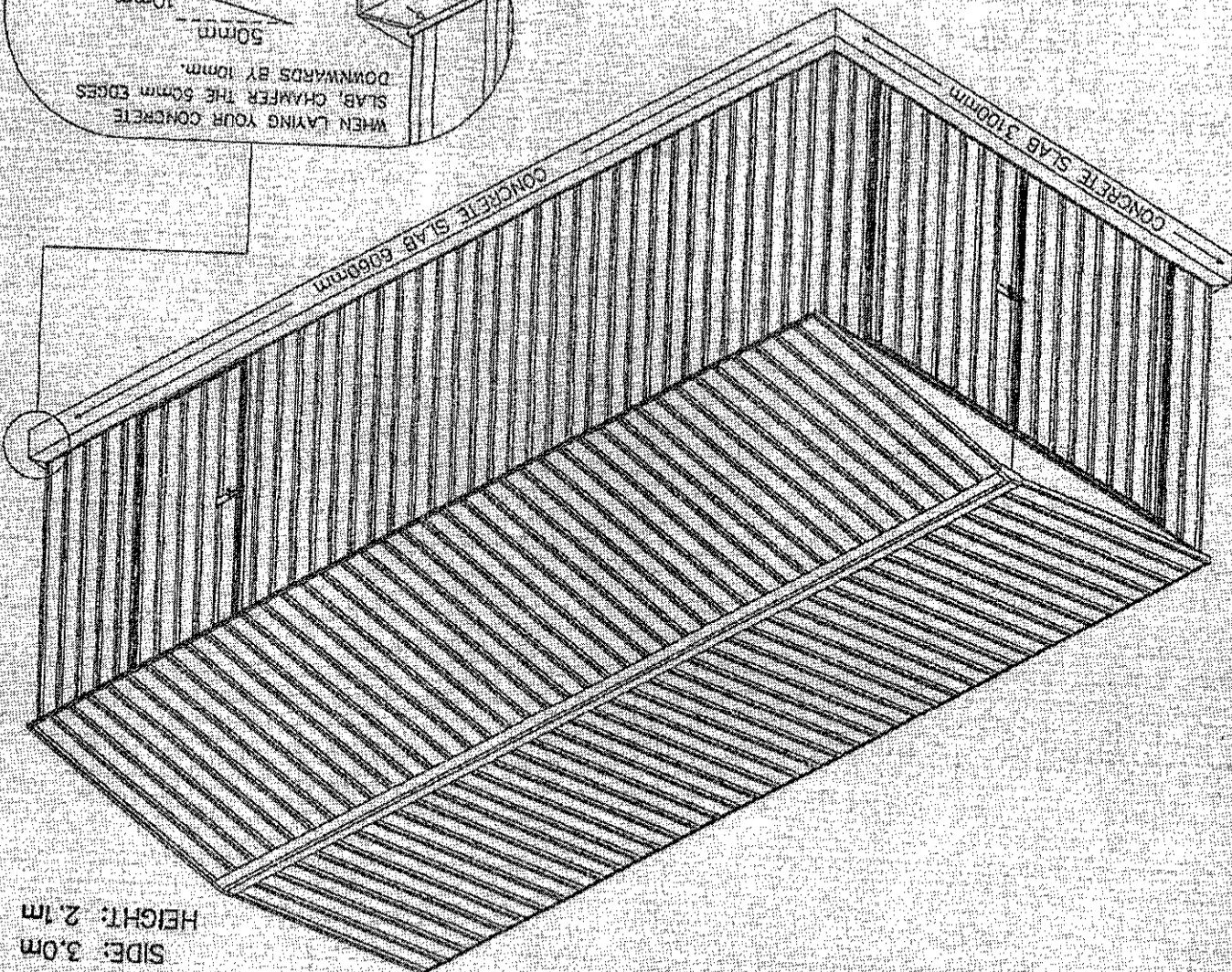
The reasons for the Council's decision are set out below:

1. The proposed shed would be located forward of the front building line of the application property within the front garden, and would appear incongruous and prominent in the streetscene with a detrimental impact on the character and visual amenity of the area.
2. For the above reason the proposal is contrary to policy RP20 of the Midlothian Local Plan which presumes against development that harms the character or amenity of built-up areas. If the proposal were approved it would undermine the consistent implementation of this policy, the objective of which is to protect the character and amenity of the built-up area.

Dated 29 / 10 / 2013

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

FRONT: 5.96m
SIDE: 3.0m
HEIGHT: 2.1m



ABSCO SNAP ZITE UTILITY SHED ASSEMBLY INSTRUCTIONS

MODEL - 3060UTK

SITE PREPARATION

LOCAL AUTHORITY APPROVAL MUST BE OBTAINED PRIOR TO CONSTRUCTION OF THE SHED

