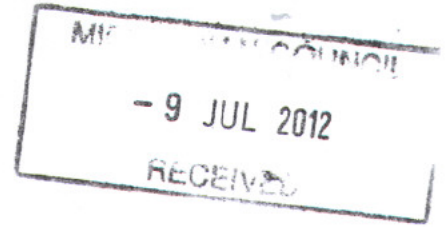



APPENDIX A

13 Shaws Crescent
Milton Bridge
Penicuik
Midlothian
EH26 0RE



6 July 2012

Jim Clifford
Legal and Secretariat Manager
Corporate Resources
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
Midlothian
EH22 3ZN

Local Review Body

Planning Application 12/00143/DPP

**Extension to dwellinghouse at 37 Belwood Road, Milton
Bridge, Penicuik, Midlothian, EH26 0QN**

Thank you for your letter of 22 June 2012.

I note that the members of the Local Review Body (LRB) intend to visit the above review site on Monday 30 July 2012 sometime after 1400.

I also note that as an interested party it is possible for me to be present.

Thank you, I would advise however that I will not attend.

I shall however be available at our own adjoining property at 13 Shaws Crescent, Milton Bridge in the afternoon of 30 July 2012

The proposed development would have a significant and negative impact on our property; as indicated in my letters to the Midlothian Council's Planning Department of 21 March 2012 and 9 June 2012.

If considered appropriate by the LRB in assessing the proposed development and surroundings then I would be happy for the LRB to also visit the rear of our property

Please let me know if the LRB wish to take up my offer.

I also note that the LRB will determine the review at its next meeting on 31 July at 1400 by way of a Hearing.

I confirm that I wish to attend and make a short oral representation to re-iterate my objections.

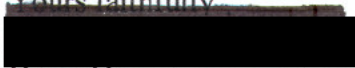
The matters I wish to raise have all been set out clearly in the said letters of 21 March 2012 and 9 June 2012, further copies of which I attach for ease of reference.

In particular:-

- The proposed development would present a formidable and imposing structure overshadowing our small rear garden
- The proposed development has already been refused Planning Permission as in breach of policies RP20 and DP6 of the Midlothian Local Plan
- I would continue to argue that the proposed development is in effect the construction of a new dwelling house and is also contrary to policy DP2 which states that the distance between the gable end of a property and the rear of an adjoining property should be 16 metres. If the proposed development were granted this distance between our adjoining properties would be 13 metres.
- Legislation requires decisions on Planning Applications to be made in accordance with the development plan unless material considerations indicate otherwise.
- The individual circumstances of the applicant should not be taken into account, nor those of the objector(s). The Planning System does not exist to protect the interests of one person against the other
- I have no objection to an extension at the proposed development site per se, so long as it conforms to the development plan and does not materially impact on our property. There is considerable ground to the north in particular and west of the proposed development site where this should be achievable.
- **In conclusion there are no material considerations which justify a change in the original Planning Refusal of 8 May 2012 and this decision should be upheld.**

Thank you.

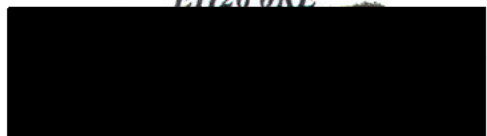
Yours faithfully,


Harry Hay

2 Enc.

COPY

13 Shaws Crescent
Milton Bridge
Penicuik
Midlothian
EH26 0RE



9 June 2012

Peter Arnsdorf
Development Management Manager
Corporate Resources
Development Management
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
Midlothian
EH22 3ZN

Local Review Body

Planning Application 12/00143/DPP

**Extension to dwellinghouse at 37 Belwood Road, Milton
Bridge, Penicuik, Midlothian, EH26 0QN**

Thank you for your letter of 29 May advising that the applicant has requested that the above planning decision is reviewed by the Council's Local Review Body (LRB).

I must admit to an element of surprise that the decision warrants review given the fact that the planned extension is clearly contrary to policies RP20 and DP6 and the Planning Permission was refused on that basis?

I am therefore at a loss to understand what has changed and which would enable a change to the Refusal Decision?

In the event I accept that the Applicant has this right.

I note that the Applicant has the opportunity to issue a further statement in support of their case for a review although new material which was not available at the time of the application is not admissible.

COPY

I would be obliged if you would provide me with a copy of such submission when available or confirm when I can view this on the Planning Department's Website.

I confirm that my previous objections to the application as detailed in my letter of 21 March 2012 still stand.

I read the detailed and helpful Planning Refusal decision with great interest .
I also read the Applicant Agents revised submission of 10 April 2012 on the Website which was the basis of the Planning Refusal.

Both the Planning Refusal and the Submission of 10 April 2012 dismiss the loss of sunlight and privacy to our property at 13 Shaws Crescent as not a material consideration. I can assure you from our point of view the creation of such an imposing structure some 13 metres from the rear of our property would have a material impact on our living environment.

Policy DP2 specifies a minimum distance of 16m between the rear elevation of a property and the gable end of a property to the rear.

The Refusal Decision indicates that this policy specifically relates to new build properties I would argue however that as the composition of the proposed extension to 37 Belwood Road comprises a completely separate living environment for a family, with separate access then this is in effect a new build!

As I have mentioned in previous correspondence we have absolutely no personal ill will towards Mrs Robertson and her family (the Applicants) and would have no objection to an extension which did not encroach so overpoweringly on our small private garden. Why with such a large area of available ground to the northerly facing front of the property can an extension if required not be built outwards to the north rather than upwards?

The Applicants in their submission of 10 April 2012 quote from Scottish Planning Policy:- *'The Planning System operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another'*

On that basis we must disregard the circumstances surrounding the desire for an extension at 37 Belwood Road and the fact that this would have a negative impact of the value and marketability of our property at 13 Shaws Crescent and deal solely with the clear planning facts of the matter viz:-

The Planning Application is patently in breach of policies RP20 and DP6 of the Midlothian Local Plan and arguably policy DP2.

The decision to Refuse the Application should therefore be upheld.

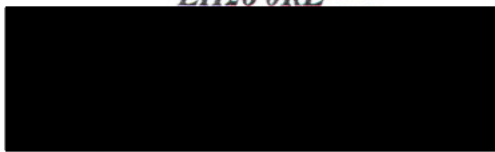
I await the outcome of the LRB's meeting of 19 June 2012.

Yours faithfully

Harry Hay

COPY

*13 Shaws Crescent
Milton Bridge
Penicuik
Midlothian
EH26 0RE*



21 March 2012

Graeme King
Planning Officer
Planning Department
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
Midlothian
EH22 3ZN

Dear Graeme

Planning Application 12/00143/DPP

Thank you for your 'Neighbour Notification' letter of 13 March and your visit to my property of 16 March in regard to the above Application.

As I indicated in my E mail to you of 17 March I hereby formally object to the Planning Application as it stands on the following basis:-

1. Loss of Privacy/Severe Encroachment on my property

The current property of the planned Development is a 1 storey bungalow separated from my property by a 6 feet wooden fence on my side and a taller conifer on the 37 Belwood Road side. We are afforded considerable privacy in our small west/south west facing garden . The planned extension will be considerably higher than the current building by almost 2 metres through the creation of a 2nd floor and will also be over 2 metres nearer to our property. The planned extension will therefore present a formidable and imposing structure overshadowing our small garden.

I consider this to be most unreasonable and unnecessary given the considerable land to the front of the property at 37 Belwood Road. I am sure it must be possible to develop outwards rather than upwards and thereby limit the considerably adverse impact of our property.

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2. Loss of Sunlight

At present our principally west facing garden provides a pleasant and quiet sun trap. In the summer months we can normally expect the sun to enter our rear garden just after noon where it can remain on very sunny days until around 1900/1930. Given the considerable increase in height and length of the planned extension this will have a material impact of the available sun coming into our garden. The extension as well as being imposing will overshadow most of our garden from mid to late afternoon.

3. Loss of Value/Marketability

Given the concerns outlined in points 1 and 2 above there is little doubt this development will have a negative impact of the saleability of our property and adversely impact on the value of our primary asset. As with many others we have suffered a material loss on our savings/shares due to the economic downturn. An unnecessary reduction in the value of our property is therefore most unfair. Conversely I accept developing 37 Belwood Road as planned will doubtless add value to this property, As I have indicated however I am sure a similar result could be achieved by modifying the extension so as to move outwards rather than upwards thereby limiting encroachment on to my property and minimising the impact on the value.

4. Contravention of Midlothian Development Guidelines

You will of course be well versed with these.

I perused the Midlothian Local Plan of 2008 on the Council's helpful Website. Sections 5(b) and 5(c) seem to be relevant to the above Development Application. I would therefore refer you to these.

You will be aware that 5(b) indicates that any development should not overlook nor overshadow neighbouring properties.

Section 5(c) deals with the minimum spacing between houses and indicates that between the gable end and rear of an adjoining property there should be a space of 16 metres. The depth of our garden from the back wall of our house to the perimeter fence is about 8 metres. I would estimate the distance from the fence to the gable end of 37 Belwood Road at present to be about 6 metres at best, although of course our house was built in 2001 and before the adoption of the Planning Guidelines.

However the planned extension will bring the gable end of 37 Belwood Road over 2 metres closer to the rear of our house and therefore within the 16 metre guideline.

As I say I appreciate you will be well aware of the Development Guidelines. I would however ask you to look closely at these in support of my comments.

In summary I would re-iterate that I do not in any way wish to appear obstructive and as I have indicated in our discussions/E mail have no objection to any of my neighbours extending their property to their own advantage as some have done/are in the process of doing.

I just feel its grossly unfair and unreasonable to develop a property which will have a negative effect on a neighbours property when this could clearly be avoided by a modified development plan.

COPY

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I would ask you to take my comments and concerns into account in reaching your decision on this Application.

I would be happy to discuss these further.

Please let me know the outcome of your decision.

Thanks very much.

Yours Sincerely

Harry Hay