

Notice of Review: 23 Larkfield Drive, Dalkeith Determination Report

Report by Chief Officer Place

1 Purpose of Report

1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of a dormer extension at 23 Larkfield Drive, Dalkeith.

2 Background

- 2.1 Planning application 21/00542/DPP for the erection of a dormer extension at 23 Larkfield Drive, Dalkeith was refused planning permission on 24 August 2021; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
 - 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
 - A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, excluding the standard advisory notes, issued on 24 August 2021 (Appendix D); and
 - A copy of the key plans/drawings (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk

4 Procedures

4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:

- Have determined to consider a visual presentation of the site and undertaking a site visit (elected members not attending the site visit can still participate in the determination of the review); and
- Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that there were no consultations required and no representations received.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
 - Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
 - Details of the material and colour finish of the window frames on the dormer shall be submitted to the planning authority and the windows shall not be installed until these details have been approved in writing by the planning authority.

Reason: To safeguard the character of the application property and the visual amenity of the surrounding area.

6 Recommendations

- 6.1 It is recommended that the LRB:
 - a) determine the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair

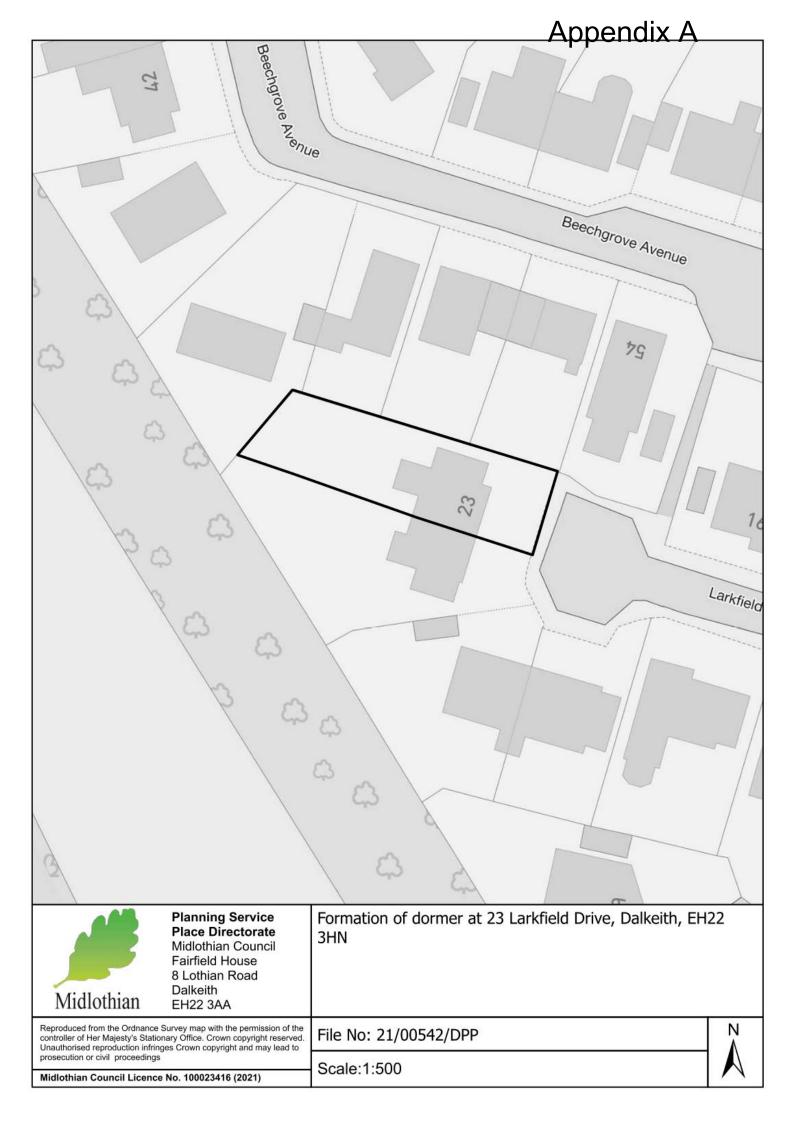
Peter Arnsdorf Planning, Sustainable Growth and Investment Manager

Date: 19 November 2021

Report Contact: Ingrid Forteath, Planning Officer

Ingrid.Forteath@midlothian.gov.uk

Background Papers: Planning application 21/00542/DPP available for inspection online.



Appendix B

Midlothiar	1					
Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: planning-applications@midlothian.gov.uk						
Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.						
Thank you for completing this application form:						
ONLINE REFERENCE 100436183-005						
The online reference 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)						
Agent Details						
Please enter Agent details	3					
Company/Organisation:	ARKIPLAN LTD					
Ref. Number:		You must enter a B	uilding Name or Number, or both: *			
First Name: *	SEAN	Building Name:				
Last Name: *	ELDER	Building Number:	28			
Telephone Number: *	01506 500169	Address 1 (Street): *	GRAHAMSDYKE PLACE			
Extension Number:		Address 2:				
Mobile Number:		Town/City: *	BO'NESS			
Fax Number:		Country: *	UK			
		Postcode: *	EH51 9QZ			
Email Address: *	seanelder@blueyonder.co.uk					
Is the applicant an individual or an organisation/corporate entity? *						
☐ Individual ☐ Organisation/Corporate entity						

Applicant Details						
Please enter Applicant details						
Title:	Ms	You must enter a Bu	You must enter a Building Name or Number, or both: *			
Other Title:		Building Name:				
First Name: *	R	Building Number:	23			
Last Name: *	LEWIS	Address 1 (Street): *	LARKFIELD DRIVE			
Company/Organisation		Address 2:	ESKBANK			
Telephone Number: *		Town/City: *	DALKEITH			
Extension Number:		Country: *	United Kingdom			
Mobile Number:		Postcode: *	EH22 3HN			
Fax Number:						
Email Address: *						
Site Address	Details					
Planning Authority:	Midlothian Council					
Full postal address of th	ne site (including postcode where available	e):				
Address 1:	23 LARKFIELD DRIVE					
Address 2:	ESKBANK					
Address 3:						
Address 4:						
Address 5:						
Town/City/Settlement:	DALKEITH					
Post Code:	EH22 3HN					
Please identify/describe the location of the site or sites						
Northing	666311	Easting	331925			

Description of Proposal
Please provide a description of your 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)
FORMATION OF DORMER TO REAR OF DWELLING HOUSE
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 a 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 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.
WE ARE SEEKING A REVIEW AS WE FEEL THAT THE PROPOSED DORMER IS NOT OUT OF PROPORTION TO THE SIZE OF ROOF AND IS POSITIONED AT THE REAR SO IS NOT VISIBLE FROM THE MAIN ROAD. THERE HAS ALSO BEEN NO OBJECTIONS FROM NEIGHBOURS. THERE ARE OTHER DORMERS OF THIS PROPORTION IN NEARBY PROPERTIES
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *
If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the			intend		
COPY OF REFUSAL ,STATEMENT FROM APPLICANT , PHOTOS OF REAR OF PROPINEARBY DORMERS	ERTY , EXAMPLE PHO	TOS OF			
Application Details					
Please provide the application reference no. given to you by your planning authority for your previous application.	21/00542/DPP	21/00542/DPP			
What date was the application submitted to the planning authority? *	26/06/2021				
What date was the decision issued by the planning authority? *	24/08/2021				
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 in parties only, without any further procedures? For example, written submission, hearing sess X Yes No		yourself and ot	ther		
In the event that the Local Review Body appointed to consider your application decides to ins	spect the site, in your op	oinion:			
Can the site be clearly seen from a road or public land? *	X	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 🗌 I	No			
Have you provided the date and reference number of the application which is the subject of treview? *	his 🛛 Yes 🗌 N	1 0			
If you are the agent, acting on behalf of the applicant, have you provided details of your nam and address and indicated whether any notice or correspondence required in connection with review should be sent to you or the applicant? *		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 □ N	ЛО			
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 □ N	10			
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: Mr SEAN ELDER

Declaration Date: 25/10/2021

Submission from Home Owners in Relation to Planning Appeal

Address: 23 Larkfield Drive

Eskbank Dalkeith EH22 3 HN

Submission from owners: Craig Biddick

Rebecca Lewis

28 September 2021

I write in relation to the rejection of our plans to form a dormer on the rear facing roof plane at 23 Larkfield Drive.

Although the design and size of the dormer falls outside Midlothian's current planning standard and outside the permitted development regulations of the Scottish Government we feel that the planners have made a subjective and simplistic evaluation based purely on: the current planning rule and without considering the unique nature of the properties siting and the impact the reduction on dormer length would have on the interior design of the new bedroom. I note that the height of the dormer is within regulations and should not form part of any argument against planning permission.

The house is at the end of a cul de sac and has a large backyard that then opens out onto Cortleferry Park. Any view at the rear of the property is not directly overlooking any house and the size of the dormer was a deliberate design to allow an unencumbered view of the beautiful trees and park area the roof plane faces. I note that none of the surrounding home owners have raised any objection to the plan.

The planner has complained that the large dormer side view will be obtrusive to the houses that view it but the current side view of the unattached side of the house is currently plain wall with a small window. As per our plans the side of the Dormer will not be plain but will be tiled in keeping with the existing roof and the surrounding houses and would actually add another different texture and projection to the existing side view. I also note that it is also balanced by the existing projection of the built kitchen extension on the ground floor.

The planners feel that the dormer will be too dominant and will not be in keeping with the surrounding houses. Most of the semi-detached houses in this 1960 development area have not put in dormers but used velux windows. However, I would argue that the formation of a larger dormer in these striking and large semi-detached homes is a satisfactory architectural formation. It would balance the other large windows on the first and ground floor. The smaller length of dormer suggested would be too small in relation to the large roof plane

height and length (7.5m) and cause a visual imbalance and be an architecturally poor decision.

As stated the total plane is very long at 7.5m and can easily take a 5 metre length dormer, incorporating two windows and the height at 0.8 m below the roof line is entirely legal.

The other key factor in an acceptable design is the nature of the finish. Planning have said that they might be willing to accept the length of the dormer if we were willing to look at a more contemporary design – and they enclosed photos of same. This to me clearly contradicts two of their original concerns 1. That the dormer is too long and obtrusive – how would a contemporary design overcome this as the size would be the same and 2. That the finish would not be in keeping with the other homes in the area – how would a contemporary design fulfil this request? There are other bungalows with second story dormers that have a similar tile design to that we have proposed and which will look like a natural extension of the roof – limiting it looking harsh and obtrusive against the original roof.

Another strong reason for our appeal is the fact a reduction in the size of the dormer would cause a reduction in storage and our ability to add a small office area for home working. When we moved to Midlothian with our three children we decided we wanted to live in the community we work in and therefore searched for a satisfactory property that had the potential to be internally modernised and extended as the family grew up. We have redecorated the house, refurbishing the family bathroom and kitchen and removed a wall to enlarge the living area. This has been done by local businesses as will the loft conversion. The home currently has 3 bedrooms and our youngest has had to share our bedroom since birth. This has not always been easy and now she is nearly 5 yrs. old we want to create a space for her and a liveable space for ourselves that maximises the potential of the loft space through use of a dormer window. Maximal space is required to allow for a bedroom, an ensuite a flexible home office space and ensure adequative storage for a family of 5.

If we have to reduce the size of the dormer we will need to put in a bathroom velux and push the ensuite back further in the room seriously compromising the space we so urgently require. We don't want to sacrifice the office space in view of the new modern ways of working which the Council actually promotes.

In view of the arguments raised within this submission relating to the dormer's size and design and the impact on our need for family space, I would respectfully ask the appeal panel to reconsider the rejection of our planning request and grant permission to proceed on the basis of our original planning submission

Craig Biddick























MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 21/00542/dpp

Site Address: 23 Larkfield Drive, Dalkeith

Site Description:

The application property comprises a semi-detached two story dwellienghouse and its associated garden located within a residential area. The house is finished externally in drydash render with a brick feature panel at the front, with white upvc framed windows and brown contoured concrete roof tiles. There is a flat roof garage at the side of the house and a single storey flat roof extension at the rear of the house.

Proposed Development:

Formation of dormer

Proposed Development Details:

It is proposed to convert the attic space to habitable accommodation and to form a 5.2m wide and 2.5m high flat roof dormer at the rear of the house. The dormer is to be finished externally in plain roof tiles. The material and colour of the window frames on the dormer have not been specified.

Two rooflights are proposed at the front of the house along with roof vents. These works constitute permitted development in terms of class 2B of the Town and Country (General Permitted Development) (Scotland) Order 1992 not requiring planning permission from the Council.

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

History sheet checked.

Consultations:

None required.

Representations:

None received.

Relevant Planning Policies:

The relevant policy of the Midlothian Local Development Plan 2017 is;

DEV2 – Protecting amenity within the built-up area - seeks to protect the character and amenity of the built-up area.

It is noted that policy DP6 House Extensions, from the now superseded 2008 Midlothian Local Plan, set out design guidance for new extensions requiring that they are well designed in order to maintain or enhance the appearance of the house and

the locality. The policy guidelines contained in DP6 also relate to size of extensions, materials, impact on neighbours and remaining garden area. It also states that front porches to detached or semi-detached houses are usually acceptable provided they project less than two metres out from the front of the house. It also allowed for novel architectural solutions. Policy DP6 also provides specific guidance with respect to dormer extensions. In particular, dormers should not extend, other than to a limited extent beyond the glazed area, i.e. they should be dormer windows rather than box dormers, and should not occupy a predominant proportion of the existing roof area. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

SPG - Dormer Extensions - This was prepared in part due to a growing concern regarding the increasing size of dormers and the impact of large box dormer extensions on the character of the original building and on the visual amenity of the surrounding 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.

At 5.2m wide and 2.5m high the proposed dormer would occupy a large proportion of the roof area and appear as a very bulky overly dominant feature at roof level exacerbated by the area of solid wall. The large box-like design is out of keeping and unsympathetic to and would detract from the conventional pitched roof form of the original building.

The dormer does not relate satisfactorily to the design of the original building and would have a detrimental effect on the visual amenity of the surrounding residential environment.

E-mail sent to agent expressing concern regarding the size and design of the dormer and suggesting alternative options. Agent has responded requesting that the current scheme be considered stating that the size is required to achieve the internal floor area required by the client and to accommodate a large window for daylight and for his clients to be able to see their children in the back garden. He also states that there is a substantial portion of the roof remaining to either side of the dormer. He also states that the dormer is virtually out of sight from the road and that he does not think it is out of keeping and has observed many dormers in the area of a similar design and no objections have been received from neighbours. The agent has not provided any examples of the similar dormers to which he refers. No similar dormers are immediately evident as viewed from the back garden of the application property and there is no record of any similar dormers having been granted planning permission in Larkfield Dive or the immediately surrounding streets at Walker Crescent or Beechgrove Avenue in the last 10 years. The width of the dormer occupies 78% of the width of the roof of the house with only a small area of the original roof visible to either side and with hardly any roof visible below and above the dormer. The comments made by the agent do not justify approval of the proposed dormer contrary to development plan policy.

The dormer will not result in significant additional overlooking of neighbouring properties. It will not be overbearing to or have a significant impact on sunlight to the adjoining property at no. 21. Any impact on the amenity of properties to the north side of the application site at Beechgrove Avenue will not be significant as compared to that arising from what could ordinarily be erected as permitted development.

Recommendation:

Refuse planning permission

Refusal of Planning Permission



Town and Country Planning (Scotland) Act 1997

Reg. No. 21/00542/DPP

ARKIPLAN LTD 28 Grahamsdyke Place BO'NESS EH51 9QZ

Midlothian Council, as Planning Authority, having considered the application by Ms R Lewis, 23 Larkfield Drive, Dalkeith, EH22 3HN, which was registered on 29 June 2021 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Formation of dormer at 23 Larkfield Drive, Dalkeith, EH22 3HN

in accordance with the application and the following documents/drawings:

Document/Drawing.	Drawing No/Scale	<u>Dated</u>
Location Plan	1:1250	28.06.2021
Elevations, Floor Plan And Cross	RLCB-001 1:1250 1:500 1:100	28.06.2021
Section		
Proposed Floor Plan	RLCB-002 1:50	28.06.2021
Proposed Floor Plan	RLCB-003 1:50	28.06.2021
Proposed Elevations	RLCB-004 1:100	28.06.2021
Proposed Cross Section	RLCB-005 1:50	28.06.2021

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

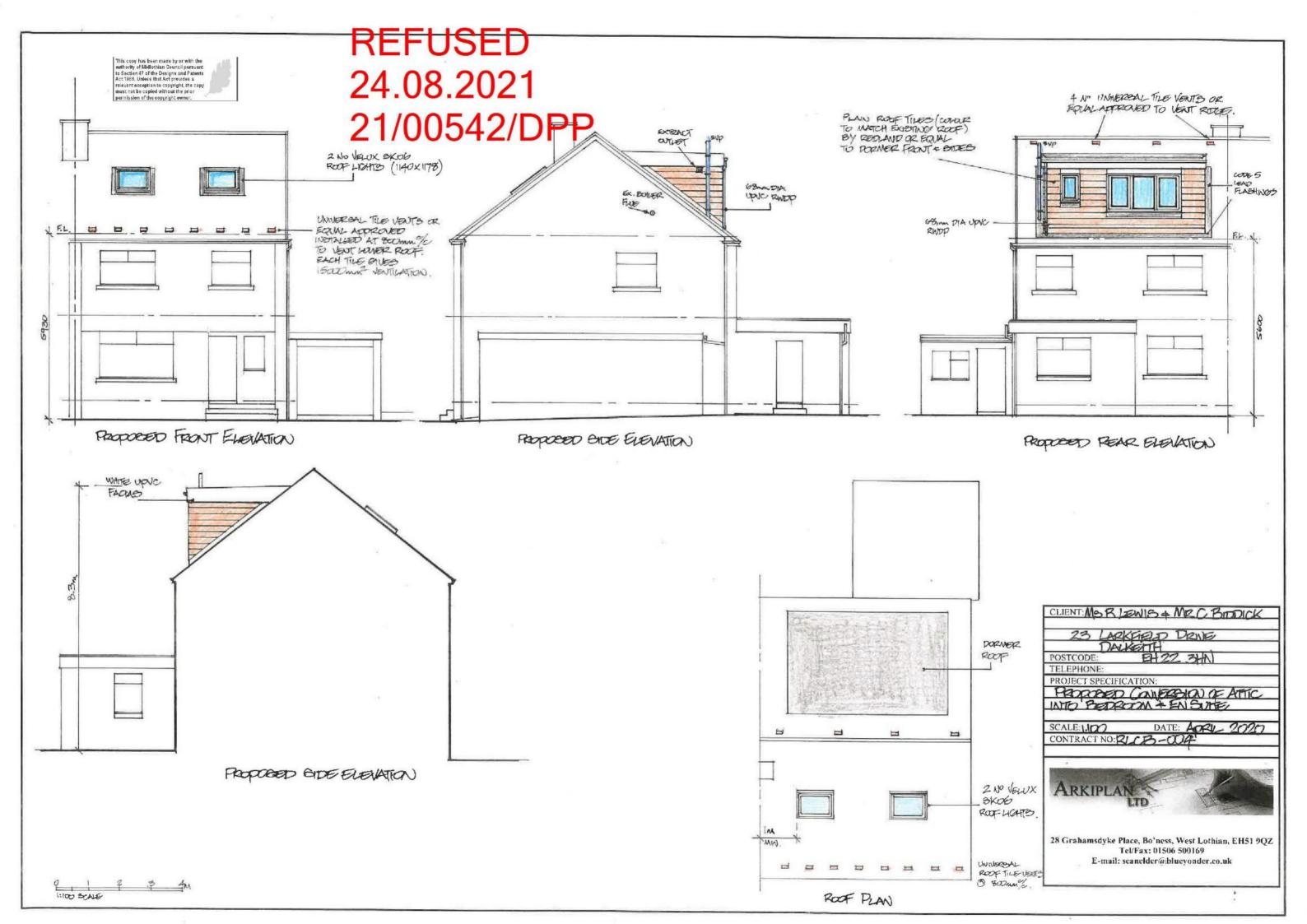
- 1. The proposed dormer extension, on account of its size, would appear overly bulky and would be an unduly dominant feature at roof level.
- 2. The design of the dormer is unsympathetic to, and would detract from, the form of the roof of the existing building, and would detract from the character and appearance of the property and the visual amenity of the surrounding area.
- 3. For the above reasons the proposal is contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017 which seeks to protect the character and amenity of the built-up area.

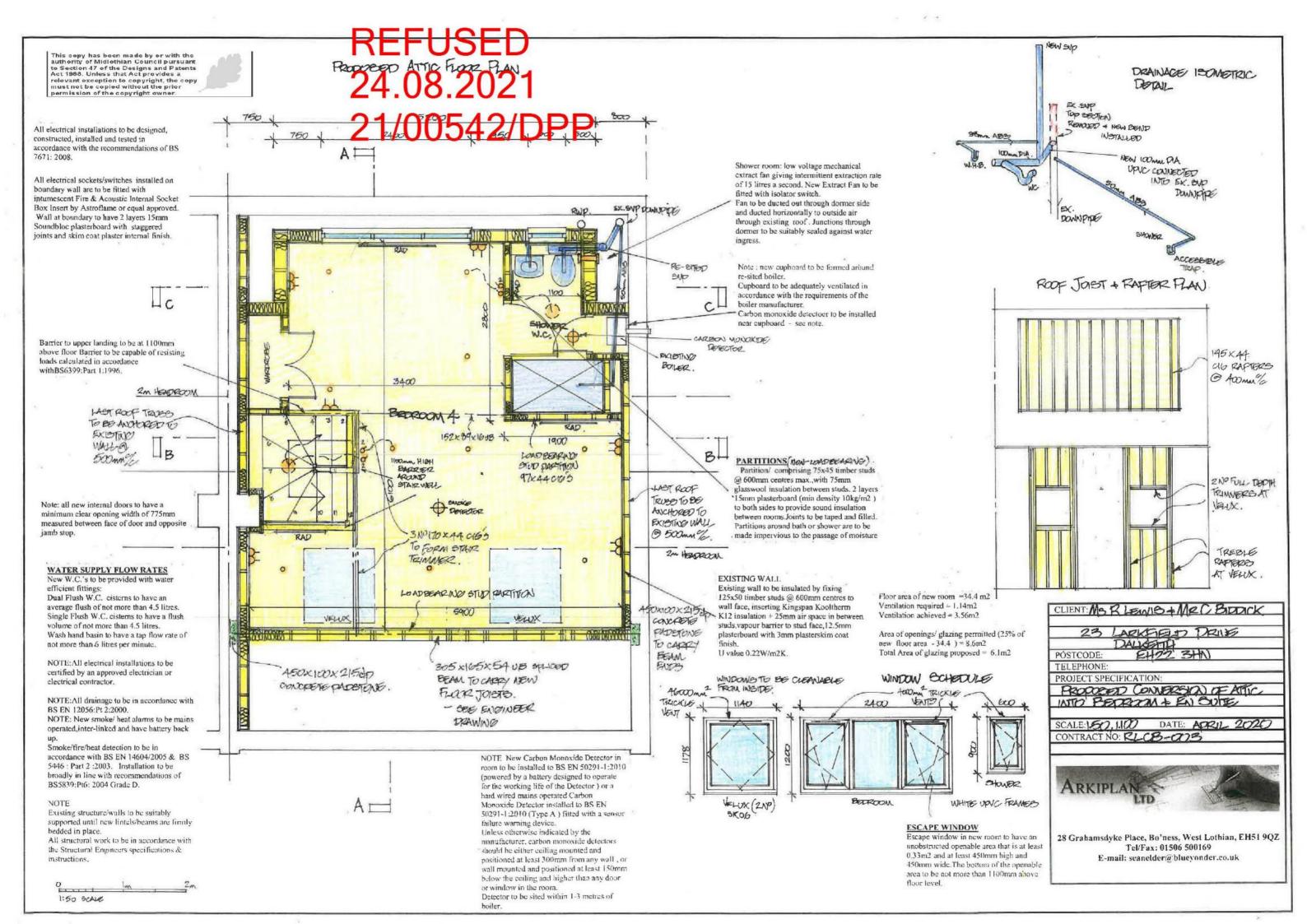
Dated 24 / 8 / 2021

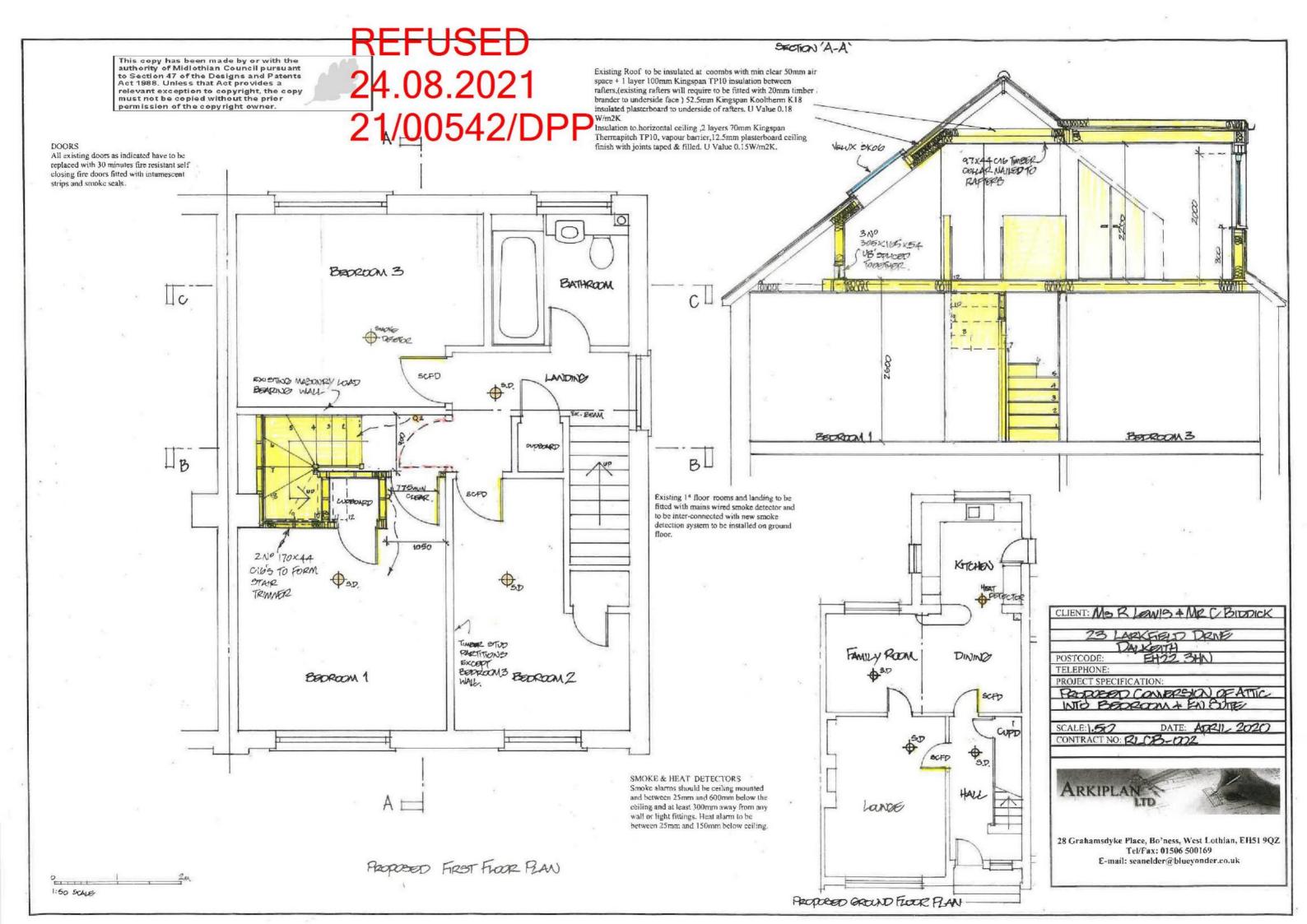
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Duncan Robertson

Lead Officer – Local Developments Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN







This copy has been made by or with the authority of Midlothian Council pursuant REFUSED to Section 47 of the Designs and Patents Act 1988. Unless that Act provides a SECTION C-C' relevant exception to copyright, the copy 24.08.2021 must not be copied without the prior permission of the copyright owner. DORMER ROOF Firestone Rubbergard EPDM fire retardent 21/00542/DPP single layer waterproof roofing membrane bonded on to 110mm Kingspan TR21 Thermaroof insulation (provide 200mm glasswool around perimeter of roof void as CHEMMEN shown) U Value 0.18 W/m2K, on felt vapour barrier on 18mm plywood deck on 100-0mmx45 timber firrings on 145 x44 mm c16 timber roof joists @ 400mm centres ,vapour barrier to ceiling side of joists. 2 layers 12.5mm plasterboard ceiling finish with joints taped and filled. DORMER FRONT & SIDES Plain tiles (colour to match existing roof tiles) fully nailed onto breather membrane SOE DOTHIL on 12mm plywood sarking on 145x44c46 timber studs @ 450mm centres, with 120mm Kingspan insulation + 30mm air space between studs, vapour barrier to stud face. I PROTECTIVE BARRED layer of 12.5mm plasterboard finish (2 layers if within 1m of boundary). All joints BEORDON A to be taped and filled or walls to be fully DEGLE WALL BOWNS ATTIC FLOOR 18mm chipboard flooring on 170x44 c16 timber joists fixed along both sides of existing 135x50 ceiling ties @ 450mm 99www.Max SpackNor Berlinber centres with min 100mm layer absorbent glasswool quilt (min density 10kg/m3) laid BAUSTRADES between joists.2 layers 15mm plasterboard (min density 10kg/m2) to underside of joists 840mm HIGH with joints taped & filled. HANDRAYL. Every service, fitting or piece of equipment provided so as to serve a purpose of the Regulations should be designed, installed 216:6 LANDING and commissioned in such a way as to fulfil BATHROOM these purposes. All junctions at frames , service mounting boxes and duets, floors, ceilings are to STAIR & HANDRAIL Stair dimensions : 216.6mm risers (12 no adequately sealed to prevent air infiltration giving a total height of 2600mm)
Goings 241mm (241mm min at centre line of winders) Stair pitch to be 42 degrees No new works are to impair the sound/fire resistance of an existing sound/fire resistant maximum. Stair to be manufactured by element. Any disturbed sound/fire resistant specialist. elements are to be made good in a manner Handrail to stair to be at a height of 840mm that is in compliance with the required above stair stringer line. performance for that element. A minimum 2m headroom clearance to be maintained over full stair and at top landing CLIENT: MOR LAWIS + MRC BIDDICK 175×44 Clos Q 23 LARKHED DRIVE SEPARATING WALL AT LOFT INDULATION AT POSIMOTOR Existing separating wall comprises of 102mm common brick cavity wall to underside of roof ridge sarking. Wall to be upgraded by providing 50mm cavity, PROJECT SPECIFICATION: 3 NO 150×44 024 PROPOSED CONJUGATION OF ATTIC 241 TWEEKS SPIKED breather membrane on 12mm plwwood sheathing on 100x50 timber studs @ 600mm TOOFTHER TO FORM centres,100mm glasswool (min density HUTEL. SCALE: 1.501.20 DATE: ADRIL 2020 10kg/m3) placed between studs,40mm CONTRACT NO: 12LCB -005 Kingspan TW55 insulation to stud face, vapour barrier, 2 layers 12.5mm plasterboard (giving a combined total mass of 22kg/m2) to be taken up to underside of roof sarking. Provide 20x25 timber battens to face of plasterboard from floor to ceiling ARKIPLA level (to provide a service duct for electrical fittings) and 1 final layer of 12.5mm CODE 5 plasterboard with skim coat plaster. SAD U value 0.22W/m2K. APRON BELOW 28 Grahamsdyke Place, Bo'ness, West Lothian, EH51 9QZ CIL Tel/Fax: 01506 500169 E-mail: seanelder@blueyonder.co.uk DETAIL AT DORMER WINDOW HEAD + CILL DETAIL AT PARTY WALL EX. PARTY STAIR DETAIL