

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

Erection of two storey extension to dwellinghouse at
19 Robert Smilie Avenue

APPENDIX A

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File No. 14/00566/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

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 000101879-001

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:

FEM Building Design Services

Ref. Number:

First Name: *

Douglas

Last Name: *

Mack

Telephone Number: *

07966 201299

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

fembuildingdesign@hotmail.co.uk

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

Building Name:

Building Number:

8

Address 1 (Street): *

Plantain Grove

Address 2:

Lenzie

Town/City: *

Glasgow

Country: *

UK

Postcode: *

G66 3NE

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	Miss	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Lesley	Building Number:	19
Last Name: *	Watson	Address 1 (Street): *	Robert Smillie Avenue
Company/Organisation:		Address 2:	Mayfield
Telephone Number:		Town/City: *	Dalkeith
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	EH22 5QH
Fax Number:			
Email Address:			

Site Address Details

Planning Authority:	Midlothian Council		
Full postal address of the site (including postcode where available):			
Address 1:	19 ROBERT SMILLIE AVENUE	Address 5:	
Address 2:	MAYFIELD	Town/City/Settlement:	DALKEITH
Address 3:		Post Code:	EH22 5QH
Address 4:			

Please identify/describe the location of the site or sites.

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Northing	664324	Easting	335202
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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)

Erection of two storey extension to rear of dwellinghouse

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.

We wish to appeal the refusal of Planning Permission in relation to the proposed two storey extension to the rear of this dwellinghouse, a portion of which within 1200mm of the West boundary will be single storey. Our main grounds for appeal is the precedent set by a similar extension approved and constructed at 27 Campwood View, Mayfield. It is our opinion that a precedence has been set in the area by an extension to an almost identical end terrace house at 27 Campwood View.

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)

I attach photos of the existing rear extensions at 21 Campwood View and 27 Campwood View and also the existing rear elevations of 19 & 20 Robert Smillie Avenue.
I also attach PDF of plans of proposals and Site location plan for 19 Robert Smillie Avenue

Application Details

Please provide details of the application and decision.

What is the application reference number? *

14/00566/DPP

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

01/08/14

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

08/09/14

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: Douglas Mack

Declaration Date: 19/10/2014

Submission Date: 19/10/2014

Proposal Details

Proposal Name	19 Robert Smillie Avenue, Mayfield
Proposal Description	Erect a two storey extension to rear of property with the portion within 1200mm of the West boundary being single storey
Address	19 ROBERT SMILLIE AVENUE, MAYFIELD, DALKEITH, EH22 5QH
Local Authority	Midlothian Council
Application Online Reference	000101879-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete
Payment Method	incomplete

Attachment Details

19 & 20 Robert Smillie Avenue, Mayfield	Attached	Not Applicable
19 & 21 Campwood View	Attached	Not Applicable
21 Campwood View	Attached	Not Applicable
27 & 25 Campwood View	Attached	Not Applicable
27 & 25 Campwood View, Mayfield	Attached	Not Applicable
27 Campwood View, Mayfield	Attached	Not Applicable
Boundary at 27 / 27 Campwood View	Attached	Not Applicable
Notice of Review	System	A4
Notice of Review	System	A4
Planning Permission Drawing	Attached	A1
scotapp	System	A4
Site Location Plan	Attached	A4
Supporting Statement	Attached	Not Applicable

We wish to appeal the refusal of Planning Permission in relation to the proposed two storey extension to the rear of this dwellinghouse, a portion of which within 1200mm of the West boundary will be single storey. Our main grounds for appeal is the precedent set by a similar extension approved and constructed at 27 Campwood View, Mayfield. It is our opinion that a precedence has been set in the area by an extension to an almost identical end terrace house at 27 Campwood View. The only difference between the property to which this application relates and the property at 27 Campwood View is that the adjoining property, 20 Robert Smillie Avenue is stepped down from our property with the roof level approximately 600mm lower than that at number 19. The main reason for refusal of Planning Permission was that it would cause a detrimental impact on the amenity of the occupiers at no. 20 Robert Smillie Avenue. We have proposed to reduce the two storey portion of the extension to begin at 1200mm from the West boundary. The decision to make the portion of the extension within 1200mm of the West

boundary a single storey extension was to reduce the impact of a two storey extension on the amenity of the garden of no. 20. The Planning worksheet noted that the extension to 27 Campwood View had a fence running parallel to it. This is true, however, the upper storey of the extension is built hard against a window adjacent to the boundary. It is our opinion that our proposed extension would not cause any more impact on the amenity of the garden of 20 Robert Smillie Avenue than that impact caused upon 25 Campwood View due to the erection of the present two storey extension. The fact that the roof level at Robert Smillie Avenue is stepped on the West boundary is the reason why we have reduced the two storey part of the extension. Although our proposed extension is slightly deeper than that at 27 Campwood View (approx. 150mm) we believe that the impact on amenity of 20 Robert Smillie Avenue is limited by the proposals, in contrast to our initial application for Planning Permission for a full length two storey extension to the rear which was also refused. We would also like to point to a rear extension to the rear of 21 Campwood View which is a substantial size, again in the same type of terraced property as that at 19 Robert Smillie Avenue. We believe that the scale of this extension has been reduced at first floor level to minimise impact on the amenity of the adjoining properties and are of the opinion that our proposals would not cause any greater impact on the adjoining neighbours than that caused by the extension at 21 Campwood View.

In summary, we are of the opinion that a precedence has been set within this area of Mayfield for two storey rear extensions to almost identical terraced properties. We also believe that by reducing the upper storey of our proposed extension we have greatly reduced the impact on the amenity of the adjoining neighbour and it would certainly cause no more impact than that imposed of the neighbours of the properties at 21 and 27 Campwood View. We would kindly request that you take this into consideration during the review of our case.















MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 14/00566/dpp

Site Address: 19 Robert Smillie Avenue, Mayfield

Site Description:

The application property comprises an end terraced two storey dwellinghouse. It has a brown brick base course with drydash render walls, white upvc windows and brown profiled concrete roof tiles.

Proposed Development:

Erection of 2 storey extension to dwellinghouse

Proposed Development Details:

It is proposed to erect an extension at the rear of the application property. The extension comprises a 5.7 m wide and 3.5m deep two storey extension with a hipped roof reducing to single storey measuring 1.1 wide and 3.5m deep near to the boundary with no 20 with a monopitch roof. It is shown as being 0.1m off the boundary with the rear garden of no 20 next door. External materials are to match existing.

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

History sheet checked.

14/00283/dpp – Erection of two storey extension to dwellinghouse at 19 Robert Smillie Avenue – refused 23.05.14 on grounds of detrimental impact on the amenity of the occupiers of no 20

Subsequent to refusal of the above application the applicant submitted a revised scheme for comment the same as the current proposal. They were advised that the amended scheme did not overcome the concerns in relation to the previous planning application.

Consultations:

None required.

Representations:

One representation has been received from the occupier of 20 Robert Smillie Avenue in relation to the application. She is concerned that it will block light to her house and regarding the impact on her garden resulting in the devaluation of her property.

Relevant Planning Policies:

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.

DP6 – House Extensions - requires that extensions are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines also relate to size of extensions, materials, impact on neighbours and remaining garden 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.

The design of the extension is acceptable. Sufficient garden area would remain.

The adjoining house next door at no 20 is at a lower level than the application property by approximately 0.6m. Albeit the two storey part of the extension has been pulled off the boundary it will still be prominent as viewed from the garden of no 20. Also due to the drop in levels the single storey part of the extension will still be prominent to the outlook of the garden and rear living room window of no 20. The proposed extension would have an overbearing impact on the outlook of no 20.

Satisfies Vertical Sky Component daylight test to living room window of no 20.

The extension would result in increased overshadowing of the rear garden of no 20 in the morning. However on balance this is not sufficient to warrant refusal of planning permission.

It was noted during the processing of the previous application that there is a two storey extension at the rear of no 27 Campwood View, however the neighbouring house is at the same level as no 27 and there is a vennel between the rear gardens.

There is also an extension at the rear of no 21 Campwood View comprising a mix of two storey and single storey (4.3m deep) elements. Whilst there is a drop in levels between no 21 Campwood View and the neighbouring property at no 19 it was noted that there was a 5m deep single storey extension at the rear of no 19 and as such the extension would not have an overbearing impact on the outlook of any main habitable rooms of this property. Also the main part of the two storey part of the extension is shown on the approved plans as being 2.5m from the boundary with no 19 and 2.85m deep.

The impact on property values is not a material consideration in the assessment of the application.

Recommendation:

Refuse planning permission.



Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 14/00566/DPP

Grant Watson
27 Campwood View
Mayfield
Dalkeith
EH22 5QQ

Midlothian Council, as Planning Authority, having considered the application by Lesley Watson, 19 Robert Smillie Avenue, Mayfield, Dalkeith, EH22 5QH, which was registered on 1 August 2014 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of two storey extension to dwellinghouse at 19 Robert Smillie Avenue, Mayfield, Dalkeith, EH22 5QH

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	01.08.2014
Elevations, floor plan and cross section	14/WATS/1 1:200 1:50	01.08.2014

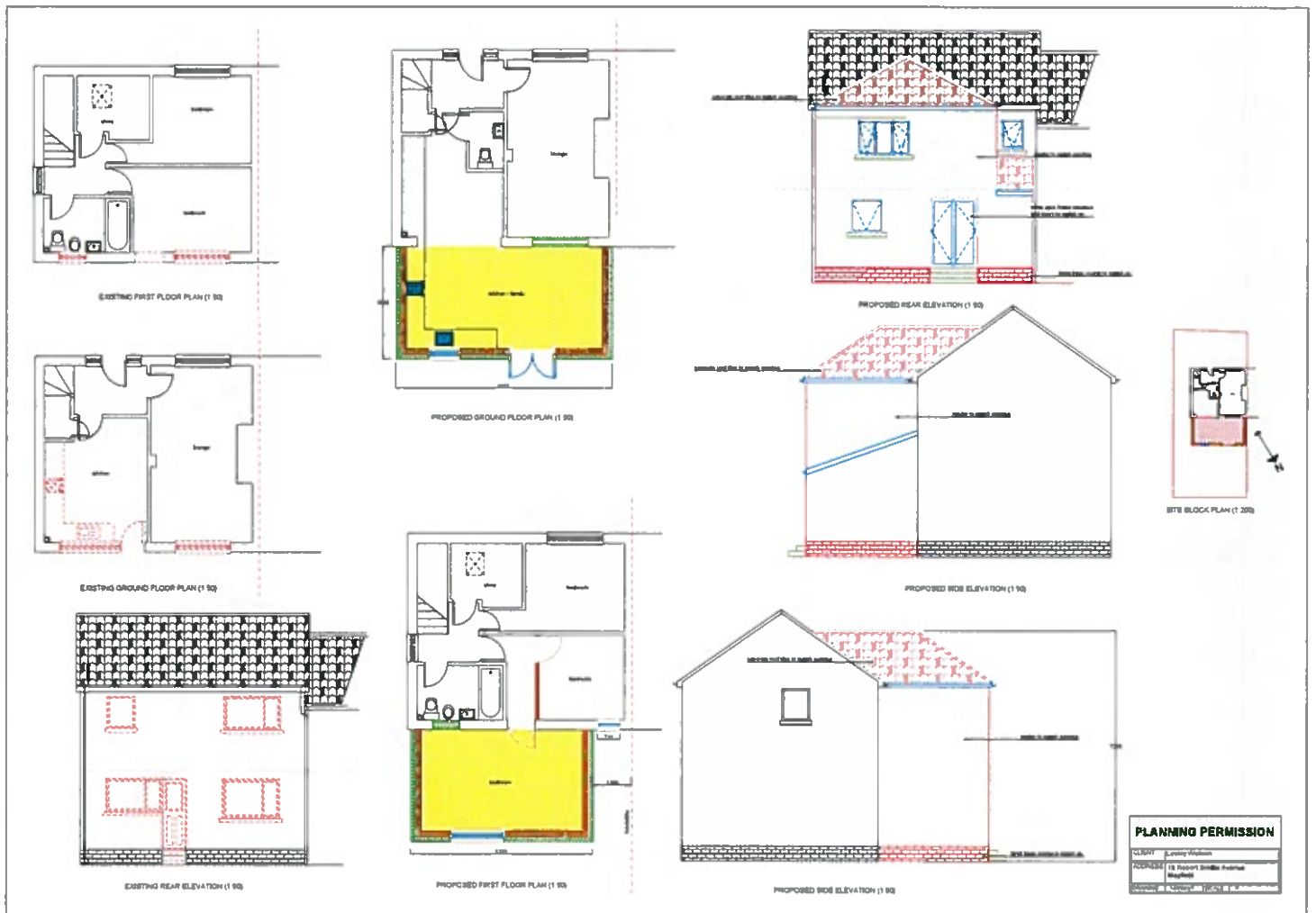
The reasons for the Council's decision are set out below:

1. *The extension would be an overly dominant feature when viewed from the adjoining house and rear garden at 20 Robert Smillie Avenue, with an overbearing impact on the amenity of the occupiers.*
2. *For the above reason the proposal is contrary to policies RP20 and DP6 of the adopted Midlothian Local Plan which seek to protect the amenity of residential areas and require that in providing additional space for the existing building there should be no material loss of amenity for adjoining houses. If the proposal were approved it would undermine the consistent implementation of these policies.*

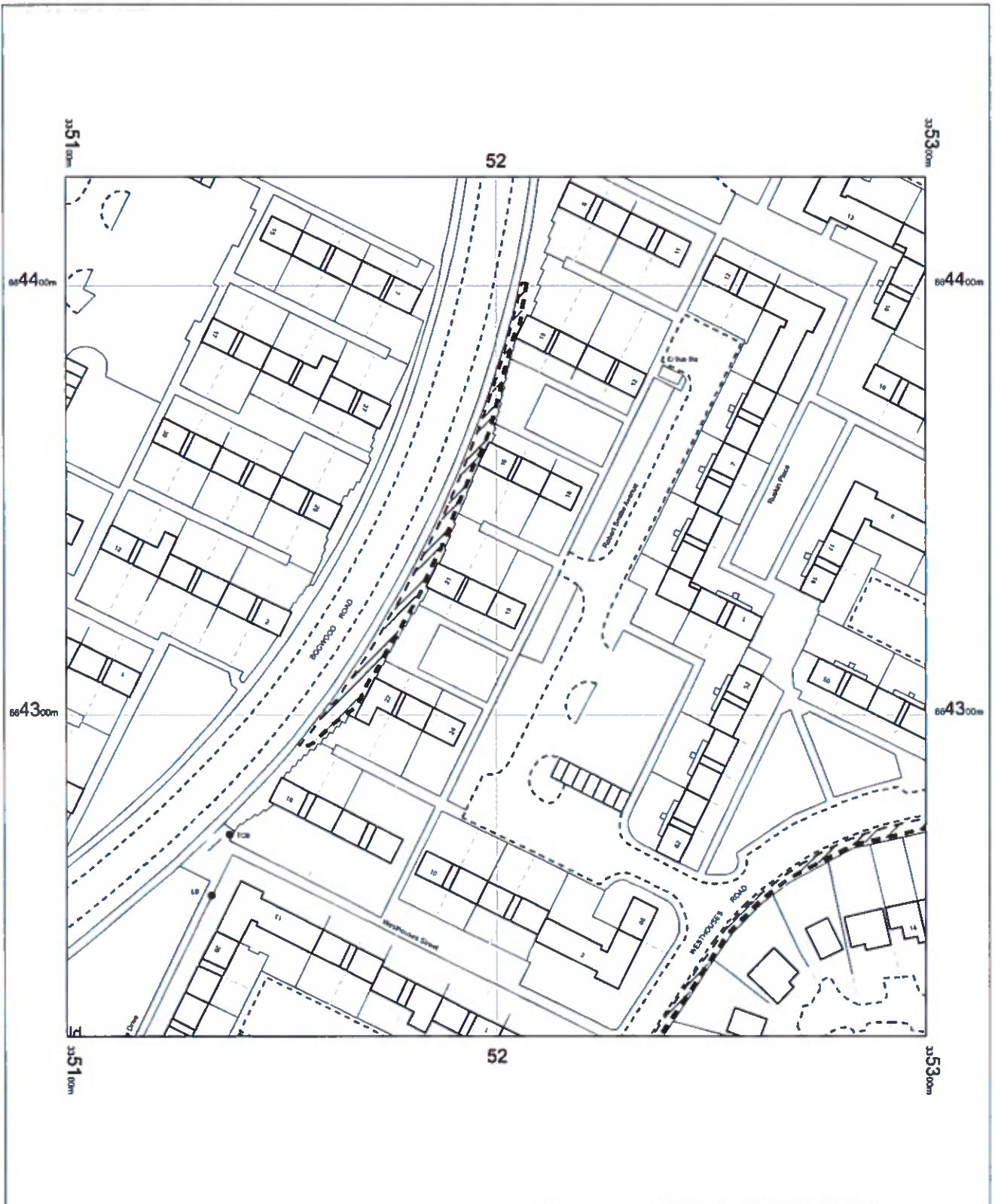
Dated 8 / 9 / 2014

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

APPENDIX E



19 Robert Smillie Avenue



OS MasterMap 1250/2500/10000 scale
10 April 2014, ID: BLJT-00315157
www.planningapplicationmaps.co.uk

1:1250 scale print at A4, Centre: 335200 E, 664325 N

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100051661

