

## **Notice of Review: 15 Hoggan Way, Loanhead**

### **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 formation of dormer windows at 15 Hoggan Way, Loanhead.

#### **2 Background**

- 2.1 Planning application 22/00373/DPP for the formation of dormer windows at 15 Hoggan Way, Loanhead was refused planning permission on 28 June 2022; 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 information (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 28 June 2022 (Appendix D); and
  - A copy of the key plans/drawings/images (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](http://www.midlothian.gov.uk)

#### **4 Procedures**

- 4.1 In accordance with agreed procedures the LRB:
- Have determined to undertaking a site visit; and
  - Have determined to progress the review of written submissions.

- 4.2 The case officer's report identified that there was no consultations required and one representation received. As part of the review process the interested party was notified of the review. No additional comments have been received. All comments can be viewed online on the electronic planning application case file.
- 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 back to the 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 20 June 2022, 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.
1. The development to which this permission relates shall commence no later than the expiration of three years beginning with the date of this permission.

***Reason:*** To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).

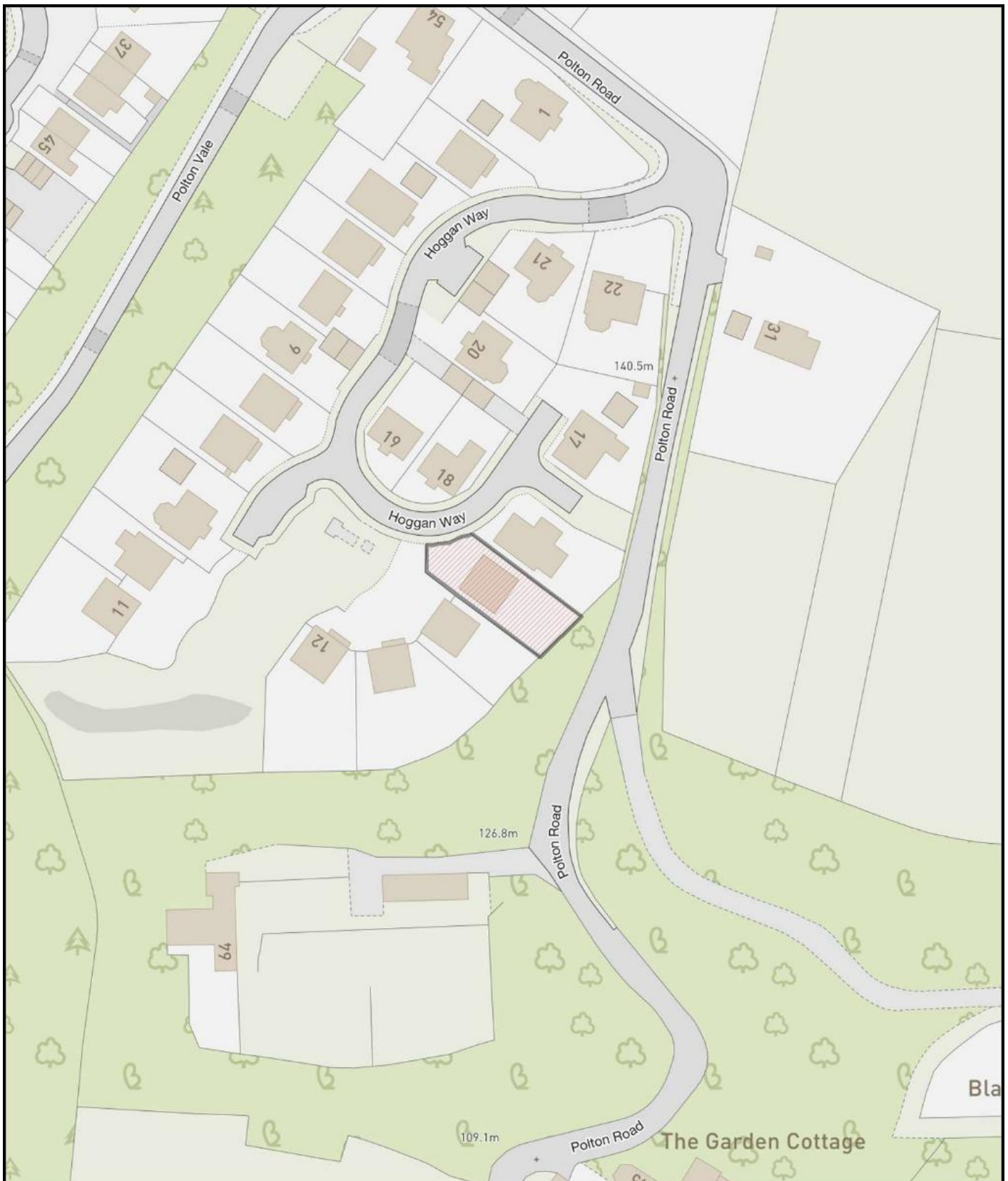
## **6 Recommendations**

- 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:** 28 November 2022  
**Report Contact:** Ingrid Forteath, Planning Officer  
[ingrid.forteath@midlothian.gov.uk](mailto:ingrid.forteath@midlothian.gov.uk)

**Background Papers:** Planning application 22/00373/DPP available for inspection online.



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

## Formation of dormers 15 Hoggan Way

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Midlothian Council Licence No. 100023416 (2018)

File No.22/00373/DPP

Scale: 1:1,250





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 the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100581403-004

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)

☐ Applicant ☒ Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="David Paton Building Consultancy"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="David Paton"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Building Consultancy"/>	Building Number:	<input type="text" value="13"/>
Telephone Number: *	<input type="text" value="0131 440 1213"/>	Address 1 (Street): *	<input type="text" value="High Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Loanhead"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH20 9RH"/>
Email Address: *	<input type="text" value="REDACTED"/>		

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr &amp; Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Ryan"/>	Building Number:	<input type="text" value="15"/>
Last Name: *	<input type="text" value="Mills"/>	Address 1 (Street): *	<input type="text" value="Hoggan Way"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Loanhead"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH20 9DG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="15 HOGGAN WAY"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="LOANHEAD"/>
Post Code:	<input type="text" value="EH20 9DG"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="665154"/>	Easting	<input type="text" value="328450"/>
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## 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 Dormers

## 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 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.

see attached document

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

☐ Yes ☒ No

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 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)

Supporting Statement

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/00373/DPP

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

17/05/2022

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

28/06/2022

## 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: Mr David Paton Building Consultancy

Declaration Date: 27/09/2022

dppbc



David Paton Building Consultancy

Local Review Body Appeal

15 Hoggan Way, Loanhead

22-Sep-2022

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## PLANNING APPLICATION

Planning Application for the formation of Dormers at

15 HOGGAN WAY, LOANHEAD. EH20 9DG

For Mr & Mrs Ryan Mills

Planning Application No. 22/00373/DPP - REFUSED 28 JUNE 2022

## INTRODUCTION

On behalf of our client Mr & Mrs Mills, we would like to appeal against the refusal notice above for the formation of Dormers at 15 Hoggan Way Loanhead. EH20 9DG. It should be noted that we have subsequently applied and received approval for the rear Dormers in this application (22/00519/DPP) so in effect we are asking for the Front Dormers to be approved with this appeal though we do understand it's the application and its refusal that we are appealing. The reasons for Refusal are as follows:

1. The design of the front dormers is unsympathetic to and will detract from the appearance of the principal elevation of the application property.
2. As a result of their unsatisfactory relationship with the existing building the front dormers will have a detrimental impact on the visual amenity of the street scene.
3. For the above reasons the proposals are contrary to policy DEV2 of the adopted Midlothian Local Plan 2017 which seeks to protect the character and amenity of the built-up area

## REASON FOR REVIEW

The Midlothian Council Supplementary Planning Guidance for Dormer Extensions sets out what is expected in the design of Dormers:

- Small Dormer windows not large Box Dormers with frame beyond the window minimal as possible (no more than 300mm)
- Bottom of the window as close as possible to the plane of the roof so it has the appearance of rising out of the roof
- Set back from the wallhead
- Set down from the ridge by at least 500mm
- The width of the Dormer if possible should be less than the width of any existing openings below.

The Dormers we have designed meet all required criteria; we have chosen to design a high quality flat roof design rather than a more prominent Pitched roof on the Dormers and they are not out of keeping with traditional Dormer extensions throughout Midlothian. The Dormers have also been designed taking account of the supplementary Guidance on Dormers (above) so it fails to be seen how they are un-sympathetic and will detract from the appearance of the principal Elevation.



In all new estates across Midlothian, a natural progression is for families to want to improve their living areas, so they can stay in the area they have chosen to bring up their children. These improvements primarily include extending either out the way or upwards - the use of Dormer windows is an accepted form of doing this to create extra space, and the fact that this has not been carried out in this housing estate should not be a reason to refuse this application. This house faces onto the main road to the

front and a wooded area to the rear; there are therefore no privacy issues to deal with and in addition one of the front Dormers is also a bathroom.

This estate has houses of multiple different designs. The road round the estate winds its way around to the application property which sits with a bungalow to one side of it and 3 other houses to the other side; these are set back from the main road in a separate cul-de-sac. It is unfair to suggest that the addition of these dormers will have any detrimental impact on the visual amenity of the street scene of the wider estate.

It is also worth pointing out that Midlothian Council Planning Department previously approved a new housing estate in Gorebridge with front Dormers to a number of the houses which appear as a very bulky addition to the front elevation. In addition, they have the following flaws:

- do not line up with windows below
- are wider than the windows below
- window cills are higher than the recommended 100mm

If you apply the same Supplementary Guidance for Dormers to these properties, then I fail to see how they comply to your own policy. (See images below)



## CONCLUSION

We are asking for the Local Review Body to overturn the refusal notice and approve Planning Permission for these Dormers for the following reasons;

- They have been designed in a manner to make them as unobtrusive as possible
- They are in line with the councils guidance
- They do not harm the streetscape of the estate
- The council have approved Dormers elsewhere in Midlothian that do not meet their own criteria

## **MIDLOTHIAN COUNCIL**

### **DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:**

**Planning Application Reference:** 22/00373/dpp

**Site Address:** 15 Hoggan Way, Loanhead

**Site Description:**

The application property comprises a detached two storey dwellinghouse within a residential estate with a strip of woodland to the rear, beyond which is Polton Road. The house is finished externally in render with white upvc window frames and grey plain concrete roof tiles.

**Proposed Development:**

Formation of dormers

**Proposed Development Details:**

It is proposed to form two flat roof dormer at the front of the house each measuring 1.3m wide and 1.55m high. The dormers are to be finished externally in white painted timber on the front elevation with tiles on the dormer cheeks to match existing with white upvc window frames.

It is also proposed to form two dormer windows at the rear of the house, one measuring 1.3m wide and 1.55m high and the other 2.1m wide and 2.4m high, the latter with inward opening doors and an external balustrade. External materials are the same as for the front dormer.

A new window opening is also proposed at the rear of the house. This constitutes permitted development in terms of class 2A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

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

History sheet checked.

**Consultations:**

None required.

**Representations:**

One representation has been received objecting to the application in relation to the impact of the rear dormers on privacy and light to no. 16 next door and that the proposed development is overbearing, out of scale and character with the surrounding area.

**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. 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. It also allowed for novel architectural solutions. 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.

Supplementary Planning Guidance – 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.

No other houses in Hoggan Way have dormer windows at the front. The flat roof design of the dormers and the window design are uncharacteristic of and unsympathetic to the character of the existing building. The dormers will also somewhat clutter the roof. The proposed front dormers will seriously detract from the appearance of the principal elevation of the house. As a result of their unsatisfactory relationship with the existing building the dormers will have a detrimental impact on the visual amenity of the street scene.

Similarly the design of the proposed dormers at the rear is unsympathetic to the design of the existing house however they are similar to what could ordinarily be erected as permitted development and as such refusal of planning permission is not warranted in this instance.

The larger of the two rear dormers will have views to the conservatory and rear garden of no. 16. (The roof of the conservatory is opaque and views to the conservatory are likely to be oblique.) However any impact on the amenity of this property, including to two small high level windows on the side of the house serving the living room, will not be significant as compared to that arising from what could be erected as permitted development at the application property. The smaller of the rear dormers will not have a significant impact on the amenity of neighbouring properties.

The front dormers will not have a significant impact on the amenity of any main habitable rooms at the neighbouring properties.

**Recommendation:**

Refuse planning permission

**Reg. No. 22/00373/DPP**

David Paton Building Consultancy  
13 High Street  
Loanhead  
EH20 9RH

Midlothian Council, as Planning Authority, having considered the application by Mr and Mrs Ryan Mills, 15 Hoggan Way, Loanhead, EH20 9DG, which was registered on 18 May 2022 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Formation of dormers at 15 Hoggan Way, Loanhead, EH20 9DG**

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site Plan, Location Plan and Elevations	EX1 1:1250, 1:500, 1:50	18.05.2022
Floor Plans And Elevations	PN1 A 1:50	18.05.2022

The reason(s) for the Council's decision are set out below:

1. *The design of the front dormers is unsympathetic to and will detract from the appearance of the principal elevation of the application property.*
2. *As a result of their unsatisfactory relationship with the existing building the front dormers will have a detrimental impact on the visual amenity of the street scene.*
3. *For the above reasons the proposals are 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 28 / 6 / 2022



.....  
Duncan Robertson  
Lead 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/coalauthority](http://www.gov.uk/coalauthority)

### **STANDING ADVICE**

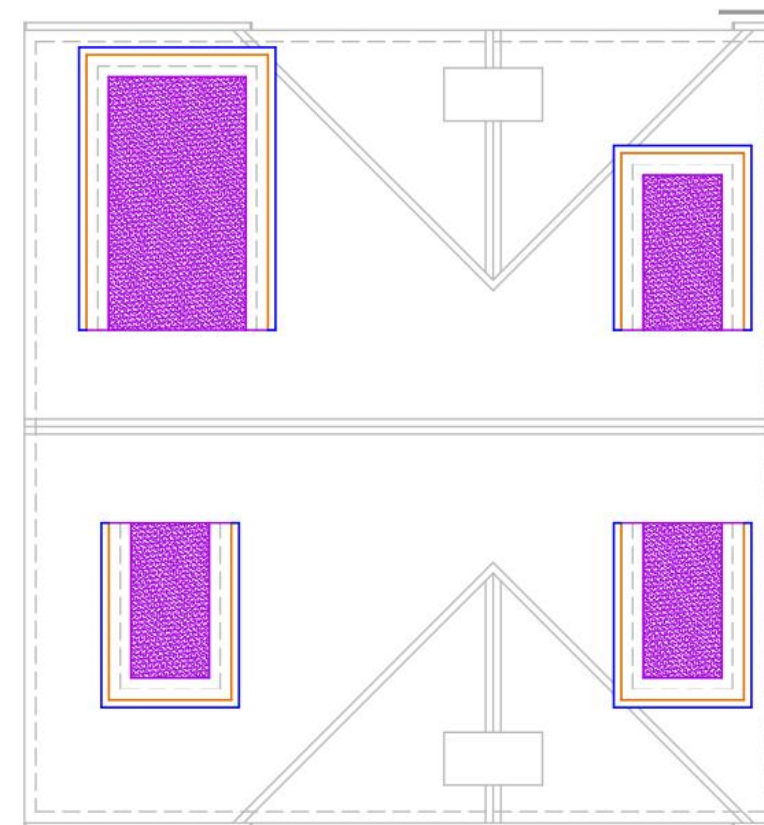
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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)

Standing Advice valid from 1st January 2021 until 31st December 2022





### 1:100 SCALE ROOF PLAN



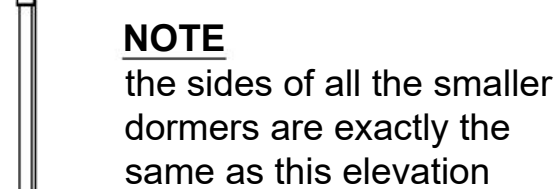
## GENERAL MATERIAL SPECIFICATION

New front of Dormers are to be timber painted white to match existing Fascia boards with cheeks of Dormers to be finished in Tiles to match existing roof.

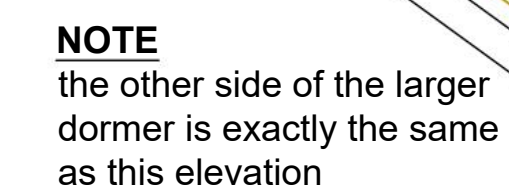
New Flat roof to Dormers are to be finished with Sarnafil and are to be Grey in colour

New windows are to be white coloured upvc glazed units.

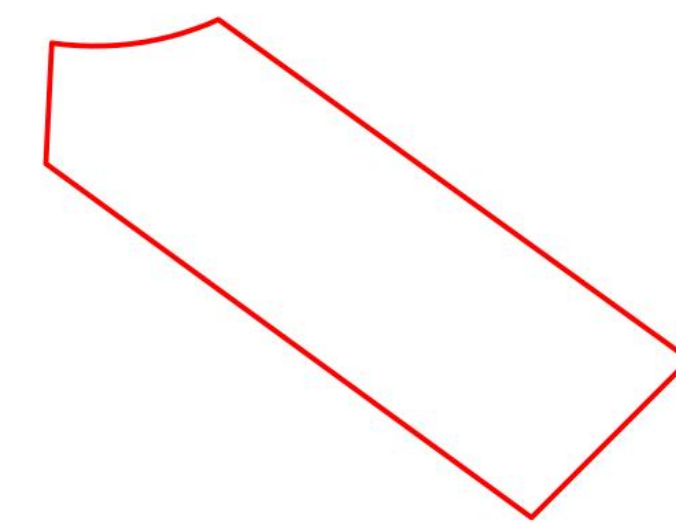
All new guttering and down pipes are to be Black Upvc to match existing house



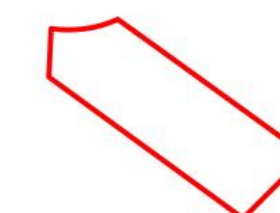
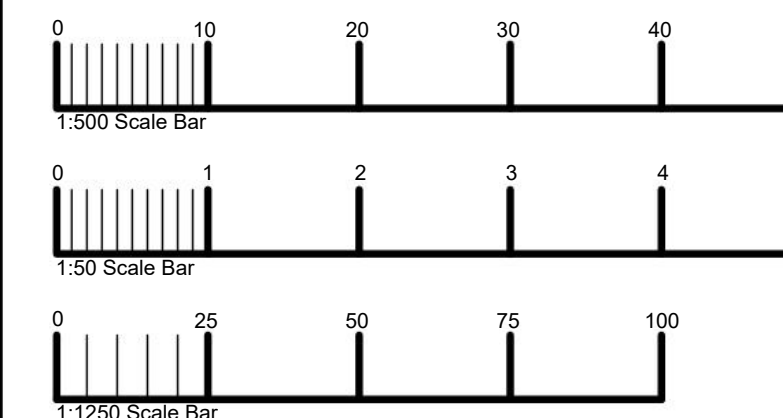
**1:50 SCALE SIDE ELEVATION  
OF LARGER DORMER**



**1:50 SCALE SIDE ELEVATION  
OF SMALLER DORMERS**



**1:500 SCALE SITE PLAN**



**1:1250 SCALE LOCATION PLAN**



A	Roof Plan added as per planners request	18 May 2022	KM
REVISIONS			

<b>CLIENT</b> Mr & Mrs Ryan Mills	<b>PROJECT</b> Attic Conversion to Dwelling house at: 15 Hoggan Way, Loanhead, EH20 9DG	
<b>DRAWING TITLE</b> Plans & Elevations Location and site plan	<b>DATE</b>	May 2022
	<b>DRAWN</b>	KM
	<b>SCALE</b>	1:50 @ A1

**david paton building consultancy**

Chartered Architectural Technologists  
Established in 1981  
13 High Street, Loanhead,  
Midlothian, EH20 9RH.  
Telephone No. 0131 440 1213  
website: [www.davidpatonbc.co.uk](http://www.davidpatonbc.co.uk)  
e-mail: [davidpatonbc@btconnect.com](mailto:davidpatonbc@btconnect.com)

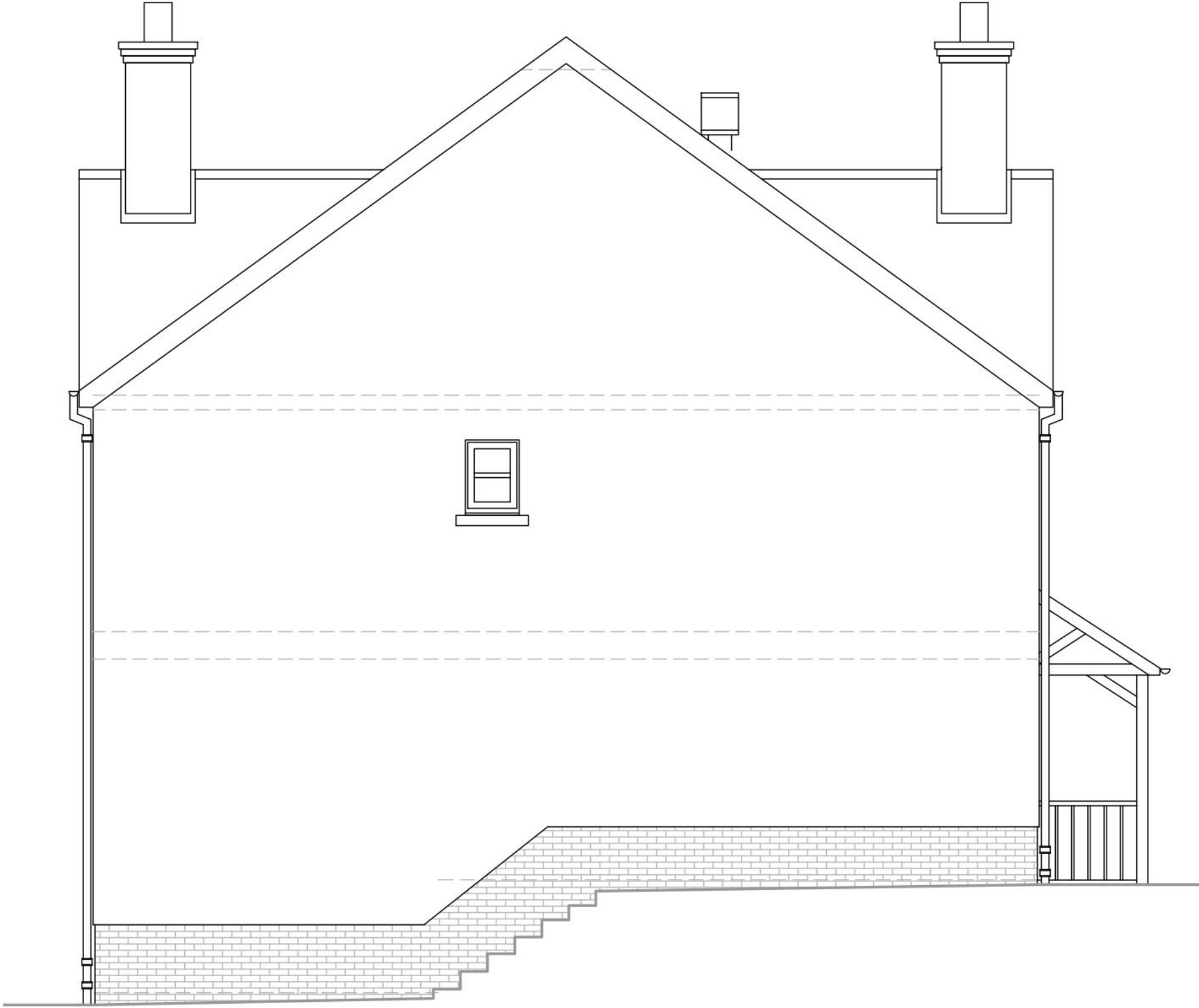


JOB NO.	DRAWING NO.
<b>22/05</b>	<b>Pn1</b>
REVISION	A





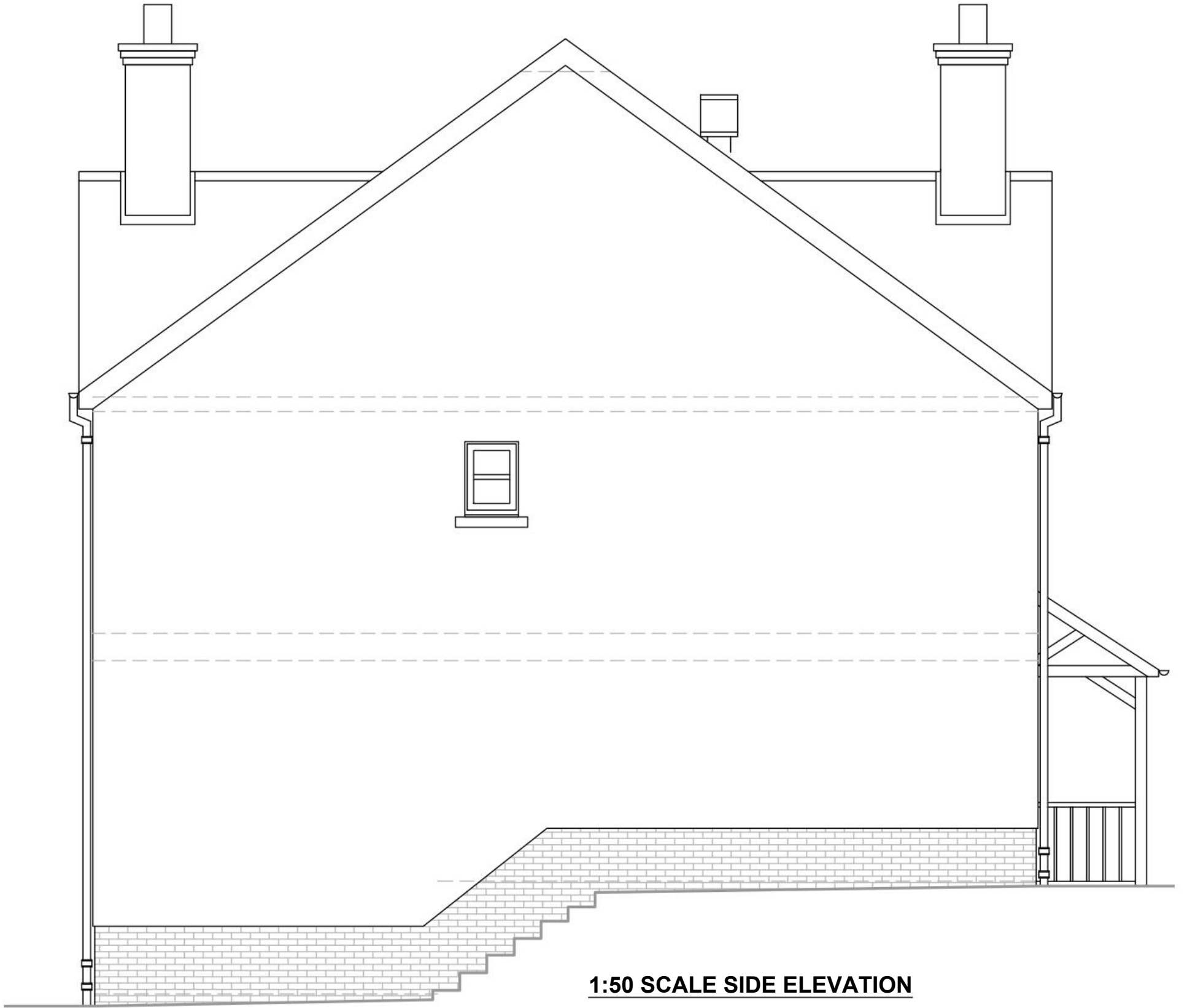
1:50 SCALE REAR ELEVATION



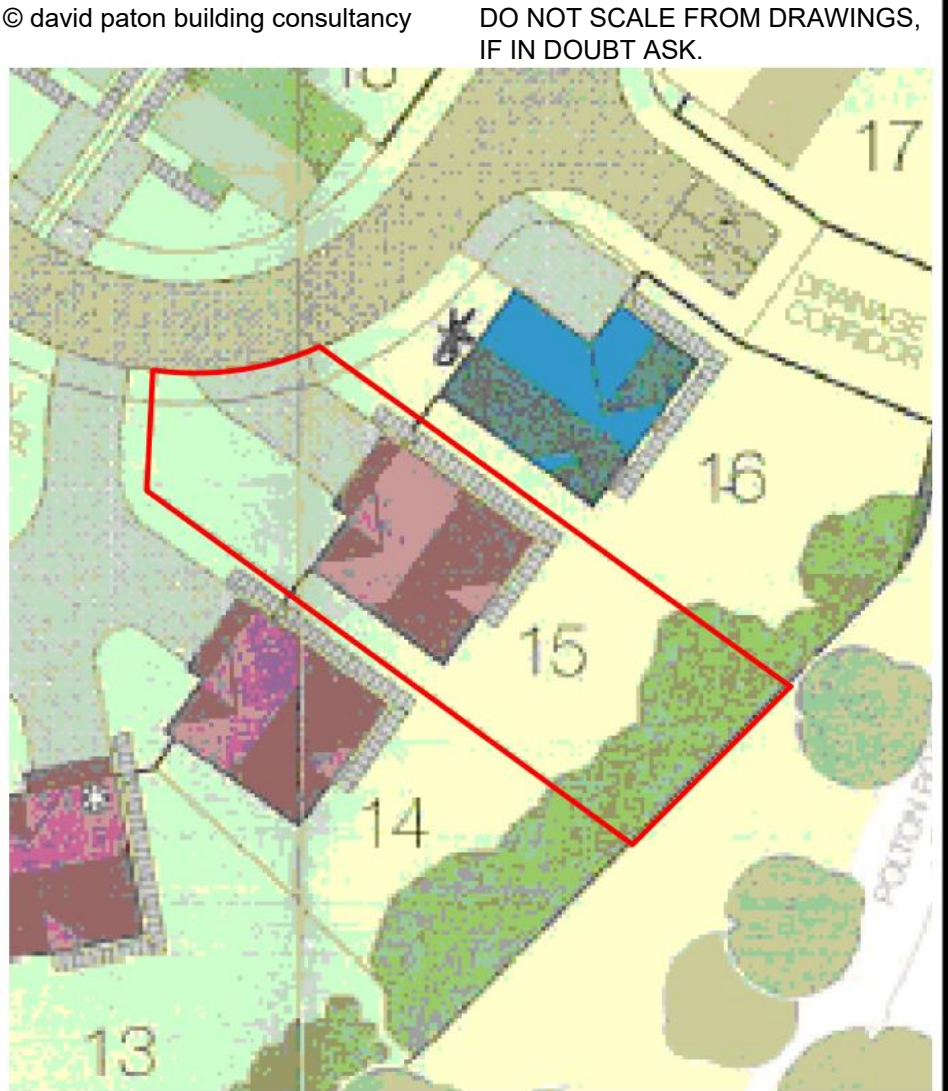
1:50 SCALE SIDE ELEVATION



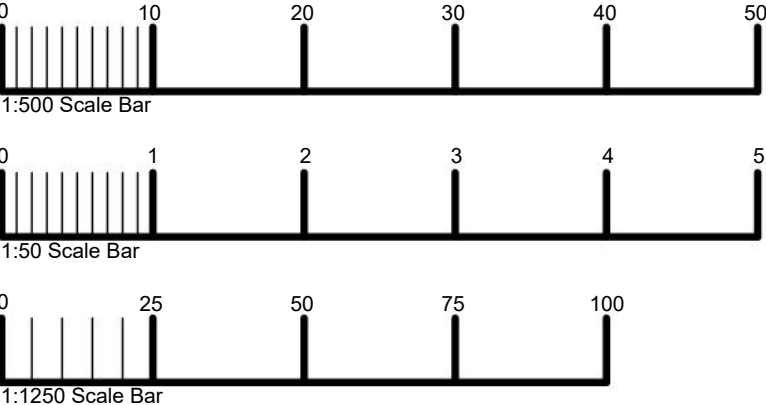
1:50 SCALE FRONT ELEVATION



1:50 SCALE SIDE ELEVATION



1:500 SCALE SITE PLAN



1:1250 SCALE LOCATION PLAN



REVISIONS

CLIENT Mr & Mrs Ryan Mills	PROJECT Attic Conversion to Dwelling house at: 15 Hoggan Way, Loanhead, EH20 9DG	
	DATE	May 2022
	DRAWN	KM
	SCALE	1:50 @ A1

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e-mail: davidpatonbc@btconnect.com

**dpbc**



JOB NO.	DRAWING NO.
22/05	Ex1
REVISION	

AS EXISTING DRAWING