

## **Notice of Review: 48 Sixth Street, Newtongrange**

### **Procedural Report**

Report by Ian Johnson, Head of Planning and Development

#### **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 two storey extension to dwellinghouse at 48 Sixth Street, Newtongrange.

#### **2 Background**

- 2.1 Planning application 12/00188/DPP for the erection of a two storey extension to dwellinghouse was refused on 30 May; 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 Procedures (Next Stage)**

- 3.1 The next stage in the process is for the LRB to determine the following:
- 1 Whether any further information is required to determine the review.
  - 2 The time and date of the LRB site visit.
  - 3 Whether the site visit shall be accompanied or unaccompanied.
  - 4 Whether the review will progress by way of written representations or by a hearing. (The applicant is requesting that the review progresses by way of written submissions).

- 3.2 The final determination of the review will be scheduled for consideration by the LRB at its meeting 27 November 2012.

#### **4 Supporting Documents**

- 4.1 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). In addition, the applicant has submitted a series of photographs showing other developments within Newtongrange.

These photographs have been uploaded onto the case file and can be viewed online;

- A copy of the case officer's report (Appendix C);
- A copy of the policies stated in the case officer's report (Appendix D);
- A copy of the decision notice issued on 30 May 2012 (Appendix E); and
- A copy of the submitted plans (Appendix F).

## **5 Recommendations**

5.1 It is recommended that the LRB determine:

- 1 Whether any further information is required to determine the review.
- 2 The time and date of the LRB site visit.
- 3 Whether the site visit shall be accompanied or unaccompanied.
- 4 Whether the review will progress by way of written representations or by a hearing.

**16 October 2012**

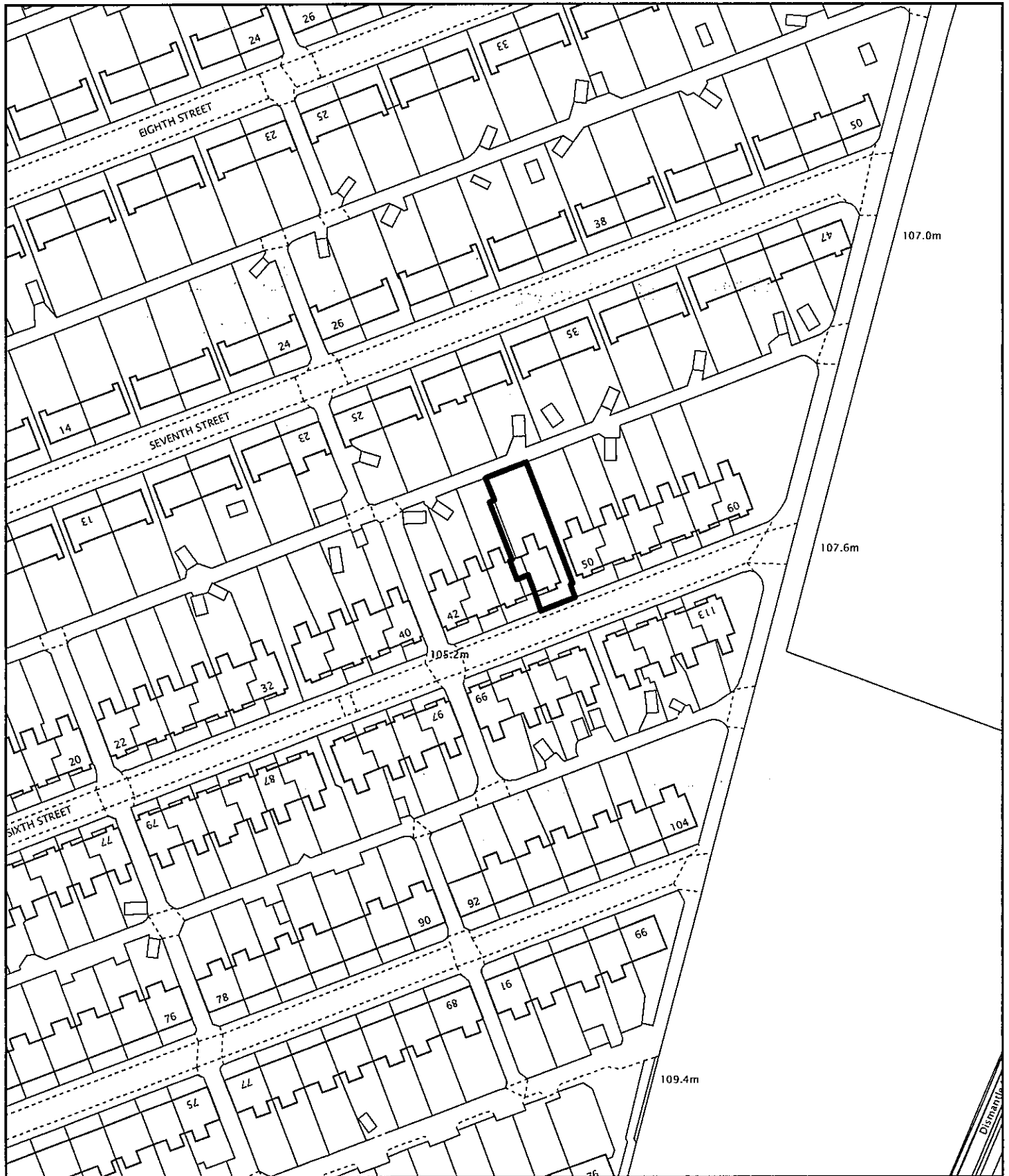
**Report Contact:**

**Peter Arnsdorf, Development Management Manager**

**[peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)**

**Tel No: 0131 271 3310**

**Background Papers: Planning application 12/00188/DPP available for inspection online.**



Midlothian

## Corporate Resources

Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith EH22 3ZQ

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Two storey extension to dwellinghouse at 48 Sixth Street, Newtongrange

# APPENDIX A

File No: 12/00188/DPP

Scale: 1:1,250



# APPENDIX B

## NOTICE OF REVIEW

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

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

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

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title		Ref No.	
Forename	ROY	Forename	JAMES
Surname	BORTHWICK	Surname	BOGIE
Company Name		Company Name	
Building No./Name	48.	Building No./Name	56.
Address Line 1	SIXTH STREET	Address Line 1	BUDINGTON PARK
Address Line 2		Address Line 2	L
Town/City	NEWBONGRANGE	Town/City	EDINBURGH
Postcode	EH22 4LB.	Postcode	EH15 1NY
Telephone	[REDACTED]	Telephone	[REDACTED]
Mobile		Mobile	/
Fax		Fax	/
Email		Email	/

3. Application Details	
Planning authority	MIDLOTHIAN COUNCIL.
Planning authority's application reference number	12/00/08/DPP
Site address	<div style="border: 1px solid black; padding: 5px; margin-bottom: 5px;">           48 SIXTH STREET.            NEWBONGRANGE            EH22 4LB.         </div> <div style="border: 1px solid black; padding: 5px; float: right; text-align: center;">           CORPORATE RESOURCES            FILE:            RECEIVED 29 AUG 2012         </div>
Description of proposed development <div style="border: 1px solid black; padding: 10px; margin-top: 5px;">             PROPOSED REAR EXTENSION &amp; ALTERATIONS.           </div>	

Date of application

29/3/2012

Date of decision (if any)

30/5/2012

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

#### 4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)



Application for approval of matters specified in conditions



#### 5. Reasons for seeking review

Refusal of application by appointed officer



Failure by appointed officer to determine the application within the period allowed for determination of the application



Conditions imposed on consent by appointed officer



#### 6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine 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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions



One or more hearing sessions



Site inspection



Assessment of review documents only, with no further procedure



If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

SEE ATTACHED LETTER DATED 28/8/2012

#### 7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?



Is it possible for the site to be accessed safely, and without barriers to entry?



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

## 8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

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

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

SEE ATTACHED LETTER DATED 28/8/2012

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

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

## 9. List of Documents and Evidence

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

NOTICE OF REVIEW APPLICATION  
DRAWINGS A1 TO A4 INCLUSIVE  
LETTER DATED 28/8/2012  
EXISTING PLANNING APPLICATION REF 12/00188/DPP  
PLANNING REFUSAL REF 12/00188/DPP DATED 30/5/2012

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

## 10. Checklist

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

Full completion of all parts of this form



Statement of your reasons for requesting a review



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

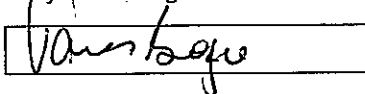


Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

## DECLARATION

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

Signature:



Name:

JAMES BEGGIE

Date:

28/8/2012

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

Date: 28/8/2012

To: THE PLANNING DEPARTMENT

Company: MIDLOTHIAN COUNCIL

From: PAUL BOGIE

Copies to: CLIENT + FILE

Subject: 2 STOREY EXTENSION TO DWELLING HOUSE AT

48 SIXTH STREET, NEWBURN, EH22 4LB

PLANNING

Ref: 12/00188/DPP

DATED: 30/8/2012

CORPORATE RESOURCES

FILE:

RECEIVED 29 AUG 2012

PLANNING REVIEW APPLICATION

DEAR SIR,

FURTHER TO THE REFUSAL OF PLANNING CONSENT RE THE ABOVE WE HEREBY MAKE AN APPLICATION FOR A NOTICE OF REVIEW & ENCLOSE A COPY OF THE APPROPRIATE DRAWINGS. A1 TO A4 INCLUSIVE ALONG WITH RELEVANT DOCUMENTS.

THE FOLLOWING NOTES ARE FOR YOUR CONSIDERATION. THE PROPOSED AMENITY SPACE WOULD BE APPROXIMATELY 213M<sup>2</sup> AS HIGHLIGHTED ON DRAWG NO A3. WHICH IS 1.4 LARGER THAN THE DWELLING/PROPOSAL/GARAGE/STORE.

THE EXISTING DOUBLE GARAGE/EXTERNAL STORE WAS LOCATED TO THE REAR SO THAT CAR PARKING BE PROVIDED FROM THE REAR LANE TO OVERCOME THE PARKING PROBLEM OF PARKING ON BOTH PAVEMENTS AT THE FRONT OF THE PROPERTY.

WITH THE GARAGE/STORE HAVING A PITCHED SLATED ROOF, THIS ACTS AS A SCREENING FOR ADJOINING NEIGHBOURS PROPERTY TO THE PROPOSED EXTENSION.

THE PROPOSED EXTENSION HAS WINDOW TO THE BORMER SOME 3M APPROXIMATELY FROM THE WEST BOUNDARY AND BEING A BATHROOM. WOULD HAVE OBSCURE GLAZING FOR PRIVACY.

THE UPPER FLOOR OF THE PROPOSAL HAS BEEN LOWERED 700MM BELOW THE EXISTING ATTIC FLOOR LEVEL WITH THE RIDGE HEIGHT BELOW THE EXISTING SO NOT TO IMPAIR THE FRONT. RIDGE LINE REF DRAWG NO A3 SECTION A-A.

THE RAFTERS WOULD BE EXPOSED AT THE EAVES WITH SLATES/RHONE/BARKBOARD TO MATCH EXISTING PROFILE & FINISH.



THE CLIENT INTIMATES THERE ARE EXISTING, 1/2/2.  
STORY EXTENSIONS IN THE AREA AND HE WILL FORWARD  
PHOTOGRAPHS UNDER SEPARATE COVER WITHIN THE NEXT 7/10.  
DAYS

IF ANY FURTHER INFORMATION IS REQUIRED PLEASE  
CONTACT THE UNDERSIGNED. AND AWAIT YOUR DECISION  
IN DUE COURSE

YOURS FAITHFULLY  
JAMES BOGIE

## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:** 12/00188/dpp

**Site Address:**

48 Sixth Street, Newtongrange

**Site Description:**

The application property comprises an end terrace single storey former miner's cottage. It has a slate roof with rooflights at the front, white plastic windows and the walls are finished in drydash render. There is an existing single storey extension at the rear measuring 4.08m deep and 2.9m wide adjacent to which is a timber shed/summerhouse, and two dormer windows on the rear elevation of the main part of the house. There is also an existing pitched roof garage/store in the rear garden measuring 6m deep and 8.4m (approx) wide with a 4.2m deep parking area adjacent to the rear access lane.

There is a drop in ground levels towards the rear of the house of approximately 0.6m.

**Proposed Development:**

Extension to dwellinghouse

**Proposed Development Details:**

It is proposed to take down the existing extension and remove one of the dormers at the rear of the house and replace them with an extension with accommodation at ground floor level and within the roof space. The extension measures 4m deep and 8.1m wide. A 1.85m wide dormer is proposed on the south west elevation of the extension. The walls of the extension are to be finished in rough cast render, with white upvc windows and a slate roof.

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

History sheet checked. Of relevance to this application:

06/00233/ful – Extension at no 48 – Single storey kitchen extension – not built.

04/00038/ful – Extension at no 56 – 4m deep and 7m wide with pitched gable end with accommodation at first floor level in roofspace. Built.

**Consultations:**

None required.

**Representations:**

None received.

**Relevant Planning Policies:**

Midlothian Local Plan 2008

RP20 – Development within the built-up area

DP6 – House Extensions

SPG – Rear extensions to single storey, terraced and semi-detached houses.

**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.

Policy RP20 seeks to protect the character and amenity of the built-up area.

Policy DP6 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.

The pitched roof design of the extension and the proposed materials are sympathetic to the character of the existing building.

However the width of the extension does not comply with the SPG. The recent amendment to the General Permitted Development Order would allow an extension the same width as that currently proposed however limited to single storey with the ridge not exceeding 4m in height. The ridge of the proposed extension is approximately 6.5m. At 8.1m wide and 6.5m high the proposed extension would appear as a large, bulky addition detracting from the character and appearance of the existing building. The extension will be visible from surrounding properties and the access lane to the rear of the property.

Whilst there is an existing shed/summerhouse adjacent to the existing outshot this could be relatively easily removed from the site and is of a much smaller scale than the current proposal.

Also of particular concern is that in combination with the existing large, pitched roof garage in the rear garden the useable rear garden area at the application site would be compromised. Excluding the parking/storage area to the rear of the garage the useable garden area would be permanently reduced to approximately 50.4m<sup>2</sup> with only 4.5m (approx) between the rear of the extension and the garage. As result of the scale of the proposed extension the usable rear garden area would be very cramped. This would be detrimental to the amenity of the property and the general character of the surrounding area. The current occupants may consider the proposed resultant level of private outdoor space to be adequate for their needs, however the Planning Authority must also consider the amenity of future occupants. Ignoring the area of hardstanding at the rear of the garage the proposal does not exceed the provisions for site coverage contained within the recent amendment to the General Permitted Development Order albeit not of the scale of the proposed development. Whilst there is a similar extension at no 56 it is not as wide as the current proposal and has a larger more useable garden area remaining.

The proposed extension would represent an overdevelopment of the plot that would affect the character and amenity of the existing building and the character of the surrounding area. Whilst the amended permitted development regulations allow for generous levels of development within residential back gardens this is not sufficient justification to allow development proposals that would further erode the residential amenity of the area.

If approval were to be given for the present proposal it would be very difficult to resist similar developments in adjacent and nearby rear gardens. The cumulative effect would be detrimental to the character and amenity of the existing buildings and would lead to a deterioration of the general character and amenity of the surrounding area.

**Impact on neighbours:**

On balance overshadowing as a result of the extension is not sufficient to warrant refusal of planning permission.

Satisfies standard 45 degree daylight test to nearest window at no 50. The extension will be prominent as viewed from no 50's garden, however it will not be so dominant as to warrant refusal of planning permission. The rooflight proposed on the north east elevation could potentially result in direct overlooking of the rear garden at no 50 Sixth Street. Should planning permission be forthcoming a condition could be attached requiring the rooflight to be repositioned higher up the roof slope to minimise overlooking.

No 46 – The dormer proposed on the south west elevation of the extension serves a shower room. This could potentially result in direct overlooking of the rear garden at no 46 Sixth Street. Should planning permission be forthcoming a condition could be attached requiring the window to be obscure glazed to minimise overlooking.

No 46 has an existing kitchen outshot at the rear located 1.7m from the boundary with no 48. It has a window on the north east side which is the only source of natural light to this room. The window looks on to the existing outshot at no 48 which is located 4m off the boundary. The proposed development will bring the building closer to no 46 and the extension will be a prominent feature as viewed from this window however will not be so overly dominant to the outlook, as compared to the existing situation/what could be carried out as permitted development, to warrant refusal of planning permission. A vertical sky component daylight test has been carried out for this window. Daylight to this window will not be significantly affected as compared to the existing situation. The extension will not be overly dominant to the outlook from the garden of no 46.

The impact on the amenity of neighbouring properties does not in itself warrant refusal of planning permission, however supports the conclusion that the proposal constitutes overdevelopment.

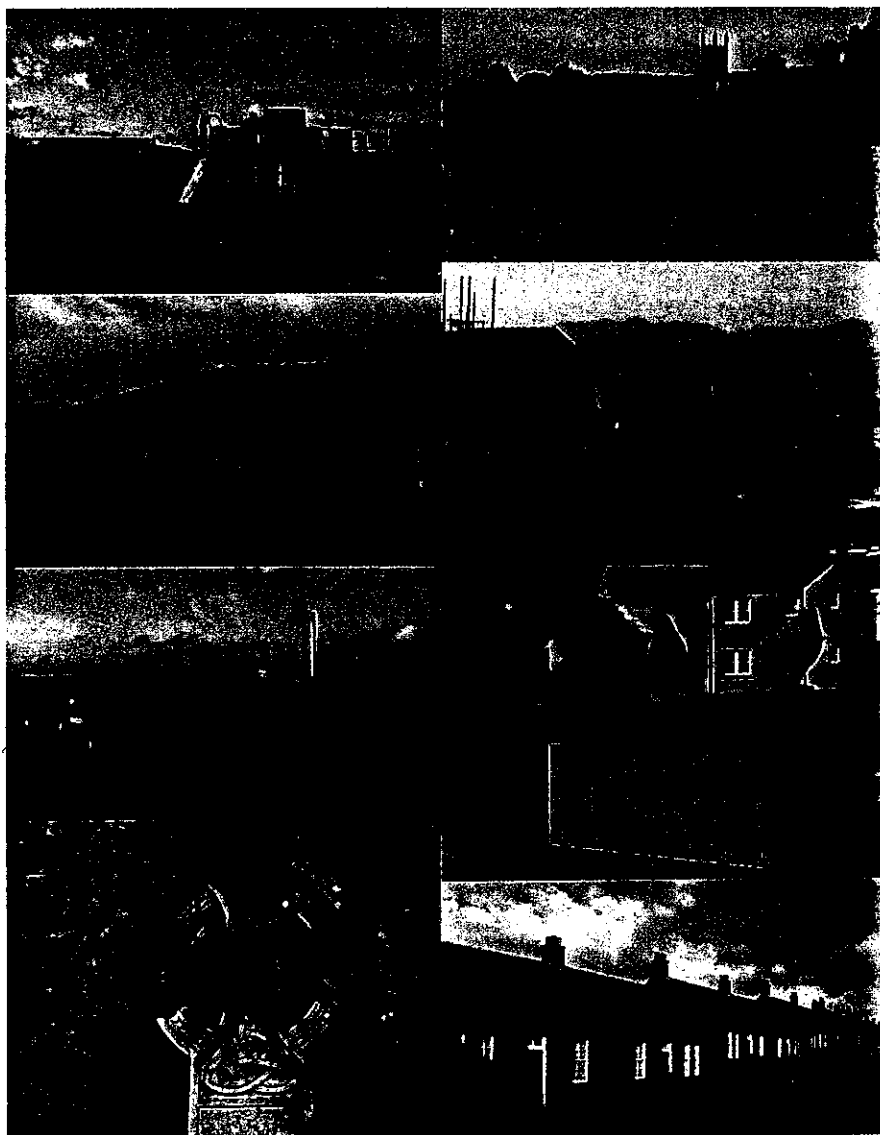
**Recommendation:**

**Refuse planning permission**

# Midlothian

APPENDIX D

## Midlothian Local Plan



Midlothian



## 2.2 The Built Heritage

### Policy Title

#### RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

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

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

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

enhancing the amenity of all urban areas to safeguard and improve the quality of life of residents of the Lothians. Policy ENV1G requires local plans, in encouraging the development of infill sites, the redevelopment of brownfield land and the conversion of existing buildings, to promote a high quality of design in all new development.

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

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

#### RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

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

## 4.6 House Extensions

### DP6 HOUSE EXTENSIONS

#### 1 Background

While increasing the accommodation of a house, extensions can also add to their architectural interest. It is important that they do not detract from the appearance of the property or that of neighbouring houses. Extensions that reflect the style of the original are most likely to be successful. Novel architectural solutions can also be acceptable.

In providing additional space for the existing building, there should be no material loss of amenity for adjoining houses.

#### 2 Detailed Requirements

Extensions to existing houses must be well designed and must maintain or enhance the appearance of the house and the locality. The design of extensions should take account of the guidelines summarised below:

- a) the size of the extension should be clearly subservient to the original property;
- b) matching or complementary external wall and roof materials should be used;
- c) use of facing brick for an extension to a stone building and use of concrete tiles where the existing roof is slate or clay tiles should be avoided;
- d) the roof pitches should match those of the existing roof;
- e) architectural detailing, scale and proportion should be similar to the existing;
- f) when extending in the same plane, especially if changes in external materials are to be used or if it is likely to be difficult to obtain a close match, a break or step from the main building should be pointed;
- g) extensions must not block, to a material extent, sunlight from reaching adjoining gardens;
- h) extensions must not result in loss of privacy for neighbouring property;
- i) an adequate garden area must remain after the house has been extended; and
- j) extensions which are two or more storeys high must incorporate a pitched roof unless the existing roof is flat.

#### 3 Front Porches

Front porches to detached or semi-detached houses are usually acceptable where their design follows the principles described above, provided they project less than two metres out from the front of the house.

#### 4 Dormer Extensions

Dormer extensions should incorporate dormer "windows" rather than a "box" dormer. The dormers should not extend other than to a limited extent beyond the glazed area. Windows should line up with any existing ones below. Dormers should not rise off the wall head, nor rise above the existing ridge level, nor occupy a predominant proportion of the existing roof area.

Large dormers to the front of a house can be an incongruous feature, especially in a street with no other roof level extensions. In such cases, use of velux roof lights may be an acceptable alternative.

**Note: Supplementary planning guidance is available on Dormer Extensions and on Rear Extensions to Single Storey Semi-Detached and Terraced Houses.**

## **SUPPLEMENTARY PLANNING GUIDANCE**

### **REAR EXTENSIONS TO SINGLE STOREY TERRACED AND SEMI DETACHED HOUSES**

#### **1 INTRODUCTION**

1. When householders require additional space, building an extension onto their existing home is seen by many as preferable to moving to a new larger property. This may be in response to escalating house prices and the desire to remain in a certain locality for personal reasons. In other cases people choose to move to a property which may not be of sufficient size but is in their preferred location. In such cases their choice of property is based on the premise that they will be allowed to extend it to meet their requirements.
2. In the last few years the Council has received an increasing number of applications for extensions, many of them large, to be built at the rear of older single storey semi-detached and terraced houses. The applications have particularly concerned the pre-war former workers cottages, typically found in Newtongrange, Rosewell, Easthouses and also Bonnyrigg. The proposals usually comprise accommodation at ground floor level and often also at first floor level in the roof space.
3. While the majority of applications are for modest extensions, a minority involves substantial increases in floor space. It is also noticeable that the size of extension appears to have been steadily increasing. Two issues are raised by the large size of some of the extensions.
4. The first is the scale of development proposed in relation to the existing house. Of particular concern is the impact of large bulky extensions on the character of existing single storey traditional properties, which are relatively modest in scale. Whilst the extensions are to the rear, some constitute a disproportionate addition, out of scale with the existing house. The result is that the existing house becomes swamped by the extension, with its original character lost at the rear.
5. A related concern is the danger of progressively reducing the sizes of gardens while increasing the footprint of the building. Without care there is potential for the relatively open character of the rear areas to these properties to be lost through over development.
6. The second issue is the effect of large extensions on neighbours. The effect of the extensions on sunlight and daylight will depend on such factors as orientation and the position of windows on neighbouring properties. It may not be significant in some instances. However, depending on the depth, width and roof height and design, the extensions can appear as a very dominant feature from neighbouring properties. This is particularly a problem where extensions are built close to the boundary with the immediately adjoining house. The extension can have an overbearing impact with a detrimental impact on the amenity of the occupier of the neighbouring property, significantly affecting their enjoyment of their rear garden.
7. The principal concerns for the Planning Authority is that extensions do not look out of place and spoil the appearance of the house or surrounding area and that they do not have an adverse effect on the amenity of neighbouring property. The Council has formulated detailed policy for house extensions which is contained in the Local Plan. The policy sets out a series of general requirements for extensions, as well as several specific policies for dormers and front porches. This guideline explains how the Council wishes the policy to be put into practice particularly for rear extensions to single storey traditional terraced and semi detached properties. However it can also be applied to modern developments where circumstances are similar (i.e. single storey semi-detached and terraced houses).
8. The purpose of this guide is also to assist applicants and their agents. By explaining the Council's policy for this type of extension it will hopefully avoid problems at an early stage, saving valuable time during the processing of the planning application. It should be noted however that compliance with the guidelines does not automatically guarantee approval of planning permission.



## GENERAL REQUIREMENTS

9. While increasing the accommodation of a house, extensions can also add to their architectural interest. It is important that they do not detract from the appearance of the property or result in a material loss to the amenity of neighbouring houses. Extensions that reflect the style of the original are most likely to be successful. Novel architectural solutions, however, can also be acceptable.

### Scale and proportion

10. Normally the size of an extension should be clearly subservient to the original property. Notwithstanding that the extension is to the rear it is important that its size does not remove all trace of the original property. It should also relate to the proportions and massing of the original building and not be too imposing on adjoining property. These objectives can be met, while still providing for a substantial extension, by observing the following criteria:
- the width of the extension to the rear of dwellinghouses shall not exceed the depth of the original house and in general should be at least 2m less than the width of the original house: extensions shall not exceed 8 metres in width.

### Roofs

11. Normally roof pitches of extensions should match those of the existing roof. The roof of the extension (unless a single storey flat roof extension) should be either hipped or pitched with a gable end. It will not be acceptable to have sections of flat roof incorporated into the design of the roof as a means of increasing accommodation within the roof space. Additionally,
- Single storey flat roof extensions to the rear of dwellinghouses shall not exceed 3m in depth (beyond this size the disparity between the appearance of a flat roofed extension and the original house with its pitched roof will become more noticeable);
  - Extensions up to 4 metres in depth may have either a gable pitched roof or a hipped roof;
  - Extensions between 4 and 5 metres in depth shall, (to reduce the adverse visual effect of large extensions on the neighbouring property) in general have a hipped roof with its ridge preferably below the ridge of the original house; and
  - The ridge of the extension shall not in any circumstances exceed the height of the ridge of the main roof.

### Architectural details

12. Architectural detailing, scale and proportion should be similar to the existing.

### Amenity: Effect on neighbours

13. *Privacy.* Extensions must not result in a material loss of privacy for neighbouring property as a consequence of overlooking areas of adjoining gardens or house windows previously not directly overlooked from an upper floor or not previously subject to a direct line of sight from a ground floor window. As regards overlooking from the extension's ground floor windows this issue may be resolvable by the erection of a suitably sized wall or fence. Any upper floor windows must observe a distance of 25 metres from the vertical face of a building containing windows visible from the extension. This distance may be reduced to that of the distance of any adjoining buildings, if these already overlook the window in question.
14. *Visual impact.* To keep the visual impact of an extension from the neighbouring property to an acceptable level, and subject to meeting the other criteria within these guidelines, any extension may not extend beyond 5.0 metres down a shared boundary from the rear of the house.

15. *Daylight.* An extension must not by reason of its height, length or proximity to the boundary have a material impact on the daylight received by the window of a habitable room in a neighbour's house. As a general guide, an extension meeting the '45 degree rule' will normally be assumed not to have a material impact on daylight received by the affected window. For applicants and agents unfamiliar with this test further details can be obtained from the Council.
16. *Sunlight.* An extension should not have a significant impact on the sunlight falling on a neighbour's garden. Relevant issues in the assessment of this issue will be the extent to which the erection of buildings over the neighbouring garden has already reduced its capacity to enjoy sunlight.

**Amenity: garden ground**

17. An adequate garden area must remain after the house has been extended. The traditional single storey terraces and semi-detached properties in Midlothian often have small front gardens and relatively large private rear garden areas. The latter are normally accessed by private lanes. The rear private open space provides land not only for gardens but it also often accommodates garages and parking areas as well as sheds and greenhouses. Extensions should not result in all or a substantial part of the usable rear garden being removed. The original rear areas of many of these houses were long garden areas, in excess of 16 metres. In these and similar properties no more than a third of the length of the rear areas should be extended over. Where applicants wish to build over a greater proportion of the rear area it will be necessary for them to demonstrate that an adequate garden is being retained.

**Larger extensions**

18. In some limited circumstances extensions over 5 metres in depth may be possible. Their acceptability will be subject to the design and scale of the extension not detracting from the character of the original house and the extension not affecting the amenity of neighbouring property to a significant extent, and satisfying the following criteria. Extensions over 5 metres in depth will be set in one metre from the plot boundary and they shall:
- be set a minimum distance of 1 metre from the shared boundary with neighbouring property to either side, for each and every increase in depth of a metre, or a part of a metre;
  - have their ridge a minimum of 0.5m below the ridge of the original house; and
  - the area of the extension shall not exceed the maximum area permissible in terms of the criteria set out in 10 and 14.
19. The following specific advice relates to proposals for rear extensions to the properties such as on the north side of Tenth Street, Newtongrange where there is a significant change in levels from the front of the properties to the rear, resulting in very bulky extensions to the rear.
- Extensions to the rear of properties shall not extend across more than 2/3 of the width of the rear elevation of the original dwellinghouse or 7 metres whichever is the lesser;
  - Any extension shall not exceed 5 metres in depth;
  - Extensions up to 4 metres in depth may have either a gable pitched roof or hipped roof;
  - Extensions between 4 and 5 metres in depth shall have a hipped roof with its ridge a minimum of 0.5m below the ridge of the original house;
  - Two storey extensions to the rear of these properties shall not extend across more than half of the width of the rear elevation of the original dwellinghouse or 5 metres whichever is the lesser and shall not exceed 4 metres in depth and have a hipped roof with its ridge a minimum of 1.0 metre below the ridge of the original house.

### **Speaking to the neighbours**

20. You will be required to formally notify your neighbours when you submit your planning application. Although it is not a legal requirement, speaking to your neighbours about your proposals well in advance of this formal stage will be beneficial to you in submitting any planning application. Often people are concerned when there are building works close to their home. If they have been well informed and understand your intentions they may be less likely to object to the extension you wish to build. Uncertainty and misunderstandings can lead to objections. These can increase the time it will take to process your application. This is because additional procedures are triggered which require the Council to take full account of any third party representations.

### **Further Information**

21. While these guidelines apply to the whole of Midlothian it should be noted that in **conservation areas** additional requirements are likely to be in force. Similarly, the controls relating to **listed buildings** may result in dormer extensions not being possible. If you are unsure as to whether your building is in a conservation area or is a listed building please contact the Planning Information Officer (telephone number 0131 271 3302).

# Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

# APPENDIX E

Reg. No. 12/00188/DPP

Mr James Bogie  
56 Duddingston Park  
Edinburgh  
EH15 1JY

Midlothian Council, as Planning Authority, having considered the application by Mr Roy Borthwick, 48 Sixth Street, Newtongrange, EH22 4LB, , which was registered on 29 March 2012 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Two storey extension to dwellinghouse at 48 Sixth Street, Newtongrange, Midlothian, EH22 4LA** in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Proposed elevations	A1 1:50, 1:100	29.03.2012
Proposed floor plan	A2 1:50, 1:100	29.03.2012
Location Plan	A3 1:1250, 1:200, 1:50	29.03.2012

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

1. *The proposed extension is unsympathetic to the appearance of the dwellinghouse in terms of its massing and as a result would appear as a bulky addition to the house detracting from its overall character and appearance.*
2. *As a result of the unsatisfactory relationship of the extension to the existing building, the proposed extension would have a detrimental impact on the visual amenity of the surrounding residential environment.*
3. *The proposed extension in combination with the garage and vehicular hardstanding would compromise the usable rear garden area, detrimental to the amenity of the application property and the character of the surrounding area.*
4. *If approval were to be given for the present proposal it would be very difficult to resist other similar development in adjacent and nearby rear gardens, the cumulative effect of such development would be detrimental to the character and amenity of the existing buildings and would lead to a deterioration of the general amenity and character of the surrounding area.*
5. *For the above reasons the proposal is contrary to policies RP20 and DP6 of the adopted Midlothian Local Plan. If the proposal were approved it would undermine the consistent implementation of these policies, the objective of which is to protect the character and amenity of the built-up area.*

Dated 30 / 05 /2012



.....  
Joyce Learmonth

Principal Planning Officer, Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

## PLEASE NOTE

*If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town & Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to The Development Manager, Development Management Section, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3ZN. A notice of review form is available from the same address and will also be made available online at [www.midlothian.gov.uk](http://www.midlothian.gov.uk)*

*If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.*

### Prior to Commencement (Notice of Initiation of Development)

*Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing. Failure to do so would be a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006). A copy of the Notice of Initiation of Development is available on the Council's web site [www.midlothian.gov.uk](http://www.midlothian.gov.uk)*

## IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION

### Making an application

*Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.*

### Making comment on an application

*Please note that any information, consultation response, objection or supporting letters submitted in relation to a planning application, will be published on the Council's website.*

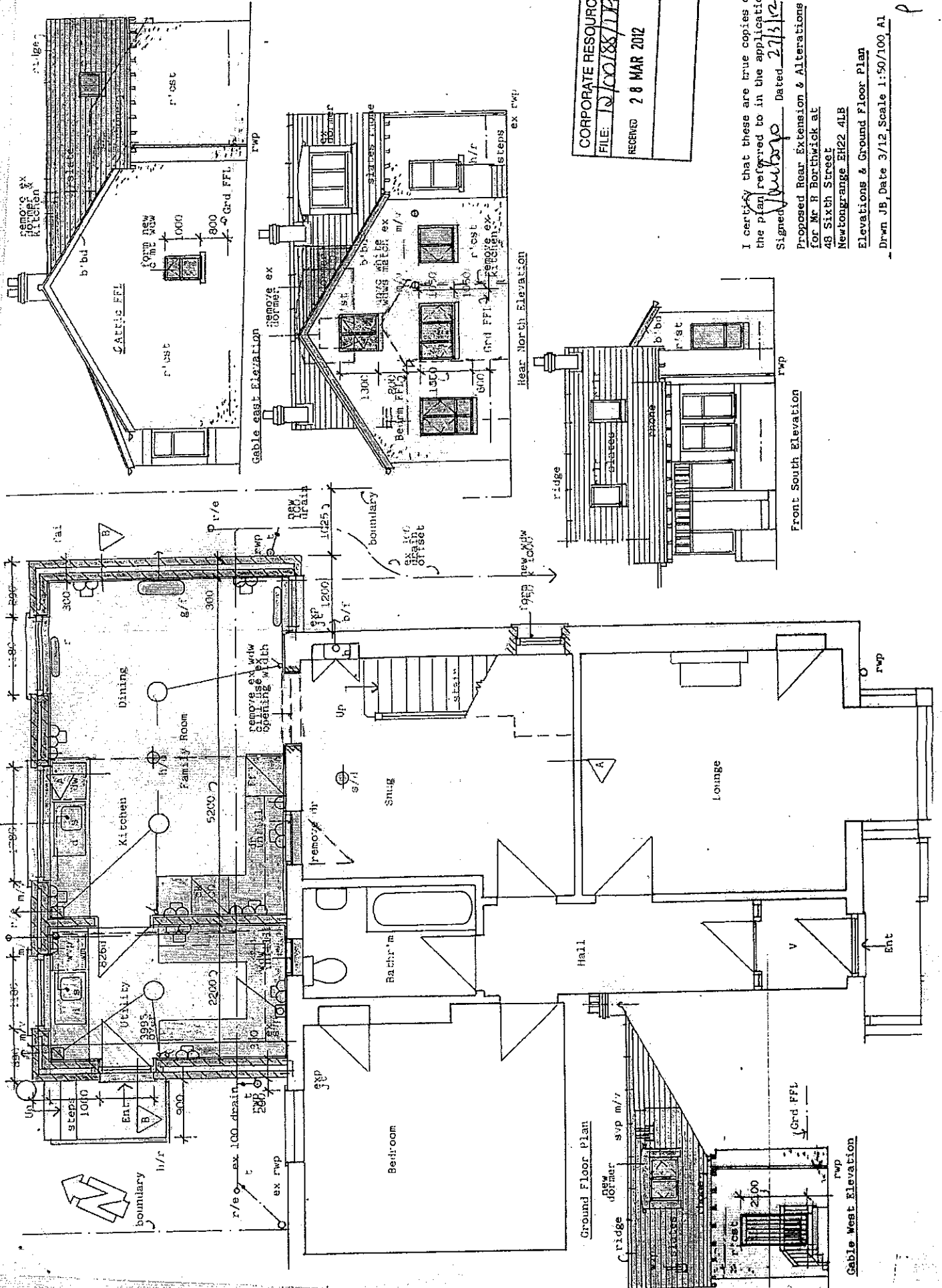
*The planning authority will redact personal information in accordance with its redaction policy and use its discretion to redact any comments or information it considers to be derogatory or offensive. However, it is important to note that the publishing of comments and views expressed in letters and reports submitted by applicants, consultees and representors on the Council's website, does not mean that the planning authority agrees or endorses these views, or confirms any statements of fact to be correct.*

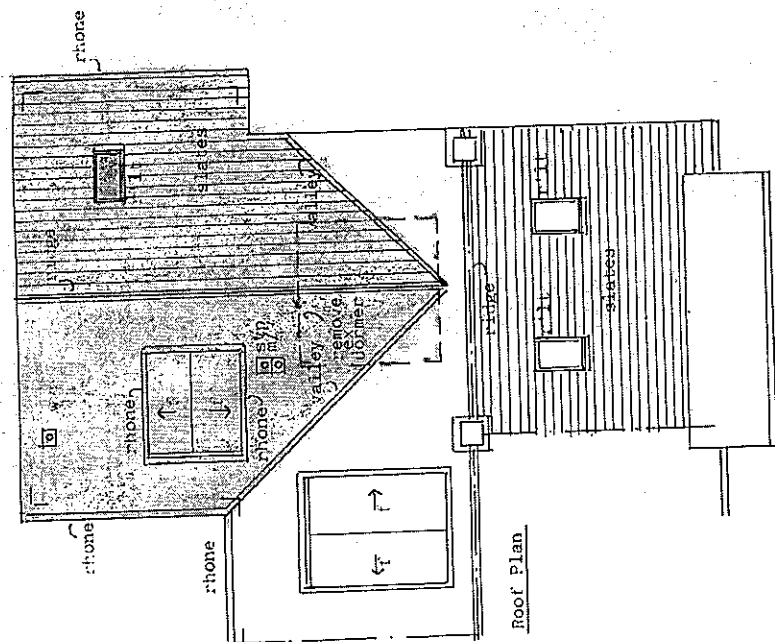
# APPENDIX F

CORPORATE RESOURCES
FILE: 12/00/88/177
RECEIVED 28 MAR 2012

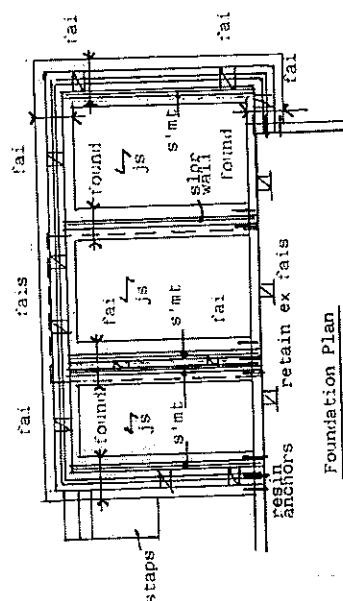
I certify that these are true copies of the plan referred to in the application  
 Signed John Doe Dated 27/3/12

Proposed Rear Extension & Alterations  
 for Mr R Northwick at  
 48 Sixth Street  
 Newtowngrange EH22 4LB  
 Elevations & Ground Floor Plan  
 Drwn JB Date 3/12 Scale 1:50/100 A1





Roof Plan



Foundation Plan

CORPORATE RESOURCES  
FILE: 1310158/000  
RECEIVED 28 MAR 2012

I certify that these are true copies of the ~~plan~~ referred to in the application

Signed Garber Dated 27/3/12

Proposed Rear Extension & Alterations

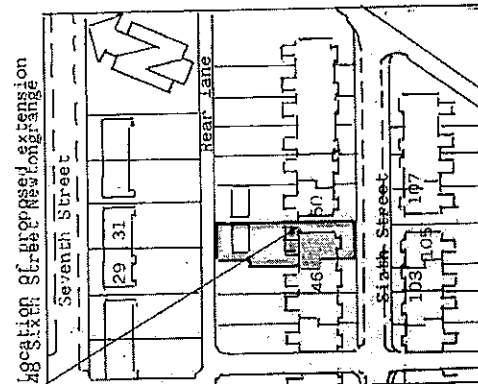
for Mr R Borthwick at

48 Sixth Street  
Newtongrange EH22 4LB

## Foundation Roof & Attic Floor Plans

Drawn JB Date 3/12 Scale 1:50/100, A2





I certify that these are true copies of the plan referred to in the application

Scale 1:200

Site Plan

Signed Varun Saxena Dated 22/3/12

Proposed Rear Extension & Alterations

for Mr R Borthwick at

48 Sixth Street

Newtongrange EH22 4LB

## Sections, Location & Site Plans

Drwn JB, Date 3/12, Scale 1:50, A3

Site Location **CORPORATE RESOURCES**

2018/08/02

RECEIVED 28 MAR 2012

Section Thro




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