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Midlothian Council Licence No. 100023416 (2012)

File No: 11/00748/DPP

Scale: 1:1,250



	- AM					
Midlothian						
Fairfield House 8 Lothian Road Dalkeith EH22 3ZN						
Tel: 0131 271 3302						
Fax: 0131 271 3537						
Email: planning-applications	@midlothian.gov.uk					
Planning Department						
Applications cannot be valid	lated until all necessary documentation	has been submitted and the re	equired fee has been paid.			
Thank you for completing th	is application form:					
ONLINE REFERENCE	000036598-001					
The online ref number is the when your form is validated.	unique reference for your online form Please quote this reference if you ne	only. The Planning Authority wed to contact the Planning Auth	ill allocate an Application Number ority about this application.			
Applicant or Ag	ent 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:	James Clydesdale & Associates	You must enter a Building Name or Number, or both:*				
Ref. Number:		Building Name:	The Studio			
First Name: *	James	Building Number:	11			
Last Name: *	Clydesdale	Address 1 (Street): *	Mortonhall Road			
Telephone Number: *	0131 662 9339	Address 2:				
Extension Number:		Town/City: *	Edinburgh			
Mobile Number:		Country: *	UK			
Fax Number:	0131 662 9449	Postcode: *	EH9 2HS			
Email Address: *	james@jamesclydesdale.com					
Is the applicant an individua	or an organisation/corporate entity? *					
✓ Individual ☐ Organi	isation/Corporate entity					

Applicant Deta	ails				
Please enter Applicant de	etails				
Title: *	Mr	You must enter a Building both:*	You must enter a Building Name or Number, or both:*		
Other Title:		Building Name:			
First Name: *	Les	Building Number:	5		
Last Name: *	Porteous	Address 1 (Street): *	Station Road		
Company/Organisation:		Address 2:			
Telephone Number:		Town/City: *	Gorebridge		
Extension Number:		Country: *	ик		
Mobile Number:		Postcode: *	EH23 4JX		
Fax Number:			L		
Email Address:					
Address 1: Address 2: Address 3: Address 4: Please identify/describe to	the location of the site or sites.	Address 5: Town/City/Settlement: Post Code:			
16 Temple Gorebridge M	fidlothian EH23 4SQ				
Northing		Easting			
application form, or as an (Max 500 characters)	ion of the proposal to which yo nended with the agreement of t	our review relates. The description should the planning authority: * place existing door (part retrospective)	d be the same as given in the		

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) – 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 believe the polices reference RP20 and RP22 have been applied with excess rigour in relation to this particular application and				
having due regard to the wide varience of similar intrusions to the streetscape elsewhere in Temple village. We will submit photographs to demonstrate this varience in the hope that it may provide support for the appelants case.				
Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? *				
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)				
Floor Plan drawing as existing - Ref 1082 - 01				
Floor Plan drawing as proposed - Ref 1082 - 02Rev F Elevation drawing existing and proposed - Ref 1082 - 06Rev F				
Site Location Plan - Ref 1082 - 03				
Enclosing letter E-mail received from Midlothian Planning 12-03-2012				
Application Details				
Please provide details of the application and decision.				
What is the application reference number? * 11/00748/DPP				
What date was the application submitted to the planning authority? * 02/11/11				
Has a decision been made by the planning authority? *				
What date was the decision issued by the planning authority? * 13/12/11				

Review Procedure	9		
process require that further infor	ide on the procedure to be used to determine your revier mation or representations be made to enable them to diation of procedures, such as: written submissions; the hospifect of the review case.	etermine the review. F	urther information may
Can this review continue to a co parties only, without any further	nclusion, in your opinion, based on a review of the relev procedures? For example, written submission, hearing s	ant information provide session, site inspection	ed by yourself and other n. *
☑ Yes ☐ No			
In the event that the Local Revie	ew Body appointed to consider your application decides	to inspect the site, in y	our opinion:
Can the site be clearly seen from	n a road or public land? *	✓ Yes	☐ No
Is it possible for the site to be ac	ccessed safely and without barriers to entry? *	✓ Yes	☐ No
Checklist - Applic	ation for Notice of Review		
Please complete the following cl Failure to submit all this informa	hecklist to make sure you have provided all the necessa tion may result in your appeal being deemed invalid.	ary information in suppo	ort of your appeal.
Have you provided the name an	d address of the applicant? *		☑ Yes ☐ No
Have you provided the date and	reference number of the application which is the subject	ct of this review? *	✓ Yes ☐ No
If you are the agent, acting on b address and indicated whether a should be sent to you or the app	ehalf of the applicant, have you provided details of your any notice or correspondence required in connection wit olicant? *	name and th the review	
			✓ Yes ☐ No ☐ N/A
Have you provided a statement (or combination of procedures)	setting out your reasons for requiring a review and by w you wish the review to be conducted? *	hat procedure	✓ Yes No
require to be taken into account at a later date. It is therefore es	ny you are seeking a review on your application. Your s in determining your review. You may not have a further sential that you submit with your notice of review, all ne- lody to consider as part of your review.	r opportunity to add to	vour statement of review
Please attach a copy of all docu drawings) which are now the su	ments, material and evidence which you intend to rely object of this review *	on (e.g. plans and	✓ Yes ☐ No
 planning condition or where it re 	to a further application e.g. renewal of planning permiss elates to an application for approval of matters specified pproved plans and decision notice (if any) from the earli	in conditions, it is advi:	riation or removal of a sable to provide the
Declare - Notice of	of Review		
I/We the applicant/agent certify	that this is an application for review on the grounds state	ed.	
Declaration Name:	James Clydesdale		
Declaration Date:	12/03/2012		
Submission Date:	12/03/2012		



MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

TEARWING AT LIGATION BELLOATED WORKSTILLT.

Planning Application Reference:

11/00748/DPP

Site Address:

16 Temple.

Site Description:

The application site covers two dwellinghouses which have been converted into one. One section is one and a half storey with stone walls, slate roof and white painted timber window frames. The other section is a single storey stone built building with a pantile roof and white painted timber framed windows. There is a garage adjacent to the single storey section which is set back from the front building line and is of matching materials. The window frames on the rear elevation are brown timber. The application site is within the Temple and Arniston Conservation Area.

Proposed Development:

Installation of rooflights and installation of window to replace existing door.

Proposed Development Details:

Two rooflights are proposed on the both the front and rear elevations, measuring 0.5 metres by 0.8 metres. The rooflights are in place.

It is also proposed to replace an existing door on the front elevation with a full height window.

A vent is to be on the rear elevation.

The plans show a new door to be installed on the rear elevation. There are no details of the new door. The plans also do not show an existing conservatory to the rear of the site. The windows on the rear elevation appear to have been recently replaced, however this is not detailed in the application.

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

64/92 36-38 Temple Installation of rooflight. Consent with conditions.

Consultations:

No consultations were required.

Representations:

No representations were received.

Relevant Planning Policies:

Midlothian Local Plan RP20 Development within the built up area RP22 Conservation areas

Temple and Arniston Conservation Area Draft Conservation Area Appraisal

Planning Issues:

Policy RP20 states that development will not be permitted where it is likely to detract materially from the existing character or amenity of the area. Policy RP22 states that development will not be permitted which would have any adverse effect on the character and appearance of the conservation area. In addition, it states that it will be ensured that all alterations preserve or enhance the character and appearance of the conservation area.

The existing house is located within the village of Temple. This village is made up of traditional buildings constructed in traditional materials. The front elevations are traditional in design, scale and character and relatively unaltered.

The draft Conservation Area Appraisal for Temple and Arniston states that, apart from 1-10 Temple Park, there are few 20th Century developments and the village has retained much of it's historic and architectural character. The traditional design and simple style of buildings is emphasised through the Appraisal. The Appraisal states that rooflights are often important features and new ones should be carefully designed to relate to existing.

The rooflights detailed in the current application have been installed at the site. These are flush with the plane of the roof. The windows on the front elevation are a dominant visual feature when viewing the front elevation, due to the dark frames set on a pantile roof. These appear out of character of the traditional front elevation of this traditional dwellinghouse. In addition, these do not relate to any existing rooflights at this area of Temple Village.

There is only one property in the village with a rooflight on the front elevation, which looks out of place on the front elevation. This is to the south of the village, approximately 150 metres away at number 36-38 Temple. In the course of considering the application, the size of the rooflight was reduced due to concerns over the impact on the building and suggested that the rooflight be moved to the rear elevation, which was not possible. Although planning permission was granted for this rooflight, this was in 1992 prior to the draft Conservation Area Appraisal being published. This rooflight is smaller than those proposed at the current application site, and positioned on a smaller area of roof. Although there is another rooflight in

the village, the poor impact that it has on the character of the area serves as an example of why such rooflights should not be approved on the front elevation of these traditional dwellinghouses.

Although there is a similar rooflight in the village, the impact on the appearance of the dwellinghouse is such that it would be not acceptable for this to be replicated elsewhere in the village. The size and the positioning of the proposed rooflights are such that these detract from the character and appearance of the dwellinghouse. Due to there being only one similar rooflight in the area and the appearance of this, the proposed rooflights on the front elevation of the application site are not considered to be acceptable. These would be out of keeping with the existing dwellinghouse and surrounding conservation area.

A number of properties within Temple have rooflights and dormer windows on the rear elevation. The village is linear with no development to the rear of the properties but open fields. The visual impact of such alterations to the rear of the properties is limited in terms of the conservation area. There is an existing rooflight on the rear elevation and the installation of a further two would not adversely affect the character and appearance of the conservation area.

It is proposed to remove an existing door on the front elevation and replace this with a full height glazed window. This would have a modern appearance, which would be out of keeping with the traditional character and appearance of the building and surrounding conservation areas. There are more modern alterations and additions to the rear of the properties in the area, as noted above. However, this is not considered to be acceptable on the front elevation.

Recommendation:

It is recommended that planning permission be refused for the following reasons:

The installation of the proposed rooflights and full height window on the front elevation of the property would have a detrimental impact on the character and appearance of the surrounding Conservation Area and as such the proposal is contrary to policies RP20 and RP22 of the adopted Midlothian Local Plan.

Given the proposal to refuse this retrospective work there may be a need to involve the enforcement team in follow-up work.

APPENDIX D Midlothian Local Plan





Midlothian Local Plan

ADOPTED BY RESOLUTION OF MIDLOTHIAN COUNCIL ON 23 DECEMBER 2008

This Plan has been produced by the Planning Unit Strategic Services

> Midlothian Council Fairfield House 8 Lothian Road Dalkeith Midlothian EH22 3ZN

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".
- by 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 ENVIG 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.
- Policy RP20 applies to the existing built-up 2.2.5 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.

Policy and Proposal Titles

RP22 CONSERVATION AREAS

RP23 CONSERVATION AREAS – AMENDMENTS (PROPOSAL)

RP24 LISTED BUILDINGS

- National Planning Policy Special controls 2.2.9 in respect of buildings and areas of special architectural or historic interest are brought into force under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Under this Act, the Scottish Ministers are required to compile a list of buildings of special architectural or historical interest (listed buildings). Local authorities are required to determine if there are areas of special architectural or historic interest (conservation areas) and if so, to designate these. Both are afforded additional protection through development plan policies seeking to preserve and enhance their character and appearance whilst taking into account that such areas must function successfully as places for social and economic activity. Guidance is set out in NPPG 18 Planning and the Historic Environment and in Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas.
- 2.2.10 Structure Plan Policy Strategic policy takes on board conservation objectives in conservation areas, and in urban areas generally, and supports the conservation of all listed buildings. ELSP policies ENV1 and ENV10 require that policies for maintaining and enhancing conservation areas, and protecting all listed buildings and their settings, are contained in local plans.
- 2.2.11 Local Plan Policy Midlothian's towns and villages have many historically and architecturally interesting areas and individual buildings of special architectural or historic interest. These contribute to the distinctive character of the urban and rural environment and to the quality of life in Midlothian generally. As part of our heritage, they are valuable for education, recreation and tourism.
- 2.2.12 Conservation area and listed building status does not mean that development, including new building and alterations to existing buildings, is necessarily opposed. Development proposals must be of an appropriate character, scale and appearance. Consideration requires to be given to opportunities for the preservation and enhancement of these important areas. Policies RP22 and RP24 set out the requirements where new development is proposed in conservation areas, or affecting listed buildings,

and identify where there is scope for enhancing any special qualities.

- Minor changes to properties, which 2.2.13 normally would not require planning consent, could erode the character and appearance of a conservation area. In Midlothian's Conservation Areas, the Council has put in place Article 4 Direction Orders to remove permitted development rights in order to ensure control over all changes. Requirements specific to individual Conservation Areas (Newtongrange, Broomieknowe and Lasswade & Kevock) are contained in detailed policy DP5. Supplementary planning guidance specific to other Conservation Areas may be approved during the lifetime of the Plan. Work is currently in progress to prepare Conservation Area appraisals for all of Midlothian's Conservation Areas and, when approved as supplementary planning guidance, these will assist with planning decisions relating to development proposals and also help to guide any future enhancement schemes. Conservation Area appraisals and any subsequent enhancement schemes will be the subject of consultation with appropriate organisations including community groups.
- There are twenty designated Conservation Areas in Midlothian, three of which are classified as outstanding for grant purposes. Defined on the Local Plan Proposals Map, their locations are: Borthwick & Crichton (outstanding), Broomieknowe, Carrington, Dalkeith (outstanding), Dewartown, Edgehead, Eskbank & Ironmills, Fala, Fala Dam, Gorebridge, Howgate, Lasswade & Kevock, Mavisbank (outstanding), Newbattle, Newlandrig, Newtongrange, Pathhead & Ford, Penicuik, Roslin, and Temple & Arniston. The Local Plan makes provision for the designation of a new Dalhousie Conservation Area, the boundary for which is shown on the Local Plan Proposals Map. In addition, amendments are to be made to the boundaries of the Lasswade & Kevock, Mavisbank and Penicuik Conservation Areas (policy RP23) to ensure that they better reflect the architectural and historic significance of these areas. Statutory procedures are required to implement these proposals, and to update the Article 4 Direction Orders applicable within the Conservation Areas.
- 2.2.15 In conjunction with the Dalkeith town centre regeneration project, the Council is proposing a Townscape Heritage Initiative within the Dalkeith Conservation Area. This is a Heritage Lottery-funded grant initiative which supports schemes led by partnerships of local, regional and national interests that aim to regenerate the historic parts of their towns and cities. The proposed project focuses on:

- protecting the historic/architectural fabric of Dalkeith;
- enhancing the Conservation Area and improving the quality of the public realm;
- encouraging additional investment in the social and economic infrastructure of Dalkeith, including the reuse of historic buildings; and
- promoting greater awareness of conservation and the historic environment.

The initiative seeks to involve all sections of the local community in the project and has attracted initial support from the local business community. The Council will seek developer contributions from the proposal HOUS1 sites in Dalkeith as part of the project partnership (refer to policy IMP3).

RP22 CONSERVATION AREAS

Within or adjacent to a Conservation Area, development will not be permitted which would have any adverse effect on its character and appearance.

New Buildings, Extensions and Alterations

In the selection of site, scale, choice of materials and details of design, it will be ensured that new buildings, and extensions and alterations to existing buildings, preserve or enhance the character and appearance of the Conservation Area. Traditional natural materials appropriate to the locality or building affected will be used in new buildings, extensions or alterations. Particular care in the design of replacement windows and doors will be required on the public frontage of buildings.

Demolition

- A. Demolition to facilitate new development of part or all of a building or other structure that makes a positive contribution to a Conservation Area will only be permitted where it can be shown that:
 - the structural condition of the building is such that it cannot be adapted without material loss to its character to accommodate the proposal; and
 - the Conservation Area will be enhanced as a result of the redevelopment of the site; and
 - there is no alternative location physically capable of accommodating the proposed development.
- **B.** Where demolition of any building or other structure within a Conservation Area is proposed, it must be demonstrated that there are acceptable proposals for the immediate future use of the site which enhance the character or appearance of the Conservation Area.

Detailed plans for an acceptable replacement building must be in receipt of planning permission before conservation area consent will be granted for demolition and redevelopment. Conditions will be applied to the planning permission to ensure that demolition does not take place in advance of the letting of a contract for the carrying out of a replacement building or alternative means of treating the cleared site having been agreed.

These requirements may not apply in circumstances where the building is of no architectural or historic value, makes no material contribution to the Conservation Area, and where its early removal would not detract from the character and appearance of the Conservation Area.

Refusal of Planning Permission



Town and Country Planning (Scotland) Act 1997

Reg. No. 11/00748/DPP

James Clydesdale The Studio 11 Mortonhall Road Edinburgh EH9 2HS

Midlothian Council, as Planning Authority, having considered the application by Mr Les Porteous, 5 Station Road, Gorebridge, EH23 4JX, which was registered on 2 November 2011 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Installation of rooflights and installation of window to replace existing door (part retrospective) at 16 Temple, Gorebridge, EH23 4SQ

in accordance with the application and the following plans:

Drawing Description.	Drawing No/Scale	<u>Dated</u>
Location Plan	1082-03 1:1250	02.11.2011
Existing floor plan Proposed floor plan Elevations	1082-01 1:50 1082-02 Rev F 1:50 1082-06 Rev F 1:50	02.11.2011 02.11.2011 02.11.2011

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

The installation of the proposed rooflights and full height window on the front elevation of the property would have a detrimental impact on the character and appearance of the surrounding Conservation Area and as such the proposal is contrary to policies RP20 and RP22 of the adopted Midlothian Local Plan.

Dated 13 / 12 / 2011

Duncan Robertson

Senior Planning Officer; Local Developments, 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

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 Councils web site www.midlothian.gov.uk

IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION

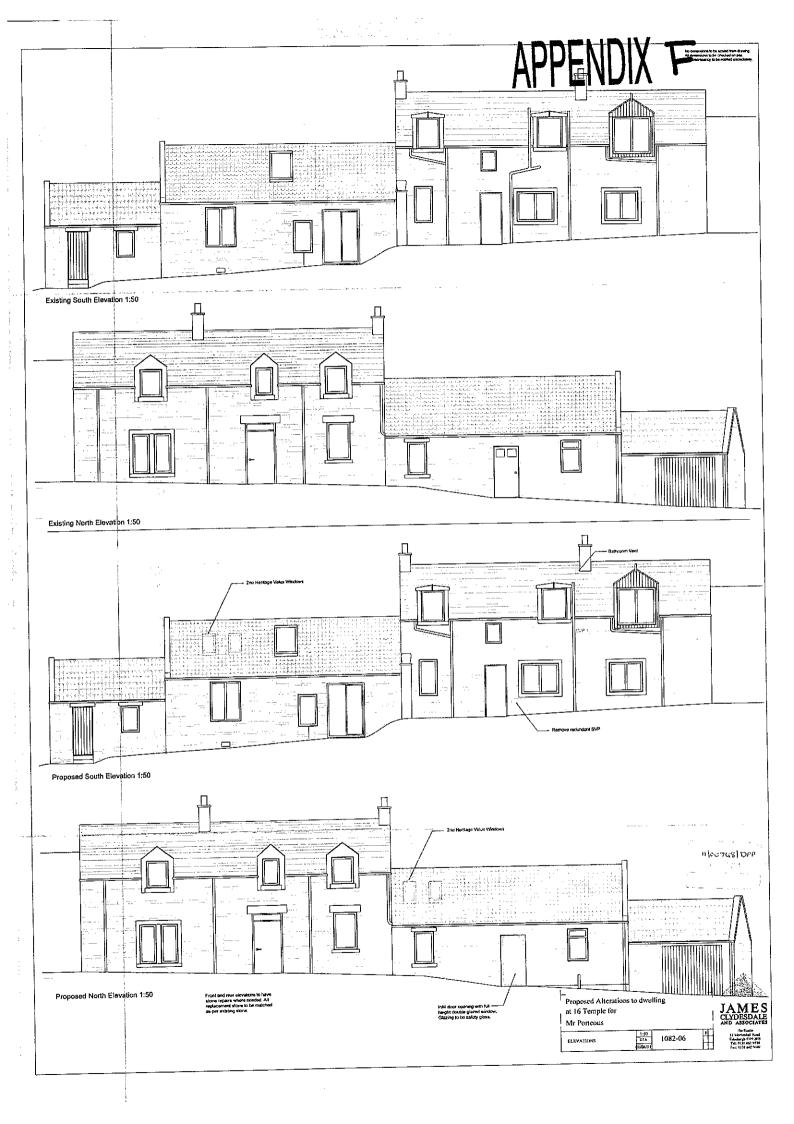
Making an application

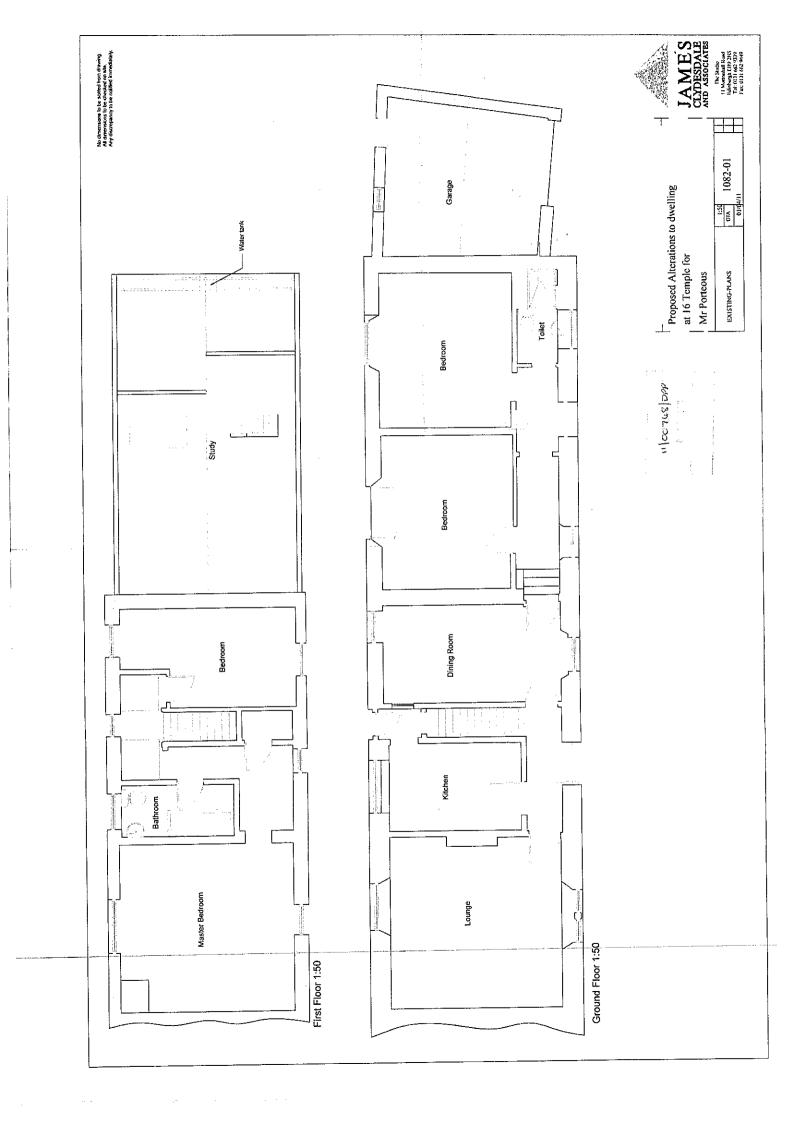
Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.

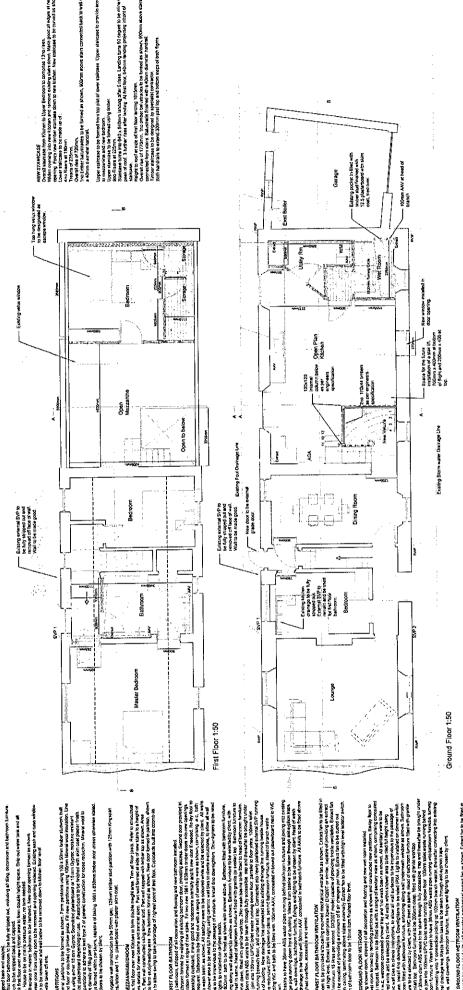
Making comment on an application

Please note that any information, consultation response, objection or supporting letters submit 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.





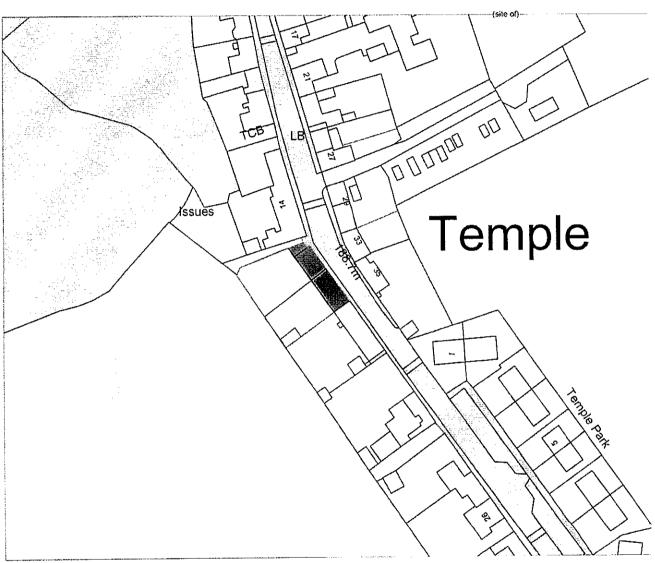


8 F 2 PROPOSED-PLANS

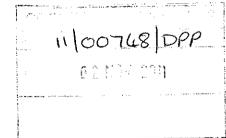
490/87600111

1082-02 Proposed Alterations to dwelling at 16 Temple for

The control and the control an



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Site Location 1:1250

Proposed Alterations to dwelling at 16 Temple for

Mr Porteous

SITE-LOCATION DTA 1082-03



The Studio 13 Steel-whalf Road Edinburgh FIFF 21/8 Tel 0121 662 9329 Fac. 0231 662 9449