

King George's Field



**Corporate Resources**  
**Midlothian Council**  
 Fairfield House  
 8 Lothian Road  
 Dalkeith EH22 3ZQ

Erection of detached garage at 10A Lower Broomieknowe,  
 Lasswade

# APPENDIX A

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File No. 12/00750/DPP

Scale: 1:1,250



## 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	MS	Ref No.	
Forename	ALISON	Forename	ROBERT
Surname	GILLIAT	Surname	BRUCE
Company Name		Company Name	
Building No./Name	10A	Building No./Name	11
Address Line 1	LOWER BROOMIEKNOWE	Address Line 1	WARDIE SQUARE
Address Line 2		Address Line 2	
Town/City	EDINBURGH	Town/City	EDINBURGH
Postcode	EH18 1LW	Postcode	EH5 1EU
Telephone		Telephone	01315520147
Mobile		Mobile	
Fax		Fax	
Email		Email	robbruce@clara.co.uk

3. Application Details	
Planning authority	Midlothian
Planning authority's application reference number	12/00750/PPP
Site address	<div style="border: 1px solid black; padding: 5px; min-height: 100px;">           10A Lower Broomieknowe            Edinburgh            EH18 1LW         </div>
Description of proposed development	<div style="border: 1px solid black; padding: 5px; min-height: 50px;">           Erection of detached garage at 10A Lower Broomieknowe, Lasswade, EH18 1LW         </div>

Date of application

Date of decision (if any)

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.

#### 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.

Please refer to appeal against condition on planning statement, and letter from applicant attached to this application.

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 your 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

1. APPEAL AGAINST CONDITION, STATEMENT
2. LETTER FROM APPLICANT
3. REVISED EXPLANATIONS
4. REVISED SITE PLAN

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: Robert Bruce

Date: 11/02/2013

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.

Midlothian Council  
Fairfield House  
8 Lothian Road  
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Midlothian  
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12.11.2012



**Robert Bruce Design**  
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**10A LOWER BROOMIEKNOWE, LASSWADE, MIDLOTHIAN, EH18 1LW**  
**ORIGINAL PLANNING REF: 718/89**

### **DESIGN STATEMENT**

The original planning permission referenced above included the erection of a double garage of approximately 5500x 5500mm in plan, which was never built. My client has asked me to prepare drawings for a new garage, which would represent a material variation to the design originally granted planning. We understand that this would require a new planning application and would comment as follows in support of the application:

- Material variation only to scheme originally granted planning.
- Proposal is to same height and width as original design.
- Proposal incorporates a sandstone base course, window and door surrounds which reflect the traditional stone detailing of its' surrounding neighbours and harling to match the existing.
- The proposed roof is in slate to match the existing.
- Proposed roof lights to the attic storage/ future office space are of a conservation style sitting flush with the slate roof plane.
- When notifying neighbours, we would ask that the reference be made to the previous approved consent for a double garage, as a material consideration in determining this application.

Midlothian Council  
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**10A LOWER BROOMIEKNOWE, LASSWADE, MIDLOTHIAN, EH18 1LW**  
**REF.12/00750/DPP**

**Appeal against condition 2 as listed on the planning consent issued  
14/01/2013:**

"The external materials and finishes of the garage shall match those on the existing dwelling house."

**Reason:**

"To ensure that the garage matches the external appearance of the existing dwelling house and thereby maintains the visual quality of Broomieknowe Conservation Area."

Although we strongly object to this condition, we would be willing to lose the corner stones originally proposed as indicated in the revised drawings. We would however like to retain the stone or precast stone external elements of the design for the following reasons:

- If the intention is to maintain the visual quality of Broomieknowe Conservation Area, then it seems inconsistent to match the appearance of a 1980s harled bungalow. Whilst the decision to grant planning to the original house and others similar from that time cannot now be disputed, we would argue that the fact that the bungalow now exists within the conservation area is not a convincing enough reason for insisting on its being matched as your condition suggests.
- In support of our appeal, please refer to the photos attached which show many examples of recent alterations and extensions granted planning permission within the area showing the extensive use of stone. All of the houses illustrated are in close proximity to number 10A.
- We believe that the combination of the wall harling to match the original house, and the stone detailing to the doors, windows and base course which reflect the character and grain of the conservation area, presents a stronger aesthetic solution in terms of maintaining the visual quality of the Conservation Area and relating to the original house.
- We would also argue that expressing the necessary structural support elements around the proposed openings in sandstone or in sandstone coloured precast, presents a stronger design solution than simply continuing the rather bland harling around all of the opening reveals.
- In addition, my client is considering making an application to extend and re-model the existing house in a manner more consistent with the conservation area, and one feature of this that we have discussed is the possibility of running a stone clad base course all around the existing house and proposed extension, as the same detail proposed for the garage.

10a Lower Broomieknowe  
Lasswade  
Midlothian EH18 1LW

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8<sup>th</sup> February 2013

**REF.12/00750/DPP**

Dear Sir

I refer to the constraints attending the recently-granted consent for the construction of a garage on our property, 10a Lower Broomieknowe. In particular, I refer to the stipulation “To ensure that the garage matches the external appearance of the existing dwelling house and thereby maintains the visual quality of Broomieknowe Conservation Area.”

This constraint, which refers to our planned inclusion of cast- or natural stone features, is in fact quite at odds with “the visual quality of Broomieknowe Conservation Area”, an area in fact characterised by attractive properties finished in natural stone. Indeed, we would contend that it reduces the character of an attractive and visually-pleasing development to the lowest common denominator of an exposed, out-of-character and visually unappealing course of exposed brown brickwork.

The constraint, it appears, has been applied because of this single feature of the house – one which we intend to address at the earliest opportunity. Our home, with an exposed layer of brick topped with harling, is conspicuous in being completely at odds with the surrounding Conservation Area, and the inclusion of stone features in the garage presents a self-evident solution – one which will restore the appearance of the property to a visual aspect entirely consistent with the Conservation Area.

In this context, your refusal to allow the inclusion of features which will result in visual consistency - and provide a pleasing solution to the anachronistic look of the property - can only serve to perpetuate an inconsistency: the construction of a further plain-harled building does nothing to “..maintain the visual quality of the Broomieknowe Conservation Area” when it is at odds with everything else in the said Conservation Area. I would urge you to undertake a visual inspection, which can only confirm this point.



Our request to construct the garage was made on the basis of 'material variation to an existing plan', granted in March 1990 but still valid because the garage was part of the overall site. In effect, the above constraint prevents the very material variation which would enhance the immediate area.

A significant number of extensions have been undertaken in our area recently, all involving the very stonework which we have sought to utilise; none have exposed brickwork or harling – clearly no rule has been applied to make them consistent *with our property*, and yet our property was approved and built long before such recent construction work.

Further, we plan to submit additional planning requests involving modest extensions to aspects of the property, and will again propose the use of cast and natural stone with the specific intention of making the property as a whole – including the pending garage – entirely consistent with the visual aspect of the Conservation Area. However, constraints like that above would result, quite simply, in a further aberration when seen against the larger backdrop.

Indeed, we would even suggest the use of a cast stone solution to the currently exposed brick course which characterises the perimeter of the house. If applied, this would make the entire property more consistent with the visual aspect of the Conservation Area and we would be delighted to undertake this as a condition of our appeal, regardless of the expense involved.

In the larger context of the Conservation Area, which both Planning and we ourselves seek to preserve, our home is, in its current rendering, quite 'out of place': visually, it does not 'fit'. It is our express wish to address this, to restore the property to a visual consistency with its very attractive surroundings, but to do so in a sympathetic and imaginative way.

Consequently, we would require the use of stone features in the rendering of the garage, and to then bring the house itself to an identical visual aspect – part harled, part stonework, but without the ugly course of exposed and inconsistent brick. We are quite prepared to remove the stonework detailing on the garage corners if this is deemed too ornate, although our preference would be to keep them.

However with respect - and indeed with respect *for* the visual aspect of the Broomieknowe Conservation Area in which we have a shared interest – we would ask you to reconsider this constraint, and to allow our use of a stone base-course, door lintels and window surrounds which were requested.

I look forward to hearing from you in due course.

Yours sincerely

Alison Gilliatt

## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Case Officer:** Victoria Famelton

**Site Visit Date:** 17/12/2012

**Planning Application Reference:** 12/00750/DPP

**Site Address:** 10A Lower Broomieknowe, Lasswade, Midlothian, EH18 1LW

**Site Description:** The application site comprises a modern single storey detached dwellinghouse located within Broomieknowe Conservation Area. It is finished externally with a buff dry dash render, dark brown timber windows, dark brown brick base course and a natural slate roof.

The property is bounded by a 1.8 metre high timber fence with 10 Lower Broomieknowe. Half of this boundary features a 2 metre high hedge in the ownership of 10A Lower Broomieknowe. The boundary between 8C and 10A Lower Broomieknowe features a 2.3 metre high hedge. There is an existing conservatory at the rear of the property (Application Reference 97/00310/FULL) and beyond the south east boundary of the property lays King George V Park.

**Proposed Development:** Erection of detached garage

**Proposed Development Details:** The proposed double garage is to be located at the north west corner of the site. It will measure 7.5 metres deep by 6 metres wide and will measure 2.8 metres to the eaves and will have an overall height of 5.2 metres to the ridge. It will have a footprint of 45 square metres.

A door and two windows will be located at ground floor level on the south east elevation facing the existing dwellinghouse. Two timber garage doors will be located on the south west elevation and 6 conservation style rooflights are proposed (3 on the south east elevation and 3 on the north west elevation). It is also proposed to install a semicircular window at first floor level on the south west elevation.

The garage will be finished externally with a sandstone base course, slate roof, dry dash render to match the existing dwellinghouse and timber windows. It is also proposed to use stone facings surrounding the openings and on the corners of the garage.

The agent has submitted a design statement and comment as follows in support of the application: -

- Material variation only to scheme originally granted planning
- Proposal is to same height and width as original design
- Proposal incorporates a sandstone base course; window and door surround which reflect the traditional stone detailing of its surrounding neighbours and harling to match the existing.
- The proposed roof is in slate to match the existing

- Proposed roof flights to the attic storage/future office space are of a conservation style sitting flush with the slate roof plane.
- When notifying neighbours, we would ask that the reference be made to the previous approved consent for a double garage, as a material consideration in determining this application

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

**10/00164/DPP**

10A Lower Broomieknowe, Lasswade, Midlothian, EH18 1LW

Installation of rooflights

*Case Officer: Mike McGarrity*

**Decision:** CONPER

**09/00347/FUL**

10 Lower Broomieknowe, Lasswade, Midlothian, EH18 1LW

Extension to dwellinghouse, installation of rooflights and formation of parking area

*Case Officer: Ingrid Forteath*

**Decision:** CONPER

The original application for a house and detached garage on this site was approved on 9<sup>th</sup> March 1990 (Planning Application Reference 718/89) however the garage permission was never implemented.

**Consultations:** No consultations were required

**Representations:** There have been two letters of representation from 8C Lower Broomieknowe and one letter of representation from 10 Lower Broomieknowe. They object on the following grounds: -

- Increase in dimensions when compared to previous planning application
- There are rooflights to both sides of the garage in excess of necessary lighting or fire escape requirements
- Appears to be more than just a garage as indicated on the drawings including a home office and kitchen
- Significant loss of amenity
- The scale and mass of the construction on the property boundary raise significant loss of amenity objections
- Housing in this area of Lower Broomieknowe consists of one storey buildings and no residential buildings are on a boundary between properties.
- The development is a two storey structure abutting the boundary at 10 Lower Broomieknowe and will overlook the garden and private amenity space.
- The windows of the development will look directly onto the front aspect of 10 Lower Broomieknowe including the kitchen, living room and a bedroom.
- Current sightlines are interrupted by fences and growing hedges. No visual obstruction would be possible with second storey windows.
- The overall height of the garage and the visibility of it from all surrounding properties.

- The garage will have a visual effect of a 5 metre high wall along the common boundary for approximately half its length.
- It will put a considerable amount of the garden at 10 Lower Broomieknowe in the shade
- Two mature apple trees will be affected
- Adverse effect on sunlight/daylight at 8C Lower Broomieknowe
- Photographs were submitted showing the inconvenience that all residents were put through on previous building works as the lane is clearly not suitable to handle this type of construction and on a safety issue this must be taken into account.

The below points summarise a letter of support from the applicant in response to the above objections: -

- The plans upon the recent consultation were based on an earlier version. The plans dated 9<sup>th</sup> March 1990 were passed to the solicitor with the title deeds in 2002 with ongoing consent to build.
- The earlier dimensions made available for consultation do not represent the plan passed as part of the final site approval
- It is the 9<sup>th</sup> March 1990 plan upon which the request for a material consideration is based and not the information recently made available to neighbours. As a result, objections have been triggered and there are concerns that any site visit or further consideration will take these into account.
- Other Planning Officers may not be aware of the background to this site and request that the applicant is present for any site visit and to view the site from inside the property so that objections with overlooking are properly accounted for
- The following variations in terms of dimensions have been requested: -
  - An extension to the height of the garage of approximately 25cms
  - An extension to its length of approximately 1 metre moving away from the property to the rear
  - The use of the roof space – a pitched and slated roof is a condition of Conservation Area regulations – as a floored area accessed by a stair built to minimal requirements
  - The installation of conservation-style rooflights, facing in the direction required by Conservation Area regulations, plus others already consistent with previous consents for their installation to our own property
  - Running water, drainage and power, as appropriate
- Sufficient land to allow for the extension in length and will make no difference to the look of the garage when viewed from other properties
- The garage was clearly a double garage when the application as passed originally but dimensions were minimal
- 10 Lower Broomieknowe will see the side of the garage as originally proposed and it will be rendered to match the dwellinghouse.
- An extension in length will result in no change to this side view as the house itself will still provide the same background.

- The roof line of the garage is below of that of the house. 10 Lower Broomieknowe is elevated and currently are afforded views in to the bedroom, living room and en suite.
- The construction of the garage will create greater privacy
- The roof space is for domestic use only. It will never be used as an office and has been termed so in error.
- The proposed rooflights are intended to illuminate the roof space and not intended to overlook
- The garage has no kitchen area. It will have a sink with running water and storage areas to house paint and tools etc. Quite simply it will be a garage
- There is a fenced pathway to the rear of the proposed garage belonging to 10 Lower Broomieknowe which further removes the proximity of the garage from 8C Lower Broomieknowe. There is a hedge on the boundary that is permanently maintained at a height of 6-8 feet.
- The garage will not overlook 8C Lower Broomieknowe, cause no disruption to the residents and will result in only limited reduction in light to the rear of the property already substantially reduced by the hedge
- The two apple trees at 10 lower Broomieknowe will be unaffected by the garage and there will be minimal loss of light due to the existing aspect of the site, the proposed garage and the year round aspect of the sun.
- Care has been taken over the proposed look of the garage which will have stone features which make it not only consistent with the conservation area but with the existing house and the older properties surrounding.
- The garage will enhance the appearance of the area and contend that it compromises an imaginative, functional and pleasing departure from the 1990 template upon which it is based with its 'dead' roof space, dull aspect and poorer quality materials.

#### **Relevant Planning Policies:**

Midlothian Local Plan 2008

RP20 – Development within the Built-Up Area

RP22 – Conservation Areas

DP5 – Broomieknowe Conservation Area

**Planning Issues:** The main planning issue to be considered is whether or not the proposal complies with the development plan policies and, if not, whether there are any material planning considerations which would otherwise justify approval. The application site is located within an area covered by the Midlothian Local Plan.

Policy RP20 states that new development should not adversely impact on the existing character and amenity of the area. Policy RP22 seeks to protect the character and appearance of the conservation area. Policy DP5 highlights that extensions and alterations to existing dwellings will only be permitted where the design will complement and relate satisfactorily to the character and appearance of the traditional dwellings in the locality.

As noted and identified earlier in this report, planning permission was granted for a detached garage in the original application for the erection of the dwellinghouse. The approved drawing held in the planning file shows a lower roof height as to what is held in the building warrant file. The applicant has provided a further plan which

corroborates with the approved plan held in the building warrant file (Warrant Number 89/0984). Each application is assessed on its own merits therefore the current scheme submitted is the one that is under consideration in this report.

Concerns have been raised regarding the proposed use of the garage as the plans state that the garage will have kitchen space and a home office. The applicant has highlighted that this has been termed as such in error. By virtue of Section 26 (2) (d) of the Town and Country Planning (Scotland) Act 1997, the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse does not constitute development. A householder is therefore entitled to use an outbuilding within his or her garden for the pursuit of a hobby without needing planning permission for that use. Due to the large dimensions of the garage it would be appropriate to place a condition to ensure that the garage is used for domestic purposes incidental to the use of the dwellinghouse.

The design and scale of the proposed detached garage are acceptable and a sufficient amount of garden ground will remain after development. Materials proposed for the render, windows and roof are sympathetic to the existing dwellinghouse and will not impact negatively on the character and appearance of Broomieknowe Conservation Area.

It is proposed to use stone for facings around openings and corners on the garage, however there is no stone on the existing dwellinghouse. Properties surrounding the application site include traditional stone properties and modern brick seen on 8A, 8B and 8C Lower Broomieknowe (Application Reference 220/86). The proposed garage is to be located within the curtilage of an existing house. Notwithstanding the mix of external materials in the surrounding area the external materials on the garage should match those on the existing house in order to tie in visually with the existing building in order to safeguard the appearance of the site and the visual amenity of the area. This is the usual practice of the planning authority. The existing house has a brick basecourse and there is no stone on the house. This aspect can be covered by condition.

The overall height of the existing dwellinghouse is 6 metres to the ridge and the proposed height of the garage roof will be 5.2 metres to the ridge. Taking into account level changes of approximately 0.6 metres, the height of the garage roof will be below the ridge height of the existing dwellinghouse. It will not be an unduly prominent feature or overbearing to the outlook of neighbouring properties so as to warrant refusal of planning permission. This part of Lower Broomieknowe slopes southwards therefore 10A naturally sits at a lower level to the property at number 10.

There will be no significant loss of sunlight/daylight to neighbouring properties as a result of this proposal as the two properties that would be most likely affected by the development have large gardens and the houses are set at a generous distance away. The closest part of the house at 10 Lower Broomieknowe is located approximately 20 metres from the boundary shared with 10A. There is a small informal path leading from 10 Lower Broomieknowe to King George V Park which is in the ownership of number 10. The path runs between the boundary hedges of 8C and 10A Lower Broomieknowe. The nearest part of the house at 8C is located

approximately 10 metres away from the boundary at 10A and the nearest windows at number 8C serve bedrooms.

The apple trees in ownership of 10 Lower Broomieknowe do not make a significant contribution to the amenity of Broomieknowe Conservation Area and any impact to them from this development is not significant enough to warrant refusal.

The rooflights on the south east elevation will permit oblique views of the garden of number 8C, however the impact of overlooking is not sufficient enough to warrant refusal of planning permission. The rooflights on the north west elevation would directly overlook the garden of number 10 Lower Broomieknowe at close proximity. These should be deleted from the scheme and this can be covered by condition. The garage will not have a significant impact on the amenity of 11 Lower Broomieknowe to the south west of the application site.

As regards the length of the construction period, working hours and practice, it is not the usual practice of the Council to condition these aspects in relation to house extensions, due to the relatively small scale and short term nature of such works. This part of Lower Broomieknowe is accessed by a private access road therefore any issues of construction vehicles causing obstruction should be reported to the police. Any concerns over the safety aspect of any construction work should be reported to the Building Standards Department.

Given the above, the proposed erection of detached garage complies with Policies RP20, RP22 and DP5 of the Midlothian Local Plan 2008.

**Recommendation:** It is recommended that planning permission be approved with the following condition:

1. The garage hereby permitted shall be used solely for domestic purposes incidental to the use of the dwellinghouse to which it relates.

**Reason:** *Use of the garage for non-domestic purposes would be likely to cause disturbance to nearby residents and to spoil their amenity.*

2. The external materials and finishes of the garage shall match those on the existing dwellinghouse

**Reason:** *To ensure that the garage matches the external appearance of the existing dwellinghouse and thereby maintains the visual quality of Broomieknowe Conservation Area*

3. The rooflights shown on the north west elevation drawing number 133.2/PL07 are hereby not approved.

**Reason:** *In order to minimise overlooking and protect the privacy of the occupants of the adjoining property*

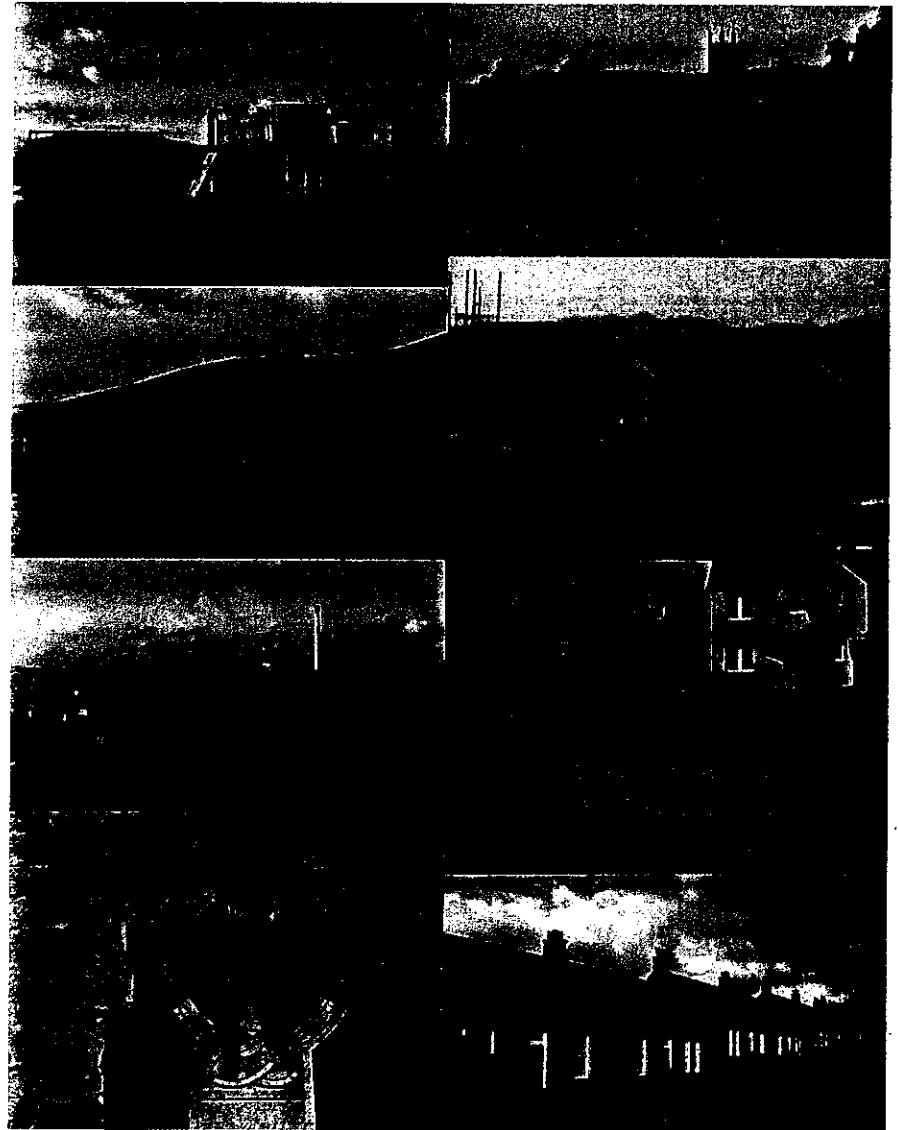
4. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

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 works in writing.

**Reason:** *To accord with Section 58 and 27A of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006)*



# Midlothian Local Plan



Midlothian



Midlothian

# **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".

**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.

## Policy and Proposal Titles

RP22	CONSERVATION AREAS
RP23	CONSERVATION AREAS – AMENDMENTS (PROPOSAL)
RP24	LISTED BUILDINGS

**2.2.9 National Planning Policy** Special controls 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.

**2.2.13** Minor changes to properties, which 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 & Kevoek) 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.

**2.2.14** 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 & Kevoek, 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 & Kevoek, 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 HOU51 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.

## 4.5 Conservation Areas Development Management

### DP5 CONSERVATION AREAS: DEVELOPMENT MANAGEMENT

Approved specific development management policies continue to apply to the Newtongrange Conservation Area and to the two Conservation Areas in Bonnyrigg, i.e. at Broomieknowe and at Lasswade/Kevock. These are as detailed below.

#### 1 Newtongrange Conservation Area

- a) The erection of new buildings and extensions and alterations to existing buildings will only be permitted where their design will complement and relate satisfactorily to the character and appearance of the traditional housing in the area. Particular attention should be paid to scale, roof and window design, roofing materials and external wall finishes.
- b) Development of gap sites within the rows of miners' cottages should be compatible with the existing houses in both scale and materials.
- c) No extensions to the fronts of the miners' cottages will be permitted.
- d) No dormers or roof extensions to the miners' cottages will be permitted to the front elevation.
- e) The appropriate material for reroofing existing houses or for new buildings other than small extensions, garages, or garden huts at the rear of the houses will be natural slate of a type to match that used in the area.
- f) Existing window openings to the front of the cottages should not be enlarged and any replacement windows should retain the present character of the cottages.
- g) Replacement doors at the front of the miners' cottages should be in sympathy with the character of the building and where they exist the fanlight above the door should be retained.

#### 2 Bonnyrigg Conservation Areas (Broomieknowe and Lasswade/Kevock)

- a) The Council will only permit residential developments which do not detract from the established character of the area in terms of density, individual plot size, and separation of dwellings.
- b) The erection of new buildings, and extensions and alterations to existing dwellings, will only be permitted where their design will complement and relate satisfactorily to the character and appearance of the traditional dwellings in the locality. Particular attention should be paid to scale, roof and window design, roofing materials, and external wall finishes.
- c) New dwellings will not be permitted unless both existing and proposed dwellings will enjoy a reasonable degree of privacy and amenity, in keeping with the established character of the area.
- d) The Council will require a comprehensive scheme of landscaping to be carried out and maintained in conjunction with all approved residential developments which are implemented in the area. Every effort must be made to retain existing trees and shrubs as part of landscape schemes.
- e) To ensure that the high quality of landscaping in the area is maintained and enhanced, the Council will encourage the proper care and maintenance of existing trees and the planting of new trees and shrubs.
- f) The Council will not normally permit the removal, or endangering by building works, of trees which make an important contribution to the appearance of the area or which are particularly fine examples of species.
- g) The roofs of new buildings will be clad in natural slate, or in certain circumstances, clay tiles may be used.
- h) *(Applies to Broomieknowe Conservation Area only).* As Lower Broomieknowe is of narrow width and substandard surface, proposals which are likely to generate any significant increase in traffic on this road will not be permitted. Any improvements to the standard of the road should avoid removal of the established roadside vegetation.

# Planning Permission

Town and Country Planning (Scotland) Act 1997



Reg. No. 12/00750/DPP

RBD  
11 Wardie Square  
Edinburgh  
EH5 1EU

Midlothian Council, as Planning Authority, having considered the application by Ms Alison Gilliatt, 10A Lower Broomieknowe, Edinburgh, EH18 1LW, which was registered on 14 November 2012, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

## Erection of detached garage at 10A Lower Broomieknowe, Lasswade, EH18 1LW

In accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	PL01 1:1250	14.11.2012
Site Plan	PL02 Existing 1:200	14.11.2012
Site Plan	PL03 Proposed 1:200	14.11.2012
Proposed floor plan	PL04 Ground Floor 1:50	14.11.2012
Proposed floor plan	PL05 Garage Attic 1:50	14.11.2012
Proposed elevations	PL06 South East 1:50	14.11.2012
Proposed elevations	PL07 North West 1:50	14.11.2012
Proposed elevations	PL08 South West and North East 1:50	14.11.2012
Proposed cross section	PL09 Section A-A 1:50	14.11.2012
Design and Access Statement		14.11.2012

This permission is granted for the following reason:

*The proposed erection of detached garage would not detract from the character and appearance of Broomieknowe Conservation Area in terms of design, scale and choice of materials and so complies with Policies RP20, RP22 and DP5 of the Midlothian Local Plan 2008.*

Subject to the following conditions:

1. The garage hereby permitted shall be used solely for domestic purposes incidental to the use of the dwellinghouse to which it relates.

**Reason:** *Use of the garage for non-domestic purposes would be likely to cause disturbance to nearby residents and to spoil their amenity.*

2. The external materials and finishes of the garage shall match those on the existing dwellinghouse.

**Reason:** *To ensure that the garage matches the external appearance of the existing*

*dwellinghouse and thereby maintains the visual quality of Broomieknowe Conservation Area.*

3. The rooflights on the north-west elevation of the garage drawing number 133.2/PL07 are hereby not approved.

***Reason:*** *In order to minimise overlooking and protect the privacy of the occupants of the adjoining property.*

4. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission. 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 works in writing.

***Reason:*** *To accord with Section 58 and 27A of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006).*

Dated 14 / 1 / 2013



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



## PLEASE NOTE

*This permission does not carry with it any necessary consent or approval to the proposed development which may be required under the Building (Scotland) Acts and Regulations or under any other Statutory Enactment.*

*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.*

### The Felling of Trees

*Where full planning permission authorises the felling of trees on a development site, no further consent is required under the Forestry Act 1967 (as amended). However, developers should note that any tree felling not expressly authorised by full planning permission, and not exempted, requires a felling licence granted under the Forestry Act 1967 (as amended).*

*Developers should note that any felling carried out without either a licence or other valid permission is an offence. This can mean, on conviction, a fine of up to £2,500 (level 4 on the standard scale) or twice the value of the trees, whichever is higher with the conviction being recorded.*

*Contact your local Forestry Commission Scotland Office if you are not certain whether exemptions apply. You can get an application form for a felling licence from the Forestry Commission website [www.forestry.gov.uk](http://www.forestry.gov.uk) or any Forestry Commission Scotland Office.*

### 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 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.*

# APPENDIX F

**NOTES:**  
DOWNTAKINGS SHOWN DOTTED AND  
IN RED ON COLOURED DRAWINGS.

**Robert Bruce Design  
ARCHITECTURE  
ARTWORK  
DESIGN**

**Mobile: 07890 994665**  
**E.mail: [robbruce@clara.co.uk](mailto:robbruce@clara.co.uk)**

Robert Bruce BarchHons (DipArch) FIAB

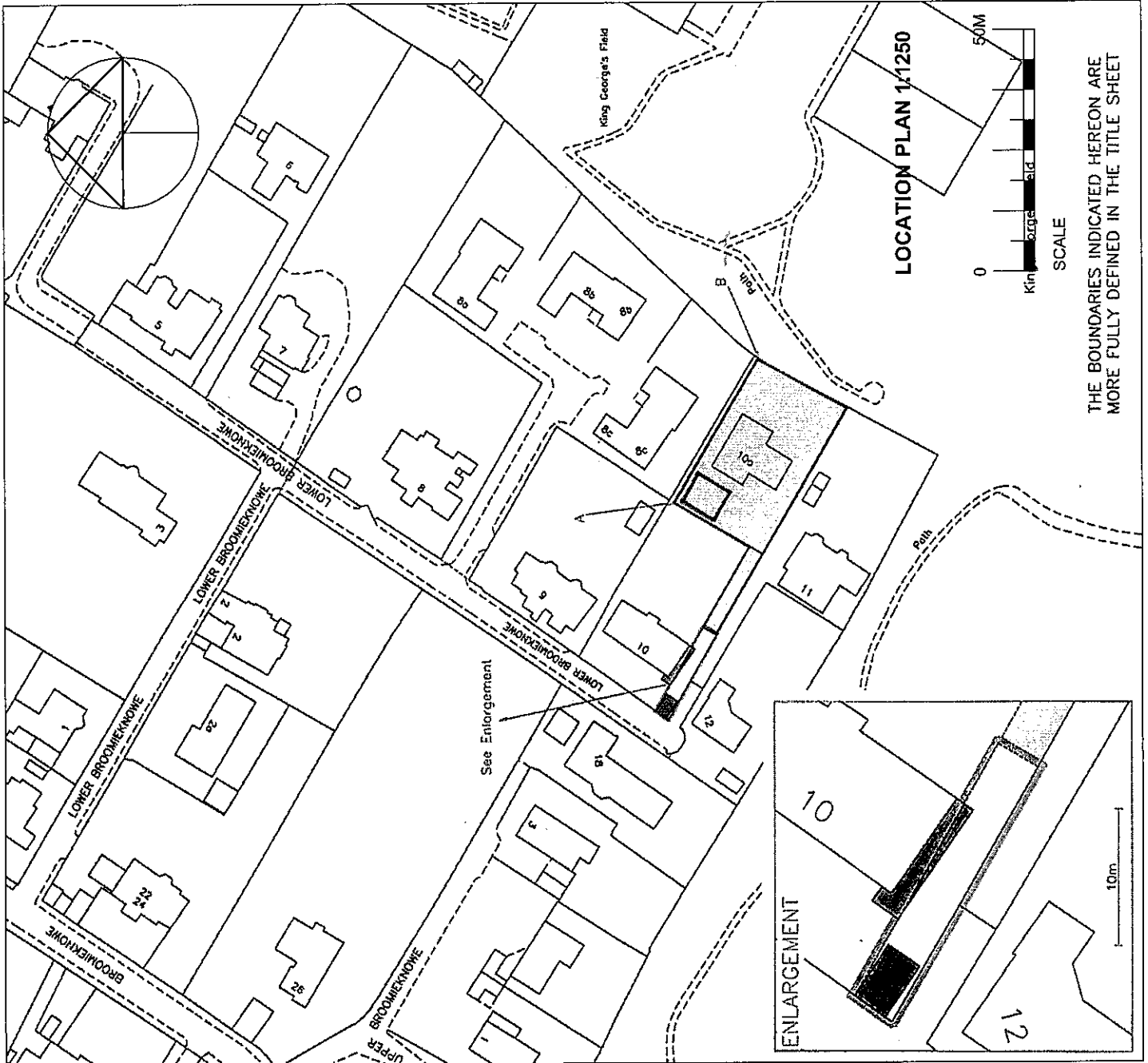
DATE: NOVEMBER 2012

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ALISON GILLIAT  
10A LOWER BROOMIEKNOWE  
LASSWADE, EH18 1LW

**DRAWING TITLE:**  
LOCATION PLAN

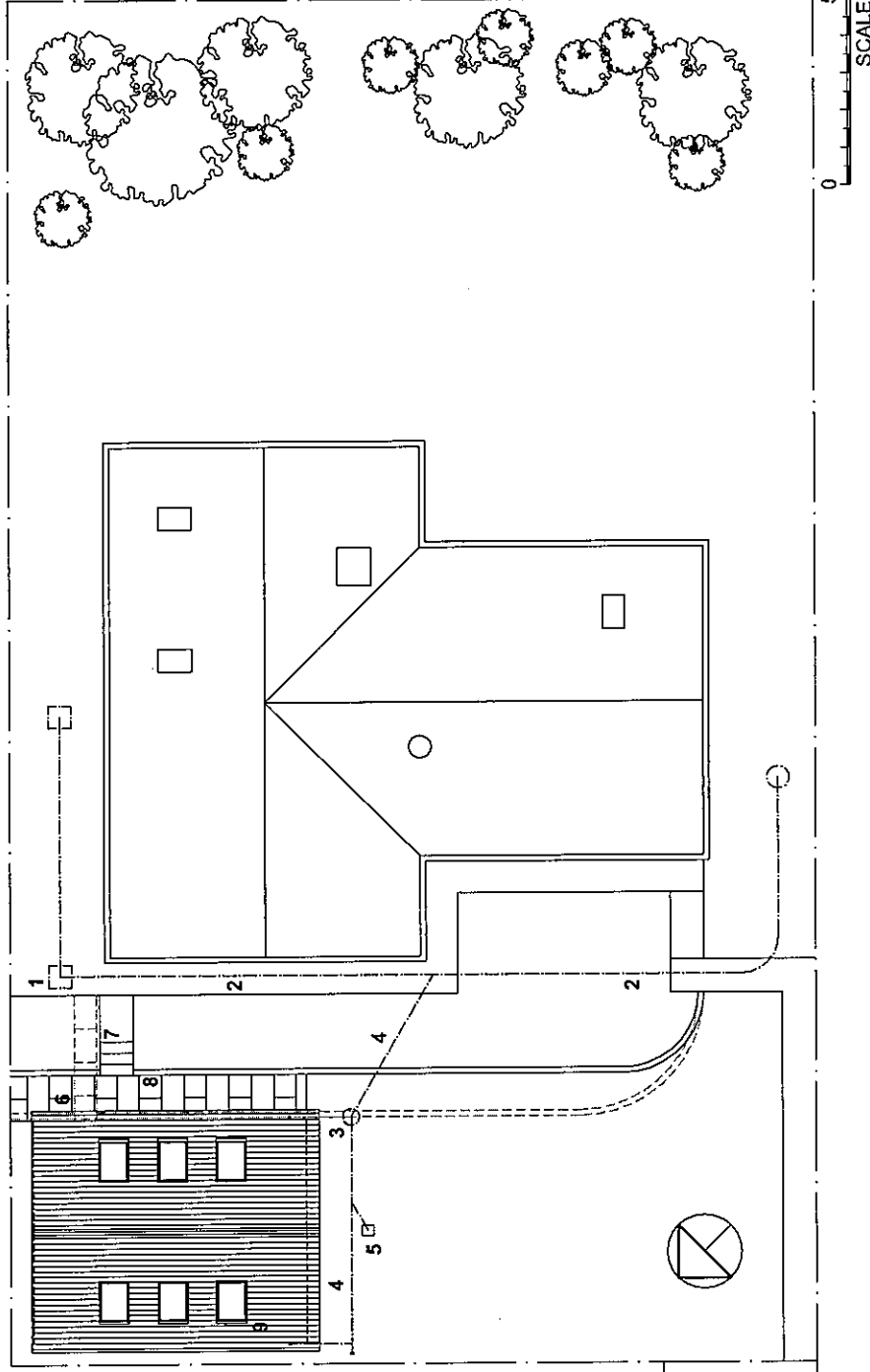
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**DWG. No. 133.2/PL01**



# **NOTES & KEY:**

1. EXISTING DRAINAGE INSPECTION CHAMBER
2. EXISTING SURFACE WATER DRAINAGE
3. PROPOSED I.C.
4. PROPOSED SURFACE WATER DRAINAGE RUN INTO EXTG.
5. PROPOSED LAND DRAIN
6. EXISTING STEPS AND KERB REMOVED
7. NEW STEPS AND PAVING
8. NEW STONE KERB/ RETAINING WALL
9. PROPOSED GARAGE



SITE PLAN AS PROPOSED 1:200

**DATE:**  
NOVEMBER 2012

**CLIENT:**  
ALISON GILLIAT  
10A LOWER BROOMIEKNOWE  
LASSWADE, EH18 1LW

**DRAWING TITLE:**  
SITE PLAN AS PROPOSED

**SCALE:**  
1:200 @ A4

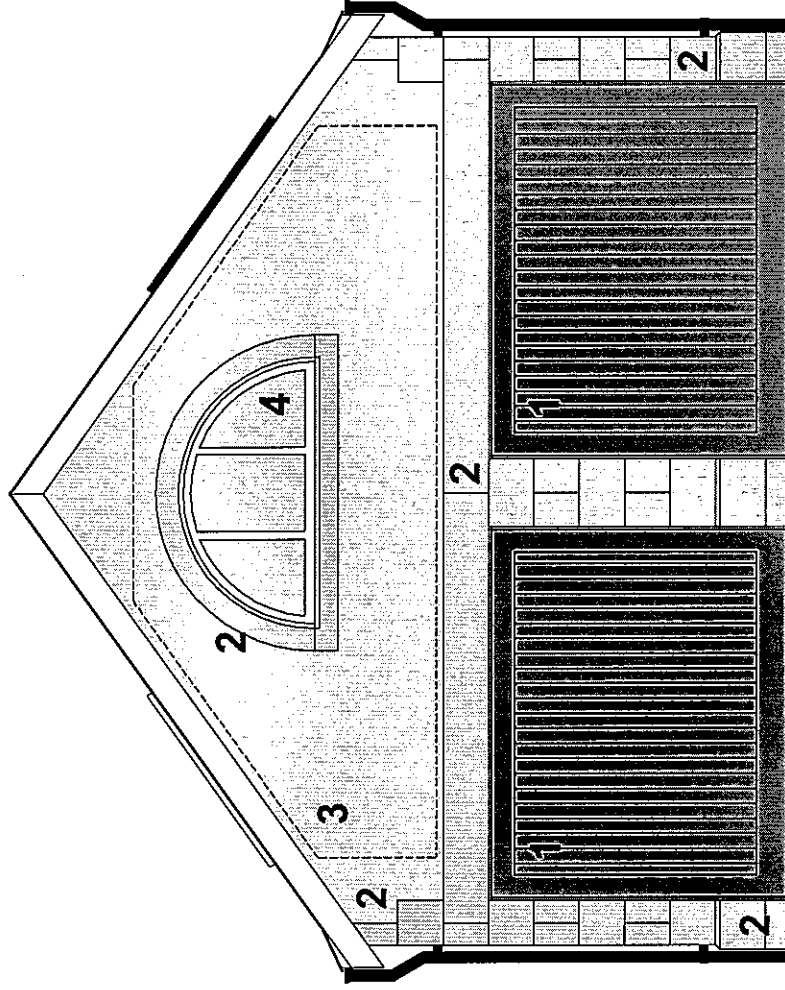
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DWG.NO.133.2/PL03



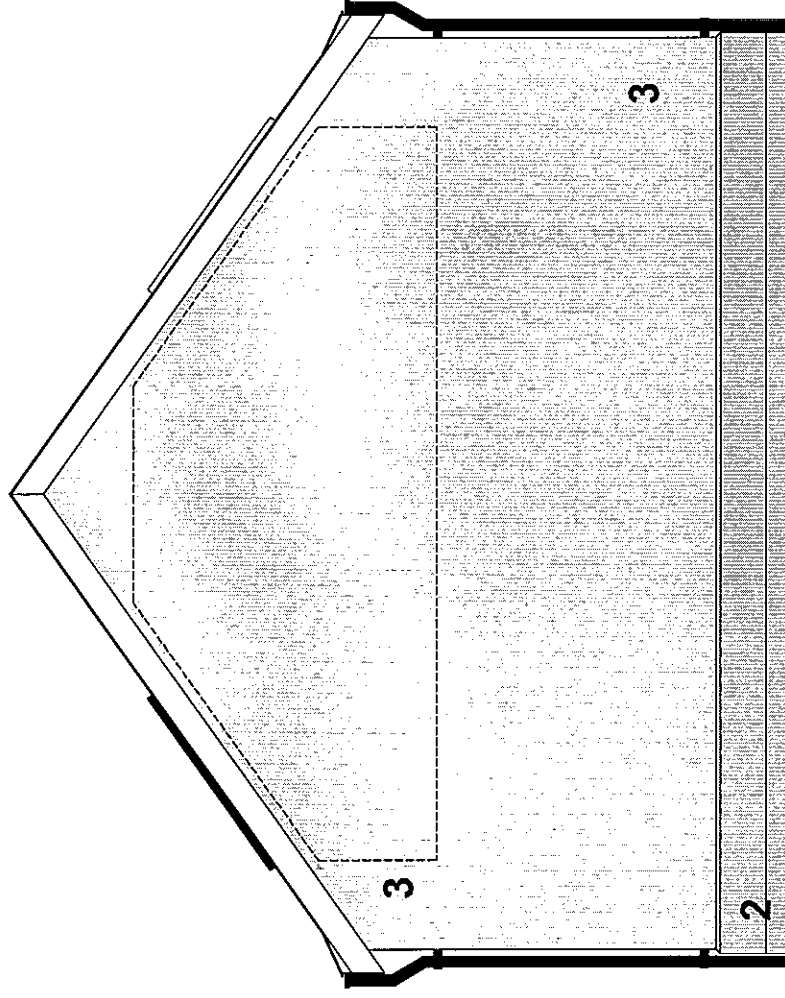
**Robert Bruce Design**  
**ARCHITECTURE**  
**ARTWORK**  
**DESIGN**

**Mobile:** 07890 994665  
**E.mail:** robbruce@clara.co.uk

Robert Bruce BArchHons (DipArch) RIAS



SOUTH-EAST ELEVATION AS PROPOSED 1:50



NORTH-WEST ELEVATION AS PROPOSED 1:50



SCALE

**DATE:**  
NOVEMBER 2012

**CLIENT:**  
ALISON GILLIAT  
10A LOWER BROOMIEKNOWE  
LASSWADE, EH18 1LW

**DRAWING TITLE:**  
SOUTH-WEST AND NORTH-EAST  
ELEVATIONS AS PROPOSED

**SCALE:**  
1:50 @ A4

**DRAWING NUMBER:**  
DWG.NO.133.2PL08



**Robert Bruce Design**  
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**ARTWORK**  
**DESIGN**

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Robert Bruce Architects (DiplArch) RIAS

- KEY:**
1. UP & OVER TIMBER GARAGE DOORS
  2. STONE FACINGS AROUND OPENINGS AND CORNERS
  3. HARLING ON BLOCKWORK AS EXTG.
  4. TIMBER FRAMED DOUBLE GLAZED WINDOW
  5. VELUX WINDOW
  6. TIMBER FRAMED HALF-GLAZED DOOR
  7. SLATE ROOF

**NOTES:**  
DOWNTAKINGS SHOWN DOTTED AND  
IN RED ON COLOURED DRAWINGS.

**KEY:**

1. UP & OVER TIMBER GARAGE  
DOORS
2. WORKBENCH/ KITCHEN SPACE
3. STORAGE
4. STAIRS UP TO HOME OFFICE
5. VELUX WINDOW
6. DOUBLE GLAZED TIMBER  
FRAMED WINDOW UNIT
7. TIMBER FRAMED HALF-GLAZED  
DOOR



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Robert Bruce BAArchHons (DipArch) RIAS

**DATE:** NOVEMBER 2012

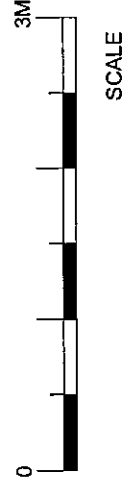
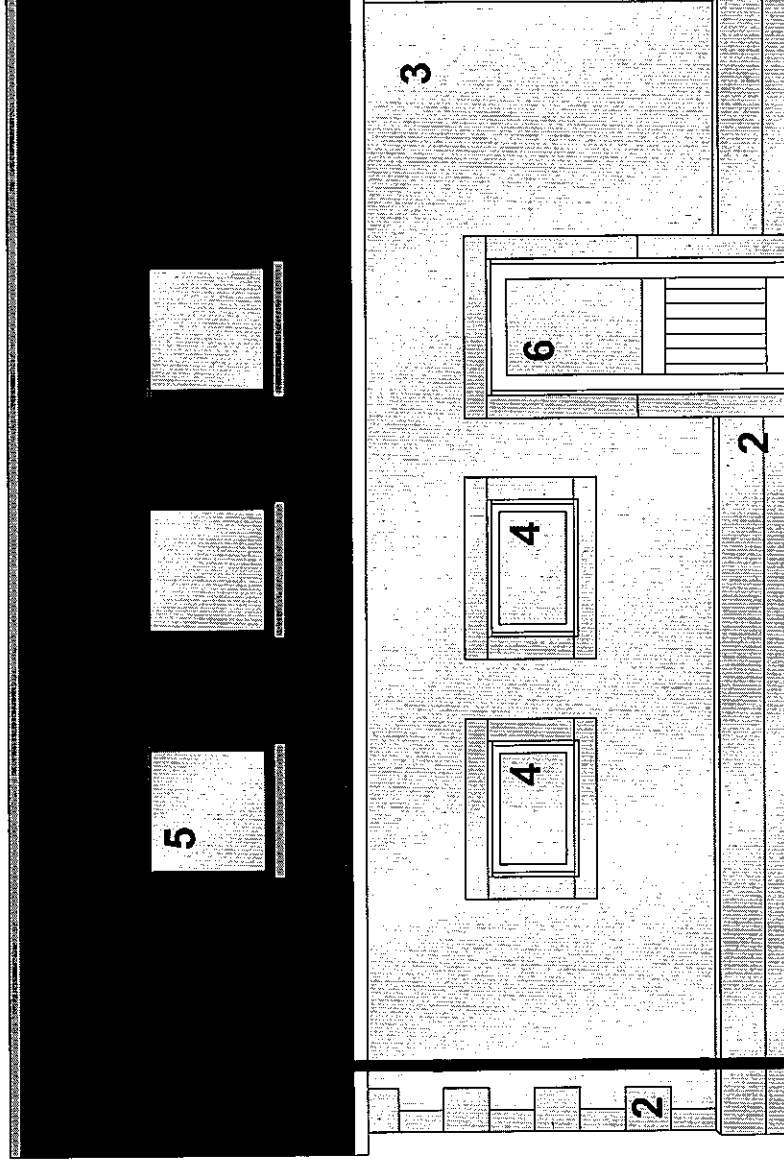
**CLIENT:**

ALISON GILLIAT  
10A LOWER BROOMIEKNOWE  
LASSWADE, EH18 1LW

**DRAWING TITLE:**  
SOUTH-EAST ELEVATION AS  
PROPOSED

**SCALE:** 1:50

**DWG. No.** 133.2/PL06



**SOUTH-EAST ELEVATION PLAN AS PROPOSED 1:50**

**NOTES:**  
DOWNTAKINGS SHOWN DOTTED AND  
IN RED ON COLOURED DRAWINGS.

**KEY:**

1. UP & OVER TIMBER GARAGE  
DOORS
2. WORKBENCH/ KITCHEN SPACE
3. STORAGE
4. STAIRS UP TO HOME OFFICE
5. VELUX WINDOW
6. DOUBLE GLAZED TIMBER  
FRAMED WINDOW UNIT
7. TIMBER FRAMED HALF-GLAZED  
DOOR



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Robert Bruce BAArchHons (DipArch) RIBA

**DATE:** NOVEMBER 2012

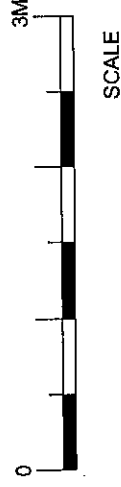
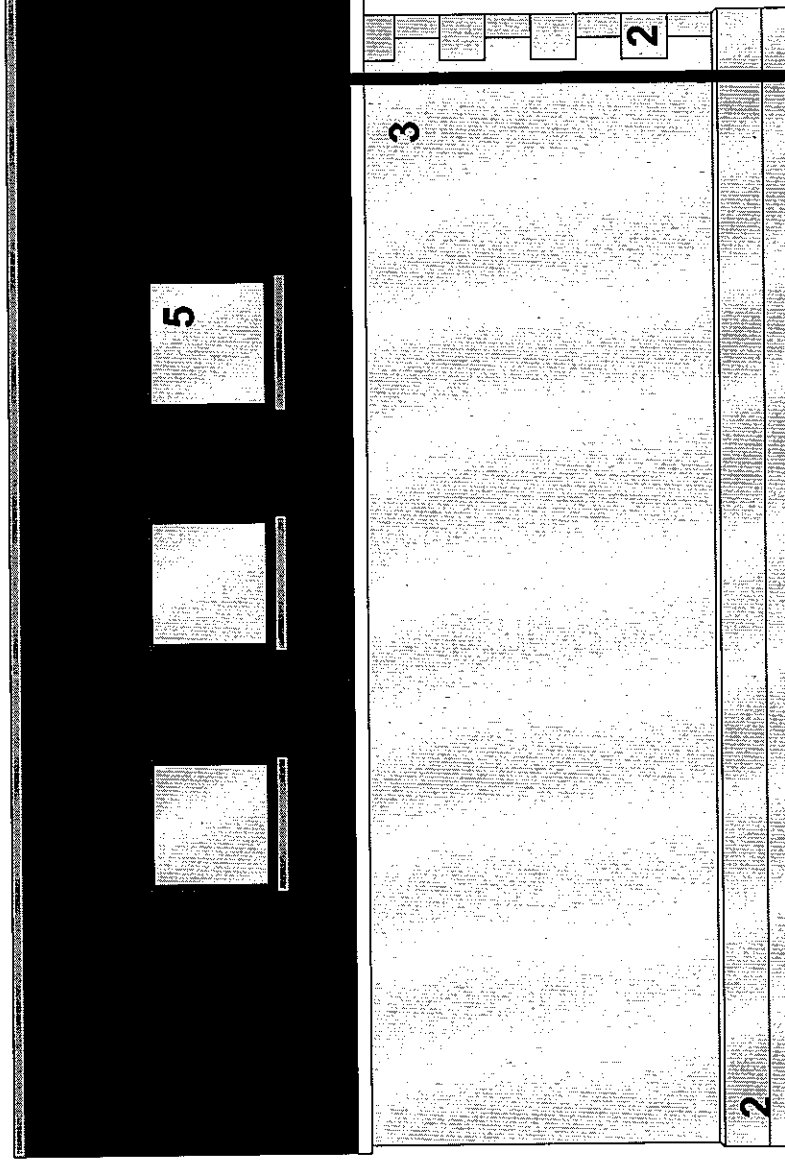
**CLIENT:**

ALISON GILLIAT  
10A LOWER BROOMIEKNOWE  
LASSWADE, EH18 1LW

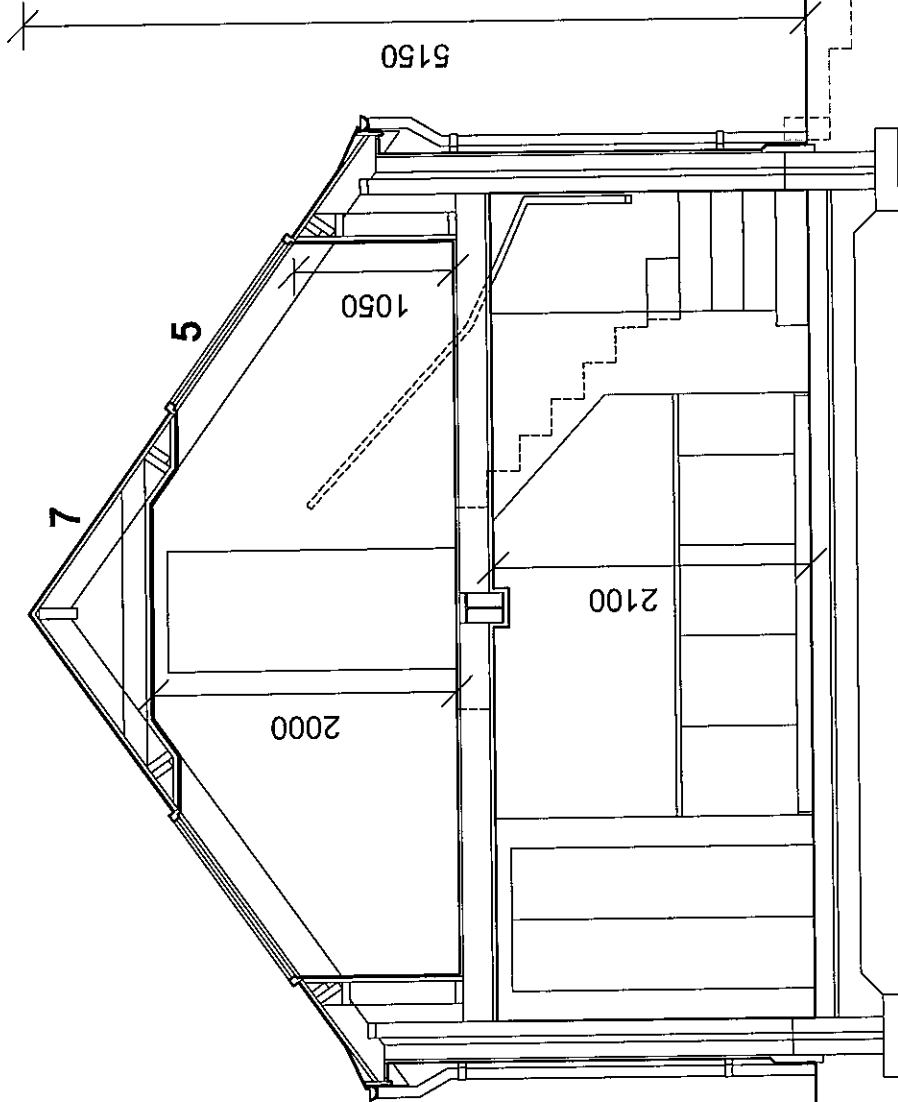
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PROPOSED

**SCALE:** 1:50




**DWG. No.** 133.2/PL07



**NORTH-WEST ELEVATION PLAN AS PROPOSED 1:50**



SECTION A-A AS PROPOSED 1:50



Robert Bruce Design  
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Robert Bruce    Marchmonts    (DipArch)    RIAS

- KEY:**
1. UP & OVER TIMBER GARAGE DOORS
  2. STONE FACINGS AROUND OPENINGS AND CORNERS
  3. HARLING ON BLOCKWORK AS EXTG.
  4. TIMBER FRAMED DOUBLE GLAZED WINDOW
  5. VELUX WINDOW
  6. TIMBER FRAMED HALF-GLAZED DOOR
  7. SLATE ROOF

**DRAWING TITLE:**  
SECTION A-A AS PROPOSED

**SCALE:**  
1:50 @ A4

**DRAWING NUMBER:**  
DWG.NO.133.2/PL09

**DATE:**  
NOVEMBER 2012

**CLIENT:**  
ALISON GILLIAT  
10A LOWER BROOMIEKNOWE  
LASSWADE, EH18 1LW