

Notice of Review: 11 Mansfield Place, Newtongrange

Determination Report

Report by Chief Officer Place

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of a conservatory and associated access steps at 11 Mansfield Place, Newtongrange.

2 Background

- 2.1 Planning application 22/00562/DPP for the erection of a conservatory and associated access steps at 11 Mansfield Place, Newtongrange was refused planning permission on 15 September 2022; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, excluding the standard advisory notes, issued on 15 September 2022 (Appendix D); and
 - A copy of the key plans/drawings (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk

4 Procedures

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

- 4.2 The case officer's report identified that there were no consultations required and no representations received.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported back to the LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 20 June 2022, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. The development to which this permission relates shall commence no later than the expiration of three years beginning with the date of this permission.

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

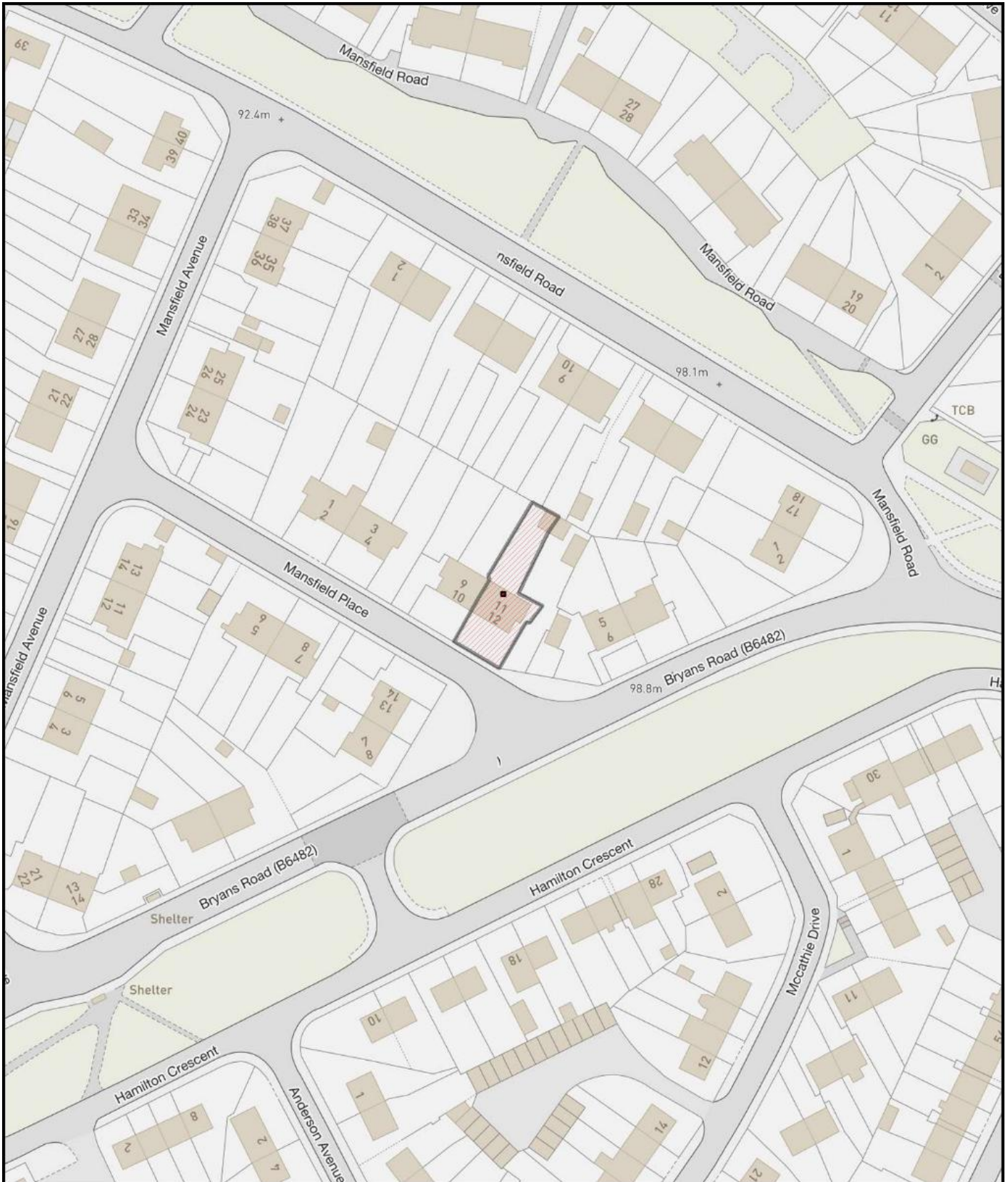
6 Recommendations

- 6.1 It is recommended that the LRB:
- a) determine the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 28 November 2022
Report Contact: Mhairi-Anne Cowie, Planning Officer
Mhairi-Anne.Cowie@midlothian.gov.uk

Background Papers: Planning application 22/00562/DPP available for inspection online.




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

Erection of conservatory and access steps
11 Mansfield Place, Newtongrange

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File No.22/00562/DPP

Scale: 1:1,250





Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: planning-applications@midlothian.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100587011-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="John Gordon Associates Ltd"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="John"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Gordon"/>	Building Number:	<input type="text" value="3"/>
Telephone Number: *	<input type="text" value="01383850134"/>	Address 1 (Street): *	<input type="text" value="Dean Acres"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Comrie"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Dunfermline"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="KY12 9XS"/>
Email Address: *	<input type="text" value="[REDACTED]"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="-"/>	Building Number:	<input type="text" value="11"/>
Last Name: *	<input type="text" value="Wells"/>	Address 1 (Street): *	<input type="text" value="Mansfield Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Newtongrange"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH22 4SF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="11 MANSFIELD PLACE"/>
Address 2:	<input type="text" value="NEWTONGRANGE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DALKEITH"/>
Post Code:	<input type="text" value="EH22 4SF"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="664811"/>	Easting	<input type="text" value="333851"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of conservatory and associated access steps

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

separate sheet attached

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

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

APPLICATION DRAWINGS; APPLICATION FORM; DECISION NOTICE; REASONS FOR REVIEW STATEMENT;

Application Details

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

22/00562/DPP

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

20/07/2022

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

15/09/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Can the site be clearly seen from a road or public land? *

Yes No

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

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr John Gordon

Declaration Date: 20/09/2022

JOHN GORDON ASSOCIATES LTD



ARCHITECTURAL DESIGN &
CONSTRUCTION MANAGEMENT

Reasons for Review

Erection of a Conservatory
at

11 Mansfield Place, Newtongrange, EH22 4SF.

The existing property is ground floor flat within a 2-storey, semi-detached building. The property is not Listed or within a Conservation Area. The property frontage faces southwest towards properties on the opposite side of Mansfield Place and further afield, properties of Hamilton Crescent. The rear of the property faces Northeast onto the rear gardens of similarly properties of Mansfield Road. The properties which make up Mansfield Place and the surrounding streets are all of very similar styles and sizes. Mostly semi-detached properties which are also “four in a block” flatted dwellings. There is nothing particularly special or historic about the area.



11 Mansfield Place, Front Elevation.



11 Mansfield Place, Side Elevation



View right of 11 Mansfield Place



View opposite 11 Mansfield Place

The application is essentially for the erection of a front porch on a ground floor flat. The proposed porch is intended to provide the applicant, who are of advancing age, with an easier access to the property which is also closer to the driveway. We do not agree with the refusal reason stating the front porch would be over dominant, it's a front porch and it looks like a porch. There were no issues raised to us in this regard during the application. Also, there would be very little to impact on daylight to the neighbouring property, the second reason for refusal, I have added some lines to the drawing to show this but we were not asked for this information during the application either.

To conclude, it is our opinion that a the proposed front porch would not look out of oplace in the street but instead would serve to enhance the appearance of the modern property. The erection of a porch as proposed would not be harmful or detractful to the surrounding area but would greatly enhance the lives of it's occupants. There were no complaints or objections received from any of the interested parties during the application process therefore it should be allowed to proceed.

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 22/00562/DPP

Site Address: 11 Mansfield Place, Newtongrange.

Site Description: The application site comprises a ground floor flat of a four-in-a-block and associated garden ground. The building has light brown dry dash and grey painted breezeblock basecourse walls, a slate roof and brown framed windows. The site is in a residential area with similar four-in-a-block buildings.

Proposed Development: Erection of conservatory and associated access steps.

Proposed Development Details: The proposed conservatory is on the front elevation measuring 3.1 metres wide by 3 metres deep with a monopitch roof 3.4 metres high. The frames are to be brown uPVC and the walls are to match existing.

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

99/00544/FUL Formation of driveway and access. Permitted.

12 Mansfield Place

0422/96/FUL Installation of driveway. Permitted.

Consultations: No consultations were required.

Representations: No representations were received.

Relevant Planning Policies: The relevant policies of the **2017 Midlothian Local Development Plan** are;

DEV2 Protecting Amenity within the Built-Up Area advises that development will not be permitted where it is likely to detract materially from the existing character or amenity of the area.

DEV6 Layout and Design of New Development requires good design and a high quality of architecture, in both the overall layout of developments and their constituent parts. The layout and design of developments are to meet listed criteria.

It is noted that policy DP6 House Extensions, from the now superseded 2008 Midlothian Local Plan, set out design guidance for new extensions requiring that they are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines contained in DP6 also relate to size of extensions, materials, impact on neighbours and remaining garden area. It also states that front porches to detached or semi-detached houses are usually acceptable provided they project less than two metres out from the front of the house. It also allowed for novel architectural solutions. The guidance set out within this policy has been successfully

applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

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.

Extensions to the fronts of houses are generally approved if they are small and sympathetically designed. In these cases the existing character of the individual house and of the street scene is retained. The majority of such extensions are front porches, a main purpose of which is to give added protection to the entrance door to the house and usually these do not project more than 2 metres from the front wall of the original house.

At 3.1 metres wide by 3 metres deep the proposed conservatory would appear as a bulky and prominent addition at the front of the house and would be very prominent in the streetscene, where there are no similar extensions on the front elevations. The proposed conservatory would detract from the appearance of the application site and the established character of the area.

Due to the position and size of the conservatory and the orientation of the building, this will likely have an impact on the neighbouring ground floor property where there is a large window which serves a living room. The proposed conservatory will likely have an adverse impact on morning daylight to the neighbouring property. The conservatory will be quite prominent as viewed from the neighbouring property but will not be overbearing to the outlook due to the size of the window.

Recommendation: Refuse planning permission.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 22/00562/DPP

John Gordon Associates Ltd
3 Dean Acres
Comrie
Dunfermline
KY12 9XS

Midlothian Council, as Planning Authority, having considered the application by Mr and Mrs Wells, 11 Mansfield Place, Newtongrange, EH22 4SF, which was registered on 21 July 2022 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of conservatory and associated access steps at 11 Mansfield Place, Newtongrange, EH22 4SF

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	61835/LP 1:1250	21.07.2022
Floor Plan, Elevations, Cross Sections	61835/2 1:500 1:100	21.07.2022

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

- 1. The proposed conservatory will appear over-dominant on the public front elevation and will appear as an incongruous feature detracting from both the appearance of the principal elevation of application property and the street scene.*
- 2. The proposed conservatory will likely have an adverse impact on daylight to the neighbouring property.*
- 3. For the above reasons the proposal is contrary to policy DEV 2 of the adopted Midlothian Local Development Plan 2017 which seeks to protect the character and amenity of the built-up area.*

Dated 15 / 9 / 2022

A handwritten signature in black ink, consisting of a stylized 'D' and 'R'.

.....
Duncan Robertson
Lead Officer – Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN



The Coal
Authority

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/coalauthority

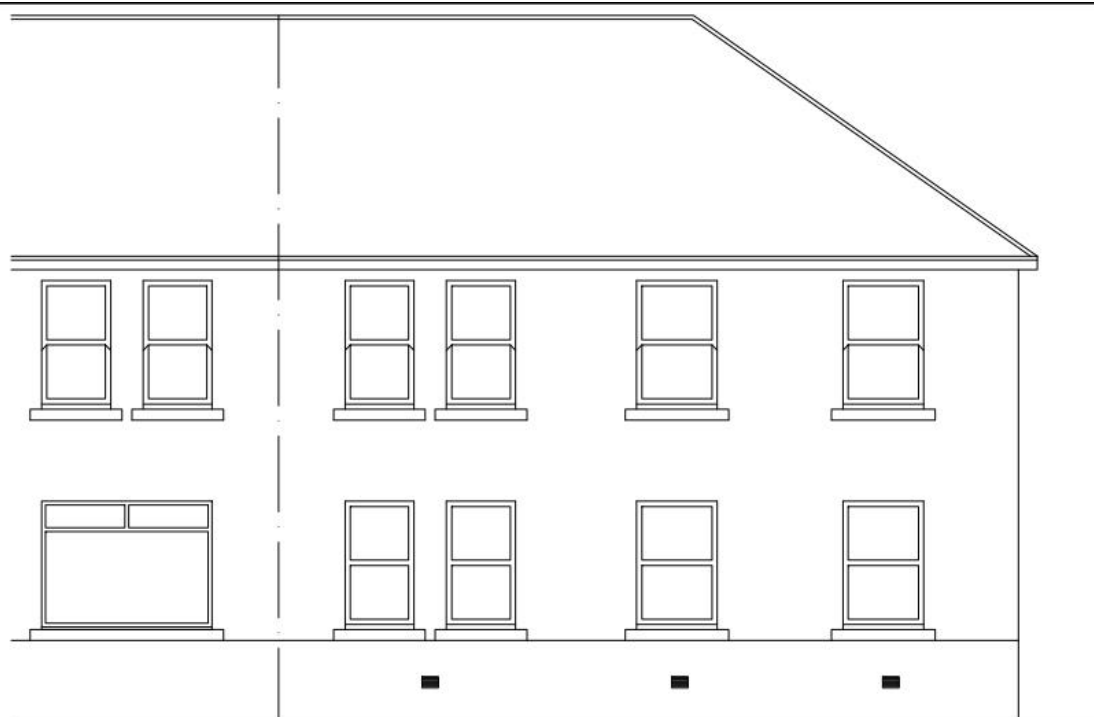
STANDING ADVICE

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

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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

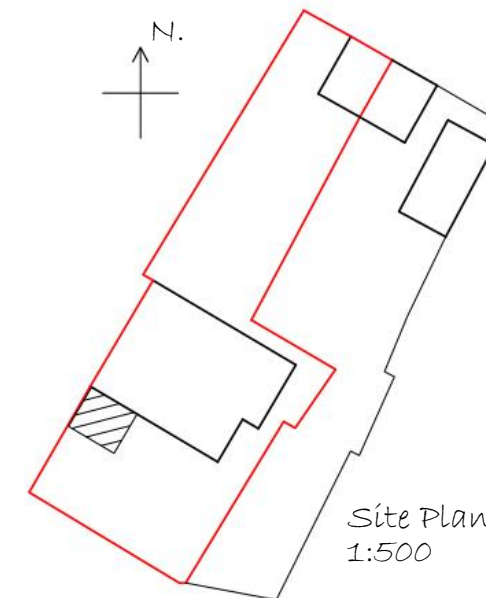
Appendix E



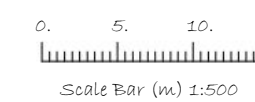
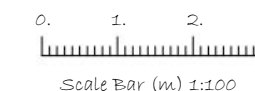
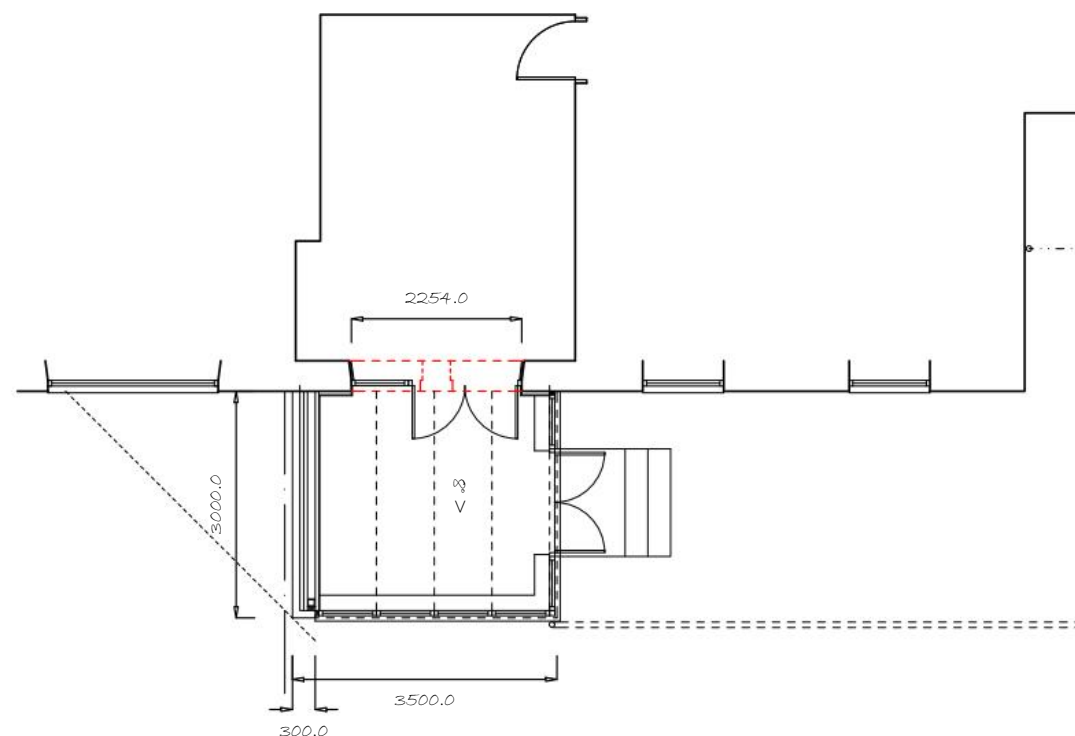
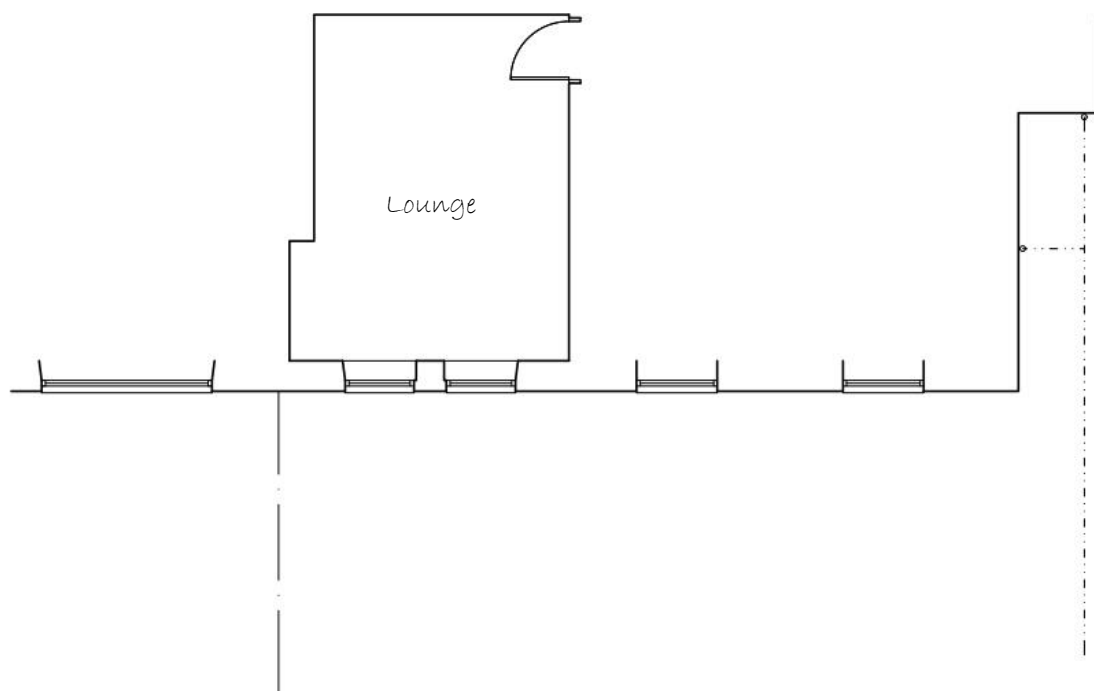
Front Elevation As Existing



As Proposed



Site Plan
1:500



Brown UPVC porch fitted with 12,000mm² trickle ventilation.
Roof frames glazed with double glazed, toughened sealed units, 'AA' rated, U-value 1.6W/m² K.
Wall frames glazed with double glazed, toughened sealed units, U-value 1.6W/m² K.

Side Elevations As Proposed



Mr. & Mrs. Wells,
11 Mansfield Place,
Newtongrange. EH22 4SF.

Proposed Porch

Scale: 1:100

5/7/22

Ref: 61835/2



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