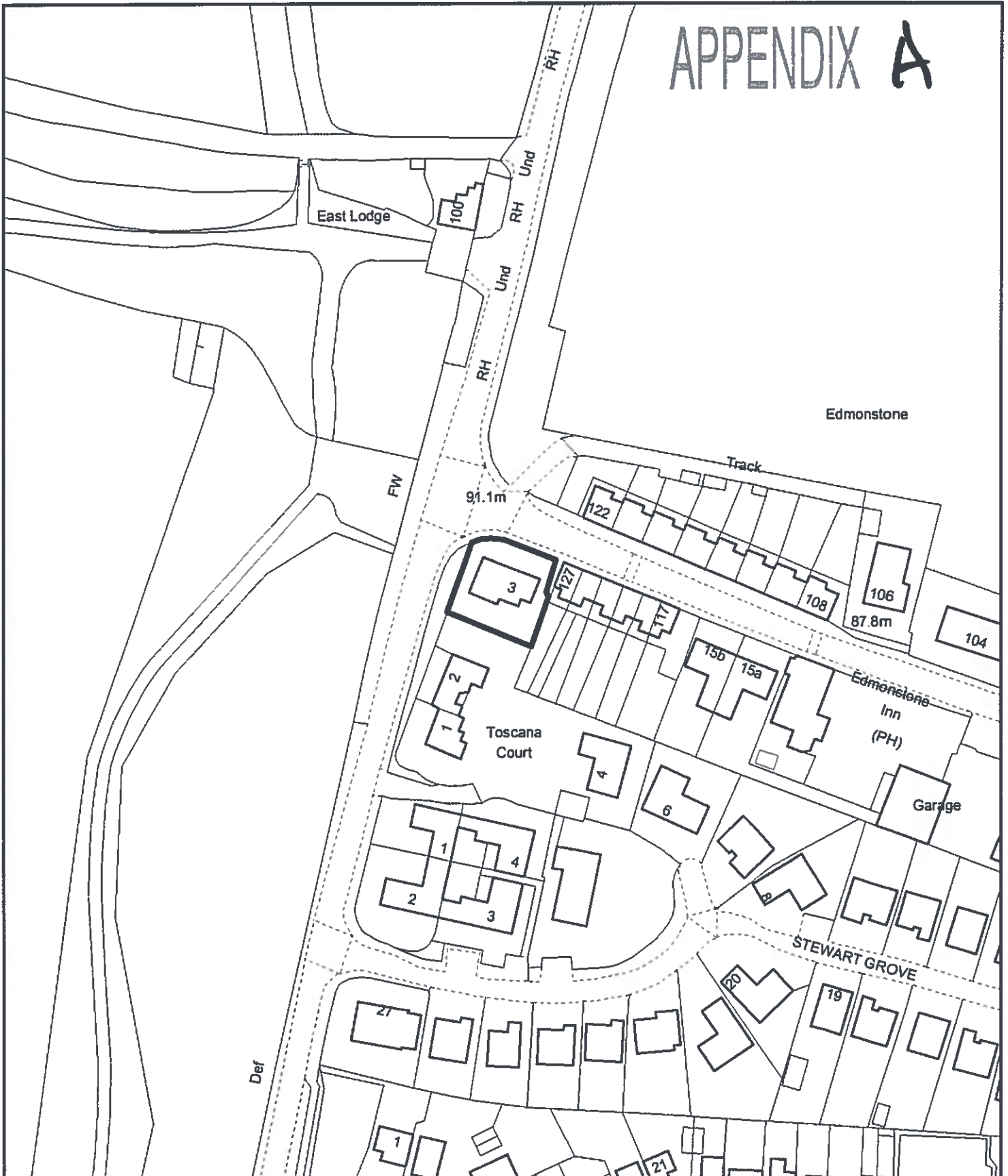


# APPENDIX A



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

**Formation of driveway at 3 Toscana Court, Danderhall**

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Midlothian Council Licence No. 100023416 (2014)

File No. 14/00731/DPP

Scale: 1:1,250



Midlothian



Fairfield House 8 Lothian Road Dalkeith EH22 3ZN

Tel: 0131 271 3302

Fax: 0131 271 3537

Email: [planning-applications@midlothian.gov.uk](mailto:planning-applications@midlothian.gov.uk)

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

Thank you for completing this application form:

ONLINE REFERENCE 000101562-002

The online ref number 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:

Ref. Number:

First Name: \*

Last Name: \*

Telephone Number: \*

Extension Number:

Mobile Number:

Fax Number:

Email Address: \*

You must enter a Building Name or Number, or both: \*

Building Name:

Building Number:

Address 1 (Street): \*

Address 2:

Town/City: \*

Country: \*

Postcode: \*

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

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title: *	Mr	You must enter a Building Name or Number, or both:*	
Other Title:			Building Name:
First Name: *	Brian	Building Number:	3
Last Name: *	Martin	Address 1 (Street): *	Toscana Court
Company/Organisation:		Address 2:	
Telephone Number:		Town/City: *	Danderhall
Extension Number:		Country: *	Midlothian
Mobile Number:		Postcode: *	EH22 1SY
Fax Number:			
Email Address:			

## Site Address Details

Planning Authority:	Midlothian Council		
Full postal address of the site (including postcode where available):			
Address 1:	3 TOSCANA COURT	Address 5:	
Address 2:	DANDERHALL	Town/City/Settlement:	DALKEITH
Address 3:		Post Code:	EH22 1SY
Address 4:			

Please identify/describe the location of the site or sites.

Northing	669936	Easting	330382
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## Description of the Proposal

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

(Max 500 characters)

Formation of Driveway at 3 Toscana Court Danderhall EH22 1SY

## 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 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.

The application was made to add a driveway access to a current pedestrian access, the house was currently part of a group of 4 houses all with vehicle access from Toscana Court, and all used by the same family. The house has now been sold and a wall will be erected between the number 3 and the remaining houses  
If a driveway is not available the owner of this house will park on street, if a drive is granted then this vehicle will be off street and part area will be available for parking

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 now be considered in your review: \* (Max 500 characters)

We only made a verbal comment that the house was being split from the remaining courtyard, he may have omitted this from his report.

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)

Written report and explanation  
3D drawings showing the driveway and its affect to the road.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

14/00731/DPP

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

09/10/14

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

24/11/14

## 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: Walter Wood

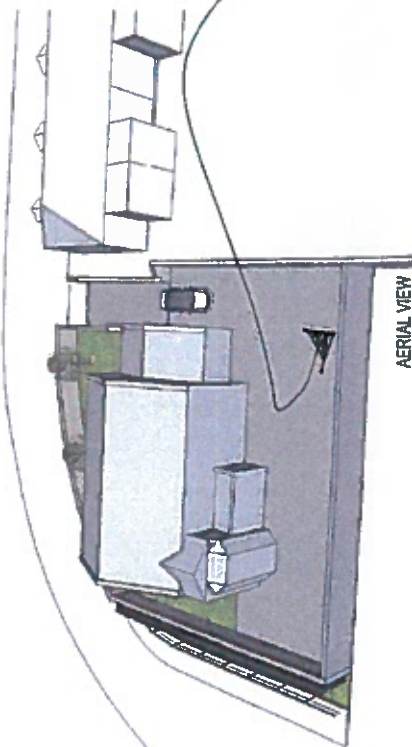
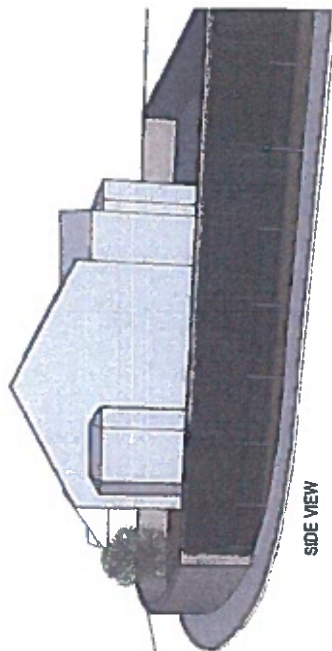
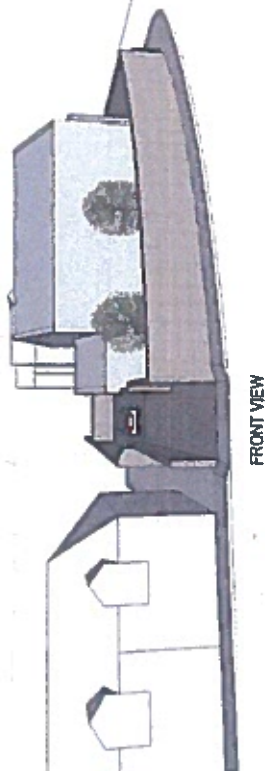
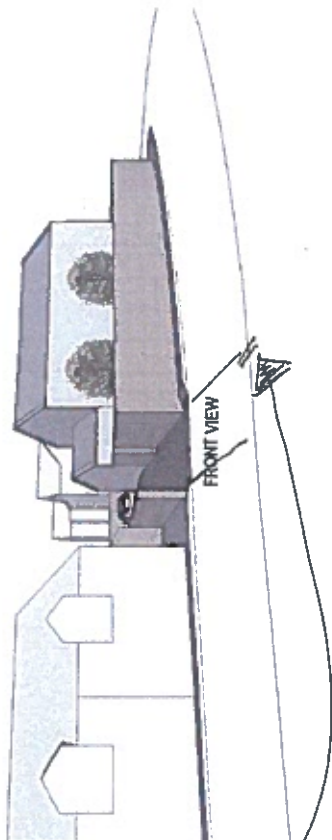
Declaration Date: 24/12/2014

Submission Date: 24/12/2014





WOULD MAKE A GOOD END TO  
THE PARKING TO PREVENT ANY  
PARKING ON THE CORNER  
OF THE STREET.



NEW BOUNDARY WALL.  
TO REAR OF PROPERTY.  
CREATING A PRIVATE GARDEN  
ONLY LOOKING OUT TO  
EDMONSTON ROAD.

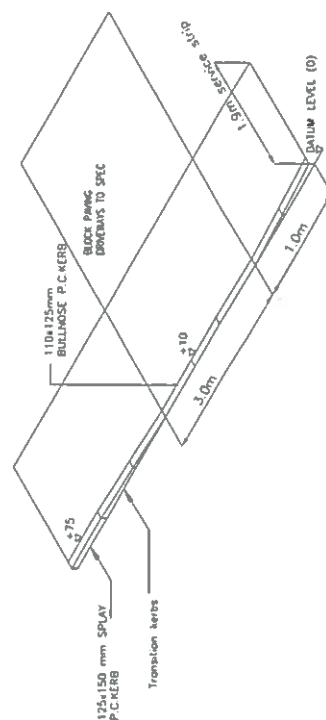
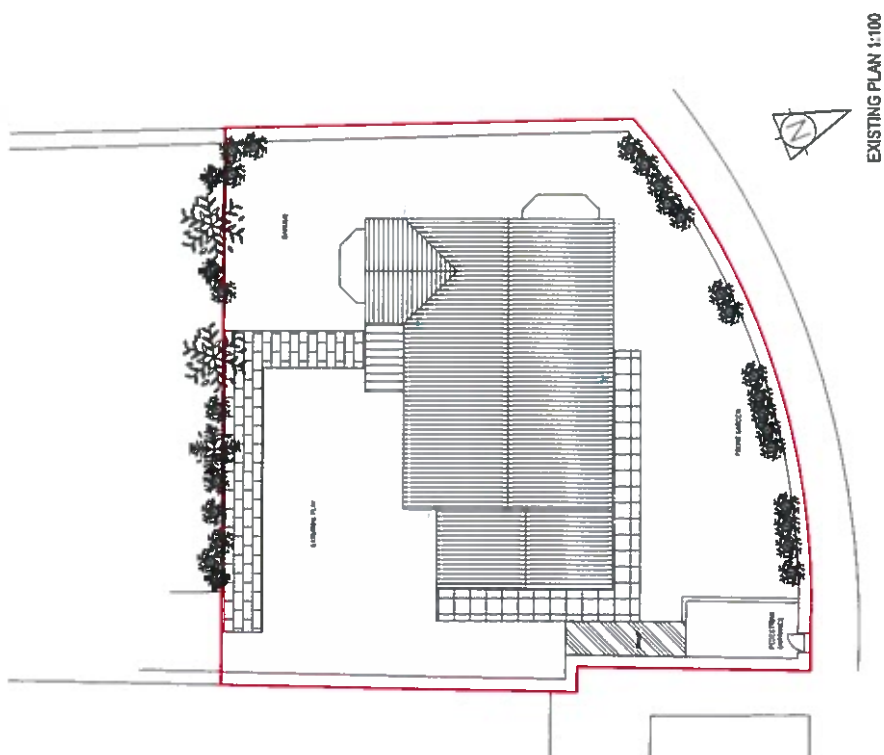
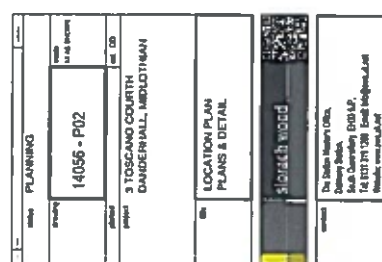
1. The proposed development is a two-storey detached house with a gabled roof and a small porch. The house is proposed to be built on a plot of land which is currently used for parking. The house is proposed to be built on a plot of land which is currently used for parking. The house is proposed to be built on a plot of land which is currently used for parking.

2. The proposed development is a two-storey detached house with a gabled roof and a small porch. The house is proposed to be built on a plot of land which is currently used for parking. The house is proposed to be built on a plot of land which is currently used for parking. The house is proposed to be built on a plot of land which is currently used for parking.

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PLANNING	
14056 - P03	
STOSKAND COURT	
DANFORTH HALL, MIDDLEHAM	
14056 - P03	
14056 - P03	

14056 - P03	
14056 - P03	
14056 - P03	
14056 - P03	
14056 - P03	

[illegible]

KERB DETAIL NTS

**PROPOSED PLAN 1:100**



## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Case Officer:** Graeme King    **Site Visit Date:** 17/10/2014

**Planning Application Reference:** 14/00731/DPP

**Site Address:** 3 Toscana Court, Danderhall

**Site Description:** Modern 2 storey detached dwellinghouse. The property forms part of a modern gated development of 4 houses arranged around a central courtyard; the development is accessed from The Wisp. The walls are finished with cream coloured dry dash render and re-constituted stone base course and detailing. The windows are white uPVC and the roof is finished with red profiled roof tiles. The property has an existing vehicle access via the courtyard area; the ground to the front and to the Eastern side of the house is laid with monoblocking. There is an extension on the side (West) elevation; the walls of which are finished with re-constituted stone and the roof is finished with plain concrete roof tiles. There is an existing brick store building located in the front parking area at the Western edge of the plot.

The plot is bounded by traditional stone walls to the West, North and East; the wall bounding Edmonstone Road, to the North, is approximately 2.4m high on the road side.

**Proposed Development:** Formation of driveway

**Proposed Development Details:** A driveway will be formed to provide vehicle access, from Edmonstone Road, to the rear of the property. The driveway will be linked via a ramp to the existing surfaced area at the Eastern side of the house. The main driveway area will be 3m wide and 5.4m long; the ramp will be 2.5m wide and 4.25m long. No details have been provided of surface materials.

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

**11/00412/DPP**

1 Toscana Court, Danderhall, Dalkeith, Midlothian, EH22 1SY

*Extension to dwellinghouse*

Case Officer: Graeme King

Decision: CONPER

**06/00744/FUL**

1 Toscana Court, Danderhall, Midlothian, EH22 1SY

*Extension to dwellinghouse above existing garage*

Case Officer: Ms Catriona Lyle

Decision: CONPER

**0433/97**

3 Toscana Court, Danderhall, Dalkeith, Midlothian, EH22 1SY

*Increasing number of children at existing day nursery from 24 to 42 (amendment to condition of existing planning permission)*

Case Officer:

**Decision:** APPC

**0569/95**

3 Toscana Court, Danderhall, Dalkeith, Midlothian, EH22 1SY

*Erection of nursery (amendment to previously, approved plan 208/95)*

Case Officer:

**Decision:** APPC

**0208/95**

3 Toscana Court, Danderhall, Dalkeith, Midlothian, EH22 1SY

*Change of use from residential to children's, nursery for a temporary period of 5 years*

Case Officer:

**Decision:** APPC

**0072/93**

Edmonstone Mains, Danderhall

*Proposed erection of four houses*

Case Officer:

**Decision:** APPC

**0388/90**

Edmonstone Mains, Danderhall

*Outline permission for conversion of farm steading into four dwellings and the erection of three dwellinghouses*

Case Officer:

**Decision:** APPC

**Consultations:** The Council's **Transportation Policy and Road Safety** manager notes that while normally being supportive of the creation of off-road parking spaces in this case the property has an existing vehicle access and private parking area. The proposal would result in a reduction in the level of on-street parking on Edmonstone Road; this will place additional pressure on the limited number of spaces available and may lead to inconsiderate or illegal parking which would be detrimental to road safety. It is recommended that the application be refused.

**Representations:** Two objections to the application have been received from local residents. Both objections refer to there being existing pressure on parking on Edmonstone Road with cars regularly parked on the pavement. One of the objections refers to concerns about the safety of the existing junction, of Edmonstone Road and The Wisp, which is close to the driveway location.

**Relevant Planning Policies:** Midlothian Local Plan Policy **RP20: Development within the Built-up Area** states that development will not be permitted within the

built-up area where it is likely to detract materially from the existing character or amenity of the area

**Planning Issues:** The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise. The representations and consultation response received are material considerations.

The property currently has private parking space within the curtilage of the house which is sufficient to accommodate 3 or 4 cars; this space is accessed via a driveway from the central courtyard. The courtyard has vehicle access onto The Wisp via a gated driveway. This is a long-standing arrangement that has been in place since the property was erected approximately 20 years ago. The property is now changing hands and it is intended that the rights of access through the courtyard will not transfer with the property.

The majority of properties at the Western end of Edmonstone Road do not have any private off-street parking and rely on on-street parking. While there are no parking restrictions in the immediate vicinity there is significant demand for parking spaces. Both The Wisp and Edmonstone Road are identified as classified roads by the Scottish Government and the 2 roads are key local arteries which experience significant numbers of vehicle movements.

The formation of the access to Edmonstone Road will result in the loss of at least 1 parking space. Pressure on local parking spaces can have a very significant impact on the amenity of local residents; the loss of space for on street parking, which would be a result of this proposal, would materially detract from the amenity of the surrounding area. The demand for parking in the area, allied to the busy nature of Edmonstone Road, means that parking on pavements is already a regular occurrence; granting this proposal would be likely to worsen this situation.

The proposed driveway will have relatively poor visibility for vehicles exiting the property; the close proximity of the neighbouring property at 127 Edmonstone Road, a late 19<sup>th</sup> century 1 ½ storey property with no front garden, means that views of traffic approaching from the East will be limited. As noted above there is a risk of inconsiderate parking due to pressure on limited spaces and in such a context the poor visibility poses a potential threat to road safety.

The boundary wall onto Edmonstone is a pleasing traditional feature that enhances the character of the surrounding area. The loss of a section of the wall to provide space for a driveway opening will have a detrimental impact on the character of the area. It is acknowledged that the wall could be removed without the need for a planning application; however given the loss of privacy for the occupants that would result from the removal of the wall the main incentive for removal is to provide access for a driveway.

The existing access and parking arrangements for the property have worked successfully since the property was erected. While it is acknowledged that these arrangements are to change the decision to restrict the access to the property is a private decision outwith the control of the Planning Authority. The benefit, that the

driveway would provide, to the convenience of the applicant must be considered against the increased inconvenience to the many local residents who have no option but to rely on on-street parking. On balance the formation of the driveway will have a detrimental impact on the character and amenity of the surrounding area. The proposal is therefore contrary to policy RP20 of the Midlothian Local Plan.

**Recommendation: Refuse Planning Permission**

## Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

**Reg. No. 14/00731/DPP**

Slorach Wood  
The Station Masters Office  
Dalmeny Station  
South Queensferry  
EH30 9JP

Midlothian Council, as Planning Authority, having considered the application by Mr Brian Martin, 4 Toscano Court, Danderhall, Midlothian, EH22 1SY, which was registered on 9 October 2014 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

### **Formation of driveway at 3 Toscana Court, Danderhall, EH22 1SY**

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	14056 P01	09.10.2014
Site Plan	14056 P02	09.10.2014

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

*As a result of the removal of the wall and the reduction of on-street parking on Edmonstone Road the proposal will detract materially from the character and amenity of the surrounding area; the proposal is therefore contrary to policy RP20 of the adopted Midlothian Local Plan.*

Dated 24 / 11 / 2014



.....  
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](http://www.midlothian.gov.uk)*

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

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

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

## **IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION**

### **Making an application**

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

### **Making comment on an application**

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

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