

Notice of Review: 124 Main Street, Pathhead

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 two storey extension to dwellinghouse; extension to dwellinghouse at first floor level; infill of window openings; installation of rooflights; and replacement door and windows at 124 Main Street, Pathhead.

2 Background

- 2.1 Planning application 22/00702/DPP for: the erection of two storey extension to dwellinghouse; extension to dwellinghouse at first floor level; infill of window openings; installation of rooflights; and replacement door and windows at 124 Main Street, Pathhead was refused planning permission on 16 November 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 16 November 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. The applicant, as part of their notice of review submission, included a context visual assessment report providing analysis of extensions and alterations in the Pathhead area – this assessment includes a quantity of photographs which can be viewed in online case file.

4 Procedures

- 4.1 In accordance with agreed procedures, the LRB:
- Have determined to undertake a site visit (only elected members attending the site visit can participate in the determination of the review); and
 - Have determined to progress the review by written submissions.
- 4.2 The case officer's report identified that there was one consultation response and two representations received. As part of the review process the interested parties were notified of the review. One additional comment reinforcing a previous objection has been received. All comments can be viewed online on the electronic planning application case file.
- 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).

2. The external frames of the replacement windows at the front of the property shall be white in colour.
3. The following details of the replacement windows proposed at the front of the house shall be submitted to the planning authority and the replacement windows shall not be installed until these details have been approved in writing by the planning authority:
 - a) materials of the window frames;
 - b) the proposed method of opening; and
 - c) dimensions of that part of the frames of the replacement windows which will be visible externally.
4. The rooflights on the front elevation of the existing building shall be flush fitting so as to not project beyond the plane of the roof.
5. No roof vents shall be installed on the front elevation of the house.
6. Details of the colour of the proposed replacement front door shall be submitted to the planning authority and the door shall not be installed until this detail has been approved in writing by the planning authority.

Reason for conditions 2-6: To safeguard the character of the existing building and the character and appearance of this part of the Pathhead and Ford Conservation Area.

7. Unless otherwise approved in writing by the planning authority within 2 months of the rear extension being completed or being brought in to use, whichever is the earlier date, a 1.8m high trellis shall be erected along the boundary, at the higher ground level, with no. 126 for a distance of 3.5 m as measured from the rear wall of the main part of the original house.

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

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: 22 February 2023
Report Contact: Ingrid Forteath, Planning Officer
ingrid.forteath@midlothian.gov.uk

Background Papers: Planning application 22/00702/DPP available for inspection online.

Appendix A



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

Extensions and alterations to dwellinghouse 124 Main Street, Pathhead

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File No.22/00702/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 100600307-002

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="King Architects"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Mark"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="King"/>	Building Number:	<input type="text" value="72"/>
Telephone Number: *	<input type="text" value="07917625580"/>	Address 1 (Street): *	<input type="text" value="Douglas Road"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Longniddry"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="EH32 0LJ"/>
Email Address: *	<input type="text" value="mark@kingarchitects.co.uk"/>		

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. & Ms"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="John & Lisa"/>	Building Number:	<input type="text" value="124"/>
Last Name: *	<input type="text" value="Stewart"/>	Address 1 (Street): *	<input type="text" value="Main Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Pathhead"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH37 5PX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

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="124 MAIN STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PATHHEAD"/>
Post Code:	<input type="text" value="EH37 5PX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="664065"/>	Easting	<input type="text" value="339653"/>
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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)

Proposed rear extension, attic conversion and associated alteration. Variation to former consent 21/00476/DPP

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.

The officers assessment failed to take into consideration the current state of disrepair, the unpractical consented plan, material considerations such as local context and recent planning consents. Report is factually incorrect regarding any impact on neighboring properties and in any regard no worse than previous consent. Subjective comments made and no communication given to discuss pre-planning or pre-LRB submission. Further supporting information attached. LRB site visit welcome.

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)

In light of unexpected refusal, we provide a short statement in response to the report and reasons for refusal, together with an overlay of existing approval vs proposal. Examples of dilapidated condition together with examples of local properties and recent planning approvals. All material to the proposal and assessment.

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)

Planning Statement 124 Main Street - Existing Condition Photos Context Photo Record L(--)03B Proposed Elevations with planning approval overlay L(--)01 Location Plan L(--)02 Existing Elevations L(--)03B Proposed Elevations L(--)04A Proposed Ground L(--)05A Proposed Attic L(--)06 Existing Ground L(--)07 Site Plans L(--)08 Proposed Section

Application Details

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

22/00702/DPP

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

20/09/2022

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

16/11/2022

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

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site inspection with accompanied access inside and to the rear of the property will provide the LRB with a more holistic picture of the task in hand (which cannot be fully appreciated from record photos) and how the interventions will not be to the detriment of the conservation area.

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

As the majority of intervention is to the rear private garden ground of the property. Access within the property and to the rear is suggested. The dilapidated building can be opened up for the LRB if accompanied.

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?. *

T Yes ≤ No

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

T 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? *

T 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? *

T 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 *

T 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 Mark King

Declaration Date: 31/01/2023

Planning Statement

Design & Planning Statement in support of planning application submitted for the demolition of a rear extension and rear extension and attic conversion of dilapidated private dwelling house. Variation to approved consent 21/00476/DPP at 124 Main Street, Pathhead.



Kingarchitects

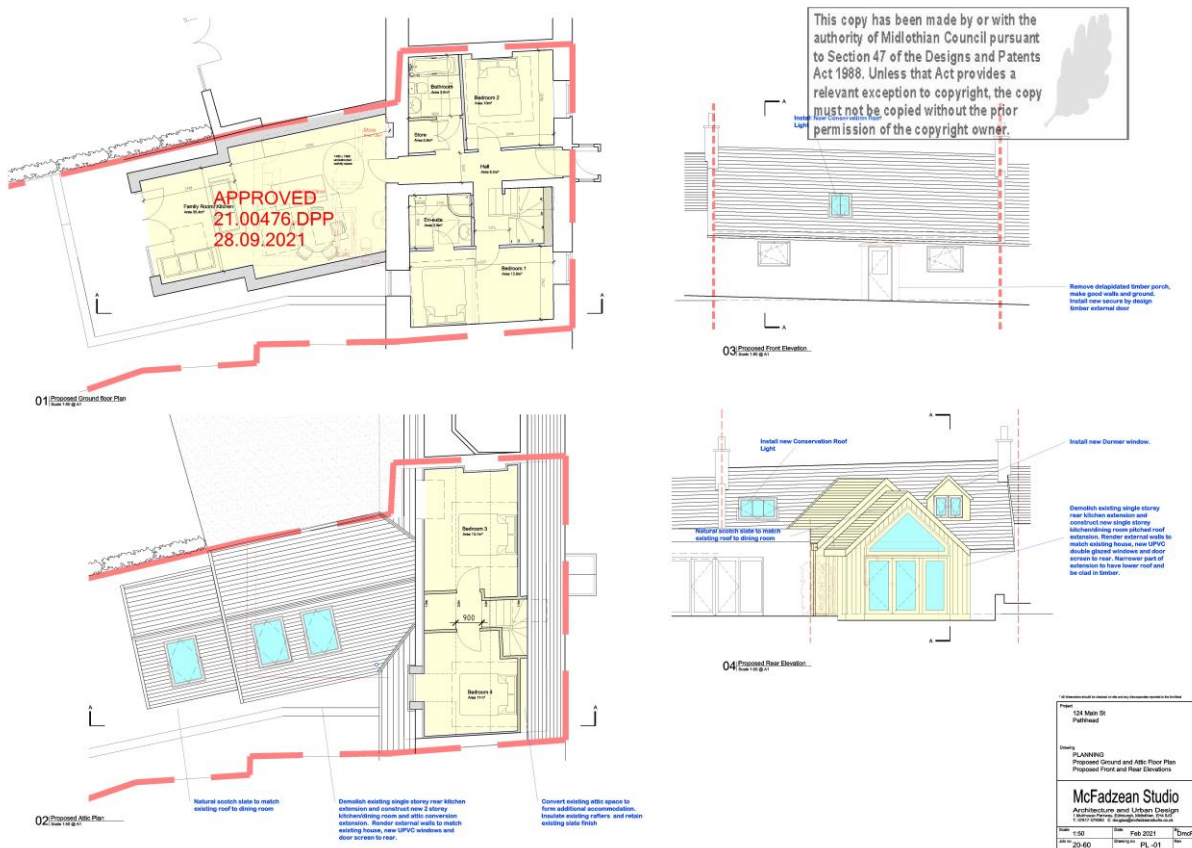
bringing added value to your property & lifestyle



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east Lothian
EH32 0LJ

m. 07917 625580
mark@kingarchitects.co.uk
www.kingarchitects.co.uk

Previous Approved Application

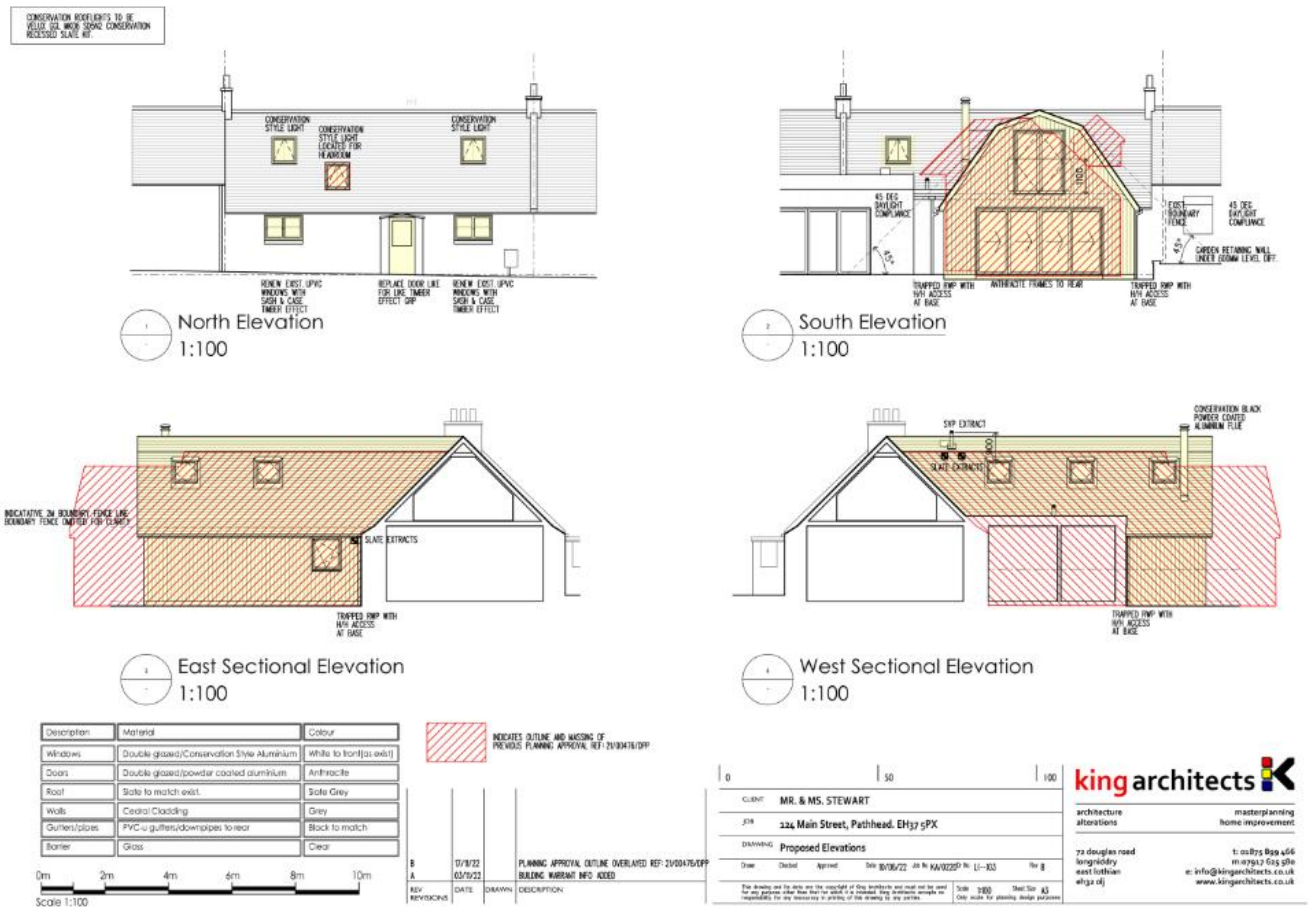


Following approval and sale of the property to the new owners and applicant it became apparent that the approved plans did not work practically and there was insufficient headroom at the stair and within the attic for any compliance with Building Standards.

It was also apparent, that the approved plans did not maximise the potential of property and that improvements could be made to reduce circulation, improve family living and use more sustainable energy efficient materials.

The existing building is SEVERELY DILAPIDATED and maximising its potential will go some way into subsiding the costs associated with the repair and modernisation of such a property.

Proposed with red overlay showing extent of previous approval



The proposed plans now demonstrate compliance with Building Standards and build practicality. The red overlay shows the extent of the approved plans versus the revised proposals submitted.

Reason for officer's refusal & Justification for LRB to overturn decision

The reasons for the Council's decision are set out below, together with our clarifications to address in bold below:

The proposed extension is unsympathetic to the traditional character of the original building, in terms of its design, in particular its massing. It would appear as a very bulky addition, detracting from the character of the original building. Neither does the extension constitute a high quality example of contemporary design.

Find attached elevation overlay L(--)03 B. This shows the outline and massing of the previous planning approval Ref: 21/00476/DPP. Whilst the approved elevations shows the ridge some 30cm lower than the proposed elevations, the proposed ridge is no higher than existing (this to allow useable headroom within attic). The materials used match that of the previous approved application 21/00476/DPP and demonstrates use of natural slate to match existing and use of cladding matching previous approval. Use of geometry, openings and materials improve the massing and visual character to the rear extension than that of the previous approval. The redline of previous approval demonstrating that the proposed extension extends less into the garden ground than that of its former approval. The design and material choice is exemplary in terms of contemporary design that also addresses and responds to heritage and the local context and demonstrates a far higher quality of design than the former approval Ref: 21/00476/DPP

The proposed rooflights at the front of the property would detract from the traditional character of the original cottage, and would have an adverse effect on the character and appearance of this part of the Pathhead and Ford Conservation Area.

The rooflights shown are low pitch, low intervention conservation style rooflights in keeping with the area and heritage while offering natural daylight, ventilation and fire escape to enable the attic to be safely habited and a useful space. One rooflight is already approved on application 21/00476/DPP. The proposed plans indicate a further rooflight above and in line with each of the existing window openings below which will provide natural daylight, ventilation and fire escape to enable the attic to be safely habited and a useful space. The upstairs cannot be inhabited without windows. Both numbers 153 and 163 Main Street have large rooflights on the street frontage.

The replacement windows will be unconvincing substitutes for traditional sash and case windows. The replacement windows will detract from the principal elevation and traditional character of the building and consequently the character and appearance of this part of the Pathhead and Ford Conservation Area.

The existing windows are currently dilapidated white UPVC framed windows which are top hung and opening outwards. The proposed replacement to mock sash and case with a timber look will be far more appealing and sympathetic to the inferior quality of the existing windows.

The proposed full height glazed doors and rooflights at first floor level would result in direct overlooking to the gardens of the immediate neighbours at no.s 120 and 126 Main Street, Pathhead with an overbearing detrimental impact on the privacy and consequently the amenity of the occupiers.

The previous approved application had a larger glazed area at high level which planning would have no control over how this could be viewed from internally. I attach the site plan showing the location and “direct” line of site from opening.

It can be demonstrated that the “direct” line of site is directly down the applicants garden. These gardens are very elongated and some 30m or so in length. Some neighbouring garden land can be “indirectly” seen, however constitutes the very end of the gardens and only a small proportion over 15m or so from rear of the buildings.

The proposed extension will have a detrimental impact on daylight to a bedroom window at the rear of no. 126 Main Street, Pathhead.

The proposed elevations show the 45 degree rule and not in turn will not have a material impact on the daylight to neighbouring windows both sides of the property. It can also be demonstrated that due to the orientation of the site and extension the extension will not overshadow neighbouring property and the light quality to neighbouring properties will not be materially impacted.

Policy DEV2: Protecting Amenity within the Built-Up Area.

This policy supports development within the built up area unless it is likely to detract materially from the existing character or amenity of the area.

It is demonstrated in this application that the proposal will provide an ideal architectural solution for this site. The proposal relates well to its setting; its form and location are derived from the scale, form and mass of similar buildings in the village and the extension set within the applicants rear garden. It will create a good solution that respects the spatial parameters and neighbouring houses, location of windows, impact on light enjoyed by existing neighbours' windows, window to window overlooking distances, plot to building ratio and extent of private usable garden space. The proposal will provide a well thought through, balanced solution that meets each of the criteria the Planning Authority will use to assess its resultant impacts.

Policy ENV19: Conservation Areas.

This policy relates to the general appearance of the development not having an adverse effect on the character or appearance of the area. In relation to alterations and extensions in the conservation area these are generally required to not have a negative effect on the conservation area in terms of design, siting, external appearance etc. The proposal has been designed to the highest standard in relation to each of the relevant policies in order to achieve a positive solution to turn a dilapidated building into useful family living accommodation that will complement the village and be a positive contribution to the conservation area.

Material Considerations:

Other material planning considerations that have a bearing on the consideration this proposal are the historic approval of the site, the dilapidated nature of the building and the numerous examples of recent alterations, new builds and extensions approved in the Pathhead conservation area.

For the clarifications and reasons mentioned above compliance can be met with policies DEV2 and ENV19 of the adopted Midlothian Local Development Plan 2017

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference:22/00702/dpp

Site Address: 124 Main Street, Pathhead

Site Description:

The application property comprises a single storey mid terraced traditional cottage and its associated garden. The cottage is finished externally in cream wetdash render with a slate roof and white plastic coated window frames. There is a timber porch at the front and a single storey flat roof extension at the rear of the cottage.

The application property is located within the Pathhead and Ford Conservation Area.

Proposed Development:

Two storey extension to dwellinghouse and extension at first floor level; infill of window opening; installation of rooflights, replacement door and windows

Proposed Development Details:

It is proposed to take down the existing single storey extension at the rear of the property and erect an extension at the rear of the house incorporating accommodation at first floor level within the roofspace. The extension measures 6m wide and 6.9m deep. It is to be finished externally in grey cedar cladding with grey aluminium window and door frames with slate on a mansard style roof including rooflights on both sides and full height glazing at the rear gable at first floor level and an aluminium flue on the north elevation

Three rooflights, incorporating a central glazing bar, measuring 0.75m wide by 1.2m tall are proposed at the front of the house. The plans also indicate that replacement windows are proposed at the front of the house with mock sash and case timber effect windows to be installed.

The plans also show that it is intended to install a new timber effect door the top half of which is to be glazed at the front of the porch.

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

History sheet checked.

21/00089/dpp - Two storey extension to dwellinghouse; single storey extension to dwellinghouse and formation of dormer window - withdrawn.

21/00476/dpp - Extension to dwellinghouse, formation of dormer, installation of rooflights and demolition of front porch and installation of replacement front door – It was proposed to take down the existing single storey extension at the rear of the property and erect a single storey pitched roof extension in its place measuring a maximum of 5.7m wide and a maximum of 9.2 deep with a 1.5m wide pitched roof dormer on the south east side of the extension on the roof of the original cottage.

The rear part of the extension was stepped in at the side by 0.5m with a lower ridge height. The extension was to be finished externally in render to match that on the house with timber cladding on the rear section with upvc window and door frames and a slate roof. Two rooflights were proposed, one at the front of the property and one at the rear. The plans also showed that it was intended to remove the porch at the front of the house and install a new timber door the top half of which is to be glazed. Approved 28.09.21 subject to conditions including a reduction in the size of the rooflight at the front and details of the design of the front door.

22/00264/dpp - Installation of replacement windows (retrospective) at 144 Main Street, Pathhead – refused 13.05.22 including on the basis that the uPVC framed windows are not of a high quality, traditional design or opening method. Therefore, the replacement windows fail to preserve or enhance the character or appearance of the conservation area or the application building, resulting in a significant adverse impact on the character and appearance of the application property and the conservation area, which is contrary to policies ENV19 and DEV2 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance – upheld by Local Review Body – 20.09.22

Consultations:

The Wildlife Information Centre have recommended that a bat survey be carried out.

Representations:

Two representations have been received in relation to the application objecting to the proposals on the following grounds:

- Overlooking to the garden of no 126 Main Street next door;
- Loss of privacy to no. 120
- Overshadowing of no. 120
- Inappropriate size and style of extension – neither subservient to or in keeping with the style of the existing property; and
- Overbearing impact on no. 120

Relevant Planning Policies:

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Historic Environment Policy for Scotland seeks wherever possible to protect conserve or enhance the special characteristics and qualities of the historic environment.

Historic Environment Scotland's Managing Change in the Historic Environment Guidance Notes on windows recognises that windows make a substantial contribution to the character and interest of historic buildings, streets and places. It advises that where inappropriate modern replacements have been installed it should be acceptable to replace the windows with an aim to regain the original design intention or improve the existing situation.

The relevant policies of the **Midlothian Local Development Plan 2017** are;

DEV2 – Protecting amenity within the built-up area - seeks to protect the character and amenity of the built-up area.

ENV 19 - Conservation Areas - seeks to preserve or enhance the character and appearance of conservation areas. It requires the use of materials appropriate to the locality or structure affected and that care in the design of replacement windows and doors will be required on the public frontage of buildings.

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. Policy DP6 also provides specific guidance with respect to dormer extensions. In particular, dormers should not extend, other than to a limited extent beyond the glazed area, i.e. they should be dormer windows rather than box dormers, and should not occupy a predominant proportion of the existing roof area. 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.

The main issues in this case concerns the design of the proposals and the effect on the character and appearance of the original house and the conservation area and the impact of the rear extension on the amenity of neighbouring properties.

The original cottage is traditional in design and modest in scale. Whilst there is an existing single storey flat roof extension at the rear of the property the form of the original cottage is still evident.

Large extensions may be acceptable where, as a result of their design, they do not have a significant impact on the character of the original property or are of a very high quality design finished in high quality materials.

The proposed extension would dominate the rear elevation of the house and its massing, in particular the shallow pitched roof section at ridge level resulting in a very bulky gable end at the rear, does not respect the traditional pitched form of the roof on or the traditional character of the original house. As a result of its overall size and design the extension will appear as a very bulky addition at the rear of the existing building the design of which is unsympathetic to and would detract from the character of the host building. Whilst the proposed cladding and aluminium window and door frames are more contemporary in nature the extension is not of such a high quality or bold contemporary design sufficient to warrant approval.

Located at the rear the proposed extension will not have a significant impact on the character or appearance of the conservation area.

Sufficient garden area will remain after the erection of the extension.

It is the Council's duty to preserve and enhance the character and appearance of conservation areas.

Street view on Google maps shows a side hung pair of windows in the front window openings at the application property in 2011 after which there is a gap in the views until August 2019 with the present single paned windows in situ. There is no record of planning permission having been granted for the current windows. Taking in to account the location of the application property within a conservation area, care is required in terms of materials used, design and method of opening of replacement windows on the front elevation. Ideally the windows on the front of the property should be replaced with timber sash and case windows.

However, there are a large number of upvc sash and case windows on the fronts of properties in Pathhead. Upvc is not a traditional, vernacular material and does not make a positive contribution to the conservation area. However in 1996 in relation to a planning application for replacement windows at no 66 Main Street, Pathhead the Planning Committee took the view that white upvc sliding sash and case windows may be acceptable in the conservation area subject in particular to the method of opening, the profile of the windows and the dimensions of the frames matching as near as possible the original windows. (Upvc windows are not acceptable where they would detract from the distinct uniform character of the street scene or of a building containing flatted property.) Since then upvc sash and case windows have been approved on the fronts of the houses within the Pathhead and Ford and Edgehead conservation areas. Details of the method of opening of the replacement windows proposed at the front of the house have not been submitted however the plans are annotated that these are to be mock sash and case timber effect windows rather than genuine sash and case windows. Mock sash and case windows will not be a convincing substitute for traditional sash and case windows in terms of their non-traditional method of opening and their profile and both when open and closed. The proposed replacement windows are unsympathetic to the traditional character of the application property and the surrounding area detracting from the character and appearance of this part of the conservation area. The Local review Body has recently refused planning permission for upvc replacement windows which were not of a high quality and not of a traditional opening method – see planning history.

Whilst the proposed front door is a like for like replacement in terms of its design it is not in keeping with the traditional character of the original cottage. A vertical boarded timber door would be more in keeping. However there are a variety of door styles and colours on the fronts of properties along Main Street predominantly timber however including some upvc and some composite. The proposed front door should ideally be constructed in timber. Composite front doors with a coloured (rather than stained) painted effect have been approved in other conservation areas. Taking all of this into account the proposed replacement door will not have a significant impact on the character and appearance of this part of the conservation area.

One of the characteristics of properties within the Pathhead and Ford Conservation Area is the strong roof form of the houses. The proposed three large roof lights on the front of the house will be very prominent features. The number, positioning, and size of the rooflights do not respect the traditional design of the building and will appear incongruous and detract from the traditional character of the building and the street scene within this part of the Pathhead and Ford Conservation Area.

The proposals will not be overbearing to the outlook of no. 120 next door. The extension will not have a significant impact on daylight to the patio doors at the rear of the extension at this property. This room is also served by full height glazing on its north side. The proposal will result in increased overshadowing of the garden area nearest to the house at no. 120 in the morning, particularly in the winter months however the impact will be reduced in the summer and is not sufficient to warrant refusal of planning permission. It will not have a significant impact on sunlight to the house at no. 120. The rooflight proposed on the rear elevation of the existing house will have views of the garden of no. 120 however but for the location of the application property in a conservation area, this could ordinarily be installed as permitted development. The rooflights serving the bedroom on the north side of the roof, in particular the one nearest the gable of the extension will have views of the garden of no. 120. There is also a possibility that these will have oblique views back towards the dormers and a roof light serving a bathroom at the rear of no 120. There is a 3.5m (approx.) high hedge along the boundary with the back garden of no. 120 with the application property. Whilst on site the owner of no. 120 advised that it is proposed to lower the height of the hedge. Currently there is potential for the proposed doors at first floor level on the gable of the extension to have views of the area of no. 120's garden nearest to the house. The hedge would screen views along the rest of the garden at no. 120 however were the hedge to be reduced in height the doors would overlook a larger area of no. 120's garden.

The ground level at no. 126 is at a higher level than the ground level in the area of the proposed extension. There is a bedroom window at the rear of no. 126 next door and an obscure glazed bathroom window and clear glazed door on the side of the extension at the rear of no. 126 facing the application property. The extension will be prominent to the outlook of the bedroom window and along with the extension at no. 126 will create somewhat of a tunnel effect. However on balance the impact on the outlook of this room is not sufficient to warrant refusal of planning permission. The extension will impact on daylight to this window. It will also be prominent to the outlook of the glazed door on the side of the extension at the rear of no. 126. However this room is also served by windows at the rear and has a glazed roof and as such the extension will not be overbearing to the outlook from this room as a whole or have a significant impact on daylight. The kitchen window proposed on the side of the extension will have views towards in particular the glazed door on the side of the extension at the rear of no. 126. This could be minimised by the erection of a trellis on top of the existing boundary fence. The rooflights on the south side of the extension have the potential to overlook the patio of no. 126. The glazed doors at first floor level will have views of no. 126's garden. However in the main views are directed along the garden of the application property and overlooking will not be significant as compared to the common scenario of overlooking from first floor windows on two storey houses which is not considered to be a significant issue in

terms of any impact on privacy. The conservatory at no. 126 has an opaque glazed roof. The proposal will not have a significant impact on sunlight to no. 126. The extension will not be overbearing to the outlook of no. 126's garden.

The Wildlife Information Centre have not referred to a specific bat record for the property. Should planning permission be forthcoming the applicant's agent would be advised of the possibility of bats at the site and their protected status.

Recommendation:

Refuse planning permission

Reg. No. 22/00702/DPP

King Architects
72 Douglas Road
Longniddry
EH32 0LJ

Midlothian Council, as Planning Authority, having considered the application by Mr and Ms John and Lisa Stewart, 124 Main Street, Pathhead, EH37 5PX, which was registered on 21 September 2022 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Two storey extension to dwellinghouse and extension at first floor level; infill of window opening; installation of rooflights, replacement door and windows at 124 Main Street, Pathhead, EH37 5PX

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	L(--)01 1:1250	21.09.2022
Existing Elevations	L(--)02 1:100	21.09.2022
Proposed Elevations	L(--)03 1:100	21.09.2022
Proposed Floor Plan	L(--)04 1:50	21.09.2022
Proposed Floor Plan	L(--)05 1:50	21.09.2022
Existing Floor Plan	L(--)06 1:50	21.09.2022

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

- 1. The proposed extension is unsympathetic to the traditional character of the original building, in terms of its design, in particular its massing. It would appear as a very bulky addition, detracting from the character of the original building. Neither does the extension constitute a high quality example of contemporary design.*
- 2. The proposed rooflights at the front of the property would detract from the traditional character of the original cottage, and would have an adverse effect on the character and appearance of this part of the Pathhead and Ford Conservation Area.*
- 3. The replacement windows will be unconvincing substitutes for traditional sash and case windows. The replacement windows will detract from the principal elevation and traditional character of the building and consequently the character and appearance of this part of the Pathhead and Ford Conservation Area.*
- 4. The proposed full height glazed doors and rooflights at first floor level would result in direct overlooking to the gardens of the immediate neighbours at no.s 120 and 126 Main Street, Pathhead with an overbearing detrimental impact on the privacy and consequently the amenity of the occupiers.*

5. *The proposed extension will have a detrimental impact on daylight to a bedroom window at the rear of no. 126 Main Street, Pathhead.*
6. *For the above reasons the proposals are contrary to policies DEV 2 and ENV19 of the adopted Midlothian Local Development Plan 2017 which seeks to protect the character and amenity of the built-up area and the character and appearance of conservation areas.*

Dated 16 / 11 / 2022



.....
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

CONSERVATION ROOFLIGHTS TO BE
VELUX GGL MK06 SD5N2 CONSERVATION
RECESSED SLATE KIT.

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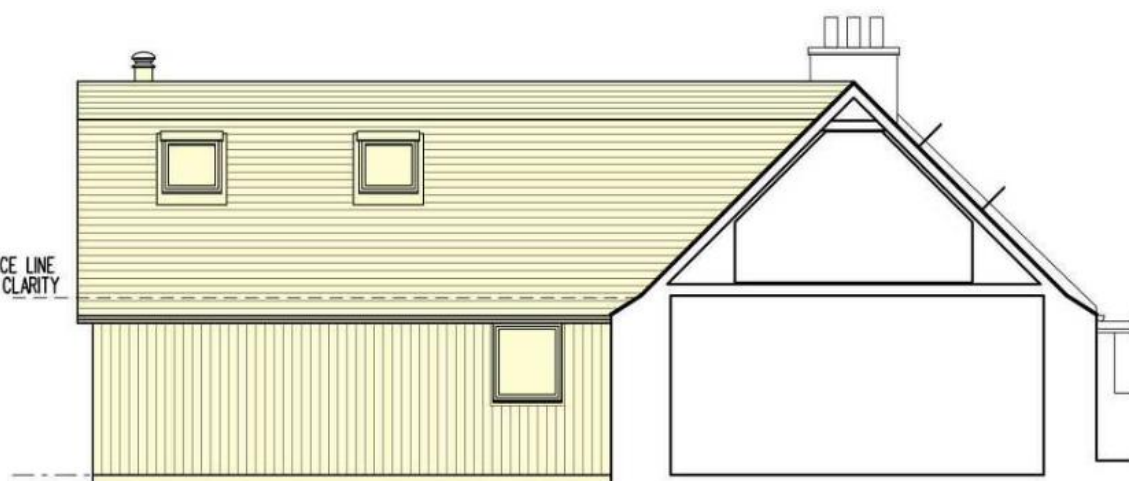
1 North Elevation
1:100



2 South Elevation
1:100

REFUSED
16.11.2022
22/00702/DPP

INDICATIVE 2M BOUNDARY FENCE LINE
BOUNDARY FENCE OMITTED FOR CLARITY



3 East Sectional Elevation
1:100



4 West Sectional Elevation
1:100

Description	Material	Colour
Windows	Double glazed/Conservation Style Aluminium	Anthracite
Doors	Double glazed/powder coated aluminium	Anthracite
Roof	Slate to match exist.	Slate Grey
Walls	Cedral Cladding	Grey
Gutters/pipes	PVC-u gutters/downpipes to rear	Black to match
Barrier	Glass	Clear

0m 2m 4m 6m 8m 10m
Scale 1:100

REV	REVISIONS	DATE	DRAWN	DESCRIPTION
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0	50	100
CLIENT	MR. & MS. STEWART	
JOB	124 Main Street, Pathhead. EH37 5PX	
DRAWING	Proposed Elevations	
Drawn	Checked	Approved
Date	10/06/22	Job No KA/0220
Dr No	L(-)-103	Rev -
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CLIENT MR. & MS. STEWART

JOB 124 Main Street, Pathhead. EH37 5PX

DRAWING Proposed Ground Floor Plan

Drawn Checked Approved Date 08/09/22 Job No KA/0220 Dr No L(--)-04 Rev

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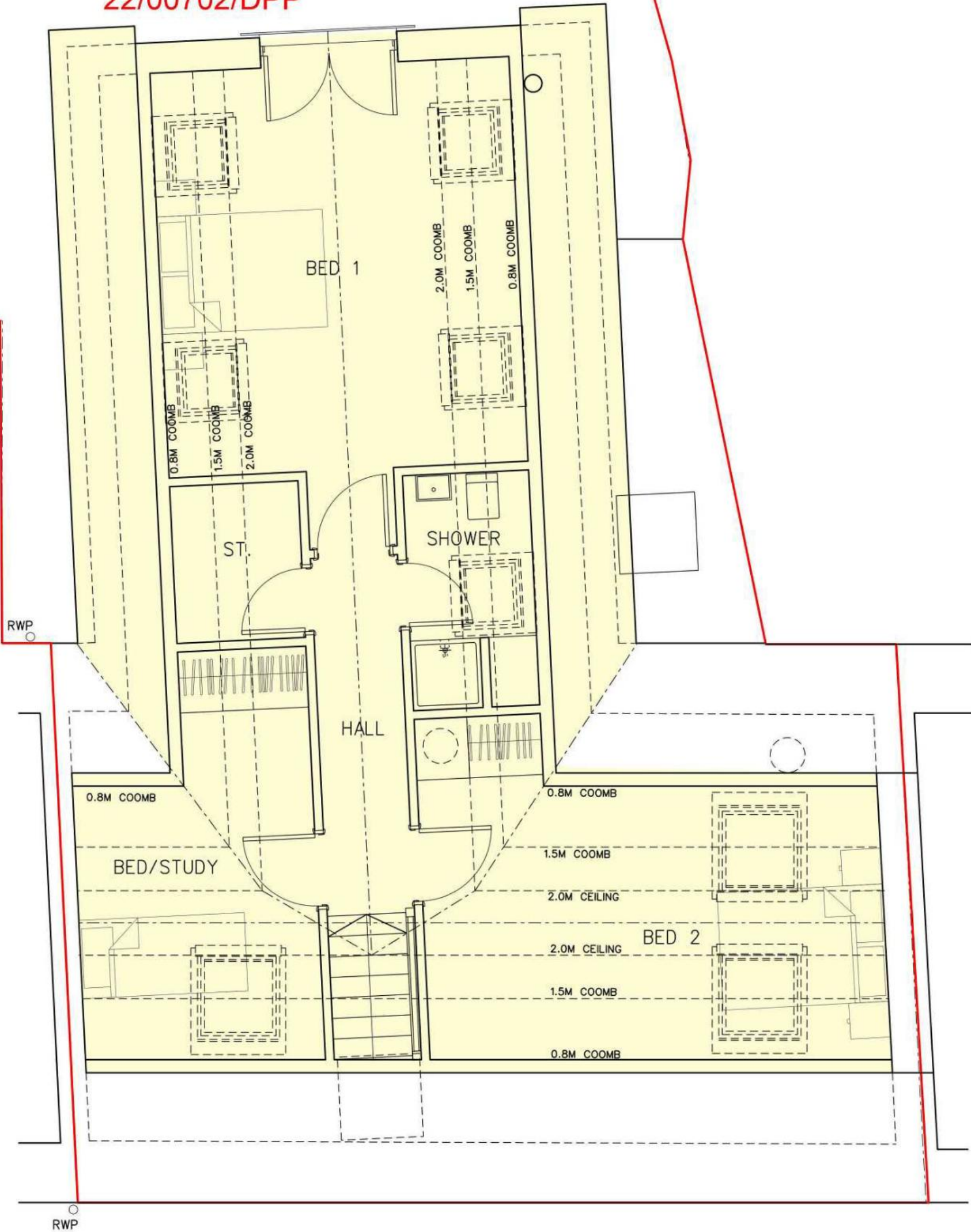
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JOB	124 Main Street, Pathhead. EH37 5PX				
DRAWING	Proposed Attic Floor Plan				
Drawn	Checked	Approved	Date	Job No	Rev
			08/09/22	KA/0220Dr No LC--105	
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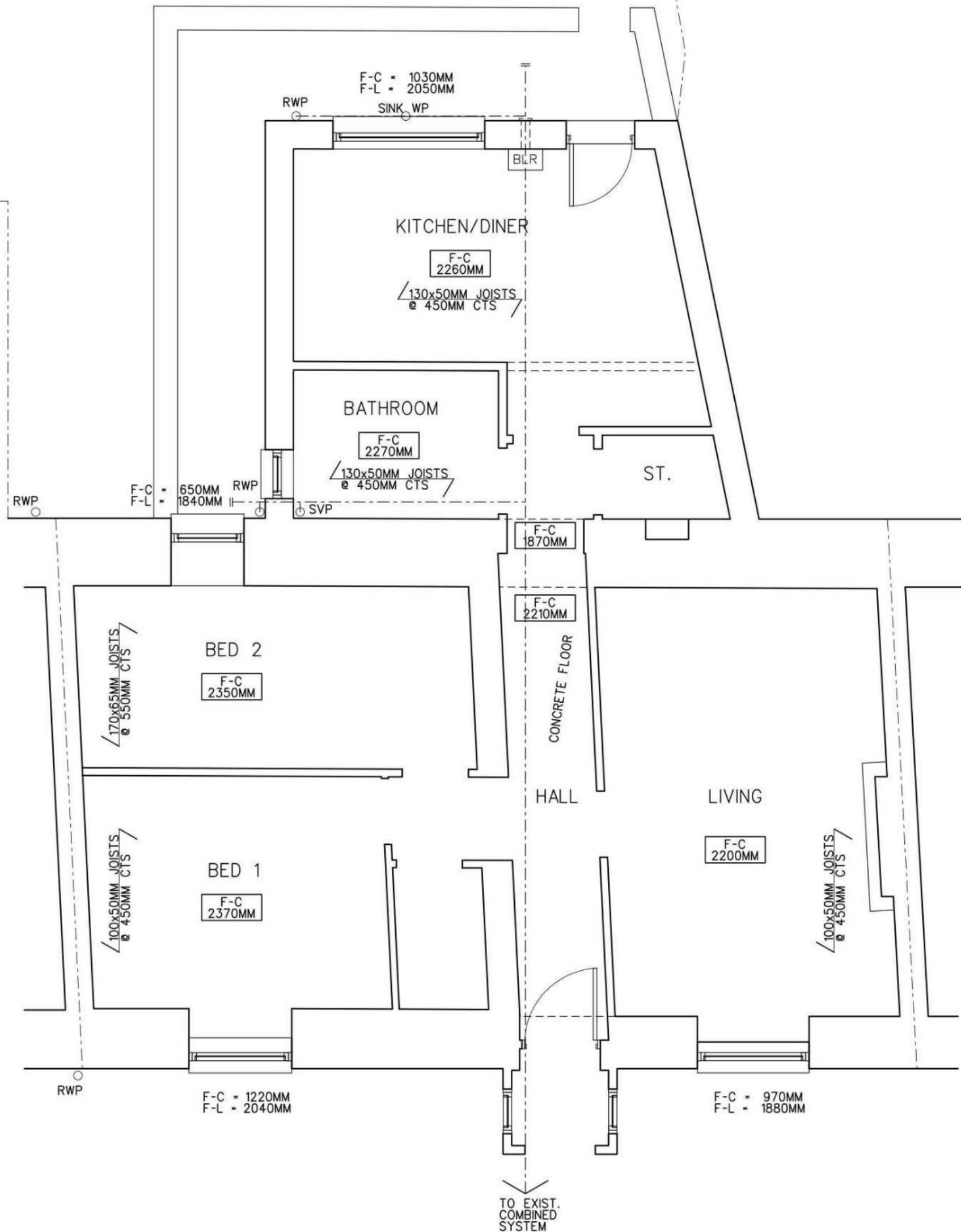
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REV	DATE	DRAWN	DESCRIPTION

CLIENT	MR. & MS. STEWART				
JOB	124 Main Street, Pathhead. EH37 5PX				
DRAWING	Existing Ground Floor Plan				
Drawn	Checked	Approved	Date	Job No	Rev
			08/09/22	KA/0220	06
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