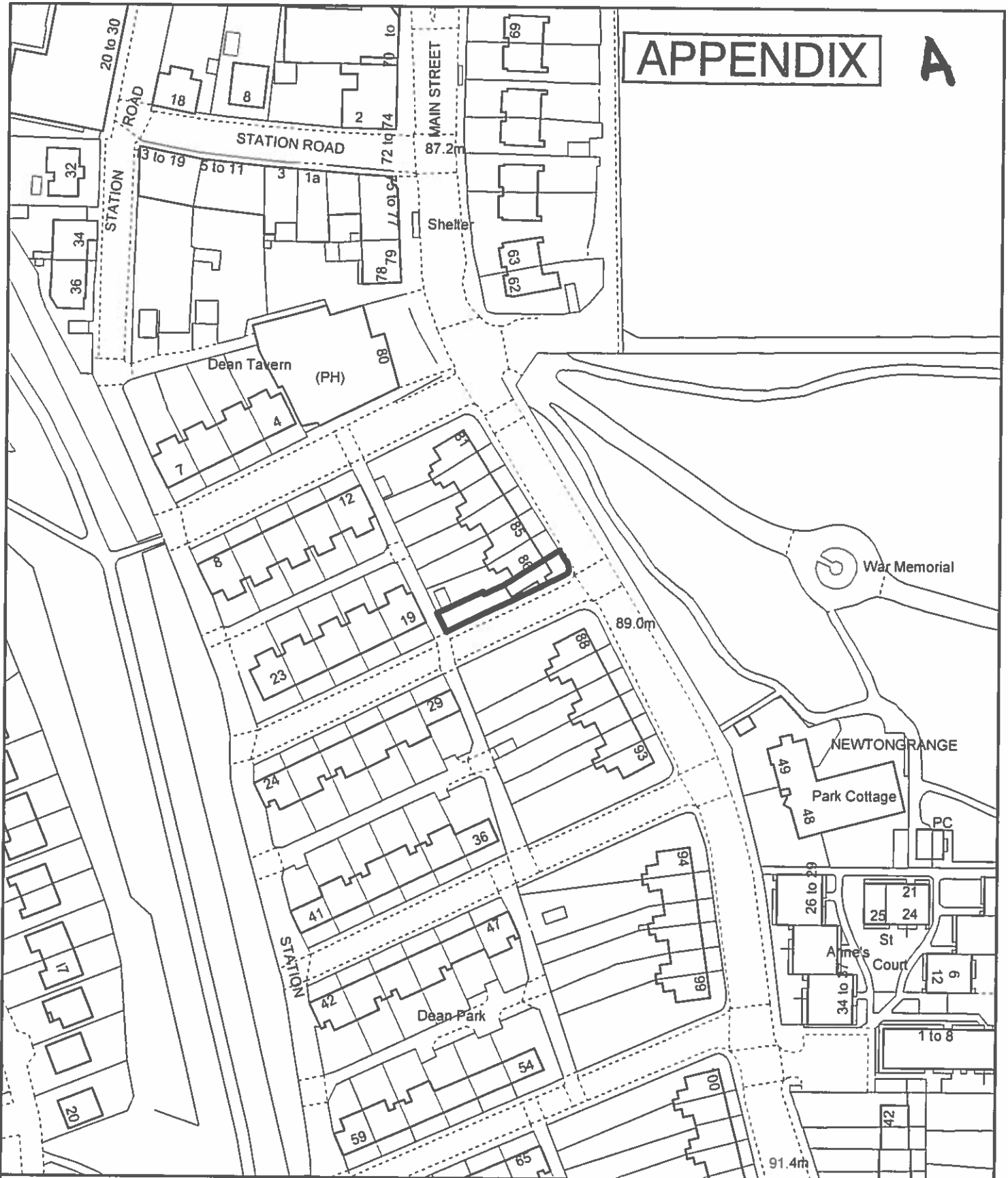


APPENDIX

A



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

**Erection of dwellinghouse at Land At 86 Main Street,
Newtongrange**

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Midlothian Council Licence No. 100023416 (2015)

File No. 15/00185/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 necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000124117-001

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: Domestic Architecture Development

Ref. Number:

First Name: * Robbie

Last Name: * Bennett

Telephone Number: * 01416470037

Extension Number:

Mobile Number:

Fax Number:

Email Address: * rbennett@domesticarchitect.com

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

Building Name:

Building Number: 97

Address 1 (Street): * Dryburgh Avenue

Address 2: Rutherglen

Town/City: * Glasgow

Country: * UK

Postcode: * G73 3ET

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	Ms	You must enter a Building Name or Number, or both:*	
Other Title:		Building Name:	Suite 102
First Name: *	Angela	Building Number:	250
Last Name: *	Bardens	Address 1 (Street): *	Brixton Hill
Company/Organisation:		Address 2:	Clapham Park
Telephone Number:	07747107080	Town/City: *	London
Extension Number:		Country: *	United Kingdom
Mobile Number:	07747107080	Postcode: *	SW2 1HF
Fax Number:			
Email Address:	angela@angelabardens.com		

Site Address Details

Planning Authority:	Midlothian Council		
Full postal address of the site (including postcode where available):			
Address 1:	86 MAIN STREET	Address 5:	
Address 2:		Town/City/Settlement:	NEWTONGRANGE
Address 3:		Post Code:	EH22 4LY
Address 4:			

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

--

Northings	664430	Easting	333252
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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)

Erection of dwellinghouse at Land at 86 Main Street, Newtongrange

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.

We disagree with the reasons used to refuse the planning application. We have outlined why we disagree with each of these reasons in the attached supporting Review Statement.

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

☐ Yes ☒ No

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)

1no. supporting Review Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/00185/DPP

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

05/03/15

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

04/05/15

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: Robbie Bennett

Declaration Date: 25/06/2015

Submission Date: 25/06/2015



REVIEW STATEMENT

86 Main Street
Newtongrange
DALKEITH
EH22



1) BACKGROUND

Planning Application Reference: 15/00185/DPP

Name of scheme: Proposed new dwellinghouse at 86 Main Street, Newtongrange

Applicant: Ms Angela Bardens

Architect: Domestic Architecture Development Ltd

2) INTRODUCTION

This request for a review follows Midlothian Council's refusal of application reference 15/00185/DPP. The refusal was made on the 4th May 2015. The request for review has been prepared on behalf of Ms Angela Bardens.

3) MATTERS TO BE TAKEN INTO ACCOUNT IN REVIEW

Reasons for Refusal

The application was refused for the following reasons:

1. *The proposed development would have a significant detrimental impact on the character and appearance of the traditional miners' cottages in the surrounding area which make a significant contribution, by means of their generally unaltered appearance and layout, to the character and visual amenity of the area.*
2. *The design of the proposed house is out of keeping with, and will significantly detrimentally affect, the streetscene and layout of the surrounding area.*
3. *The proposed house would also have a detrimental impact on the provision of garden ground, parking and daylight to the existing house at 86 Main Street, as well as providing inadequate garden ground for the proposed house.*
4. *For the above reasons, the proposed development does not comply with policies RP20 and DP2 of the adopted Midlothian Local Plan.*

As part of the matters to be taken into account in this review, we would wish to respond to the points raised in the 4 reasons for refusal.

1. The first reason for refusal claims the proposed development would have a negative impact on the character and appearance of the local area – characterised by former miners cottages. We seek the review body to acknowledge the following points:
 - 1.1 This is a small narrow development which generally replicates the form and details of the adjacent properties. In our opinion the proposed development will have minimal impact to the area.
 - 1.2 The existing prison cells which occupy the site are not fit for residential use and are currently in disrepair, without a future use it's hard to see what can be done with this building over the long term. In our opinion the proposed new house will make a positive impact to the street and the surrounding area.

2. The second reason for refusal claims the proposed house design would have a negative impact on the streetscene and layout of the surrounding area. We seek the review body to acknowledge the following points:

2.1 Although the design for the new house is contemporary it is very sympathetic and respectful of the traditional character of the miners cottages adjacent. The proposed house walls are finished in matching red brick, the house roof is finished in matching slate, the dormers are proportioned to exactly match the remaining terrace, the ridge of the proposed house is respectfully lower than the remaining terrace, the verge and eaves overhang in an identical detail to the remaining terrace.



Fig 01 – Brick terrace with proposed house

2.2 The planning application delegated worksheet refers to the new house providing an 'unbalance' to the terrace block. The existing terrace block currently isn't balanced; it has a lean-to on the end. This argument is not relevant.

2.3 We would further add that the redundant lean-to prison cells (Fig 02) that currently occupies the site is very out of keep to the rest of the brick terrace and indeed the rest of the miner cottages aligning Main Street. The proposed house replacing the cells are highly sympathetic and in keeping with the character of the former miners cottages.



Fig 02 – Existing redundant prison cells

3. The third reason for refusal claim the proposed house would have a negative impact on the provision of garden ground, parking and daylight to the existing house at 86 Main Street and as well as providing inadequate garden ground for the proposed house. We seek the review body to acknowledge the following points:

3.1 The garden ground measurement noted in the 'planning application delegated worksheet' specifies '50sqm' for the new house and '85sqm' for 86 Main Street, these areas are not accurate. Due consideration had been made to garden size and the 100sqm minimum specified in the local plan (Fig 03).

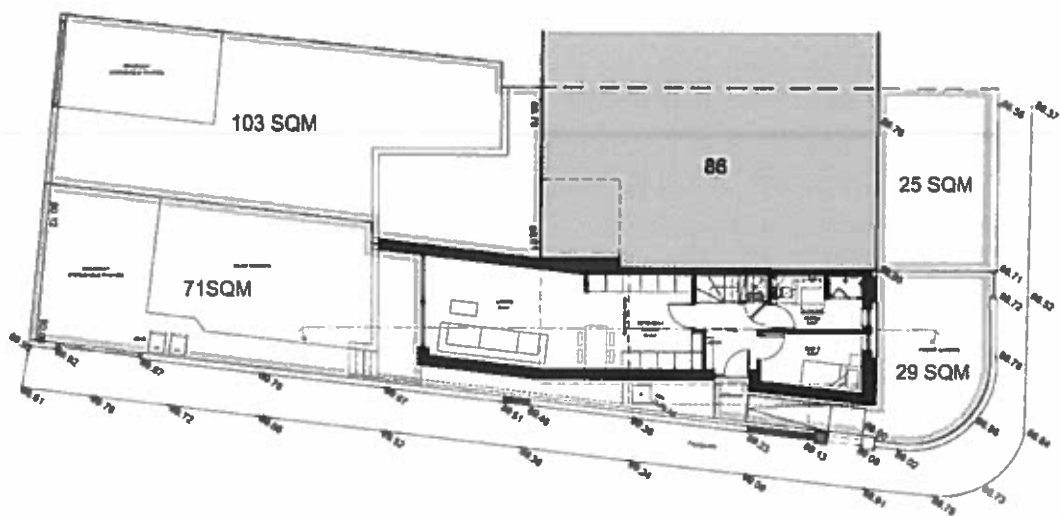


Fig 03 – Garden Ground Areas

- 3.2 In relation to the relatively small garden sizes it's also worth considering Welfare Public Park (6.6HA) and its amenities located directly across the road from the proposed house.
- 3.3 Parking has been noted as an issue, however the roads department have considered the proposal to be acceptable.
- 3.4 The planning department has raised their own separate concern on parking in the delegated worksheet. It states the narrow lane offers limited room for manoeuvring. The planning drawing clearly shows an oversized access gate (3m) to the rear of no 86 to compensate the limited width of the lane.
- 3.5 In relation to daylight impact, the planning department have raised concern in the delegated worksheet (at no time prior to the writing of delegated

worksheet was the agent asked to demonstrate the daylight impact). The single storey rear end of house makes a small impact to the rear windows of 86 Main Street. A 3D model of the terrace demonstrates that sunlight will shine on these windows from 11.20am – through to sunset in the summertime, with the proposed new house a shadow would be cast less than half way across the patio doors at 11:20am – diminishing through to 14:30pm (Fig 04) from which point it will be fully exposed through to sunset.

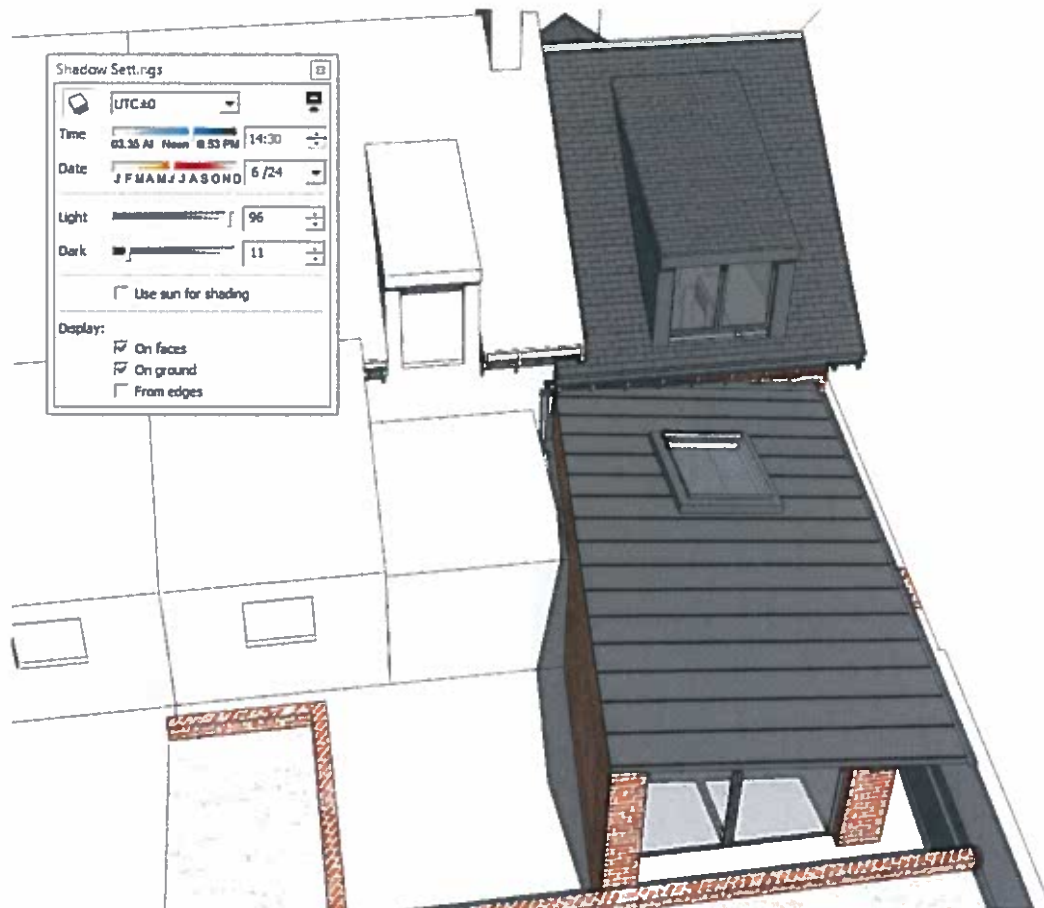


Fig 04 – Daylight Impact

4. The fourth reason for refusal makes reference to reasons for refusal 1-3 and states non conformity with policies RP20 + DP2. We seek the review body to acknowledge the following point:
 - 4.1 Examination of the policies RP20 + DP2 indicates the proposed house does not contravene either of these policies. We disagree strongly that this development will detract materially from the existing character or amenity of the area and we strongly disagree that the development doesn't meet the council standards for the reasons stated above.

4) CONCLUSION

We disagree with the reasons for refusing application 15/00185/DPP. This supporting statement describes the reasons for seeking a review, and the matters to be taken into account during its determination. These give strong justification for approval of the application.

5) DECLARATION

This Design Statement has been prepared by Mr Robbie Bennett BSc (Hons) PGDip MSc RIBA RIAS, Director of Domestic Architecture Development.

Signed...  FOR DOMESTIC ARCHITECTURE DEVELOPMENT LTD

Date: 24th June 2015

MIDLOTHIAN COUNCIL**DEVELOPMENT MANAGEMENT
PLANNING APPLICATION DELEGATED WORKSHEET:**

Planning Application Reference: 15/00185/DPP

Site Address: 86 Main Street, Newtongrange.

Site Description: The application site comprises a single storey structure adjacent to a two storey brick end terrace dwellinghouse and associated garden ground. There is a garage within the garden ground of and single storey extensions to the rear of the adjacent house. The site is located within an area of Newtongrange characterised by rows of terraced (former) miners' cottages. The adjacent house is a traditional miners' cottage with brick walls and a slate roof. There is a low brick wall and railings to the front of the site, with a brick wall along the side and rear boundaries and an open boundary to the existing house's garden. There is a lane running along the rear of the site. The adjacent house used to be used as a police station and the building on the application site was used as the cells. The applicant owns both properties.

Proposed Development: Erection of dwellinghouse.

Proposed Development Details: It is proposed to remove the existing single storey structure and erect a new house in its place. This is to be 4.5 metres wide and a total of 16 metres long with the two storey section to match the depth of the existing adjacent row of dwellinghouses. The proposed two storey extension is to have a lower ridge than the adjacent property. The roof is to be natural slate with red brick walls and grey framed windows. There is to be a dormer window rising from the wallhead which is to be zinc clad. The single storey element is to have a monopitch zinc clad roof to a height of 3 metres at ground level within the site which is slightly lower than the pavement which runs along the boundary. It is proposed to subdivide the garden ground serving 86 Main Street to provide garden ground for the proposed house.

A new pedestrian access is proposed from Dean Place. The house is to be entered from the side elevation. A new gate pier is to be formed to match the existing and a section of the wall is to be repaired as well as infilling the existing pedestrian access to the side of the site with brick to match the existing wall. Two parking spaces are proposed, one serving the proposed house, the other serving number 86. A new retaining wall is proposed within the garden ground of the proposed house.

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

08/00255/FUL 85 Main Street Extension to dwellinghouse. Consent with conditions.

Consultations:

The Policy and Road Safety Manager has no objection.

The Council's **Archaeology Consultant** has no objection to the proposal subject to conditions relating to a Historic Building Recording being carried out to monitor the site for potential archaeological remains. They state that the building on site and the adjacent house date to the early 20th century.

Newtongrange Community Council has objected to the application on the following grounds: the proposal appears to be an overdevelopment; the rear gardens do not appear to comply with policy requirements; the existing building on site is unique to the area and is of architectural and historic interest which contributes to the distinctive character of the area; the proposal would detract from the streetscene of the area and will unbalance the symmetry of the terrace of houses; it may act as a precedent for other similar applications; the proposed zinc cladding is out of keeping with the area; and the access to the existing house will be difficult as the lane to the rear is narrow. They query if a change of status is required to change the use of number 86 from an end terraced semi-detached property to a terraced house.

Representations: Four letters of representation have been received objecting to the application on the following grounds:

- There is insufficient space to create a dwellinghouse at the site;
- The surrounding area is a former coal mining centre and its character and architecture is important to residents;
- The frontage of the properties at Main Street have not been altered since construction and the linear layout has not significantly changed;
- No end terraced properties have been extended in the area;
- The single storey building was built along with the adjoining house as cells to the police station which has great significance to the surrounding area;
- The removal of the structure will not respect the local landscape character and would detract materially from the character of the area and existing buildings, not preserving or enhancing the area;
- If approved, the application will set a precedent for other end-terraced extensions;
- The proposal is contrary to Local Plan policies RP7 and RP20;
- There are issues with parking in the area which will be exacerbated by the proposal; and
- The proposal does not seek to meet a need requirement but maximises rental income.

Relevant Planning Policies: The relevant policies of the **2008 Midlothian Local Plan** are;

RP20 Development Within the Built Up Area states that development will not be permitted within existing built up areas where it is likely to detract materially from the existing character or amenity of the area;

HOUS3 Windfall Housing Sites that residential development will be permitted provided that it does not result in the loss of valuable public or private open space, does not conflict with the established land use in the area, has regard to the area in terms of scale, design and materials, meets traffic and parking requirements and accords with other Local Plan policies; and

DP2 Development Guidelines indicates the standards that should be applied when considering applications for new dwellings.

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.

Although the site is not listed or within the Newtongrange Conservation, it has a significant positive impact on the character and appearance of the surrounding area, forming part of the rows of traditional former miners' cottages which relate to the historic relationship of the area with coal mining. The cottages in the surrounding area are traditional in scale, design and materials and give the area a distinct character. With the exception of the application site, there are no extensions to the sides of the houses on the corner plots of the terraced houses along Main Street. These properties do not extend the full width of the site, leaving garden ground between the house and the boundaries. The properties along Main Street are relatively unaltered rows of terraced buildings and, as such, even small alterations have a big impact on their appearance, as is evident in the replacement of the mortar at number 85 which is noticeable as being different from the other buildings in the terrace.

The existing building at the site is an original feature of the area from when it was a cell connected with the original use of the adjacent house as a police station. The existing structure on site is of modest scale, no higher than the eaves of the dwellinghouse, and is contemporary to other buildings in the area. Due to its size and design it is not a dominant feature in the area. It does not detract from the character of the building layout in the area of terrace properties with no additional development on corner plots but rather adds to it because of its historic significance. Although the existing building at this corner plot is out of keeping with the layout of houses in the surrounding area, this dates back to when the buildings were erected and has historic significance for its erection and contributes positively to the character and appearance of the surrounding area.

The proposed house provides two storeys of accommodation hard up to the site boundary. Due to its size and proximity to the site boundary, this proposed development would be an over-dominant feature at this attractive row of terraced houses. As noted above, this terrace is largely symmetrical and the proposed extension would significantly detract from this. The extension would remove any perceived distance between the original building and the boundary. Due to the increase in the length of the terrace and that the building would extend the full width of the site, the building would appear as an incongruous addition, breaking the established street pattern of the area. There is a major concern that if the proposed house is allowed on site this would erode the strong and established layout and character of the surrounding area which may lead to other similar applications, which would be to the detriment of the surrounding area.

The design of the proposed house reflects the scale and proportions of the front elevations of the row of terraced properties, albeit with a modern element in regards the dormer detail and materials. The ridge height of the proposed building is lower than the existing houses meaning there is a break in the mass of the roof which

makes it subservient to the existing dwellinghouses. It would appear as a modern addition rather than a pastiche of the original buildings. However, as noted above the terraced row of houses are largely symmetrical and the proposed house would unbalance this highly visible prominent and attractive street frontage. Given that the character of this section of Main Street comprises traditional miners' cottages, the proposed development would have a detrimental impact on the streetscene and character of the area.

It is proposed for the new house to have a monopitched roofed extension projecting 4 metres from the building line of the existing terrace of houses. Given the orientation of the application site, this will have a detrimental impact on the daylight to one if not both of the windows on the rear elevation of the house at number 86. These windows serve a dining/living room and kitchen and are the only source of light to these rooms. It will also have an overbearing impact on the outlook of these the closest window which serves a living/dining room. In addition, the size of the proposed dormer window on the rear elevation of the proposed house is larger than those on the existing houses. As the roof of the proposed house is lower than the terraced houses there is a smaller area to accommodate a dormer. The combination of the size of the dormer and the smaller area of roof it is sited on results in it having a bulky and disproportionate appearance on this terraced row of traditional cottages.

It is proposed to subdivide the garden ground serving 86 Main Street to serve the existing and proposed houses. The garden for the new house is to measure 50 square metres and the garden serving 86 Main Street 85 square metres. This falls well below the requirement of 100 square metres for terraced properties required in the Local Plan and provides inadequate levels of amenity for both properties.

A parking area is provided within the garden ground of the proposed house to be accessed from Dean Park which is considered acceptable in road safety terms. The parking space for the new house is to be accessed from Dean Park and the space for the existing house is to be accessed from the narrow lane to the rear of the site. Although this provides a space for the existing house, the planning authority has a concern over how this is to be accessed as there is limited room for manoeuvre to enter and exit the space. This could lead to increased on street parking in an area where this is already pressure.

The comments made by representors regarding the reasons for submitting the application are not material planning considerations. In planning terms there is no requirement to change the status of 86 Main Street from an end terraced property to a terraced house. An objector stated the proposal is contrary to Local Plan policy RP7 Landscape Character. This policy relates to proposals affecting the landscape of an area rather than the built up area and so is not considered relevant.

Recommendation: Refuse planning permission.



Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 15/00185/DPP

Robbie Bennett
Domestic Architecture Development
97 Dryburgh Avenue
Rutherglen
Glasgow
G73 3ET

Midlothian Council, as Planning Authority, having considered the application by Ms Angela Bardens, Suite 102, 250 Brixton Hill, Clapham Park, London, SW2 1HF which was registered on 5 March 2015 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of dwellinghouse at Land At 86 Main Street, Newtongrange

In accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	AL(90)001 1:10,000 1:500	05.03.2015
Site Plan	AL(90)002 1:200	05.03.2015
Existing elevations	AL(21)001 1:100	05.03.2015
Existing elevations	AL(21)002 1:100	05.03.2015
Existing elevations	AL(21)003 1:100	05.03.2015
Proposed floor plan	AL(20)001 1:100	05.03.2015
Proposed floor plan	AL(20)002 1:100	05.03.2015
Proposed elevations	AL(21)004 1:100	05.03.2015
Proposed elevations	AL(21)005 1:100	05.03.2015
Proposed elevations	AL(21)006 1:100	05.03.2015
Proposed cross section	AL(22)001 1:100	05.03.2015
Illustration/Photograph		05.03.2015

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

1. *The proposed development would have a significant detrimental impact on the character and appearance of the traditional miners' cottages in the surrounding area which make a significant contribution, by means of their generally unaltered appearance and layout, to the character and visual amenity of the area.*
2. *The design of the proposed house is out of keeping with, and will significantly detrimentally affect, the streetscene and layout of the surrounding area.*
3. *The proposed house would also have a detrimental impact on the provision of garden ground, parking and daylight to the existing house at 86 Main Street, as well as providing inadequate garden ground for the proposed house.*

4. *For the above reasons, the proposed development does not comply with policies RP20 and DP2 of the adopted Midlothian Local Plan.*

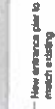
Dated 4 / 5 / 2015

A handwritten signature in black ink, appearing to be 'DR' with a stylized flourish.

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

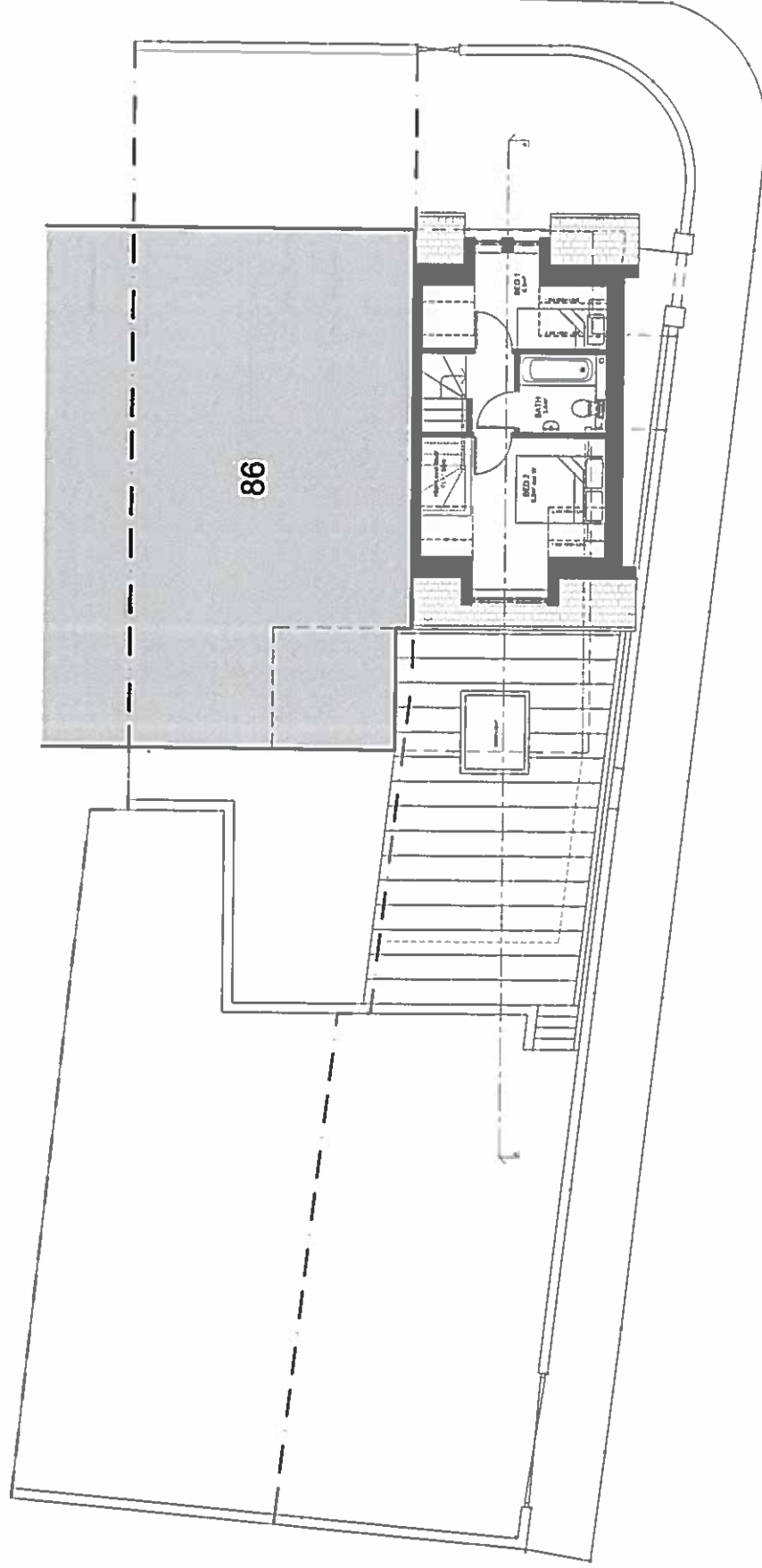
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www.cheshirearchitects.com

GABLE ELEVATION (SOUTH EAST) 1:100



REV	PROPOSED	DATE	23/02/2015
TITLE	FIRST FLOOR PLAN		
CLIENT	MRS A BARDENS		
PROJECT	PROPOSED NEW DWELLING 88 MAIN STREET HEYTINGRANGE		
SCALE	1:100	DRAWN	RB
CHECKED	RB	DATE	23/02/2015

27 Colingridge Avenue
Leyland, Lancashire
PR25 1UG
01524 887443
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