

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

Erection of porch at 15 St James Gardens, Penicuik

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Midlothian Council Licence No. 100023416 (2015)

File No. 14/00855/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 000111173-001

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

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>
Other Title:	<input type="text"/>
First Name: *	<input type="text" value="Stuart"/>
Last Name: *	<input type="text" value="Law"/>
Company/Organisation:	<input type="text"/>
Telephone Number: *	<input type="text" value="0131 271 3302"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address: *	<input type="text" value="stuart.law@midlothian.gov.uk"/>

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

Building Name:	<input type="text"/>
Building Number:	<input type="text" value="15"/>
Address 1 (Street): *	<input type="text" value="St. James's gardens"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Penicuik"/>
Country: *	<input type="text" value="UK"/>
Postcode: *	<input type="text" value="EH26 9DX"/>

Site Address Details

Planning Authority:

Midlothian Council

Full postal address of the site (including postcode where available):

Address 1:

15 ST JAMES GARDENS

Address 5:

Address 2:

Town/City/Settlement:

PENICUIK

Address 3:

Post Code:

EH26 9DX

Address 4:

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

Northing

659607

Easting

323241

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)

We would like to review the conditions imposed on our application for a single storey front entrance porch, application ref 14/00855/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 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.

See supporting document

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)

Emails between ourselves and the planning officer

Application Details

Please provide details of the application and decision.

What is the application reference number? *

14/00855/DPP

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

08/12/14

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

20/01/15

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

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 conducted by a combination of procedures.

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

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)

In order for an assessment to be made.

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist - Application for Notice of Review

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

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

☒ Yes ☐ No

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

☒ Yes ☐ No

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

☐ Yes ☐ No ☒ N/A

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

☒ Yes ☐ No

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

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

☒ Yes ☐ No

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

Declare - Notice of Review

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

Declaration Name: Mr Stuart Law

Declaration Date: 12/02/2015

Submission Date: 12/02/2015

Proposal Details

Proposal Name	Porch
Proposal Description	Appeal against conditions imposed on proposed porch application
Address	15 ST JAMES GARDENS, PENICUIK, EH26 9DX
Local Authority	Midlothian Council
Application Online Reference	000111173-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete
Payment Method	incomplete

Attachment Details

Notice of Review	System	A4
Notice of Review	System	A4
scotapp	System	A4
Supporting Statement	Attached	A4

Please see our notes below which highlight our reasoning against the conditions imposed on our planning application for a porch at 15 St James Gardens, Penicuik, EH26 9DX.

Reg. No. 14/00855/DPP

Background/Site information

We have owned the property for just over two years and the previous owner paid to have the roof painted with a non-permanent paint in a red colour. The original colour of the roof tile is grey. We were informed that this paint was applied within recent years. We were also told that the paint colour has changed since its application and in the past two years we have noticed that it has deteriorated ourselves. This appears to be a general theme with roof paint coatings and so we expect the roof tiles to return to their original grey colour in a few years time.

We have been informed by the planning department at the council that there is no planning permission required for someone to paint the roof in any colour of their choice, therefore we find it baffling that the council are trying to stipulate that we select red tiles for our proposed porch given that in the long term, our roof tiles will be go to a grey patchy colour again.



Picture 1

This is a photograph of our house, taken from directly in front of the property, across the street on the opposite pavement.

As you can tell from this picture you cannot actually see any of the roof tiles on the main house, due to the roof style.



Picture 2

This is a photograph of our property from the opposite side of the street, further along to the left.

It is not until this point that you can actually start to see a prominent view of our roof tiles.



Picture 3

Photograph of a neighbouring property, where the roof tiles have been painted a colour and you can clearly see that the original true grey colour is showing through, and the painted colour only remains in sporadic patches.

On all the window ledges of our house we have a series of concrete rectangle-shaped flat tiles. See picture 4 below:



Picture 4

Example of window tile on our property (we would be prepared to paint these in a grey colour in order to appease the conditions imposed on the colour of the proposed porch tiles)



Picture 5

Picture of chimney on the left-hand side of our property, which has concrete tiles. Again, we would be prepared to paint these in a grey colour.

Conditions imposed on planning permission by planning department

"Policy DP6 seeks complimentary or matching materials to be used on extensions. In this case, the proposed harling and facing brick is to match that on the existing house. The roofing material is however specified as matching that on the existing lockup/garage instead of the main house. It appears that the roofing material of this structure is of relatively poor quality and does not match that of the main house, therefore this is not appropriate in terms of policy DP6. A condition should therefore be applied requiring that the roofing materials match that used on the main house."

Our reasoning against these conditions

We are very surprised that there is an issue with our choice of roof tile for the proposed porch. The original roof tile colour of our house is grey. It has been painted with a non-permanent paint by the previous owner in a red colour, which has gone to a patchy orange at this stage currently. With the original colour being grey, this is why we propose having the porch roof in a grey colour to match the original/long-term colour of the house roof tile. The tile we have selected is Marley Modern Smooth Grey. At the ridges of the porch we will be having a dry verge rather than cement bedded, which have maintenance requirements. The tile we have selected works well with dry verge and is also well suited to low pitched roofs.

On the report on the proposed plans the planning officer mentions in relation to the tile on the existing garage "the roofing material of this structure is of relatively poor quality"? The tiles on the garage are Marley make which I believe is the same manufacturer who produced our house roof tiles? The tile we have selected is meant for buildings and has no variance in terms of quality? We have included a picture of our garage roof tiles below for your reference.



Picture 6

Photograph of garage grey concrete tiles at our property.

The tile on the porch that is on our neighbour's house (11a St James's Gardens) has a different size, profile and texture to the main building? The tiles on the porch appear to be flat slate form whereas the tiles on the roof of the main building are curved concrete tiles. With this style of property, the main roof is visible from many angles and much more prominent than our own tiled roof. The porch on 11a has 5 sides, its own floor, footings, walls, windows, roof and exterior grade door, so it's fair to say it's a porch not just a "bay window" as referred to by the planning officer. It protrudes clearly beyond the line of the main building. But you have to agree that it has formed part of the street scene in our immediate proximity. We do not believe that this structure forms any detriment to the street scene, despite the mixture of materials. See photograph below:



Picture 7

Photograph of 11A St James's Gardens, to the right of our property.

There are a couple of houses I can think of in our street which again have a lower roof tile that does not match that of the main house in terms of size, profile and texture. See photographs below:



Picture 8

In this illustration, the upper title on this roof is grey curved concrete, whereas the ground floor roof above the garage appears to be of a grey, flat slate form.



Picture 9

Another property illustration within our street, showing the same tile variation, as shown in picture 7.

The planning officer informed us this was permitted development as the extension does not extend beyond the front line of the building. However, as this picture illustrates it does extend beyond the line, albeit slightly. Whether it does require permission or not, it does impact on the street scene of our locality. Again though, we do not feel this has any detrimental impact on the street scene. We feel it is fair to say that in our locality that ground floor roofs are a mixture of flat profile and curved profile roofing tiles.

Policy DP6 seeks complimentary or matching materials to be used on extensions. With the term complimentary that is, to a degree, down to taste. We feel that our choice of tile is completely fit for purpose and is probably best suited out of tiles on the market today for our requirements.

If you look at modern developments today, such as ours, and also as you can see in the example below of two properties within the same development in Midlothian, varying colours, textures and forms of roof tiles (flat or curved) are used.



Picture 10

Property with concrete red tile (note not painted red) with curved profile



Picture 11

Property with concrete grey tiles with flat profile

Varying colours and profile of tiles are used on neighbouring properties so that two tile types can be used side-by-side, without any issue. See pictures below:



Picture 12

Left property has red curved tiles, right property has flat grey tiles.



Picture 13

Left property has red curved tiles, right property has flat grey tiles.



Picture 14

Showing one established and one property currently under construction by Midlothian Council at Craigiefield Crescent, Penicuik.

The established property has a grey curved roof tile, the new property adjacent to it has a red flat roof tile.

With the term complementary there is as I said a degree of taste. The structure we are proposing I believe to be an attractive small addition to the building, including the roof. The concrete window ledge tiles on all our house windows and on the side of our chimney are of a flat form and similar texture of the proposed roof tiles on the porch. These concrete window tiles are above and below the height of our proposed porch roof and of course our proposed porch window will have these as well. So would fairly say this to be a compliment?

We ask you to reconsider the conditions imposed on our planning application, taking into account the reasoning we have provided.

In terms of ways we could move forward (if our appeal against the conditions imposed isn't accepted) we have outlined below a few options which we could consider:

Option 1: We would paint the concrete chimney and window ledge tiles grey to match the proposed porch tile colour.

Option 2: We would paint the main house roof grey. This would however cost us approximately £2000 to carry out this work. Also, we would not been keen to do this as it is a messy job in terms of overspray on to our guttering, soffits and fascias (which are white and have just been replaced) and also on to nearby vehicles or slabbing. Also with it being non-permanent, it would not be a permanent solution.

Option 3: We would be prepared to replace our house roof tiles with the flat form grey as on the garage (but we have been informed by the planning department that this would not be allowed) and could also paint the chimney and window ledge tiles grey.

Option 4: Try to remove the non-permanent red paint colour from the grey tiles on the main roof, using a pressure washer or similar equipment. A reason why we wouldn't be particularly keen on this is that this forceful method would make the surface of the tiles more porous, therefore more susceptible to fungal growth than normal.

Regards

Stuart Law and Elaine Reid

MIDLOTHIAN COUNCIL

**DEVELOPMENT MANAGEMENT
PLANNING APPLICATION DELEGATED WORKSHEET:**

Planning Application Reference: 14/00855/DPP

Site Address: 15 St James Gardens, Penicuik

Site Description: The application site comprises a modern (1970s) detached dwellinghouse. The roof is clad with curved profile red rooftiles. The walls are harled with grey dry dash. The front elevation ground floor is clad with buff coloured facing brick. The windows are white uPVC. More than 50% of the area in front of the house is mono-block, the remaining portion is lawn. There is a separate garage to the rear of the property, accessed by a driveway running down the right hand side of the house.

Proposed Development: Extension to dwellinghouse

Proposed Development Details: It is proposed to add a fully enclosed porch to the front elevation. The porch will be 2.93m wide and will extend 2.05 m from the front of the house into the monoblock area to the front. The eaves of the porch will be at a height of 2.65m and the peak of the hipped roof will be at a height of 3.6m – just underneath the 1st floor window level. The drawings specify that the roof material is to be rooftiles to match the existing lockup/garage. The walls are to be harled to match the existing grey dry-dash and there are to be facing brick details on the corners. There is to be a single window on the West elevation of the porch and the front door will be fitted on the South (front elevation). The windows and door are to be white uPVC.

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

11/00204/DPP

19 St James Gardens, Penicuik, Midlothian, EH26 9DX

Erection of porch

Case Officer: Mhairi-Anne Cowie

Decision: CONPER

04/00543/FUL

36 St. James View, Penicuik, Midlothian, EH26 9DZ

Erection of a conservatory

Case Officer: Ingrid Forteath

Decision: CONPER

Consultations: None

Representations: None

Relevant Planning Policies:

Midlothian Local Plan 2008

RP20 – Development in the built-up area: proposals must not have an adverse impact upon the character or amenity of the built-up area.

DP6 – House Extensions: Seeks to ensure the quality of design and materials of proposed extensions to dwellinghouses. This policy generally supports front porches so long as they do not extend more than 2m from the front of the dwellinghouse.

Planning Issues:

As regards the impact upon the surrounding area, there are a number of front porches already constructed at other properties in the street. The proposed porch will therefore not detract from the overall character of the surrounding area. The porch will not present any amenity issues, in that it will not overlook or overshadow neighbouring properties. The intrusion of the porch into the mono block area to the front of the house will not have a significant impact on the overall parking area available within the grounds of the property.

Policy DP6 seeks complimentary or matching materials to be used on extensions. In this case, the proposed harling and facing brick is to match that on the existing house. The roofing material is however specified as matching that on the existing lockup/garage instead of the main house. It appears that the roofing material of this structure is of relatively poor quality and does not match that of the main house, therefore this is not appropriate in terms of policy DP6. A condition should therefore be applied requiring that the roofing materials match that used on the main house.

It is acknowledged that the porch will extend from the front elevation very slightly over the two metre limit defined in policy DP6. The distance (5cm) is not enough to have sufficient an impact that would warrant refusal or alteration of the proposal.

Recommendation: Grant Planning Permission

Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 14/00855/DPP



Mr David R Brown
41 Namur Road
Penicuik
EH26 0LJ

Midlothian Council, as Planning Authority, having considered the application by Mrs S Law And Miss E Reid, 15 St James Gardens, Penicuik, EH26 9DX, which was registered on 8 December 2014, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

Erection of porch at 15 St James Gardens, Penicuik, EH26 9DX

In accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	SJG/15/P01 1:2500	08.12.2014
Site Plan	SJG/15/P02 1:1250	08.12.2014
Proposed floor plan	SJG/15/P03	08.12.2014
Proposed elevations	SJG/15/P04	08.12.2014
Proposed elevations	SJG/15/P05	08.12.2014
Proposed elevations	SJG/15/P06	08.12.2014

This permission is granted for the following reason:

The proposed development will not have a significant adverse impact upon the character or amenity of the surrounding area and is of an appropriate design and scale and therefore complies with policies RP20 and DP6 of the adopted Midlothian Local Plan.

Subject to the following condition:

1. The proposal to clad the roof of the porch with tiles to match the roofing material on the existing lockup/garage is not approved. Unless otherwise approved in writing by the Planning Authority the colour, size, profile and texture of the tiles on the porch shall match that on the existing dwellinghouse.

Reason: *To ensure that the porch matches the external appearance of the existing building and thereby maintains the visual quality of the area.*

Dated 20 / 1 / 2015

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



**The Coal
Authority**

[authority](http://www.coalauthority.gov.uk)

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/government/organisations/the-coal-](http://www.gov.uk/government/organisations/the-coal-authority)

INFORMATIVE NOTE

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Your attention is drawn to The Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. Further information is available on The Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

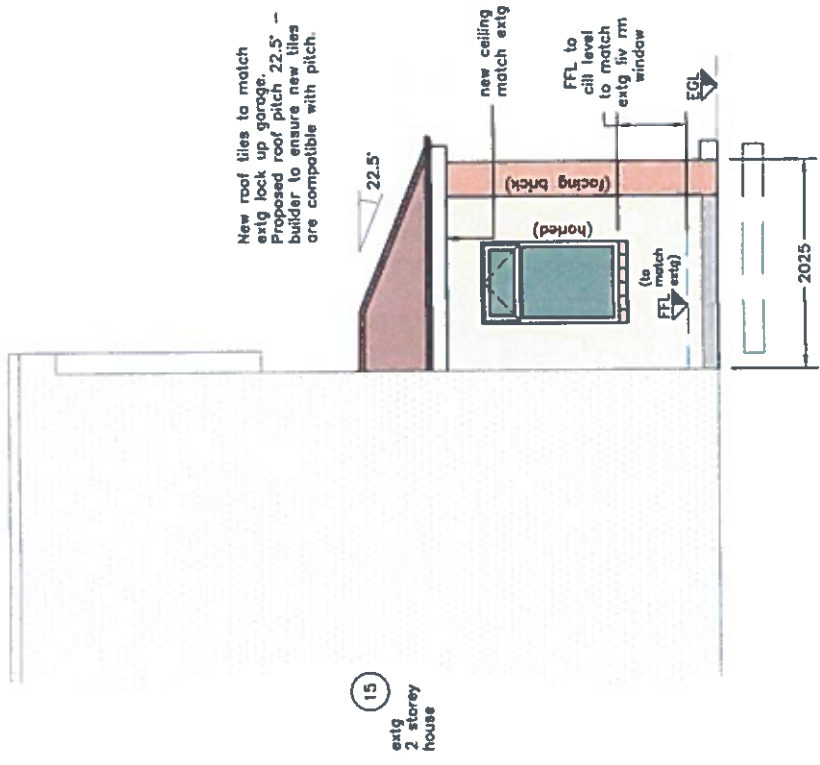
This Informative Note is valid from 1st January 2015 until 31st December 2016



FRONT

Existing West Elevation

1 : 100



FRONT

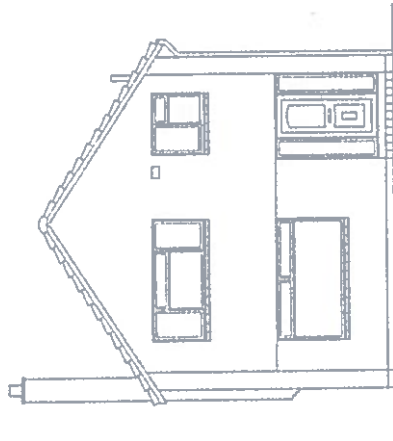
PROPOSED ENTRANCE PORCH
Wall finishes: harding / facing
brick to match extg wall,
with low level cement render.
PVCu doors, windows (cills to
match extg) and fascias all
to client spec.

Proposed West Elevation

1 : 50

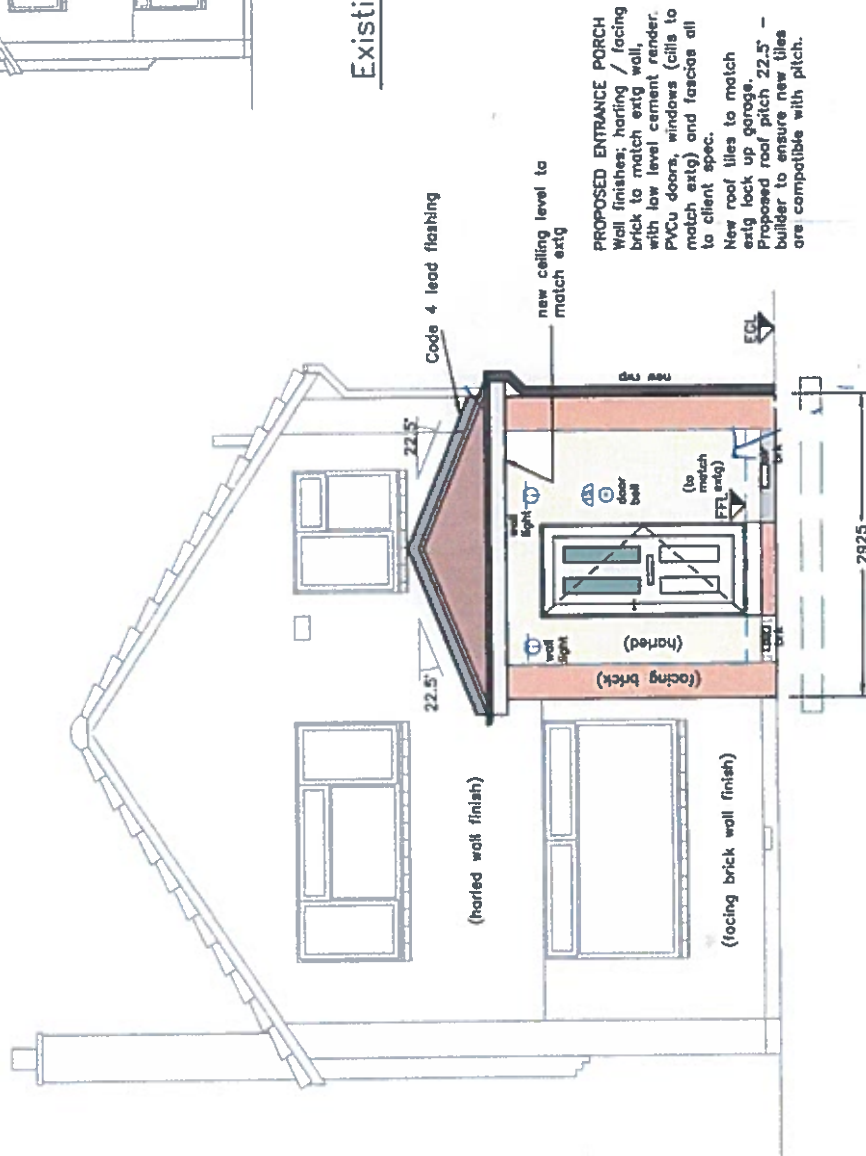
Refer to drg P 02
for Site Plan and General Notes
(incl. wall and roof finishes)

Status	Planning Consent
Client	Miss E. Reid / Mr S. Law
Job Title	15, St. James Gardens, Penicuik, Midlothian, EH26 9DX
Sheet Title	CORPORATE RESOURCES FILE: 14100 855 (b101)
Existing & Proposed West Elevations.	RECEIVED 25 NOV 2014
Drawn	David R. Brown tel. no. 07960 340117
Scale	As Shown
Date	Nov 14
Checked	SL/ER
Drawing No.	SJG/15/P 06
Revision	



Existing South Elevation

1 : 100



Proposed South Elevation

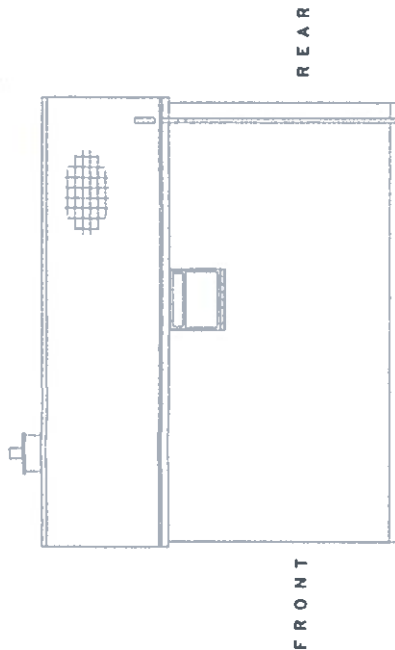
1 : 50

Refer to drg. P 02
for Site Plan and General Notes
(incl. wall and roof finishes)

Status	Planning Consent
Client	Miss E. Reid / Mr S. Low
Job Title	15, St. James Gardens, Penicuik, Midlothian, EH26 9DX.
Sheet Title	Existing & Proposed South (Front) Elevations.
Drawn	David R. Brown tel. no. 07960 340117
Scale	As Shown
Date	Nov 14
Checked	SL/ER
Drawing No.	SJG/15/P 05
Revision	

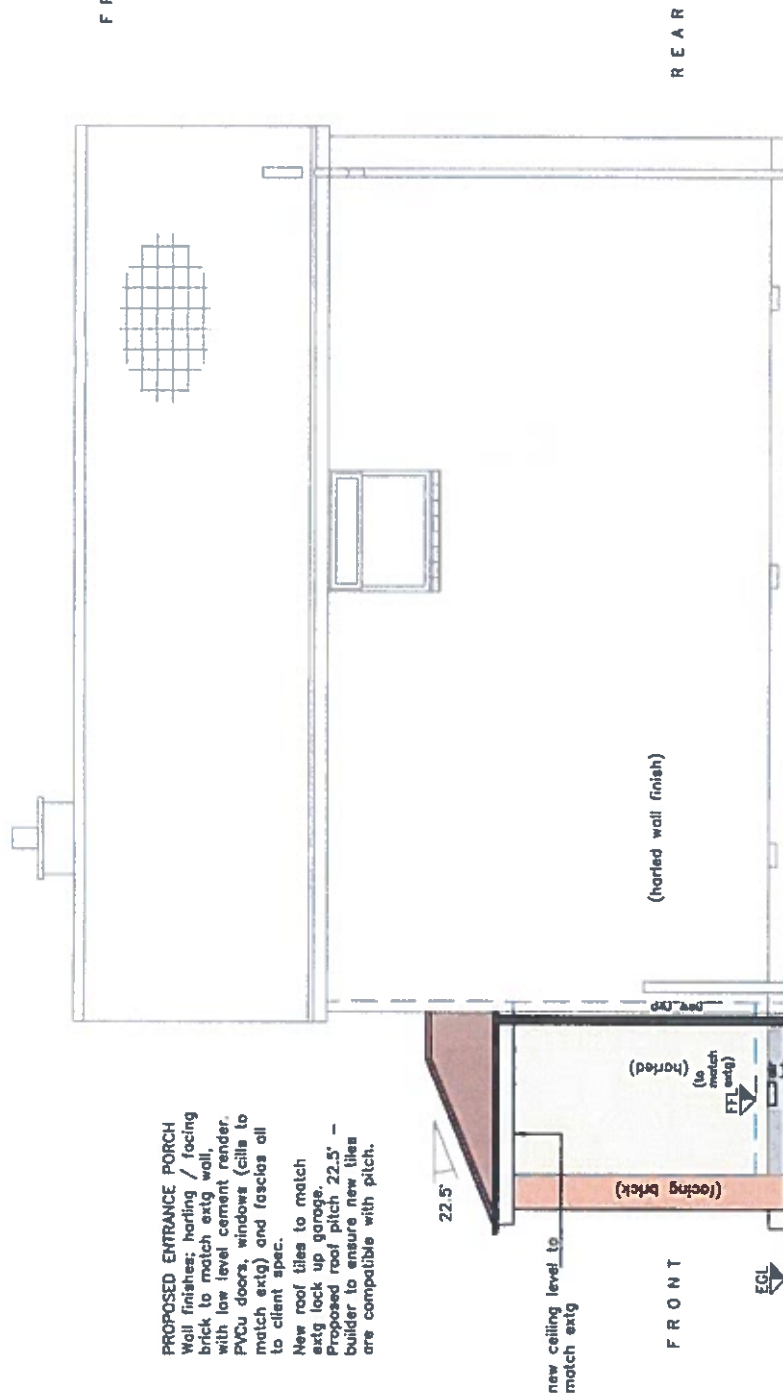
CORPORATE RESOURCES
FILE: 141008581.dwg

RECEIVED 25 NOV 2014



Existing East Elevation

1 : 100



Proposed East Elevation

1 : 50

Refer to drg P 02
for Site Plan and General Notes
(incl. wall and roof finishes)

Status	Planning Consent
Client	Miss E. Reid / Mr S. Law
Job Title	15, St. James Gardens, Penicuik, Midlothian, EH26 9DX
Sheet Title	CORPORATE RESOURCES
FILE:	14/0035/D00
Existing & Proposed East Elevations.	RECEIVED 25 NOV 2014
Drawn	David R. Brown tel. no. 07960 340117
Scale	As Shown
Date	Nov 14
Checked	SL/ER
Drawing No.	SJC/15/P 04
Revision	