

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

Change of use of detached garage to form dwellinghouse
(retrospective) at 12A Stobhill Road, Gowkshill, Gorebridge

APPENDIX A

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File No. 14/00402/DPP

Scale: 1:1,250



NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr.	Ref No.	ep451
Forename	Mark	Forename	Derek
Surname	Caulfield	Surname	Scott
Company Name		Company Name	Derek Scott Planning
Building No./Name	17	Building No./Name	21
Address Line 1	Glebe Street	Address Line 1	Lansdowne Crescent
Address Line 2		Address Line 2	
Town/City	Dalkeith	Town/City	Edinburgh
Postcode	EH22 1JG	Postcode	EH12 5EH
Telephone		Telephone	0131 535 1103
Mobile		Mobile	07802 431970
Fax		Fax	0131 535 1104
Email		Email	scott.planning@btconnect.com
3. Application Details			
Planning authority		Midlothian Council	
Planning authority's application reference number		14/00402/DPP	
Site address			
<div style="border: 1px solid black; padding: 5px; min-height: 80px;"> 12A Stobhall Road Gowkshill Gorebridge EH23 4PJ </div>			
Description of proposed development			
<div style="border: 1px solid black; padding: 5px; min-height: 40px;"> Change of Use of Detached Garage to form Dwelling House </div>			

Date of application

30th May 2014

Date of decision (if any)

14th August 2014

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application) ☒

Application for planning permission in principle ☐

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition) ☐

Application for approval of matters specified in conditions ☐

5. Reasons for seeking review

Refusal of application by appointed officer ☒

Failure by appointed officer to determine the application within the period allowed for determination of the application ☐

Conditions imposed on consent by appointed officer ☐

6. 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.

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

Further written submissions ☒

One or more hearing sessions ☐

Site inspection ☐

Assessment of review documents only, with no further procedure ☐

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

We reserve the right to provide further comment on any submissions made by the Appointed Officer or Third Parties.

7. Site Inspection

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

Can the site be viewed entirely from public land? ☒

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

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

None - unless they required access within application property.

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Please refer to attached statement.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

N/A

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Please refer to attached statement.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

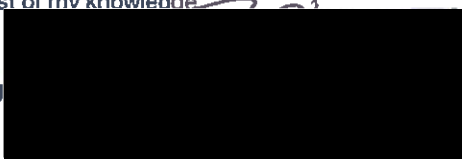
All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name: Derek Scott Planning

Date: 22/10/14

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.



Our Ref: ep454/let001/DS

22nd October 2014

Midlothian Council
Local Review Body
Midlothian House
Buccleuch Street
Dalkeith
EH22 1DN

Dear Sirs

REVIEW REQUEST
CHANGE OF USE OF DETACHED GARAGE TO FORM DWELLING HOUSE AT 12A STOBHILL
ROAD, GOWKSHILL, GOREBRIDGE EH24 4PJ

We write on behalf of client, Mr. Mark Caulfield, to respectfully request that your Council's Planning Review Body undertakes a review of the decision made by the Appointed Officer, to refuse the planning application described above for a change of use of a detached garage to form a dwelling house at 12A Stobhill Road, Gowkshill, Gorebridge EH24 4PJ.

Please acknowledge receipt and registration of this Review Request at your earliest convenience.

Yours faithfully


Derek Scott

enc.

cc. M Caulfield

REVIEW STATEMENT

CHANGE OF USE OF DETACHED GARAGE TO FORM DWELLING HOUSE

At

**12A STOBHILL ROAD
GOWKSHILL
GOREBRIDGE
EH24 4PJ**

Prepared by

**Derek Scott Planning
Planning and Development Consultants**



**21 Lansdowne Crescent
Edinburgh
EH12 5EH
Tel No: 0131 535 1103
Fax No: 0131 535 1104
E-Mail: enquiries@derekscottplanning.com**

On behalf of

MR. MARK CAULFIELD

Executive Summary

CHANGE OF USE OF DETACHED GARAGE TO FORM DWELLING HOUSE

**12A STOBHILL ROAD
GOWKSHILL
GOREBRIDGE
EH24 4PJ**

- The application site which measures approximately 150 sq metres in area comprises an existing detached building and associated driveway on the eastern side of Stobhill Road, Gowkshill.
- The site forms part of an existing group of buildings, all in the ownership of the applicant, including a shop, two flatted properties and a semi-detached dwelling house.
- The application building comprises a two storey garage permitted under the terms of Planning Application Reference Number 05/00740/FUL and previously used for storage purposes in association with the shop. The garage has never been used in association with the other existing residential properties in the group.
- The application submitted to the Council sought planning permission to convert the garage into a detached dwelling house with accommodation comprising a kitchen/dining/living area and bathroom on the ground floor and a bedroom and landing area on the first floor. All of the alterations proposed to the building are internal. There are no external alterations proposed. The said works to the building have been completed since May 2013.
- Useable private garden space totalling c112 sq metres is proposed within the grounds of the proposed dwelling house.
- The application has been refused by the Appointed Planning Officer on the grounds that it would result in a development with significantly sub-standard levels of amenity for the proposed and existing dwellings as a result of overlooking between the properties and seriously deficient areas of private useable garden space.
- The following points are put forward in response to the reasons for refusal and in support of the proposal:
 - As the existing garage and its curtilage have not been used by or is not available to any of the existing residential properties on the site its conversion to residential use will not result in a loss of open space to these existing residential properties.

- **The proposed single bedroom (two apartment) dwelling house has been provided with an area of open space in excess of 100 sq metres in area which is the same as required for a three bedroom terraced house and significantly in excess of the 50 sq metres required to be provided in association with flatted properties.**
 - **Although the relationships between the properties results in a degree of overlooking it is no different to that which exists between the first floor and rear boundaries of back to back housing developments throughout the country.**
 - **As the building presently exists and there are no external alterations proposed it will not have a noticeable impact on the character or appearance of the area.**
 - **There is a significant demand in the area for rented affordable accommodation of this nature. The three existing properties owned by our client are presently let with a waiting list of four existing for the first vacancy to arise.**
 - **All of the other property occupiers in the established group of houses have written in support of the planning application. There have been no objections from either third parties or consultees to the granting of permission for the proposal.**
- **In light of the circumstances described above it is respectfully requested that this review request be upheld and that planning permission be granted for the proposed conversion of the garage to a dwelling house.**

REVIEW STATEMENT

CHANGE OF USE OF DETACHED GARAGE TO FORM DWELLING HOUSE

12A STOBHILL ROAD
GOWKSHILL
GOREBRIDGE
EH24 4PJ

TABLE OF CONTENTS

1.	Introduction	1
2.	Location and Description of Site	2
3.	Description of Proposed Development	4
4.	Planning Policy	5
5.	Reasons for Refusal	8
6.	Summary & Conclusions	10
Appendix 1	Copy of Planning Application submitted to Council	
Appendix 2	Letters of support and waiting list for occupation	
Appendix 3	Copy of Decision Notice	
Appendix 4	Copy of Planning Officer's Report	

REVIEW STATEMENT

CHANGE OF USE OF DETACHED GARAGE TO FORM DWELLING HOUSE AT 12A STOBHILL ROAD, GOWKSHILL, GOREBRIDGE EH24 4PJ

1. INTRODUCTION

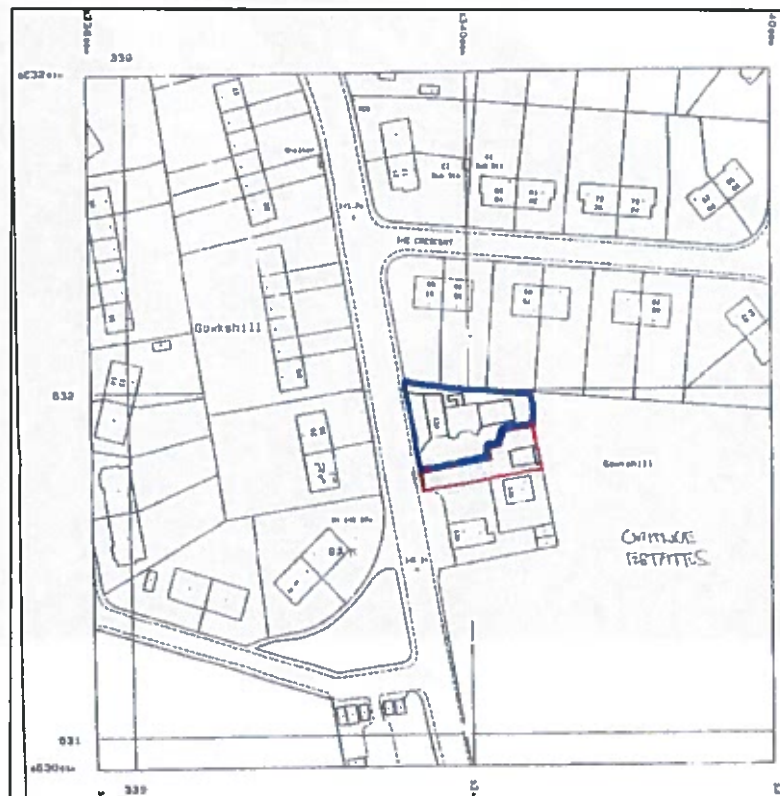
- 1.1 This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants and is in support of a request to review the decision of the Appointed Officer in relation to a Planning Application for the proposed change of use from a detached garage to a dwelling house at 12A Stobhill Road, Gowkshill, Gorebridge. The application was refused permission under delegated powers on 14th August 2014 (Planning Application Reference Number 14/00402/PPP). The Review Request has been prepared on behalf of our client, Mr Mark Caulfield, who owns the application premises.



Application Premises as viewed from Stobhill Road

2. LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site which measures approximately 150 sq metres in area comprises an existing detached building and associated driveway on the eastern side of Stobhill Road, Gowkshill. The two storey building (single storey with further accommodation in roof space) was originally erected as a garage/store having been approved by the Council in 2005 under Planning Application Reference Number 05/00740/FUL. It has window openings in its north, east and west facing elevations with the roof space served by roof lights to the north. The walls are harled in a light brown dry dash; the roof is finished in a brown concrete tile and the windows are white PVC. There is a 1 metre high fence in existence between the driveway and the building which provides definition to the plot and front garden area. There is a 1.8 metre high fence to the north of the site which encloses an area of private garden space; a wall to the south; and a retaining wall and fence to the east/rear.



Location Plan

- 2.2 The application site is bounded to the north by an existing grocery shop (Premier Caulfields) which fronts onto Stobhill Road, to the rear of which are three residential properties. The property to the immediate rear (east of the shop) has been converted to two flats (ground and first floor) containing two and three bedrooms respectively. The property to the extreme east is a two bed semi detached property with private open space at its rear. The alterations required to create these properties were approved by the Council in 2008 under Planning Application Reference Number 08/00607/FUL. All of these properties are owned by our client, Mr Mark Caulfield. The three residential

properties are privately rented. A parking area exists to the south of the shop which is available to the residents of the residential properties.

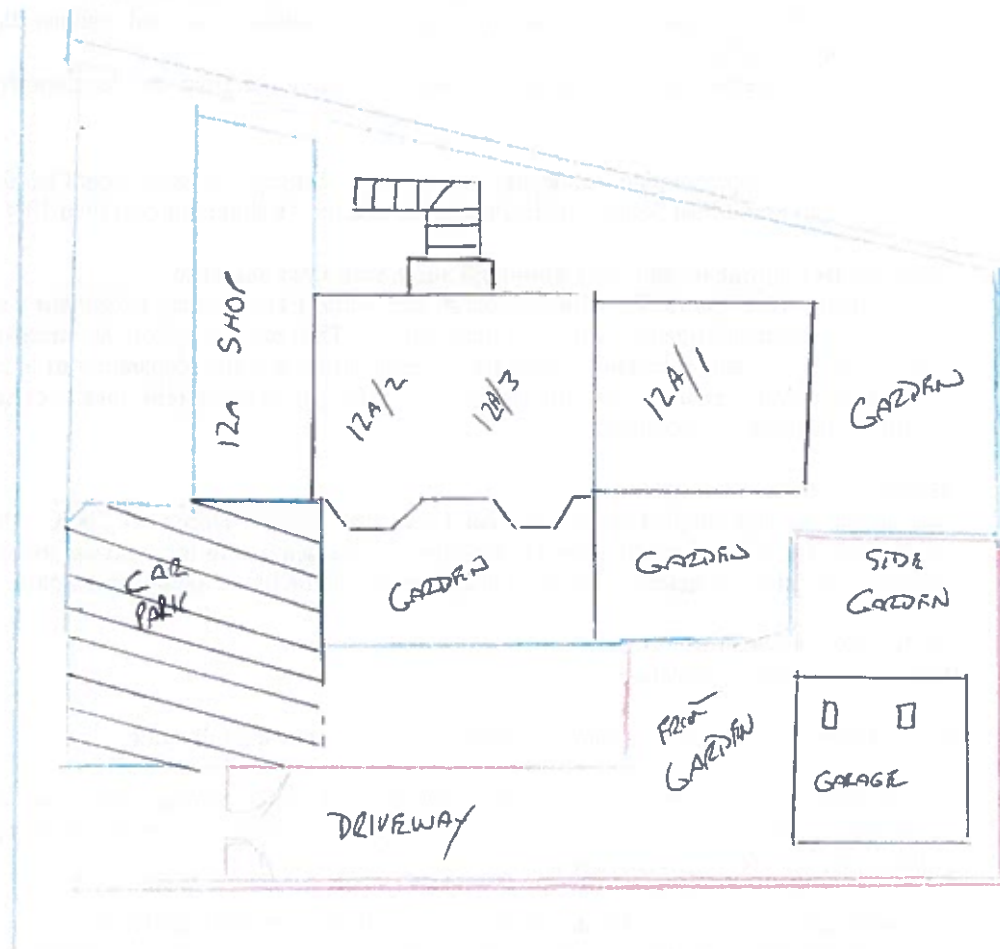
- 2.3 There is a further residential property to the south of the application site and to the south east a commercial premises which appears to be occupied by a landscape management/maintenance company. The area to the east of the site comprises agricultural land.



Application Premises

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application submitted to the Council by our client sought planning permission to change the use of the garage/store to a detached dwelling house. Accommodation comprised in the converted property included, on the ground floor, an open plan living/dining/kitchen and bathroom; and on the first floor, a single bedroom and landing area. An area of open space comprising of approximately 42 sq metres exists to the north (side) of the proposed dwelling house and an area of approximately 56 sq metres exists to the west (front). Further areas to the side and rear provide an additional 14 sq metres resulting in a total area of some 112 sq metres.
- 3.2 The conversion works required to facilitate the change of use to the property were completed in May 2013 following receipt of the required building control permissions from the Council. All such conversion works were internal. No external works were proposed or are required to be undertaken.
- 3.4 A copy of the planning application as determined by the appointed Planning Officer is contained in **Appendix 1**.



4. PLANNING POLICY

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that:

'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.'

- 4.2 In the context of the above it is worth making reference to the House of Lord's Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- 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; and
- assess whether these considerations warrant a departure from the development plan.

- 4.3 The relevant development plan for the area comprises the Strategic Development Plan for Edinburgh and South East Scotland (SESPlan) 2015 and the Midlothian Local Plan 2008.

Strategic Development Plan for Edinburgh and South East Scotland

- 4.4 The Strategic Development Plan for Edinburgh and South East Scotland (SESPlan) was approved by Scottish Ministers on 27th June 2013. This plan provides the strategic framework for the determination of planning applications and the preparation of local plans. However it contains no specific policies or proposals of direct relevance to either the site or the proposed development.

Midlothian Local Plan 2008

- 4.5 Midlothian Council adopted the Midlothian Local Plan on 23rd December 2008. The application site, whilst not allocated for any specific use lies within the built-up area as defined in the plan. Policies of relevance in the determination of the application include:

RP20 – Development within the Built-Up Area; and
DP2 – Development Guidelines

- 4.6 Policy RP20 on *'Development within the Built-Up Area'* states the following:

'Development will not be permitted within existing and future built-up areas, and in particular within residential areas, where it is likely to detract materially from the existing character or amenity of the area.'

- 4.7 The application site is clearly located within an area which is predominantly residential in nature. The application premises, including the building and its curtilage are existing and

the change of use proposed does not require any external alterations to be undertaken which would change its character or appearance. This combined with the fact that there have been no objections to the application from neighbouring property owners and/or occupiers constitutes robust evidence that the proposal will not detract from the existing character or amenity of the area.

- 4.8 Policy DP2 relating to 'Development Guidelines' sets out various standards which assess planning applications against. Criterion 5(d) Housing – Private Outdoor Space sets out the following standards:

'For detached and semi-detached houses, private open space should be provided, as a minimum standard, on the following basis:

- a) houses of 3 apartments should have usable garden areas no less than 110m²;*
- b) houses of 4 apartments or more should have usable garden areas of no less than 130m²;*
- c) Terraced houses of 3 or more apartments should be provided with a minimum usable garden area of 100m².'*

- 4.9 The dwelling house proposed by our client has two apartments (open plan living, dining and kitchen on ground floor and bedroom on upper floor) and as such is not directly relevant to the guidelines referred to above. Indeed the type and quantum of accommodation proposed in the conversion of the garage is more akin to a flat than a dwelling house. Flats only require to be provided with 50 sq metres of useable private garden ground. There are two distinct areas of private open space proposed in association with the conversion of the garage. The area to the side (north) encompasses an area of some 42 sq metres; to the west there exists an area of some 56 sq metres and to the side and rear a further 14 sq metres resulting in a total area in excess of 100 sq metres. This is more than sufficient in quantum terms for the type of accommodation proposed.

- 4.10 Whilst it is acknowledged that the garden areas within the application site are overlooked to a degree by the property to the north the relationship is no different to that found in every housing development where an element of overlooking will always exist between upper floor windows and neighbouring back gardens. In this particular case all of the properties are in single ownership (i.e. our clients) and the properties are rented. The relationship between the properties will not have a detrimental impact on the ability to rent any of these properties.

Other Material Considerations

- 4.11 As noted previously in addition to the development plan due cognisance must also be given in the determination of planning applications to other material considerations. In the case of this application it is important to re-emphasise the fact that both the application site and the neighbouring properties are all in a single ownership with no intention to change that status. The proposed conversion will also create a unit of affordable accommodation for which there is a very significant demand. Finally it should be noted that there have been no objections to the application by other third parties or consultees to this application. Evidence in support of these claims in the form of letters from those occupying the other houses owned by our client; letters from those occupying other houses in the wider area; and a list of parties who have expressed an interest in occupying the garage conversion are contained in **Appendix 2**.

- 4.12 Having considered the proposal against the terms of the development plan and all other material considerations we are very firmly of the opinion that this application should be granted planning permission as it has been applied for.

5. REASONS FOR REFUSAL

- 5.1 The planning application has been refused by the Appointed Officer for two reasons. Copies of the Decision Notice and the Planning Officer's Reports are contained in **Appendices 3 and 4** respectively. The reasons for refusal and our responses to them are outlined below:

1. The proposal would result in a development with significantly sub-standard levels of amenity for the proposed and existing dwellings as a result of overlooking between the properties and seriously deficient areas of private useable garden space.

Response

- 5.2 Our client advises that the garage erected under the terms of Planning Application Reference Number 05/00740/FUL has only ever been used as a storage area in association with the shop. Neither it nor its curtilage have ever been used in association with any of the existing residential properties on the site. The garden areas attached to the existing residential properties are therefore as they were envisaged when approved under the terms of Planning Application Reference Number 08/00607/FUL. In such circumstances it is simply wrong to claim that the existing residential properties contain seriously deficient areas of useable private space.
- 5.3 As far as the proposed property is concerned we have outlined in this report that there is an area in excess of 100 sq metres of open space available for use within the application site which is more than sufficient for the property proposed. Although a detached dwelling house by definition, the one bedroom/two apartment property exhibits a number of characteristics associated with a flatted property in respect of which only 50 sq metres of useable garden space requires to be provided.
- 5.4 It has also been alleged that the proposed conversion will lead to a degree of overlooking between the proposed and existing residential properties. Whilst it is acknowledged that there is a degree of overlooking arising from the relationship of the various buildings on the site the extent of such overlooking is no different to that in existence between upper floors and garden areas in back to back housing developments on every site in the country and as such it does not warrant the refusal of this application.
- 5.5 As noted previously the fact that the existing and proposed dwelling houses are in a single ownership should be a significant consideration in the determination of the application. It is evidently clear that the three existing properties are functioning as lettable affordable accommodation units of a type for which there is a significant demand in the area. The fact that the properties are let and continue to be let provides further evidence that their relationships to each other and the extent of open space available does not result in levels of amenity which could be construed in any way as being sub standard in nature.
- 2. For the above reason the proposed development is considered to be an overdevelopment of the site and is therefore contrary to Policies RP20 and DP2 of the adopted Midlothian Local Plan.*

Response

- 5.3 We have demonstrated throughout this statement and in particular within Section 4 that the proposed development does not constitute an overdevelopment of the site and if assessed in the context of the development plan and other material considerations it should not have been refused.

6. SUMMARY AND CONCLUSIONS

6.1 Having considered the proposed development against the terms of both the development plan and other material considerations we are firmly of the opinion that the application should be granted planning permission. We would wish summarise our client's case in the following terms:

- **The application site which measures approximately 150 sq metres in area comprises an existing detached building and associated driveway on the eastern side of Stobhall Road, Gowkshill.**
- **The site forms part of an existing group of buildings, all in the ownership of the applicant, including a shop, two flatted properties and a semi-detached dwelling house.**
- **The application building comprises a two storey garage permitted under the terms of Planning Application Reference Number 05/00740/FUL and previously used for storage purposes in association with the shop. The garage has not been used in association with the other existing residential properties in the group.**
- **The planning application submitted to the Council sought planning permission to convert the garage into a detached dwelling house with accommodation comprising a kitchen/dining/living area and bathroom on the ground floor and a bedroom and landing area on the first floor. All of the alterations proposed to the building are internal. There are no external alterations proposed. The said works to the building have been completed since May 2013.**
- **Useable private garden space totalling c112 sq metres is proposed within the grounds of the proposed dwelling house.**
- **The application has been refused by the Appointed Planning Officer on grounds that it would result in a development with significantly sub-standard levels of amenity for the proposed and existing dwellings as a result of overlooking between the properties and seriously deficient areas of private useable garden space.**
- **The following points are put forward in response to the reasons for refusal and in support of the proposal:**
 - **As the existing garage and its curtilage have not been used by or is not available to any of the existing residential properties on the site its conversion to residential use will not result in a loss of open space to these properties.**
 - **The proposed single bedroom (two apartments) dwelling house has been provided with an area of open space in excess of 100 sq metres in area which is the same as required for a three bedroom terraced**

house and significantly in excess of the 50 sq metres required in association with flatted properties.

- Although the relationships between the properties results in a degree of overlooking it is no different to that which exists between the first floor and rear boundaries of back to back housing developments throughout the country.
 - As the building presently exists and there are no external alterations proposed it will not have a noticeable impact on the character or appearance of the area.
 - There is a significant demand in the area for rented affordable accommodation of this nature. The three existing properties owned by our client are presently let with a waiting list of four existing for the new property.
 - All of the other property occupiers in the established group of houses have written in support of the planning application. There have been no objections from either third parties or consultees to the granting of permission for the proposal.
- In light of the circumstances described above it is respectfully requested that this review request be upheld and that planning permission be granted for the proposed conversion of the garage to a dwelling house.

6.2 We reserve the right to respond to any submissions made to the Review Body in response to this Review Request by either the Appointed Officer or third parties.

Signed



Derek Scott

Date

22nd October 2014



APPENDIX 1



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 000083443-002

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

Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- ☒ Application for Planning Permission (including changes of use and surface mineral working)
- ☐ Application for Planning Permission In Principle
- ☐ Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- ☐ Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Change of use from garage to single dwelling

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

☒ Yes ☐ No

Have the works already been started or completed? *

☐ No ☐ Yes - Started ☒ Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

01/05/13

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

property currently unused
Change of use to single dwelling

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: *

Other Title:

First Name: *

Last Name: *

Company/Organisation:

Telephone Number: *

Extension Number:

Mobile Number:

Fax Number:

Email Address: *

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

Building Name:

Building Number:

Address 1 (Street): *

Address 2:

Town/City: *

Country: *

Postcode: *

Site Address Details

Planning Authority:

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

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

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

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

130.00

Please state the measurement type used:

☐

Hectares (ha)

☒

Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

Storage

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

☐

Yes

☒

No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? *

☐

Yes

☒

No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

2

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)?

4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☐

Yes

☒

No

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

☒

Yes

☐

No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

☐

Yes

☐

No, using a private water supply

☒

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☒ Yes ☐ No

If Yes or No, please provide further details:(Max 500 characters)

The property has a garden to store waste and recycling

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

☐ Yes ☒ No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

☐ Yes ☒ No ☐ Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land ? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Mr Mark Caulfield

On behalf of:

Date: 30/05/2014

☒ Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

☐ Yes ☐ No ☒ Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

☐ Yes ☐ No ☒ Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

☐ Yes ☐ No ☒ Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- ☐ Site Layout Plan or Block plan.
- ☐ Elevations.
- ☐ Floor plans.
- ☐ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☐ Photographs and/or photomontages.
- ☐ Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☐ Yes ☒ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan. *

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement *

☐ Yes ☒ N/A

Other Statements (please specify). (Max 500 characters)

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Mark Caulfield

Declaration Date: 30/05/2014

Submission Date: 30/05/2014

Payment Details

Online payment: XMEP00000414

Created: 30/05/2014 14:45

14/00402/DPP

12A STOSHILL ROAD
GOWKES HILL
GORKHEDGE
EH23 4PJ

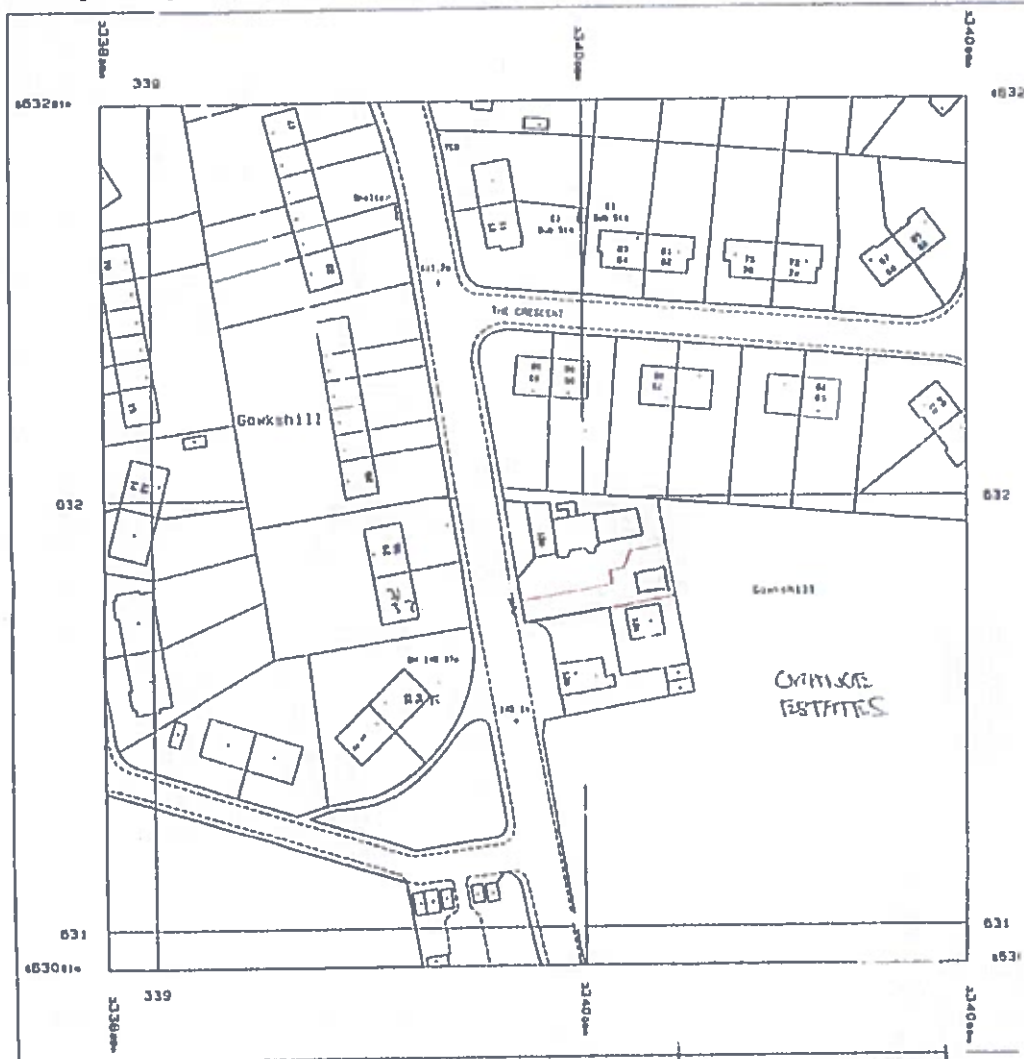
This copy has been made by or with the authority of the Ordnance Survey under the provisions of the Copyright, Designs and Patents Act 1988. Unless that Act provides a reference to copyright, the copy must not be copied without the prior permission of the copyright owner.

REFUSED
14.08.2014
14/00402/DPP

Ordnance
Survey
Superplan®

CORPORATE RESOURCE
FILE
RECEIVED 19 JUN 2011

Planning Extract -
Site-centre



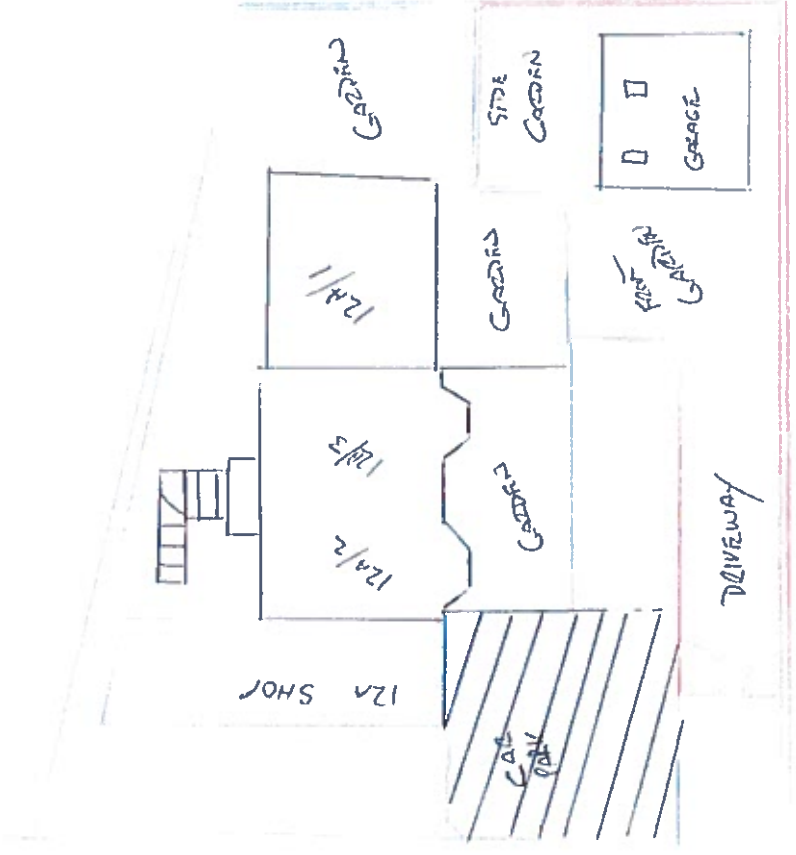
Produced 30 Dec 2003 from Ordnance Survey digital data and incorporating surveyed revision available at this date. © Crown Copyright 2003
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Ordnance Survey, the OS symbol and Superplan

Building Control Manager
I certify that this is a copy
of the original plan submitted to
the Building Control Authority
on 11/05/2011
Signed: [Signature]
Date: 11/05/2011
Building Control Authority at centre
at their Corporate Offices

REFUSED
14.08.2014
14/00402/DPP



STOBHILL 12A GOWRIE GORRIE



CORPORATE RESOURCES	
FILE	
19 JUN 2014	

12A STOBHILL
12A GOWRIE
GORRIE
MIDLOTHIAN
EH23 4PJ
SITE PLAN 1:100
= CERTIFY THIS IS A TRUE
COPY OF THE PLAN DEPICTED TO
IN APPLICATION 14/00402/DPP
DATE 5 JUN 2014 *shank*



APPENDIX 2

**Sarah Johnstone
12A/1 Stobhill Road
Gowkshill
Gorebridge
Midlothian
EH23 4PJ**

01st September 2014

Mr. Derek Scott
Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
EH12 5EH

Dear Mr. Scott

**PLANNING APPEAL - CHANGE OF USE OF DETACHED GARAGE TO FORM DWELLING HOUSE
AT 12A STOBHILL ROAD, GOWKSHILL, GOREBRIDGE EH24 4PJ**

As an immediate neighbour to the above-mentioned application site I am writing to confirm that I have no objections to the proposed change of use from a garage to a dwelling house and would urge the Local Review Body to uphold Mr. Caulfield's appeal and grant permission for the proposal.

I would be grateful if you could forward this letter to the Council on my behalf.

Yours sincerely

Sarah Johnstone



**Colette Loughrie
12A/2 Stobhill Road
Gowkshill
Gorebridge
Midlothian
EH23 4PJ**

01st September 2014

Mr. Derek Scott
Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
EH12 5EH

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I would be grateful if you could forward this letter to the Council on my behalf.

Yours sincerely

A black rectangular box used to redact the signature of Colette Loughrie.

Colette Loughrie

**12A/3 Stobhill Road
Gowkshill
Gorebridge
Midlothian
EH23 4PJ**

01st September 2014

**Mr. Derek Scott
Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
EH12 5EH**

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01st September 2014

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Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
EH12 5EH

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Yours sincerely



John FLETCHER
34 STOBHILL ROAD
EH23 4PH

01st September 2014

Mr. Derek Scott
Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
EH12 5EH

Dear Mr. Scott

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HOUSE AT 12A STOBHILL ROAD, GOWKSHILL, GOREBRIDGE EH24 4PJ**

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Yours sincerely



33 STOBHILL ROAD
EH23 4PH

01st September 2014

Mr. Derek Scott
Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
EH12 5EH

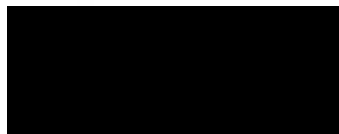
Dear Mr. Scott

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Yours sincerely



31 Stobhill Road

01st September 2014

Mr. Derek Scott
Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
EH12 5EH

Dear Mr. Scott

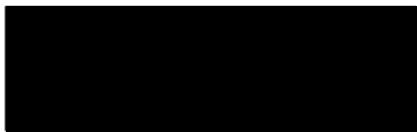
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Yours sincerely

GS THE CRESENT



01st September 2014

Mr. Derek Scott
Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
EH12 5EH


Dear Mr. Scott

**PLANNING APPEAL - CHANGE OF USE OF DETACHED GARAGE TO FORM DWELLING
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Yours sincerely


10 THE CRESCENT
GOWKSHILL
EH23 4PP

01st September 2014

Mr. Derek Scott
Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
EH12 5EH


Dear Mr. Scott

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Yours sincerely


44 The Reserve
Gowkshill
Gorebridge

01st September 2014

Mr. Derek Scott
Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
EH12 5EH

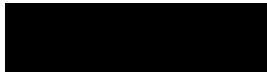
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Yours sincerely



30 Stobhill Road

01st September 2014

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Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
EH12 5EH

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Yours sincerely


81 THE CRESCENT

01st September 2014

Mr. Derek Scott
Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
EH12 5EH

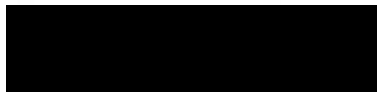
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Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

01st September 2014

Mr. Derek Scott
Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
EH12 5EH

Dear Mr. Scott

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Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

List of Prospective Tenants

1. Margaret Ramsay, 22 Lingerwood Road, Newtongrange
2. Angela Van Nuil, 65 Swan Crescent, Gorebridge
3. James Clark, 8 McLean Place, Gorebridge
4. Derek Ramage, 24 Cherry Lane, Mayfield



APPENDIX 3

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997



Reg. No. 14/00402/DPP

Mr Mark Caulfield
17 Glebe Street
Dalkeith
Midlothian
EH22 1JG

Midlothian Council, as Planning Authority, having considered the application by Mr Mark Caulfield, 17 Glebe Street, Dalkeith, Midlothian, EH22 1JG, which was registered on 19 June 2014 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Change of use of detached garage to form dwellinghouse (retrospective) at 12A Stobhill Road, Gowkshill, Gorebridge, EH23 4PJ

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan		19.06.2014
Site Plan 1:200		19.06.2014

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

1. The proposal would result in a development with significantly sub-standard levels of amenity for the proposed and existing dwellings as a result of overlooking between the properties and seriously deficient areas of private usable garden space.
2. For the above reason the proposed development is considered to be an overdevelopment of the site and is therefore contrary to policies RP20 and DP2 of the adopted Midlothian Local Plan.

Dated 14 / 8 / 2014

.....
Duncan Robertson
Senior Planning 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.coal.decc.gov.uk/services/planning

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 www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. 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 Coal Authority permission 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 The Coal Authority's Property Search Service on 0845 762 6848 or at 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 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

This Informative Note is valid from 1st January 2013 until 31st December 2014

PLEASE NOTE

If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town & Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to The Development Manager, Development Management Section, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3ZN. A notice of review form is available from the same address and will also be made available online at www.midlothian.gov.uk

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

Prior to Commencement (Notice of Initiation of Development)

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

IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION

Making an application

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

Making comment on an application

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

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



APPENDIX 4

MIDLOTHIAN COUNCIL

**DEVELOPMENT MANAGEMENT
PLANNING APPLICATION DELEGATED WORKSHEET:**

Planning Application Reference: 14/00402/DPP

Site Address: 12A Stobhill Road, Gorebridge.

Site Description: The application site comprises an existing detached building and driveway. The building is single storey with accommodation in the roofspace served by rooflights. The walls are harled in a light brown dry dash, the roof is brown concrete tile and the windows are white uPVC. There is a 1 metre high fence within the site between the building and the driveway. There is a 1.8 metre high fence to the north of the site, a wall to the south and a retaining wall and fence to the rear. There are houses in close proximity to the north (see background information below), west and south of the site with a field to the east. The site is in a predominantly residential area, with a shop to the west.

Proposed Development: Change of use of detached garage to form dwellinghouse.

Proposed Development Details: It is proposed to change the use of a detached former garage to a dwellinghouse. The applicant has stated this work was carried out and completed in May 2013. The plans do not indicate there are to be any external alterations associated with the change of use.

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

Application site

04/00112/OUT Outline application for erection of shop with flat, two dwellinghouses and double garage. Refused – overdevelopment of the site resulting in substantial loss of amenity for the existing house; it had not been demonstrated that the construction of a two storey building could be successfully achieved; therefore contrary RP19 and DP2 as there would be inadequately sized areas of private usable garden ground.

05/00267/FUL Alterations and extension to shop and erection of garage for use as storage area for both shop and house. Withdrawn.

05/00740/FUL Extension and alterations to existing shop, erection of garage, formation of new entrance and driveway. Consent with conditions – side extension to shop and erection of garage which is the subject of current application. Permission was implemented.

06/00696/FUL Erection of extension to dwellinghouse. Consent with conditions – large extension to the house to rear of the shop. Permission implemented.

08/00607/FUL Change of use of back rooms of shop to residential, and subdivision of existing dwellinghouse into two flatted properties and one single dwellinghouse and erection of external staircase. Consent with conditions – the existing house and storage to the rear of the shop was converted into two flatted dwellings and the extension approved in 06/00696/FUL was converted into a single house, thereby creating three houses at the site.

Consultations: No consultations were required.

Representations: No representations were received.

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

DP2: Development Guidelines sets out Development Guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for 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.

The proposal is for the change of use of a garage to a dwellinghouse. The applicant has stated that the conversion has already taken place. The applicant has stated that the site area is 130 square metres. The submitted site plan shows a site area of approximately 150 square metres. This includes the driveway, footprint of the garage and the garden ground to the front and side of the garage. Policy DP2 states that houses of 3 apartments should have a private usable garden area of 110 square metres and that houses of 4 or more apartments should have a private usable garden of 130 square metres. Flatted properties should have 50 square metres of usable garden ground. No floor plans have been submitted with the application however the size of the garage indicates this is likely to have fewer than 3 apartments. The only area of private garden ground at the site is to the side of the garage which measures 36 square metres. This is far lower than the requirements for any of the above-mentioned residential units, and is even smaller than the area of garden ground required for flatted properties. In addition, there are two dormer windows on the front elevation and a window on the side elevation of the neighbouring dwellinghouse (formed from the extension approved in 06/00696/FUL) which would overlook the proposed garden ground. There is a small area of garden ground to the front of the proposed house which is overlooked by the existing properties to the north as well as highly visible from Stobhill Road itself. As a result there is insufficient private garden ground provided for the occupants of the proposed house.

In addition, the previously approved plan for the formation of residential units (08/00607/DPP) showed the current application site as garden ground for the then proposed properties. The currently proposed application would reduce the garden ground provided to these properties to below required standards. As a result there would be insufficient private garden ground provided for the occupants of the existing residential units.

The proposal is for the formation of an additional residential unit where there are already three houses. Although the proposed house does not directly overlook these properties, the compact size of the site results in a cramped environment where

there will be some overlooking between the existing and proposed properties. In addition, the driveway for the proposed house runs along the front elevation of the existing properties resulting in the lack of privacy and amenity to the occupants of these houses. The formation of three residential units was considered acceptable in application 08/00607/DPP as this provided adequate garden ground and resulted in limited overlooking. However the provision of a further unit within the area would result in the loss of amenity to the occupants of both the existing and proposed residential unit.

It is worth noting that application 04/00112/OUT for the formation of three residential units at the site (one fewer than would be formed as a result of the current application) was refused on the grounds of overdevelopment (see background information above).

The proposed development would result in four dwellinghouses within a tightly constrained area. Due to the lack of adequate garden space provided for both the existing and proposed houses, as well overlooking between properties and the compact nature of the site the proposal is considered an overdevelopment of the site.

Recommendation: Refuse planning permission.

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 14/00402/DPP

Site Address: 12A Stobhill Road, Gorebridge.

Site Description: The application site comprises an existing detached building and driveway. The building is single storey with accommodation in the roofspace served by rooflights. The walls are harled in a light brown dry dash, the roof is brown concrete tile and the windows are white uPVC. There is a 1 metre high fence within the site between the building and the driveway. There is a 1.8 metre high fence to the north of the site, a wall to the south and a retaining wall and fence to the rear. There are houses in close proximity to the north (see background information below), west and south of the site with a field to the east. The site is in a predominantly residential area, with a shop to the west.

Proposed Development: Change of use of detached garage to form dwellinghouse.

Proposed Development Details: It is proposed to change the use of a detached former garage to a dwellinghouse. The applicant has stated this work was carried out and completed in May 2013. The plans do not indicate there are to be any external alterations associated with the change of use.

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

Application site

04/00112/OUT Outline application for erection of shop with flat, two dwellinghouses and double garage. Refused – overdevelopment of the site resulting in substantial loss of amenity for the existing house; it had not been demonstrated that the construction of a two storey building could be successfully achieved; therefore contrary RP19 and DP2 as there would be inadequately sized areas of private usable garden ground.

05/00267/FUL Alterations and extension to shop and erection of garage for use as storage area for both shop and house. Withdrawn.

05/00740/FUL Extension and alterations to existing shop, erection of garage, formation of new entrance and driveway. Consent with conditions – side extension to shop and erection of garage which is the subject of current application. Permission was implemented.

06/00696/FUL Erection of extension to dwellinghouse. Consent with conditions – large extension to the house to rear of the shop. Permission implemented.

08/00607/FUL Change of use of back rooms of shop to residential, and subdivision of existing dwellinghouse into two flatted properties and one single dwellinghouse and erection of external staircase. Consent with conditions – the existing house and storage to the rear of the shop was converted into two flatted dwellings and the extension approved in 06/00696/FUL was converted into a single house, thereby creating three houses at the site.

Consultations: No consultations were required.

Representations: No representations were received.

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

DP2: Development Guidelines sets out Development Guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for 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.

The proposal is for the change of use of a garage to a dwellinghouse. The applicant has stated that the conversion has already taken place. The applicant has stated that the site area is 130 square metres. The submitted site plan shows a site area of approximately 150 square metres. This includes the driveway, footprint of the garage and the garden ground to the front and side of the garage. Policy DP2 states that houses of 3 apartments should have a private usable garden area of 110 square metres and that houses of 4 or more apartments should have a private usable garden of 130 square metres. Flatted properties should have 50 square metres of usable garden ground. No floor plans have been submitted with the application however the size of the garage indicates this is likely to have fewer than 3 apartments. The only area of private garden ground at the site is to the side of the garage which measures 36 square metres. This is far lower than the requirements for any of the above-mentioned residential units, and is even smaller than the area of garden ground required for flatted properties. In addition, there are two dormer windows on the front elevation and a window on the side elevation of the neighbouring dwellinghouse (formed from the extension approved in 06/00696/FUL) which would overlook the proposed garden ground. There is a small area of garden ground to the front of the proposed house which is overlooked by the existing properties to the north as well as highly visible from Stobhill Road itself. As a result there is insufficient private garden ground provided for the occupants of the proposed house.

In addition, the previously approved plan for the formation of residential units (08/00607/DPP) showed the current application site as garden ground for the then proposed properties. The currently proposed application would reduce the garden ground provided to these properties to below required standards. As a result there would be insufficient private garden ground provided for the occupants of the existing residential units.

The proposal is for the formation of an additional residential unit where there are already three houses. Although the proposed house does not directly overlook these properties, the compact size of the site results in a cramped environment where

there will be some overlooking between the existing and proposed properties. In addition, the driveway for the proposed house runs along the front elevation of the existing properties resulting in the lack of privacy and amenity to the occupants of these houses. The formation of three residential units was considered acceptable in application 08/00607/DPP as this provided adequate garden ground and resulted in limited overlooking. However the provision of a further unit within the area would result in the loss of amenity to the occupants of both the existing and proposed residential unit.

It is worth noting that application 04/00112/OUT for the formation of three residential units at the site (one fewer than would be formed as a result of the current application) was refused on the grounds of overdevelopment (see background information above).

The proposed development would result in four dwellinghouses within a tightly constrained area. Due to the lack of adequate garden space provided for both the existing and proposed houses, as well overlooking between properties and the compact nature of the site the proposal is considered an overdevelopment of the site.

Recommendation: Refuse planning permission.



Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 14/00402/DPP

Mr Mark Caulfield
17 Glebe Street
Dalkeith
Midlothian
EH22 1JG

Midlothian Council, as Planning Authority, having considered the application by Mr Mark Caulfield, 17 Glebe Street, Dalkeith, Midlothian, EH22 1JG, which was registered on 19 June 2014 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Change of use of detached garage to form dwellinghouse (retrospective) at 12A Stobhill Road, Gowkshill, Gorebridge, EH23 4PJ

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan		19.06.2014
Site Plan 1:200		19.06.2014

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

1. The proposal would result in a development with significantly sub-standard levels of amenity for the proposed and existing dwellings as a result of overlooking between the properties and seriously deficient areas of private usable garden space.
2. For the above reason the proposed development is considered to be an overdevelopment of the site and is therefore contrary to policies RP20 and DP2 of the adopted Midlothian Local Plan.

Dated 14 / 8 / 2014

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