

Notice of Review: 2 Glenview, Penicuik

Procedural Report

Report by Ian Johnson, Head of Planning and Development

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of a detached garage at 2 Glenview, Penicuik.

2 Background

- 2.1 Planning application 12/00377/DPP for the erection of a detached garage was refused on 16 July 2012; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Procedures (Next Stage)

- 3.1 The next stage in the process is for the LRB to determine the following:
- 1 Whether any further information is required to determine the review.
 - 2 The time and date of the LRB site visit.
 - 3 Whether the site visit shall be accompanied or unaccompanied.
 - 4 Whether the review will progress by way of written representations or by a hearing. (The applicant is requesting that the review progresses by way of a site inspection and hearing).
- 3.2 The final determination of the review will be scheduled for consideration by the LRB at its meeting 27 November 2012.

4 Supporting Documents

- 4.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B);
 - A copy of the case officer's report (Appendix C);
 - A copy of the policies stated in the case officer's report (Appendix D);

- A copy of the decision notice issued on 16 July 2012 (Appendix E); and
- A copy of the submitted plans (Appendix F).

5 Recommendations

5.1 It is recommended that the LRB determine:

- 1 Whether any further information is required to determine the review.
- 2 The time and date of the LRB site visit.
- 3 Whether the site visit shall be accompanied or unaccompanied.
- 4 Whether the review will progress by way of written representations or by a hearing.

16 October 2012

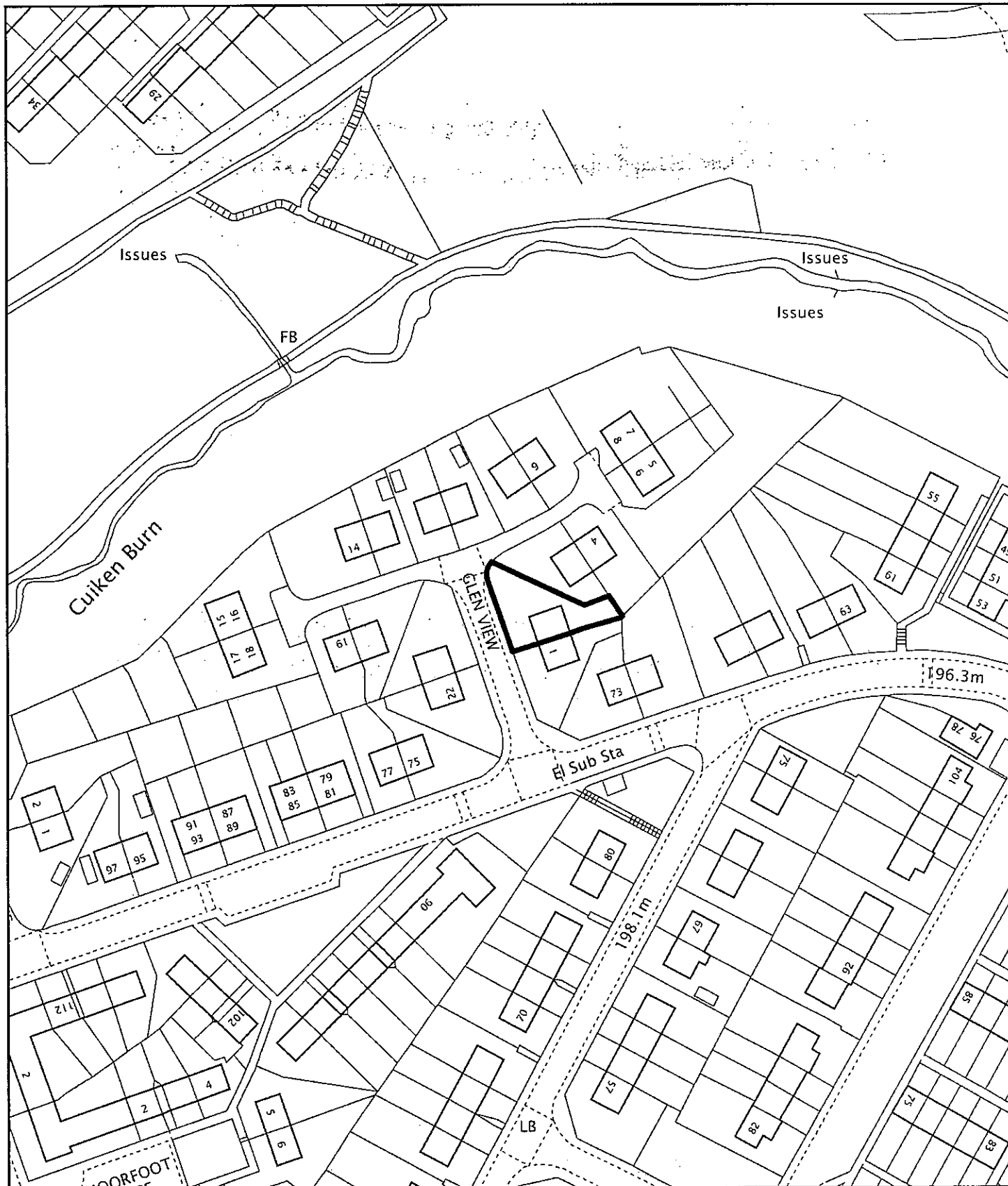
Report Contact:

Peter Arnsdorf, Development Management Manager

peter.arnsdorf@midlothian.gov.uk

Tel No: 0131 271 3310

Background Papers: Planning application 12/00377/DPP available for inspection online.



Midlothian

Corporate Resources

Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith EH22 3ZQ

Erection of detached garage at 2 Glenview, Penicuik

APPENDIX A

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File No: 12/00377/DPP

Scale: 1:1,250



APPENDIX B

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 Delegation and Local Review Procedure) (SCOTLAND) Regulations 2008

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2008

CORPORATE RESOURCES	
FILE:	12/00377/DPP
RECEIVED	29 AUG 2012

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	JAMES ALLISON
Forename	JAMES
Surname	ALLISON
Company Name	JAMES ALLISON
Building No./Name	
Address Line 1	2 GLEN VIEW
Address Line 2	PENICUICK
Town/City	
Postcode	EH26 0AY
Telephone	
Mobile	
Fax	
Email	

Ref No.	
Forename	John
Surname	Bowhill
Company Name	JAB Joinery Building
Building No./Name	82
Address Line 1	Windsor Square
Address Line 2	
Town/City	Midlothian
Postcode	EH26 8ET
Telephone	
Mobile	
Fax	
Email	

3. Application Details

Planning authority	
Planning authority's application reference number	12/00377/DPP
Site address	

2 GLEN VIEW PENICUICK
MIDLOTHIAN EH26 0AY

Description of proposed development

ERECTION OF DETACHED GARAGE

Date of application

15/6/12

Date of decision (if any)

16/7/12

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.

FEEL IT WOULD BE BENEFICIAL FOR
REVIEW BOARD MEMBERS TO SEE THE SITE

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:

No

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.

I FEEL IT IS UNFAIR AS I APPLIED
FOR A GARAGE BE FOR AND WAS
TOLD TO REDUCE SIZE AND WOULD BE
OK BUT AT THE TIME I JUST FORGOT ABOUT
IT I NOW FEEL I WOULD LIKE ONE NOW
AS MY HOBBY IS A OLD CAR I HOPE TO
RESTORE AS I AM DUE TO RETIRE IN
NEAR FUTURE AND THAT IS GOING TO BE
MY PASS TIM I WILL ENCLOSE PHOTO OF ONE ALLREADY
IN THE SAME AREA AS ME WHICH HAS CAME
BY THE CORNOR OFF HOUSE IT IS THE SAME AS MY

Have you raised any matters which were not before the appointed officer at the time your application was determined?

Yes ☐ No ☒

SAID MARLEY
GARAGE

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

yours Sincerely

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

LETTERS FROM NEARBOURS
AND PHOTO GRAPHS

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.

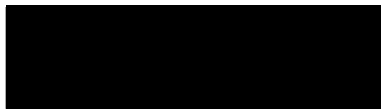


Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, 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:

JAMES ALLISON

Date:

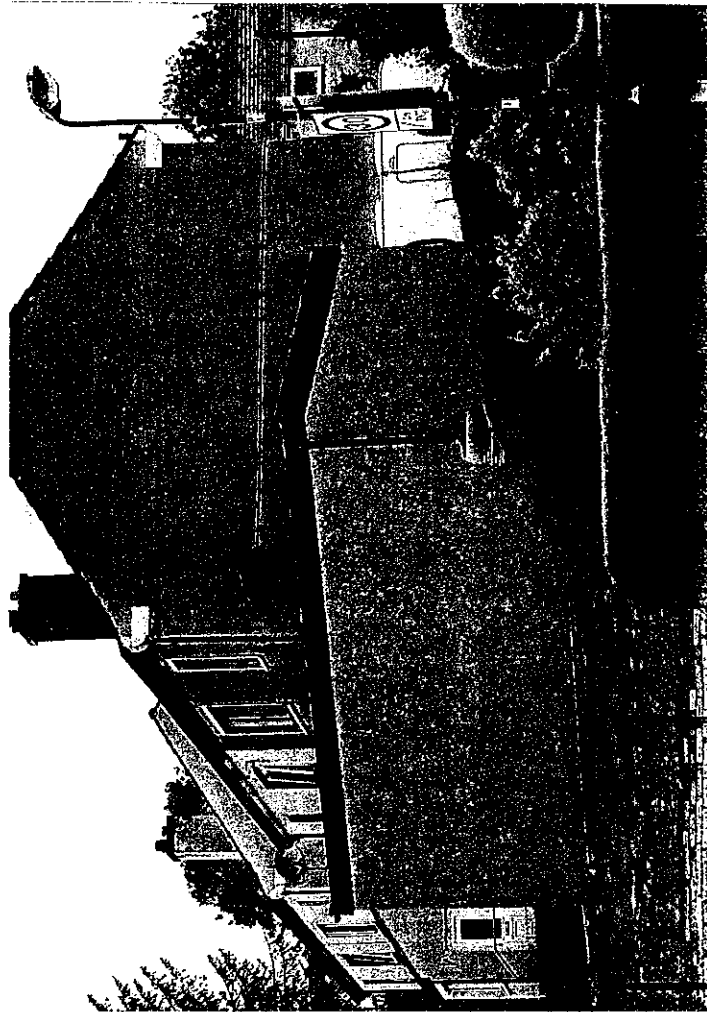
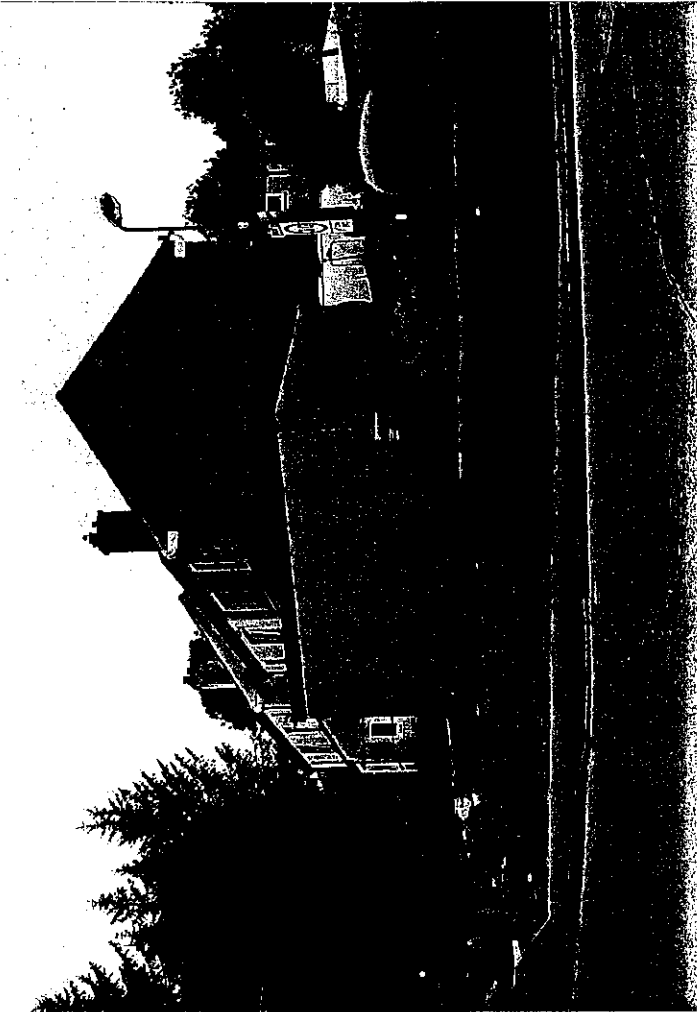
29.8.2012

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.

8 BELLMAN'S ROAD, PENICUK

CORPORATE RESOURCES
FILE: 12/00 377 1000

14
29 AUG 2012





16
CORPORATE RES
FILE: 12/003
RECEIVED 29 AUG 201

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT

PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 12/00377/dpp

Site Address: 2 Glenview, Penicuik

Site Description:

The application property comprises a semi-detached two storey house finished externally in drydash render with brown upvc windows and brown profiled roof tiles. The application property occupies a corner plot. Ground levels immediately adjacent to the house are approximately 1.4m below the road and front and side garden. There is an existing driveway at the site at the higher level on which a caravan is currently parked. To the rear of the driveway are two small timber sheds.

Proposed Development:

Erection of detached garage

Proposed Development Details:

It is proposed to erect a garage in the front/side garden of the application site. The garage measures 6.4m by 3.4m. It is to be finished externally in drydash render with a shallow pitched tiled roof.

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

History sheet checked.

Consultations:

None required.

Representations:

One letter of representation has been received in relation to the application from the occupiers of 12 Glenview stating that they have no objection to the proposed garage.

Relevant Planning Policies:

Midlothian Local Plan 2008

RP20 – Development within the built-up area - seeks to protect the character and amenity of the built-up area.

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 garage is to be constructed on the higher ground within the front garden to the side of the house, however will project forward of the front building line.

The proposed garage will be a very prominent feature in the front garden and it will be very prominent in the streetscene including on entering Glenview. Its prominence is exacerbated by the fact that it is to be built at the higher garden level. There are no other similarly positioned garages in the immediate vicinity of the site. The general appearance of Glenview is characterised by front gardens enclosed by low fences, low walls and hedges.

In its currently proposed position the garage would appear as an incongruous and prominent feature and would have a detrimental impact on the character of the area.

Sufficient garden area will remain at the rear of the property.

Side windows on the neighbouring property at ground floor appear to serve a hall and bathroom. Card left. No call received. The garage will not be overly dominant to the rear garden of this property. Due to orientation overshadowing not significant.

Discussed with Jim Gilfillan – no road safety concerns.

Recommendation:

1. The proposed garage would be located well forward of the front building line of the properties on Glenview, and would appear incongruous and prominent in the streetscene. In this position it would have a detrimental impact on the visual amenity of the area.
2. For the above reason the proposal is contrary to policy RP20 of the Midlothian Local Plan which presumes against development that harms the character or amenity of built-up areas. If the proposal were approved it would undermine the consistent implementation of this policy, the objective of which is to protect the character and amenity of the built-up area.

Midlothian

APPENDIX D Midlothian Local Plan



Midlothian



2.2 The Built Heritage

Policy Title

RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

2.2.1 National Planning Policy National policy as set out in SPP 1 *The Planning System* states that one of the three general objectives of development plans and development control is "to maintain and enhance the quality of the natural heritage and built environment". In addition, the importance of good design is highlighted as a priority for the planning system, given that "mistakes cannot be easily or cheaply rectified".

2.2.2 SPP 3 Planning for Housing (now replaced by SPP 3 *Planning for Homes* – see para. 3.2.6) encourages the full and effective use of land within existing built areas, giving priority to reusing derelict and vacant land. However, it also requires that "infill development respects the scale, form and density of its surroundings and enhances rather than detracts from the character and amenity of existing residential areas". It indicates that this should be an important consideration for planning authorities when preparing development plans and in determining applications, and for developers when preparing proposals.

2.2.3 Structure Plan Policy The ELSP 2015 recognises the importance of protecting and

enhancing the amenity of all urban areas to safeguard and improve the quality of life of residents of the Lothians. Policy ENV1G requires local plans, in encouraging the development of infill sites, the redevelopment of brownfield land and the conversion of existing buildings, to promote a high quality of design in all new development.

2.2.4 Local Plan Policy Midlothian is not characterised by large areas of brownfield land ripe for redevelopment. It follows therefore that the main areas of new development will be on greenfield sites on the edge of the built-up areas. There will, however, be opportunities for new development within the existing urban areas, including conversion, intensification, infill or redevelopment.

2.2.5 Policy RP20 applies to the existing built-up area of all towns and villages, and the areas of new housing allocations. The Local Plan Proposals Map defines the urban boundaries of the main settlements and also identifies village envelopes. The purpose of the policy is to ensure that new development does not damage or blight land uses which are already established in the neighbourhood, particularly where residential amenity will be affected. Sections 3.7 and 4 contain guidance with regards to wind turbines (policies NRG1 and NRG2), energy for buildings (policy NRG3), the form and layout of development on greenfield sites (policy DP2), extensions to existing housing (policy DP6) and control over advertising (policy DP8), which may be relevant to proposals for development within the built-up area.

RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

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.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

APPENDIX E

Reg. No. 12/00377/DPP

Mr James Allison
2 Glenview
Penicuik
EH26 0AY

Midlothian Council, as Planning Authority, having considered the application by Mr James Allison, 2 Glenview, Penicuik, EH26 0AY, which was registered on 15 June 2012 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of detached garage at 2 Glenview, Penicuik, Midlothian, EH26 0AY

In accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site plan, location plan and elevations	103/01 Rev A 1:1250/1:100/ 1:50	15.06.2012

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

- 1. The proposed garage would be located well forward of the front building line of the properties on Glenview, and would appear incongruous and prominent in the streetscene. In this position it would have a detrimental impact on the visual amenity of the area.*
- 2. For the above reason the proposal is contrary to policy RP20 of the Midlothian Local Plan which presumes against development that harms the character or amenity of built-up areas. If the proposal were approved it would undermine the consistent implementation of this policy, the objective of which is to protect the character and amenity of the built-up area.*

Dated 16 / 7 / 2012



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

PLEASE NOTE

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

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.

