

Refuse of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body

Tuesday 23 October 2012

Item No 5

Local Review Body: Review of Planning Application

Reg. No. 11/00780/DPP

Les McCaskey
15 Boswall Terrace
Edinburgh
EH5 2EE

Midlothian Council, as Planning Authority, having considered the review of the application by Mr F Watson, 5 Hawk Crescent, Dalkeith, which was registered on 28 March 2012 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of dwellinghouses at Land adjacent to 7 Westfield Park, Dalkeith, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	rev A 1:200,1:500	10.01.2012
Proposed floor plan	01 rev A 1:50	10.01.2012
Proposed floor plan	02 rev A 1:50	10.01.2012
Roof plan	03 rev A 1:50	10.01.2012
Proposed cross section	04 rev A 1:50	10.01.2012
Proposed cross section	05 rev A 1:50	10.01.2012
Proposed elevations	06 rev A 1:100	10.01.2012
Proposed cross section	07 1:100	10.01.2012

The reason(s) for the Council's decision are set out below:

1. *The height, design and location of the proposed dwellinghouse would have a dominant and detrimental overbearing impact on neighbouring dwellings and therefore does not comply with the terms of policy RP20 of the adopted Midlothian Local Plan.*
2. *Due to the low pitch of the roof the design and form of the proposed house appears unbalanced and unsympathetic to its location and would result in a development which does not comply with the detailed design guidance as set out in policy DP2 of the adopted Midlothian Local Plan.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 4 September 2012. The LRB carried out an unaccompanied site visit on the 30 July 2012.

In reaching its decision the LRB gave consideration to the following development plan policies and material considerations:

Development Plan Policies:

1. RP20 Midlothian Local Plan – Development in the built-up area
2. DP2 Midlothian Local Plan – Development Guidelines

Material Considerations:

1. The representations made by interested parties; and
2. The size, form, design and location of the proposed development.

Dated: 04/09/2012

Councillor J Bryant
Chair of the Local Review Body
Midlothian Council

IMPORTANT

As the application (11/00780/DPP) subject to this review was retrospective it is important that you secure the removal of the unauthorised works. The Council will contact you separately under its planning enforcement powers if the works are not removed within 28 days.

SCHEDULE 2

Regulation 21

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

1. 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. 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 reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by 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

Advisory note:

If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Development Management Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk