

Notice of Meeting and Agenda



Local Review Body

Venue: Council Chambers/Hybrid,
Midlothian House, Dalkeith, EH22 1DN

Date: Monday, 24 March 2025

Time: 13:00

Executive Director : Place

Contact:

Clerk Name: Democratic Services
Clerk Telephone:
Clerk Email: democratic.services@midlothian.gov.uk

Further Information:

This is a meeting which is open to members of the public.

Privacy notice: Please note that this meeting may be recorded. The recording may be publicly available following the meeting. If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website: www.midlothian.gov.uk

1 Welcome, Introductions and Apologies

2 Order of Business

Including notice of new business submitted as urgent for consideration at the end of the meeting.

3 Declaration of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Minute of Previous Meeting

- 4.1** Minute of meeting of Local Review Body 16 December 2024 submitted for approval 3 - 6

5 Public Reports

Notice of Reviews - Determination Reports by Chief Officer Place

- 5.1** 24/00608/DPP – 28 Sherwood Terrace, Bonnyrigg (written submissions – no oral representations at the meeting) 7 - 26
- 5.2** 24/00611/DPP – 19 Edmonstone Drive, Danderhall (written submissions – no oral representations at the meeting) 27 - 48

6 Private Reports

No items for discussion

7 Date of Next Meeting

The next meeting will be held on Monday 12 May 2025 at 10.00 am.

Plans and papers relating to the applications on this agenda can also be viewed at <https://planning-applications.midlothian.gov.uk/OnlinePlanning>

Minute of Meeting

Local Review Body
Monday 24 March 2025
Item No 4.1



Local Review Body

Date	Time	Venue
Monday 16 December 2024	13:00	Council Chambers/Hybrid

Present:

Councillor Imrie (Chair)	Councillor McEwan
Councillor Alexander (Virtual)	Councillor McManus
Councillor Bowen	Councillor Milligan
Councillor Cassidy	Councillor Smail

In Attendance:

Councillor Pottinger (Virtual)	
Kevin Anderson	Executive Director Place
Peter Arnsdorf	Planning, Sustainable Growth and Investment Manager
Derek Oliver	Chief Officer Place
Iina Jaara	Democratic Services Team Leader
Louise Middleton	Democratic Services Officer

1 Welcome, Introductions and Apologies

The Chair welcomed everyone to the meeting of the Local Review Body (LRB). Apologies were received from Councillor Drummond and Councillor Virgo.

2 Order of Business

The order of business was as outlined in the agenda.

3 Declarations of interest

Councillor Bowen declared they are a patron of Melville Golf Club which was noted for transparency.

No other declarations of interest were intimated at this stage of the proceedings.

4 Minute of Previous Meeting

The Minute of the Planning Meeting of 13 November 2024 was submitted and approved as the correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	24/00412/DPP - Land at South Melville Farm, Melville Dykes Road, Lasswade	Planning, Sustainable Growth and Investment Manager
Outline of report and summary of discussion		
<p>The Planning, Sustainable Growth and Investment Manager presented the report which provides a framework for the LRB to consider a 'Notice of Review' for the erection of 11 lodges and associated works at land at South Melville Farm, Melville Dykes Road, Lasswade.</p> <p>It is recommended that the LRB:</p> <ul style="list-style-type: none">a) determine the review; andb) the Planning Advisor draft and issue the decision of the LRB through the Chair. <p>The Chair thanked the Planning, Sustainable Growth and Investment Manager for the report and advised the applicant of the process that will follow.</p> <p>Elected Members highlighted their concern that the applicant stated the site was in a green belt and allowing planning permission would result in a loss of more green belt land. Whilst the area was not important to the environment this would result in creating more grey belt land.</p>		

The Planning, Sustainable Growth and Investment Manager confirmed the site is in a green belt and advised that if there was a wish to change boundaries this would have to go through the planning policy. The National Performance Framework (NPF) 4, adopted in February 2023, did not mention grey land so this can be put to one side. Merits of green belt sites can be considered for individual applications or the Council could consider within the overall local planning process. Each case should be considered by its own merit.

Elected Members confirmed that having viewed the site they did not believe the site was one of natural beauty or an area that needed preservation and is currently used as dumping ground and burning site. There was an issue raised about the suitability of drainage for the application.

The Planning, Sustainable Growth and Investment Manager confirmed that the septic tank was on the other side of the road which is for the unoccupied dry house. The plan mentions connecting to this. The Planning, Sustainable Growth and Investment Manager noted there is an issue around drainage and the Council would expect solutions for this going forward, and this site cannot go ahead without drainage in place.

Elected Members were concerned that the application for use of houses as holiday accommodation may not always be adhered to and houses may become someone's permanent residence. Elected Members asked how this can be prevented. Elected Members also asked what the cost to Midlothian Council would be if properties were residential in terms of aspects like adopting the road and bin collections

The Planning, Sustainable Growth and Investment Manager confirmed that when granting planning permission there would be a limit set to activity on properties which is a standard approach for this type of development. There would be a condition that properties would not be primary residences and people could not live in the properties for more than 4 weeks. If once built the applicant wanted to change the use of the properties, they would need to apply for planning permission, and a decision would have to be made if this was appropriate.

Elected Members felt the land could not be used for much else and was better not left as a waste site.

Elected Members noted that there did not appear to be another use for this land other than possibly planting. They were unsure on what scale this will attract golfers at Melville or other tourists. They supported the idea subject to drainage, water supply and road access.

A vote was taken and two Elected Members voted to dismiss the appeal whilst four Elected Members voted to uphold the review and grant planning permission.

The Chair advised that the appeal has been upheld with subject to the conditions in the report.

The report was moved to grant planning permission by Councillor Cassidy and seconded by Councillor Smail.

Decision

The Local Review Body granted the planning application subject to the conditions in the report.

6. Private Reports

No private business was discussed.

7. Date of Next Meeting

The next meeting is scheduled for Monday 3 February 2025 at 13:00. The meeting terminated at 13:19.

Notice of Review: 28 Sherwood Terrace, Bonnyrigg Determination Report

Report by Chief Officer Place

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 formation of driveway and access route across area of public open space at 28 Sherwood Terrace, Bonnyrigg.

2 Background

- 2.1 Planning application 24/00608/DPP for the formation of driveway and access route across area of public open space at 28 Sherwood Terrace, Bonnyrigg was refused planning permission on 10 December 2024; 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 Supporting Documents

- 3.1 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). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, excluding the standard advisory notes, issued on 10 December 2024 (Appendix D); and
 - A copy of the key plans/drawings (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk.

4 Procedures

- 4.1 In accordance with agreed procedures, the LRB:

- Have determined to undertake a site visit (only elected members attending the site visit can participate in the determination of the review); and
 - Have determined to progress the review by written submissions.
- 4.2 The case officer's report identified that there were two consultation responses, and one representation received (all objections). As part of the review process the interested parties were notified of the review – no additional comments have been received. All comments can be viewed online on the electronic planning application case file.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- 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;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported back to the LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 20 June 2022, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. The development to which this permission relates shall commence no later than the expiration of three years beginning with the date of this permission.

Reason: To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).

2. The two trees within the area of open space immediately to the northeast of the application property shall not be felled or damaged. An arboricultural method statement detailing measures for protection of these trees during the installation of the new grass block pavers in the open space shall be submitted to the planning authority and no work shall start within the area of open space until these details have been approved in writing by the planning authority.
3. Any temporary protective fencing approved in terms of condition 2 shall be erected before any work on the development has begun, including site clearance, and shall be retained until the development is completed. Within the area enclosed by the fencing there shall be no movement of machinery, excavation, no removal of soil, no placing of additional soil, no storage of any kind, disposal of any waste or fires lit.
4. Either of the trees referred to in condition 2 that die, suffer from severe die back or are severely damaged within five years of the vehicular access within the area of open space being completed or brought into use, whichever is the earlier, shall be replaced with trees of such size and species and in a position and within a timescale to be agreed in writing by the planning authority.
5. Prior to the vehicular access and driveway being brought into use the proposed access over the existing grassed area shall be surfaced in grass seeded pavers.

Reason for conditions 2-5: *In order to protect the visual amenity of the area and biodiversity.*

6. Prior to the vehicular access being brought into use a dropped kerb footway crossing shall be constructed at the vehicle entrance.

Reason: *In the interests of road safety and the free flow of traffic.*

7. The driveway within the front garden of the application property shall be a minimum of 5m long as measured from the heel of the pavement.

Reason: *In order that a car can be safely parked off the public highway.*

8. Any gates to the driveway within the front garden of the application property shall be so designed and installed as to only open inwards.

Reason: *To ensure gates do not open over the pavement; to ensure no hazard is caused to pedestrians using the footway.*

6 Recommendations

- 6.1 It is recommended that the LRB:
- a) determine the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair


Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 14 March 2025

Report Contact: Ingrid Forteath – Planning Officer
Ingrid.Forteath@midlothian.gov.uk

Background Papers: Planning application 24/00608/DPP available for inspection online



 Grass Area Subject to Proposal



**Planning Service
Place Directorate**

Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith, EH22 3AA

Formation of driveway and formation of access route
across area of public open space

28 Sherwood Terrace, Bonnyrigg

Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

File No. 24/00608/DPP

Page 11 of 48
Scale 1:300





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 the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100700103-001

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

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

≤ Applicant **T** Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="JAMES BROWN ARCHITECTURAL SERVICES"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="JAMES"/>	Building Name:	<input type="text" value="47"/>
Last Name: *	<input type="text" value="BROWN"/>	Building Number:	<input type="text" value="47"/>
Telephone Number: *	<input type="text" value="01316605548"/>	Address 1 (Street): *	<input type="text" value="POLTON STREET"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="BONNYRIGG"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="EH19 3DD"/>
Email Address: *	<input type="text" value="james.brown665@outlook.com"/>		

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

T Individual ≤ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="ANDREW"/>	Building Number:	<input type="text" value="28"/>
Last Name: *	<input type="text" value="WILSON"/>	Address 1 (Street): *	<input type="text" value="SHERWOOD TERRACE"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="BONNYRIGG"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="MIDLOTHIAN"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH19 3LA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="28 SHERWOOD TERRACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BONNYRIGG"/>
Post Code:	<input type="text" value="EH19 3LA"/>

Please identify/describe the location of the site or sites

Northing

Easting

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

FORMATION OF DRIVEWAY AND FORMATION OF ACCESS ROUTE ACCROSS AREA OF PUBLIC OPEN SPACE

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

i CONSIDER THAT ALL THE CONDITIONS GIVEN BY THE COUNCIL PRIOR TO THE NEGATIVE DECISION WERE ADDRESSED AS SHOWN ON THE DRAWINGS. ALSO THERE IS, PRIOR TO THE APPLICATION A NUMBER OF SIMILAR DRIVEWAYS CROSSING PUBLIC OPEN SPACES AND PAVEMENTS ALL OVER BONNYRIGG, MOST NOTABLY ACCROSS THE ROAD TO NUMBER 21. MY CLIENT IS ALSO A BLUE BADGE HOLDER SO PARKING CLOSE TO HIS HOUSE IS IMPERATIVE. ALSO THE PROPOSAL AND MATERIALS ARE CHOSEN TO GIVE MAXIMUM PROTECTION TO THE EX.

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

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

NONE

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

24/00608/DPP

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

04/10/2024

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

01/12/2024

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr JAMES BROWN

Declaration Date: 31/01/2025

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference:24/00608/dpp

Site Address: 28 Sherwood Terrace, Bonnyrigg

Site Description:

The application property comprises a mid terraced 2 storey dwellinghouse and its associated garden located within a residential area. There is an area of public open space in front of the property with a parking layby to the east of this.

Proposed Development:

Formation of driveway and formation of access route across area of public open space

Proposed Development Details:

It is proposed to form a drop kerb at the southern corner of the layby to the east of the application property. It is also proposed to form a vehicular access across the area of public open space measuring a maximum of 10.6m long by 2.3m wide to be surfaced in grass block pavers to serve a proposed driveway occupying the whole of the front garden of the application property which is to be surfaced in permeable mono block paving.

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

History sheet checked.

The applicant submitted a pre-application enquiry in relation to the proposed works and was advised of concerns regarding the impact of the proposal on the grass area and possibly the roots of the trees within this area with a consequent impact on the visual amenity of the area and biodiversity in the event of the loss of the tree resulting from damage related to the construction and use of the access route. They were also advised of concern regarding pedestrian safety as a result of the vehicular access being taken over a section of pavement which serves a number of properties. Also they were advised that it was unlikely that the planning application would be supported.

The agent has advised that the proposed pavers are porous and the concrete will protect the tree roots and that they are designed to allow grass to grow through over the affected public area of open space to maintain the visual amenity. He also states that the car will not be back and forward like on a main road and other pavement user will have a wide range of sight to see a moving vehicle. He also states that there is very similar driveway cutting over the grass at no. 21 Sherwood Terrace.

The agent has advised the following in relation to policy 1 of NPF4:works to be carried out using local labour and locally sourced materials; concrete grass pavers are proposed to prevent damage to tree roots and to allow drainage and retain the

grass; and permeable monoblock is proposed within the front garden to allow natural drainage.

Consultations:

The Senior Manager Neighbourhood Services (Roads) – has advised that the proposal is unacceptable in terms of road safety. The following comments have been provided:

- it is illegal for a motorised vehicle to run along a public footway. Running across a footway is permitted by issue of a permit from the Roads Authority if the location is deemed suitable. In this case, it appears access would require running along the footway which is not permitted and the drop kerb is not in front of the proposed driveway;
- risk that vehicles could be parked, or another vehicle parked on the grass blocks;
- potential unsafe use of the footpath creating an unexpected vehicle-pedestrian conflict. It could also set a precedence in the area for using grassed areas and footpaths to create a private driveway; and
- there appears to be ample parking at the rear of the property.

Council's Land Resources Manager – comments that the proposal would impact on aesthetics of the area: approval could set a precedent for similar proposals impacting on the area of open space: and mentions the impact on the outlook from neighbours.

Representations:

One representation has been received in relation to the application objecting to the proposal on the following grounds:

- Children regularly play in this area;
- There is adequate parking at the front and rear of the property;
- Approval would set a precedent for other driveways resulting in the loss of the public open space to a car park;
- Impact on property value:
- Noise pollution;
- A driveway could be created at the rear of the application property;
- There are 2 established trees in the area of public open space; and
- Impact on outlook from neighbouring properties.

Relevant Planning Policies:

Planning policy currently comprises National Planning Framework 4 and the adopted Midlothian Local Development Plan 2017. The following policies are relevant to the proposal:

NPF4

Policy 1 Tackling the climate and nature crises

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 3 Biodiversity

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 6 – Forestry, woodland and trees

b) Development proposals will not be supported where they will result in:
ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy

Policy 14 Design, quality and place

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 16 Quality homes

g) Householder development proposals will be supported where they:
i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

The relevant policy of the **Midlothian Local Development Plan 2017** is;

DEV2 – Protecting amenity within the built-up area - seeks to protect the character and amenity of the built-up area.

ENV11 – Woodland, Trees and Hedges states that development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees (including trees covered by a Tree Preservation Order, areas defined as ancient or semi-natural woodland, veteran trees or areas forming part of any designated landscape) and hedges which have a particular amenity,

nature conservation, biodiversity, recreation, landscape, shelter, cultural, or historical value or are of other importance.

It is noted that policy DP6 House Extensions, from the now superseded 2008 Midlothian Local Plan, set out design guidance for new extensions requiring that they are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines contained in DP6 also relate to size of extensions, materials, impact on neighbours and remaining garden area. It also states that front porches to detached or semi-detached houses are usually acceptable provided they project less than two metres out from the front of the house. It also allowed for novel architectural solutions. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

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 affected area of public open space forms an integral part of the layout of this part of Sherwood Terrace and contributes to the visual amenity of the area. It adds interest and enhances the appearance of the surrounding area providing an amenity for both residents and passers by. Whilst concrete grass pavers are proposed the installation of the proposed vehicle access will have a direct impact on a small part of the existing greenspace (presently amenity grass) and the Root Protection Area of two trees within it with the potential to affect the long term health of the trees due to possible compaction, although grass pavers may have a lesser effect than solid paving, and during installation of the paving. The proposed vehicular access route is only 1m from the trunk of one of the trees with the potential for conflict between cars turning in to the drive and the tree. It would also be difficult to prevent cars from parking on the vehicular access. The use of part of the public open space for vehicular access and possibly for parking will detract from the character of this area and loss of the trees would be detrimental to the visual amenity of the area and biodiversity.

Subject to alterations in ground levels within the front garden there is sufficient space to park a car within the front garden without overhanging the pavement.

The introduction of cars within the open space and potentially driving, including reversing, along the pavement presents a risk of conflict between pedestrians and user of the public open space and cars to the detriment of road/pedestrian safety.

The formation of the driveway will impact on the space available for parking within the parking bay.

There is a parking layby to the east of the application property and a car parking area at the rear to the north west. The application property has been extended at the rear with limited garden space. It is appreciated that the applicant is a blue badge holder. An option would be for the applicant to consider approaching the

Council in regard to the formation of a designated disabled parking space within the layby.

The agent has referred to a vehicular access serving no. 21 Sherwood Terrace. This includes access along a former section of pavement and also reduces car parking space on an adjacent layby. This has not been the subject of a planning application. It does not cross an area of open space as per the current proposal and the section of pavement over which cars would drive along only serves the property served by the vehicular access.

Any impact on property value is not a material planning consideration in the assessment of the application. Any noise arising from the use of the access and driveway would not be sufficient to warrant refusal of planning permission.

Whilst each application is dealt with on its own merits if the current scheme was approved it would be difficult to resist further similar proposals which would degrade the visual amenity of the area further.

Recommendation:

Refuse planning permission

Reg. No. 24/00608/DPP

James Brown
47 Polton Street
Bonnyrigg
EH19 3DD

Midlothian Council, as Planning Authority, having considered the application by Mr Andrew Wilson, 28 Sherwood Terrace, Bonnyrigg, EH19 3LA which was registered on 30 September 2024 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Formation of driveway and formation of access route across area of public open space at 28 Sherwood Terrace, Bonnyrigg, EH19 3LA

in accordance with the application and the following documents/drawings:

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	2403/01A 1:1250 1:200	30.09.2024

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

- 1. The proposed use as a vehicular access, and possibly being used for parking, would detract from the appearance of the affected area of public open space which adds interest and enhances the appearance of the surrounding area providing an amenity for both residents and passersby.*
- 2. The proposal has the potential to have a direct impact on the root protection area of two trees and physical conflict between vehicles with one of the trees within the affected area of public open space with the loss of the trees being detrimental to the visual amenity of the area and biodiversity.*
- 3. For the above reasons the proposal is contrary to policies 3, 14 and 16 of NPF4 and DEV2 and ENV11 of the adopted Midlothian Local Development Plan 2017 which seek to protect the amenity of the surrounding area and biodiversity.*
- 4. The introduction of cars within the open space and potentially driving along the pavement presents a risk of conflict between pedestrians and user of the public open space and pavement and cars and is not in the interest of road/pedestrian safety.*

Dated 10 / 12 / 2024



.....
Duncan Robertson
Lead 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 (Planning Enquiries)
Email: planningconsultation@coal.gov.uk
Website: www.gov.uk/coalauthority

INFORMATIVE NOTE

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

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

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

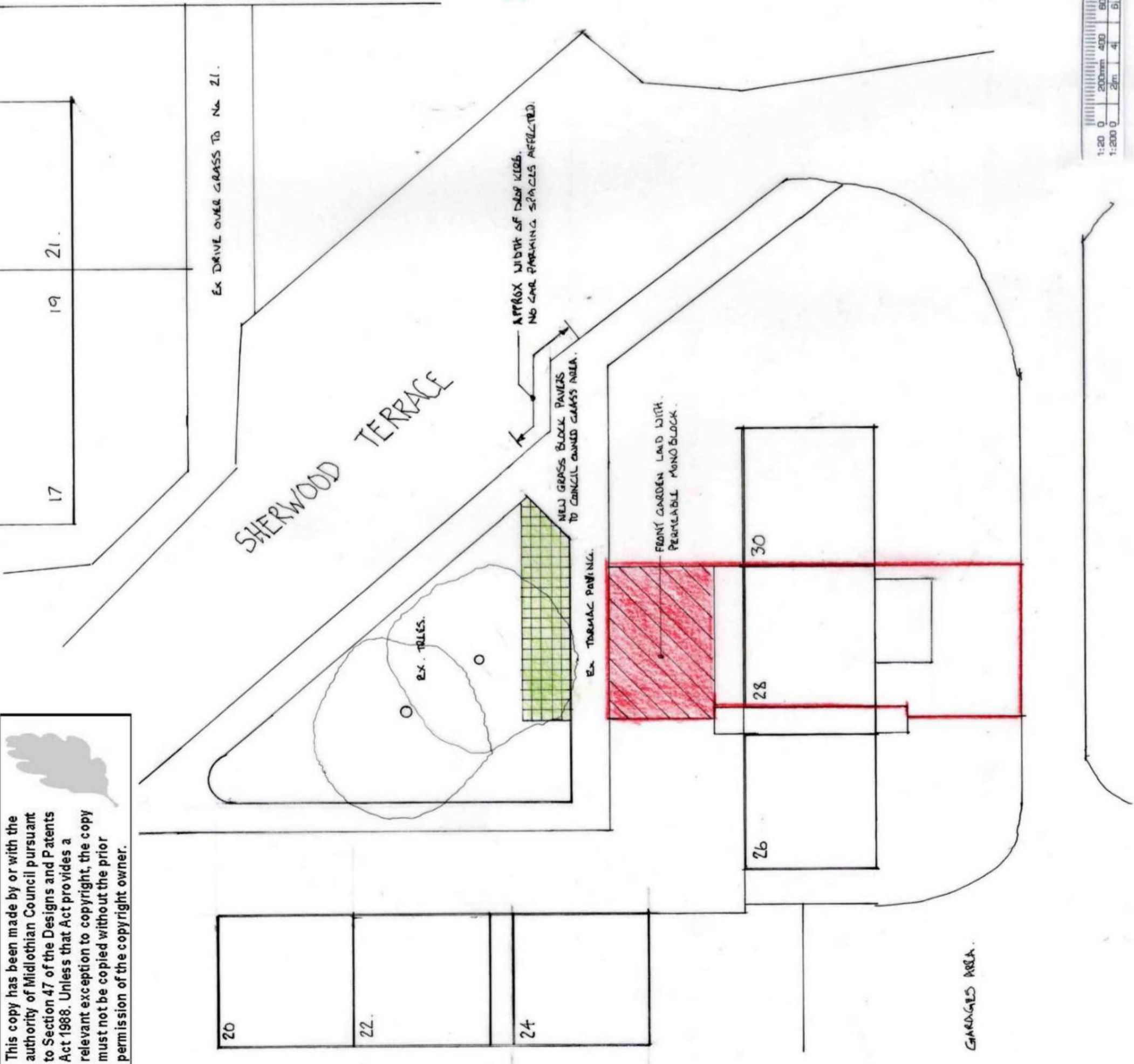
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent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

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

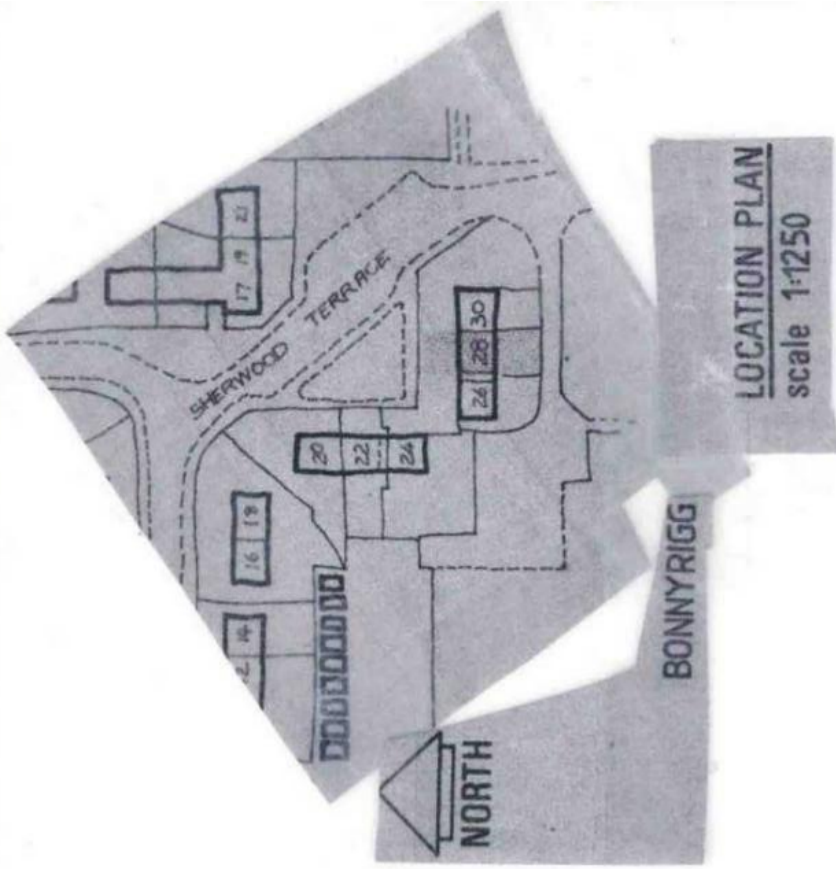
www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2023 until 31st December 2024

This copy has been made by or with the authority of Midlothian Council pursuant to Section 47 of the Designs and Patents Act 1988. Unless that Act provides a relevant exception to copyright, the copy must not be copied without the prior permission of the copyright owner.



REFUSED
10.12.2024
24/0068/DPP



A. LAYOUT ALTERED		SEPT 24
JAMES BROWN Architectural Services 47 Polton Street Bonnyrigg EH19 3DD Phone 0131 660 5548 Email james.brown665@outlook.com		
Client: MR WILSON.		
Project: 28 SHERWOOD TERRACE BONNYRIGG.		
Title: LAYOUT PLAN + LOCATION PLAN.		
Scale: 1:200 & 1:1250	Date: Sept 24	Rev: A
Dwg No: 2403/01.		



Notice of Review: 19 Edmonstone Drive, Danderhall

Determination Report

Report by Chief Officer Place

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 porch and two storey extension at 19 Edmonstone Drive, Danderhall.

2 Background

- 2.1 Planning application 24/00611/DPP for the erection of porch and two storey extension at 19 Edmonstone Drive, Danderhall was refused planning permission on 25 November 2024; 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 Supporting Documents

- 3.1 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). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, excluding the standard advisory notes, issued on 25 November 2024 (Appendix D); and
 - A copy of the key plans/drawings (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk.

4 Procedures

- 4.1 In accordance with agreed procedures, the LRB:

- Have determined to undertake a site visit (only elected members attending the site visit can participate in the determination of the review); and
 - Have determined to progress the review by written submissions.
- 4.2 The case officer's report identified that no consultations were required, and one representation has been received (objection). As part of the review process the interested party was notified of the review – no additional comments have been received. However, a neutral/support letter from one of the neighbours is included in the applicants review submission. All comments can be viewed online on the electronic planning application case file.
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- 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;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported back to the LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 20 June 2022, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. The development to which this permission relates shall commence no later than the expiration of three years beginning with the date of this permission.

Reason: To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).

2. The external materials and finishes of the extension shall match those on the existing building.

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

6 Recommendations

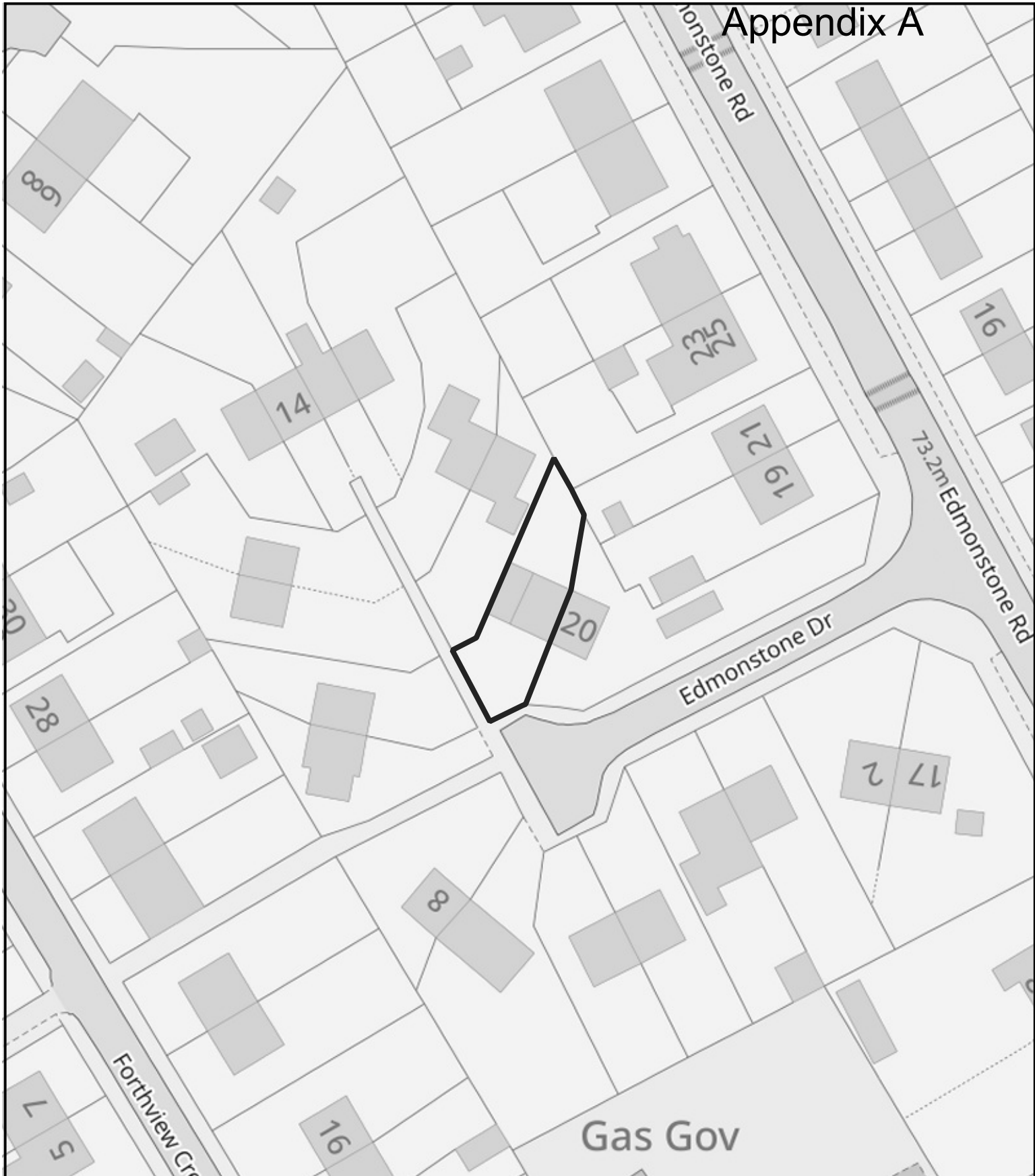
- 6.1 It is recommended that the LRB:
 - a) determine the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 14 March 2025

Report Contact: Ingrid Forteath – Planning Officer
Ingrid.Forteath@midlothian.gov.uk

Background Papers: Planning application 24/00611/DPP available for inspection online



**Planning Service
Place Directorate**

Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith, EH22 3AA

Erection of porch and two-storey extension

19 Edmonstone Drive, Danderhall, EH22 1QQ

Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

File No. 24/00611/DPP





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 the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100686919-002

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

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

≤ Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Lothian Plans"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Stephen"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Lothian"/>	Building Number:	<input type="text" value="18"/>
Telephone Number: *	<input type="text" value="07960366691"/>	Address 1 (Street): *	<input type="text" value="Laidlaw Gardens"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Tranent"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH33 2QH"/>
Email Address: *	<input type="text" value="stephen@lothianplans.com"/>		

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

Individual ≤ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Blair"/>	Building Number:	<input type="text" value="19"/>
Last Name: *	<input type="text" value="Hamilton"/>	Address 1 (Street): *	<input type="text" value="Edmonstone Drive"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Danderhall"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dalkeith"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH22 1QQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="19 EDMONSTONE DRIVE"/>
Address 2:	<input type="text" value="DANDERHALL"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DALKEITH"/>
Post Code:	<input type="text" value="EH22 1QQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="669514"/>	Easting	<input type="text" value="330859"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Double storey side extension with front porch

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See supporting statement provided

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

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

- Photographic examples of similar extensions in the area - Supporting statement - Letter from next door neighbour

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

24/00611/dpp

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

27/09/2024

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

25/11/2024

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Stephen Lothian

Declaration Date: 20/01/2025

Ref: 24/00611/dpp

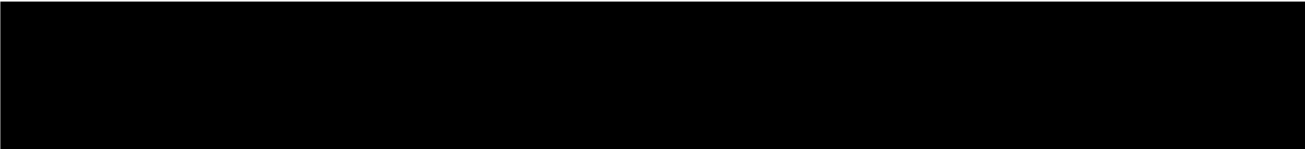
16 December 2024

19 Edmonstone Drive
Danderhall
Midlothian
EH22 1QQ

Dear local review body

Thank you for taking the time to hear our appeal regarding the above property.

We started this planning application with the intention of adding more space to our house to accommodate a new bedroom/nursery within an extension that would fit nicely within the site and blend in well with the area, whilst adhering to planning guidance.



Prior to designing this extension, we viewed houses in streets within close proximity to our own and got an idea of what had previously been granted permission and deemed acceptable. We found various sizes and arrangements of extensions including others which bordered houses which also had neighbours set back behind them like ours.

Example one –36 The Circle, Danderhall. Double storey extension which has a neighbouring property to the rear where the council have not deemed to be over shadowing.

Example two –9 Drum View Avenue, Danderhall. Large double storey extension with front projection same as we have proposed .

Example three –22 Forth View Crescent, Danderhall. Double storey extension which extends to property perimeter.

We feel strongly that this design fits within planning guidance and is also similar to extensions that have been permitted within the area (as above. Supporting images are attached).

None of the neighbours, including number 18 have lodged any objections to this extension –both us and our neighbour in number 18, Raymond Hamilton do not agree with the determination that the extension would impact and be overbearing on Mr R Hamilton's view from his conservatory. He has indeed stated how happy he would be for us to progress with it as he feels it has no bearing on either his sunlight or his view. I have attached a signed letter from Mr Hamilton at number 18 stating his opinions.

We would also like to highlight that although the conservatory is on the side of the neighbour's house, they will always have the same view they have now - looking into their own garden, front and rear and actually have no right to a view over our property/boundary. They are actually to the side and set back and the development will not encroach onto their view in front of their property.

With regards to daylight, No. 18's front garden is southwest facing and gets a great amount of light throughout the day. The placement of this extension will not hinder that and for most of the year, the sun will be above our

property shining onto theirs, all day long.

We hope that you agree that this design is a suitable addition to our house and grant permission for it to be constructed.

We look forward to hearing from you in due course.

Kind regards



Blair Hamilton

To whom it may concern

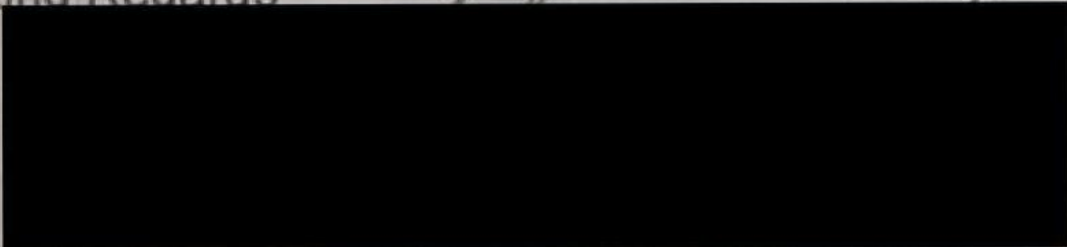
Sometime near the start of October I received a letter from Midlothian council informing me of my neighbours' (number 19) intention to build an extension to their house. This letter gave me details of my rights to object should I wish to do so – I did not object and have no issues with the planned build. Having chatted to a few of my neighbours, I do not believe anyone had any issues either.

Early morning, on Wednesday 23 October a lady from Midlothian council knocked on my door and asked for entry to my property, to which I refused. She turned up again a week or so later, catching me off guard, again asking for entry to my property. On this occasion I felt I had no option but to allow her in.

She told me what she was looking at and after wandering around my home and garden she told me her concerns regarding the build would be the effect it may have on my sunlight. I informed her I had no problems with the planned build and that if I had then I would have put it in a formal objection when I had been given the chance.

As I explained to this woman at the time, I do not see how this extension would have any bearing or impact on the sunlight in the garden (garden is already shaded in wintertime by the original building, and in summertime the sun is so high that there is no impact). To see that this has now changed to being that the build would have an effect on the view from my conservatory or front garden is surprising to say the least – the planned build will have no additional effect on my view and due to a very well established tree and shrubs in my front garden and frosted glass in my conservatory I see no issues with my forward facing view being 'obstructed'.

Kind Regards


Raymond Hamilton (No relation)

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference:24/00611/dpp

Site Address: 19 Edmonstone Drive, Danderhall

Site Description:

The application property comprises a two storey semi-detached dwelling house and its associated garden located within a residential area. The house is finished externally in drydash render with white upvc window frames and brown contoured concrete roof tiles. There is an existing timber garage attached to the west side of the house and a shed in the back garden.

Proposed Development:

Erection of porch and two-storey extension

Proposed Development Details:

It is proposed to take down the timber garage at the side of the house and erect a two storey extension in its place continuing the form of the existing house with a single storey hipped roof garage projection/ porch at the front. The two storey part of the extension measures 7.2m deep and 2.9m wide. The garage projection/ porch measures 4.8m wide and 2m deep. The plans are annotated that the roof of the extension is to be covered in terracotta pantiles, with the walls of the extension rendered and white upvc window frames are proposed.

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

History sheet checked.

The agent has advised the following in relation to policy 1 of NPF4: natural and reclaimed materials to be used; local contractor to be used: materials sourced locally where possible; proposal will comply with building standards as regards insulation and energy efficiency; and bee and nest bricks are being considered.

Consultations:

None required.

Representations:

One representation has been received in relation to the application expressing concern regarding the impact of the extension on sunlight and light to a neighbouring property.

Relevant Planning Policies:

Planning policy currently comprises National Planning Framework 4 and the adopted Midlothian Local Development Plan 2017. The following policies are relevant to the proposal:

NPF4

Policy 1 Tackling the climate and nature crises

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 14 Design, quality and place

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 16 Quality homes

- g) Householder development proposals will be supported where they:
 - i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
 - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

The relevant policy of the **Midlothian Local Development Plan 2017** is;

DEV2 – Protecting amenity within the built-up area - seeks to protect the character and amenity of the built-up area.

It is noted that policy DP6 House Extensions, from the now superseded 2008 Midlothian Local Plan, set out design guidance for new extensions requiring that they are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines contained in DP6 also relate to size of extensions, materials, impact on neighbours and remaining garden area. It also states that front porches to detached or semi-detached houses are usually acceptable provided they project less than two metres out from the front of the house. It also allowed for novel architectural solutions. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

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.

Given that recently published building regulations require increased insulation in house extensions, which helps reduce heat loss and can reduce energy consumption in the home, along with other measures proposed, the proposed

development will contribute to addressing the global climate crisis. The proposed development will not exacerbate the global nature crisis. Therefore the proposed development complies with the aims of policy 1 of NPF4.

The design of the extension is sympathetic to the character of the existing building. External materials should match existing. This can be covered by condition should planning permission be forthcoming.

The usable garden area and off street parking at the application site will be unaffected by the proposal.

No. 18 next door is set back from the front of the application property. It has a relatively small back garden with a larger garden at the front with a porch/conservatory at the front of the house. Located hard up to the boundary with the front garden of no. 18 the proposed extension will be very prominent and dominant with an overbearing impact on the outlook from the front garden and the outlook from the conservatory at no. 18.

The extension will not have a significant impact on sunlight and light to neighbouring properties sufficient to warrant refusal of planning permission.

Recommendation:

Refuse planning permission

Reg. No. 24/00611/DPP

Lothian Plans
18 Laidlaw Gardens
Tranent
EH33 2QH

Midlothian Council, as Planning Authority, having considered the application by Mr Blair Hamilton, 19 Edmonstone Drive, Danderhall, EH22 1QQ, which was registered on 2 October 2024 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of porch and two-storey extension at 19 Edmonstone Drive, Danderhall, EH22 1QQ

in accordance with the application and the following documents/drawings:

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	19ED-PL1 1:500	30.09.2024
Elevations, Floor Plan and Cross Sections	19ED-PL2 A 1:100	02.10.2024
Elevations, Floor Plan and Cross Sections	19ED-PL3 C 1:50	02.10.2024

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

1. *The proposed extension will have an overbearing impact on the outlook of the front garden and conservatory of the neighbouring property at 18 Edmonstone Drive with a detrimental impact on the amenity of the occupiers.*
2. *For the above reason the proposal is contrary to the aims of policies 14 and 16 of NPF4 which presume against development which has a detrimental effect on neighbouring properties and DEV 2 of the adopted Midlothian Local Development Plan 2017 which seeks to protect the amenity of the built-up area.*

Dated 25 / 11 / 2024



.....
Duncan Robertson
Lead 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 (Planning Enquiries)
Email: planningconsultation@coal.gov.uk
Website: www.gov.uk/coalauthority

INFORMATIVE NOTE

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

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

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

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

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

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

Informative Note valid from 1st January 2023 until 31st December 2024

REFUSED
25.11.2024
24/00611/DPP

Appendix E

This copy has been made by or with the authority of Midlothian Council pursuant to Section 47 of the Designs and Patents Act 1988. Unless that Act provides a relevant exception to copyright, the copy must not be copied without the prior permission of the copyright owner.



EXISTING REAR ELEVATION.
 SCALE 1:100.



EXISTING FRONT ELEVATION.
 SCALE 1:100.



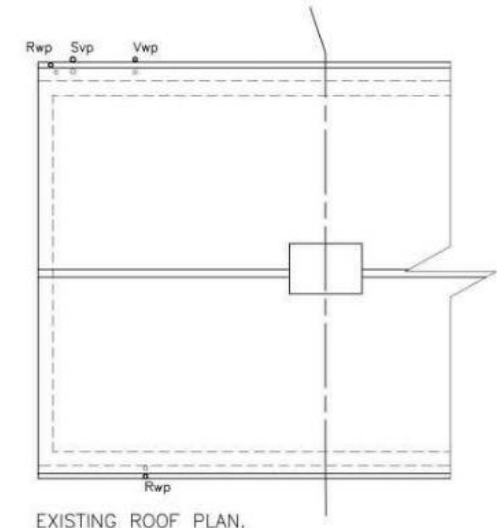
EXISTING SIDE ELEVATION.
 SCALE 1:100.



EXISTING GROUND FLOOR PLAN.
 SCALE 1:100.



EXISTING FIRST FLOOR PLAN.
 SCALE 1:100.



EXISTING ROOF PLAN.
 SCALE 1:100.

LOTHIAN PLANS

www.lothianplans.com

CLIENT: Mr Blair Hamilton

JOB: 19 EDMONSTONE DRIVE
 DANDERHALL, EH22 1QQ.

NUMBER:	REVISION	SCALE:	1:100(BA)3
19ED-PL2	A	DRAWN:	MCR
		CHECK:	-
		DATE:	SEPT 2024

TITLE: EXISTING LAYOUTS
 EXTENSION TO DWELLING (A1)

9 Drum view avenue





