

Notice of Review: 30 Leighton Crescent, Easthouses

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 dormer windows at 30 Leighton Crescent, Easthouses.

2 Background

- 2.1 Planning application 23/00751/DPP for the formation of dormer windows at 30 Leighton Crescent, Easthouses was refused planning permission on 19 January 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 19 January 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 no consultations and no representations received.
- 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. Details of the external materials and finishes of the dormers shall be submitted to the planning authority and no work shall start on the dormers until these details have been approved in writing by the planning authority.

Reason: *In order to ensure that the proposed materials are sympathetic in order to minimise the impact of the dormers on the character of the existing building and the visual amenity of the surrounding area.*

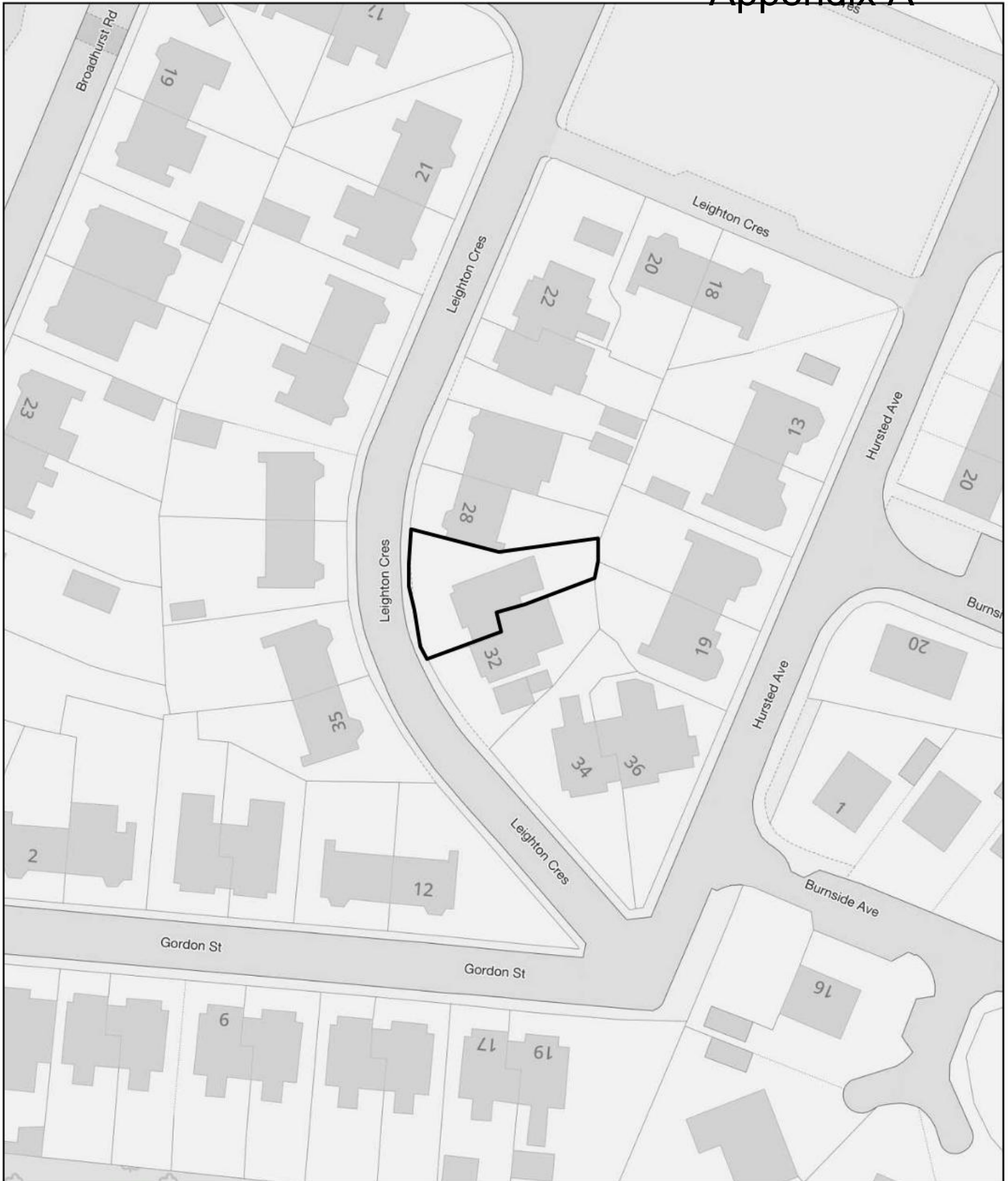
6 Recommendations

- 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: 3 May 2024
Report Contact: Ingrid Forteath, Planning Officer
Ingrid.Forteath@midlothian.gov.uk

Background Papers: Planning application 23/00751/DPP available for inspection online.



**Planning Service
Place Directorate**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Formation of dormers at 30 Leighton Crescent, Easthouses,
Dalkeith, EH22 4DX

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File No: 23/00751/DPP

Scale:1:750





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 100652053-002

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="Mrs"/>	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="Barbara"/>	Building Number:	<input type="text" value="30"/>
Last Name: *	<input type="text" value="Ramsey"/>	Address 1 (Street): *	<input type="text" value="Leighton crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Easthouses"/>
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 4DX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>	<input type="text"/>	

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="30 LEIGHTON CRESCENT"/>
Address 2:	<input type="text" value="EASTHOUSES"/>
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 4DX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="665329"/>	Easting	<input type="text" value="334497"/>
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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)

New Dormers to front and back of house

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.

We feel that the refusal is unjustified and that we have designed a proposal that keeps in with the surrounding area and also within planning guidance.

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)

Images of nearby properties(dormers) and a supporting statement.

Application Details

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

23/00751/DPP

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

16/11/2023

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

22/01/2024

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: 05/03/2024

**6 Gordon street - viewed
from 30 Leighton
crescent**



**10 Broadhurst road -
viewed from leighton
crescent**



10 Leighton crescent



**36 Leighton crescent -
viewed from 19 Hursted
Avenue**



**SUPPORTING STATEMENT IN REPLY TO - MIDLOTHIAN COUNCIL
PLANNING APPLICATION DECISION NOTICE REFERENCE NO:
23/00751/DPP**

Dear Local review body,

We started this planning application with the intention of trying to design a dormer window for the property that would fit nicely within the area and to planning guidance.

Prior to designing the scheme we looked around the street in close proximity to the property in question and got a feel for what precedent had already been set and found a number of different sized and styled dormers that had been constructed which can be seen from the street(which should be considered during applications).

We then designed a traditional style dormer with traditional windows that would fit in with the surrounding area with the intention to use materials that matched the existing house.

As per the council's planning guidance, the dormer was set out at approx 1/3rd of the roof length in size to keep the scale correct for a front dormer and we have kept the existing roof tiles visible on all four sides.

We feel very strongly that the design fits in with planning guidance and what has been built already in the area which can be viewed on the supporting supplied images of local properties which are all very close and can be viewed from the same street.

We hope that you will agree that we have designed a perfectly suitable addition to the house and grant permission for this design to be constructed.

Kind regards,

Stephen Lothian - Lothian Plans.

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 23/00751/dpp

Site Address: 30 Leighton Crescent, Easthouses

Site Description:

The application property comprises a semi-detached dwellinghouse, with accommodation at first floor level in the roofspace, and its associated garden located within a residential area. The house is finished externally in drydash render with a slate roof and white upvc window frames. There is an existing single storey flat roof extension at the rear of the house.

Proposed Development:

Formation of dormers

Proposed Development Details:

It is proposed to install a 3.25/3.4m (plans scale at 3.25m but are annotated that the dormer is 3.4m wide) wide flat roof dormer at the front of the house and a 1.7m wide solid flat roof dormer at the rear of the house. The rear dormer has a rooflight but no window openings. External materials have not been specified.

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

History sheet checked.

00/00562 – Installation of rear dormer extension at 30 Leighton Crescent – pp 18.04.01 – 2 box dormers, incorporating windows, measuring 1.5m wide and 2m high.

In relation to policy 1 of NPF4 the agent has advised that it is intended to use natural and reclaimed materials and a local contractor; materials to be sourced locally where possible; build to comply with building regulations in relation to insulation and energy efficiency; and bee and bird bricks to be fitted where possible.

Consultations:

None required.

Representations:

None received.

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. Policy DP6 also provided specific guidance with respect to dormer extensions. In particular, dormers should not extend, other than to a limited extent beyond the glazed area, i.e. they should be dormer windows rather than box dormers, and should not occupy a predominant proportion of the existing roof area. 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.

Supplementary Planning Guidance – Dormer Extensions - This was prepared in part due to a growing concern regarding the increasing size of dormers and the impact of large box dormer extensions on the character of the original building and on the visual amenity of the surrounding 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.

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

At 3.25/3.4m wide the proposed dormer on the front of the cottage will be a very prominent feature at roof level. The only other dormers at Leighton Crescent are on the front of no. 10 and are shown as being 1.7m wide on the approved plans (pa ref: 06/00851/ful.) The large box-like design is out of keeping and unsympathetic to and would detract from the conventional pitched roof form of the building and the principal elevation of the cottage. The unsatisfactory relationship of the dormer to the cottage will also result in a detrimental impact on the visual amenity of the street scene.

The large solid box-like design, exacerbated by the lack of any windows, of the dormer window proposed at the rear of the house is out of keeping and unsympathetic to and would detract from the conventional pitched roof form of the building and the visual amenity of the surrounding area. However the size of the rear dormer accords with what would ordinarily constitute permitted development with planning permission only being required as it will be within 0.3m of the boundary with the roof of the neighbouring property which forms the other half of the semi-detached pair. The rear dormer will not have a significant impact on the character of the house, the visual amenity of the surrounding area or the amenity of neighbouring properties as compared to the impact arising from what could ordinarily be installed as permitted development.

Recommendation:

Refuse planning permission

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Appendix D 

Reg. No. 23/00751/DPP

Lothian Plans
18 Laidlaw Gardens
Tranent
EH33 2QH

Midlothian Council, as Planning Authority, having considered the application by Mrs Barbara Ramsey, 30 Leighton Crescent, Easthouses, EH22 4DX, which was registered on 30 November 2023 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Formation of dormers at 30 Leighton Crescent, Easthouses, Dalkeith, EH22 4DX

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	30LC-PL1 1:500	30.11.2023
Existing And Proposed Floor Plans Sections And Elevations	30LC-PL2 A 1:100 1:50	30.11.2023

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

- The proposed front dormer extension, on account of its size, would appear as an unduly dominant feature at roof level, the design of which is unsympathetic to, and would detract from, the form of the roof of the building, the character and appearance of the principal elevation of the application property and the visual amenity of the street scene.*
- For the above reasons the proposals are contrary to the aims of policies 14 and 16 of NPF4 and DEV2 of the adopted Midlothian Local Development Plan 2017 which seek to improve the quality of an area, resist poorly designed development and protect the character or environmental quality of the home and the surrounding area.*

Dated 19 / 1 / 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.

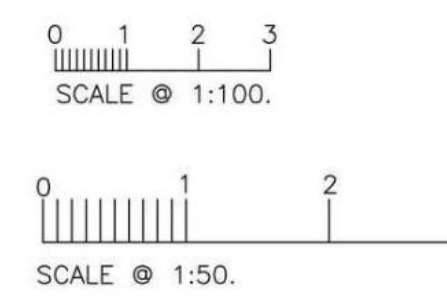
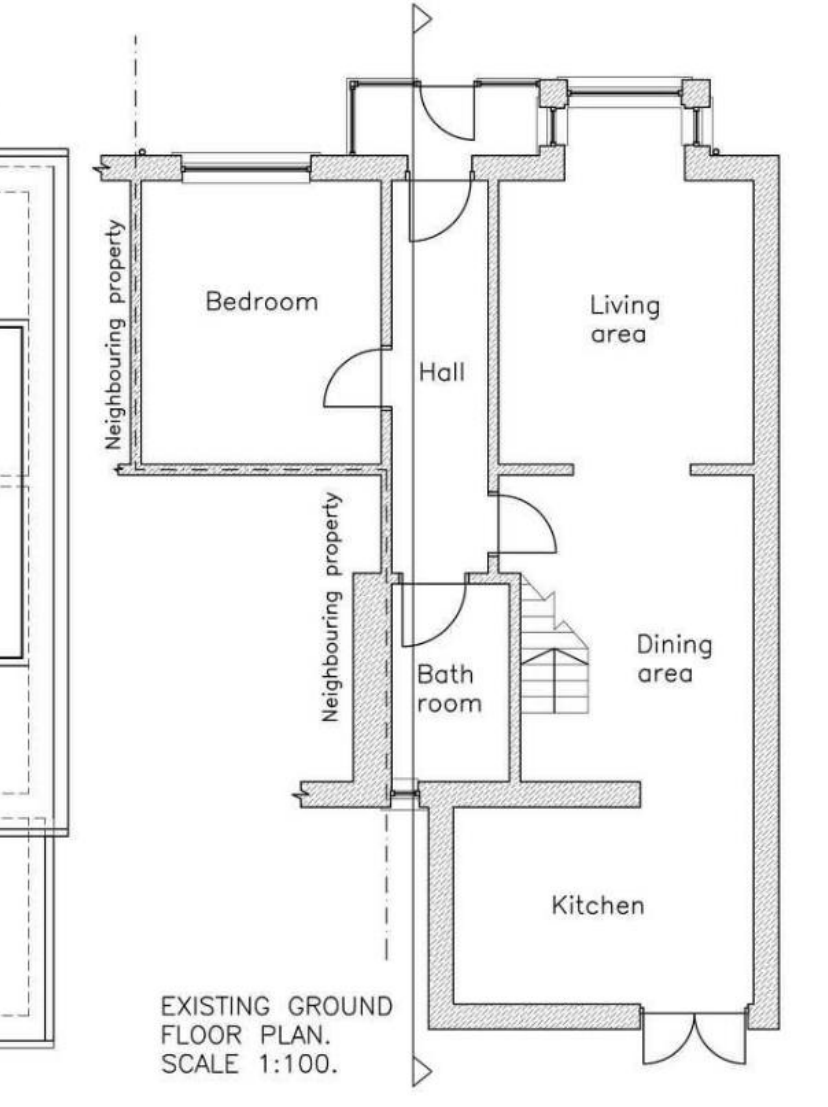
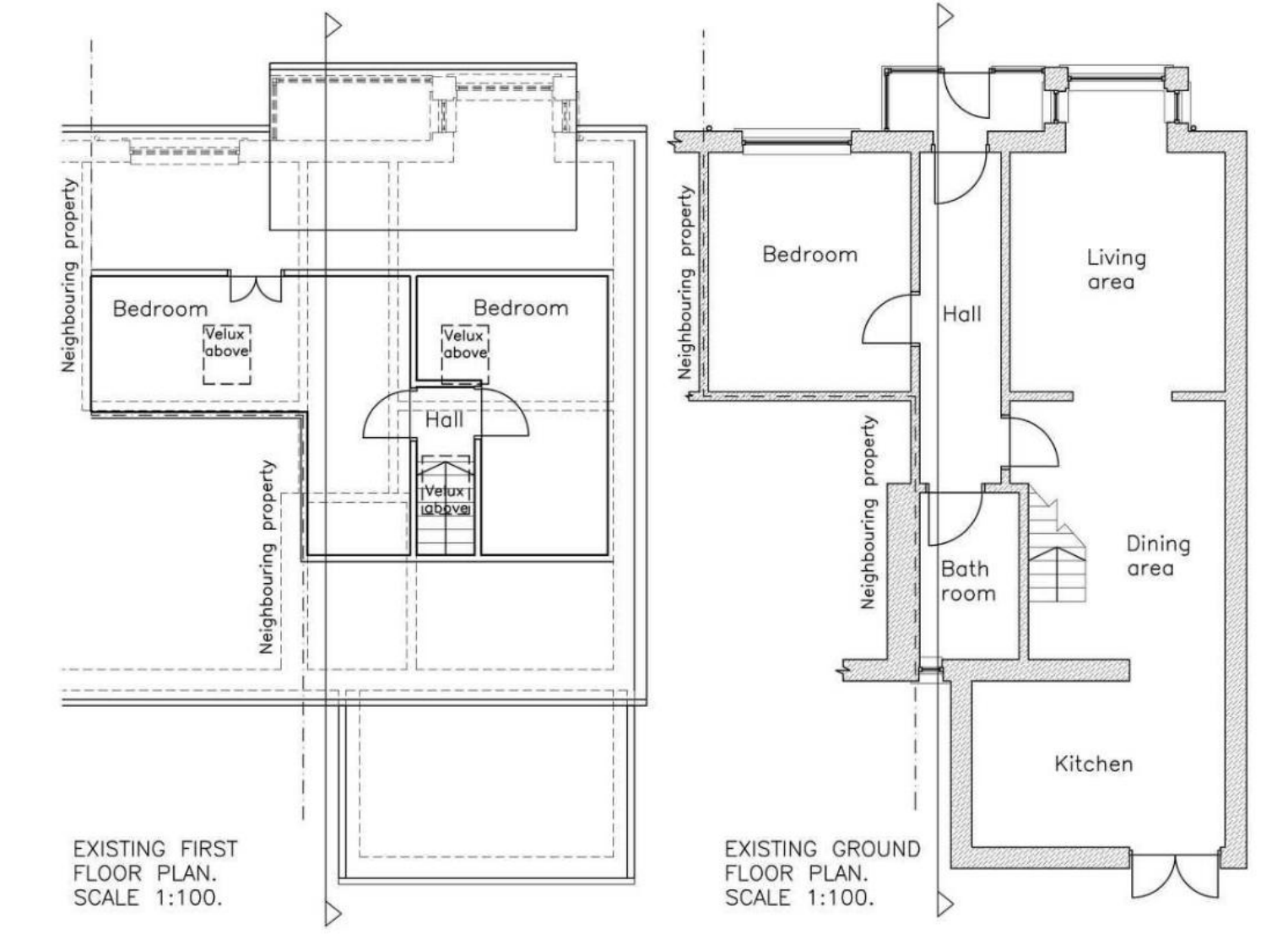
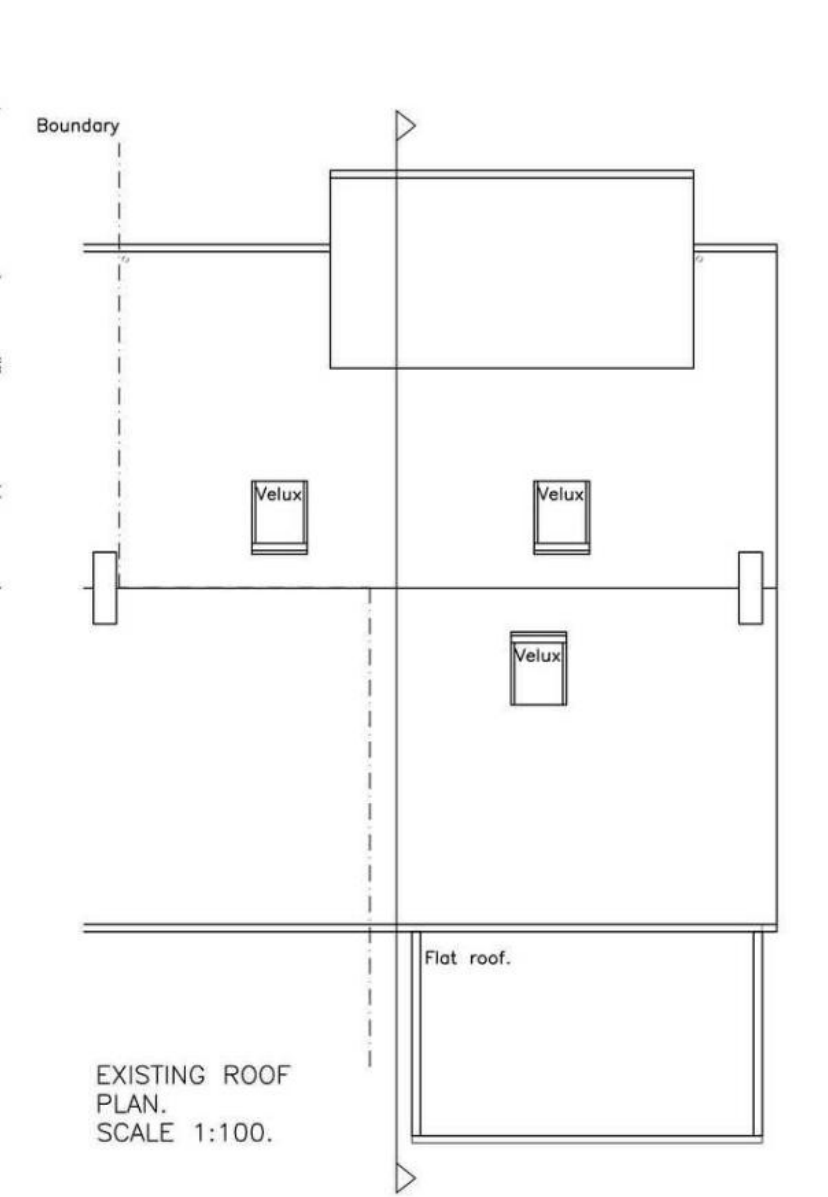
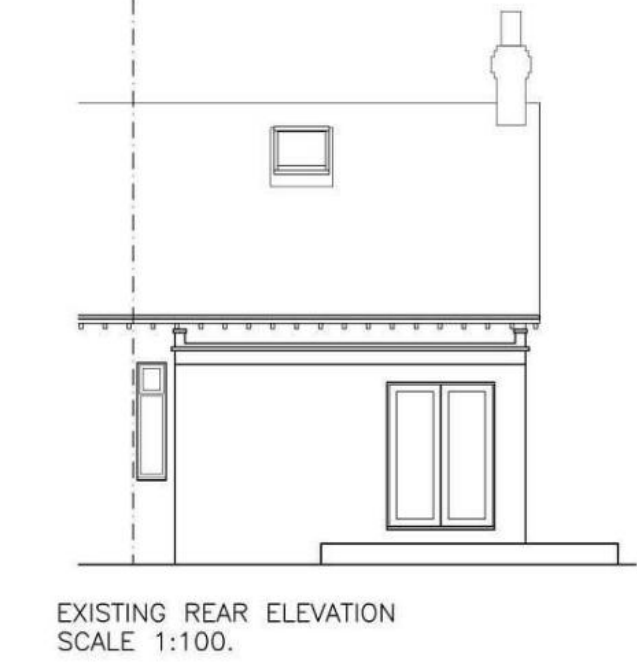
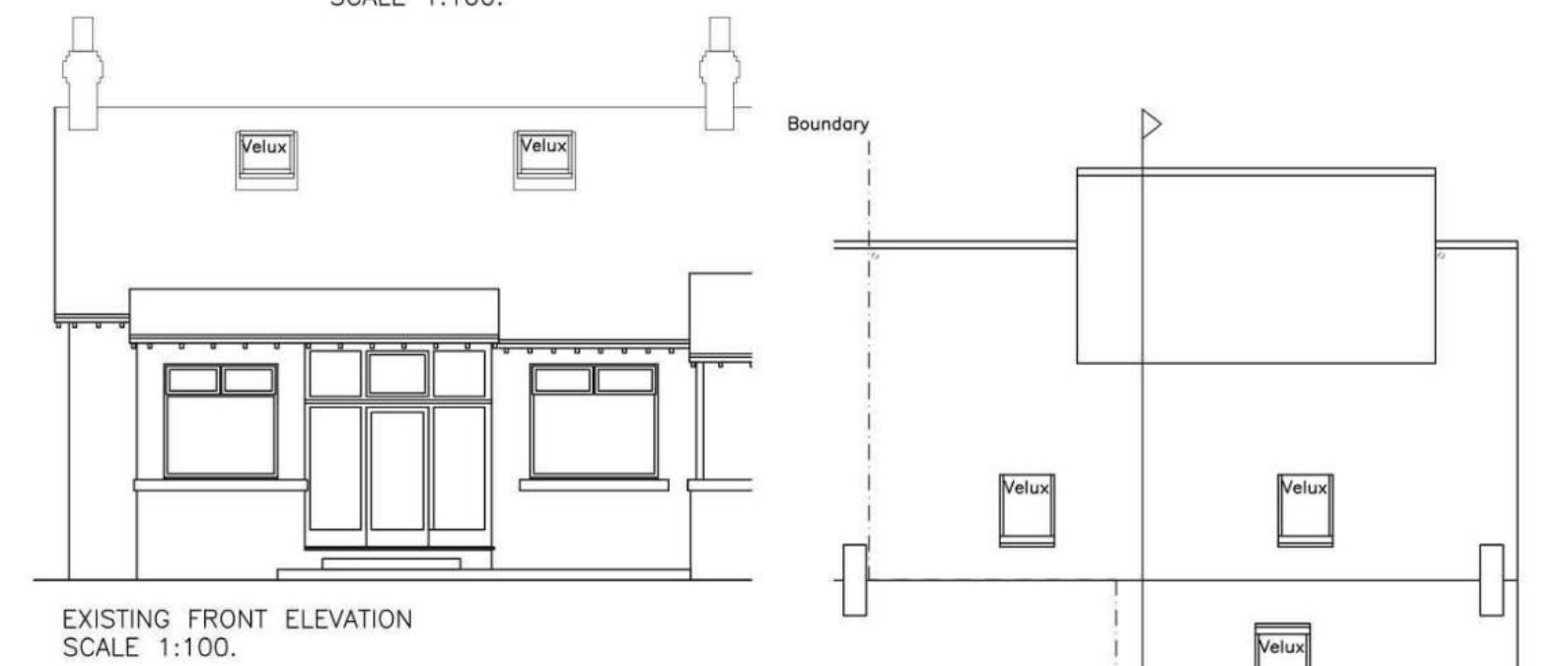
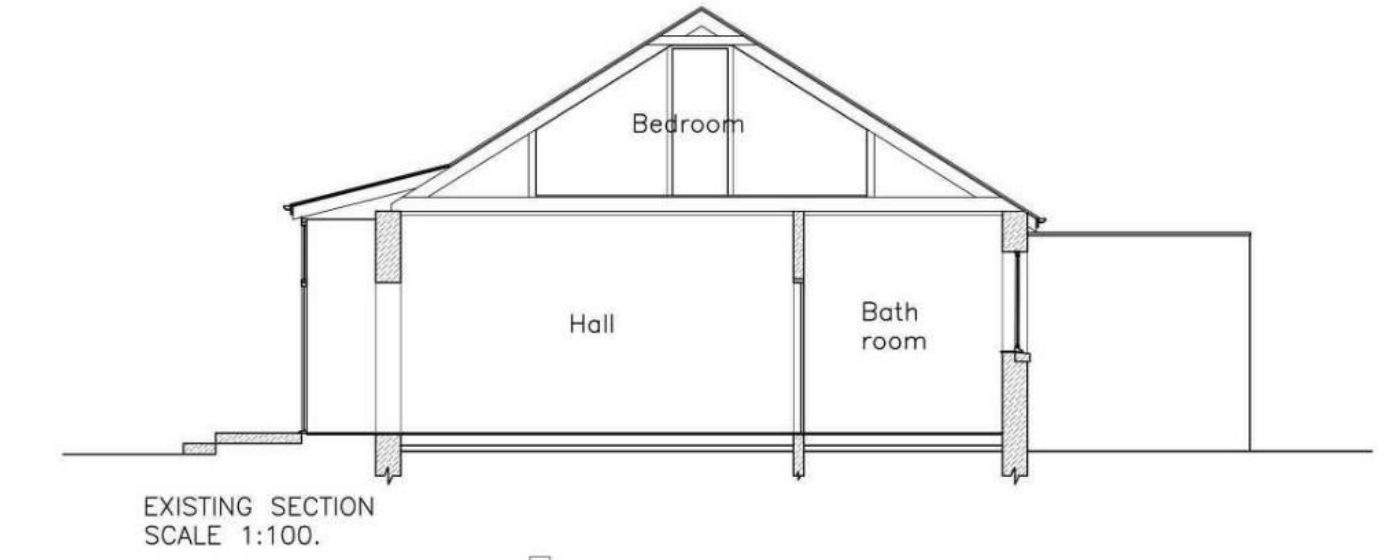
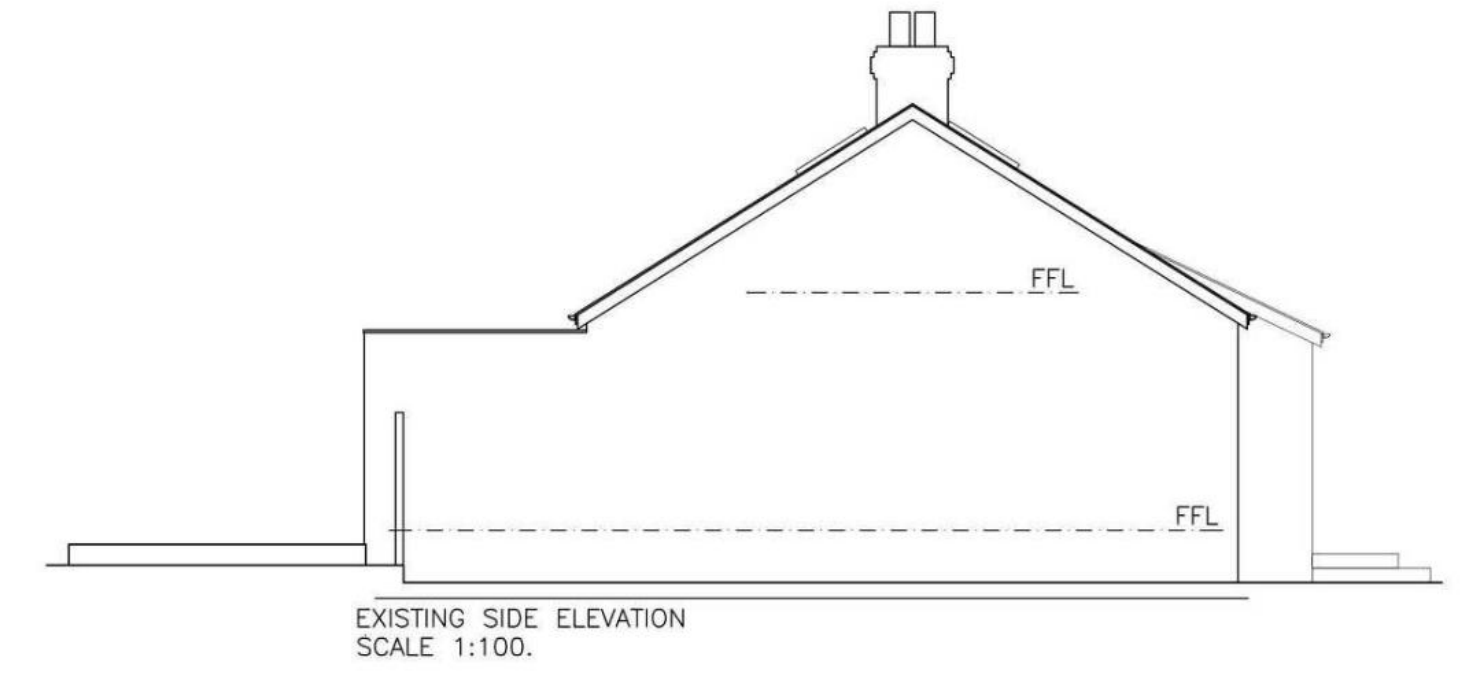
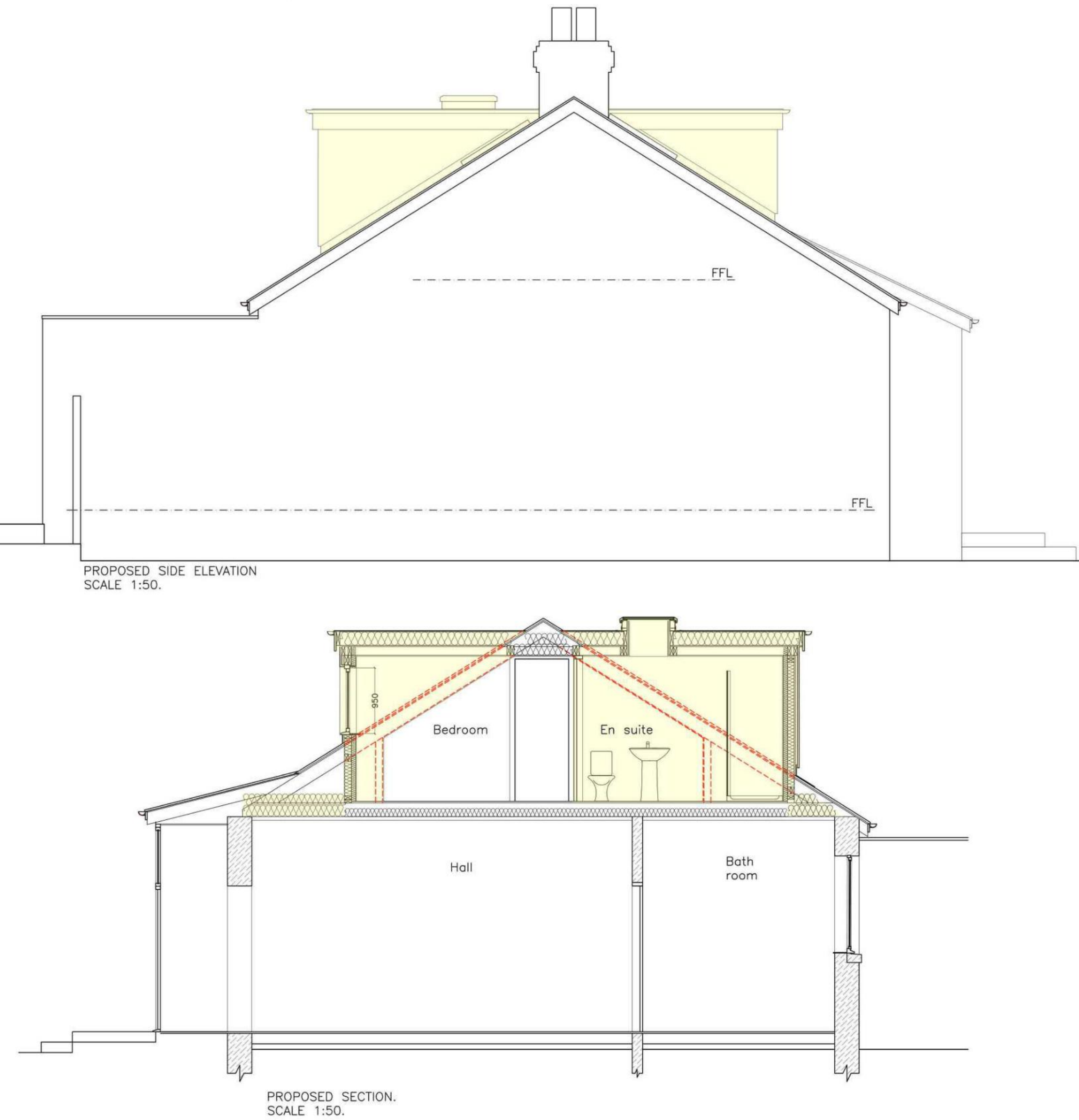
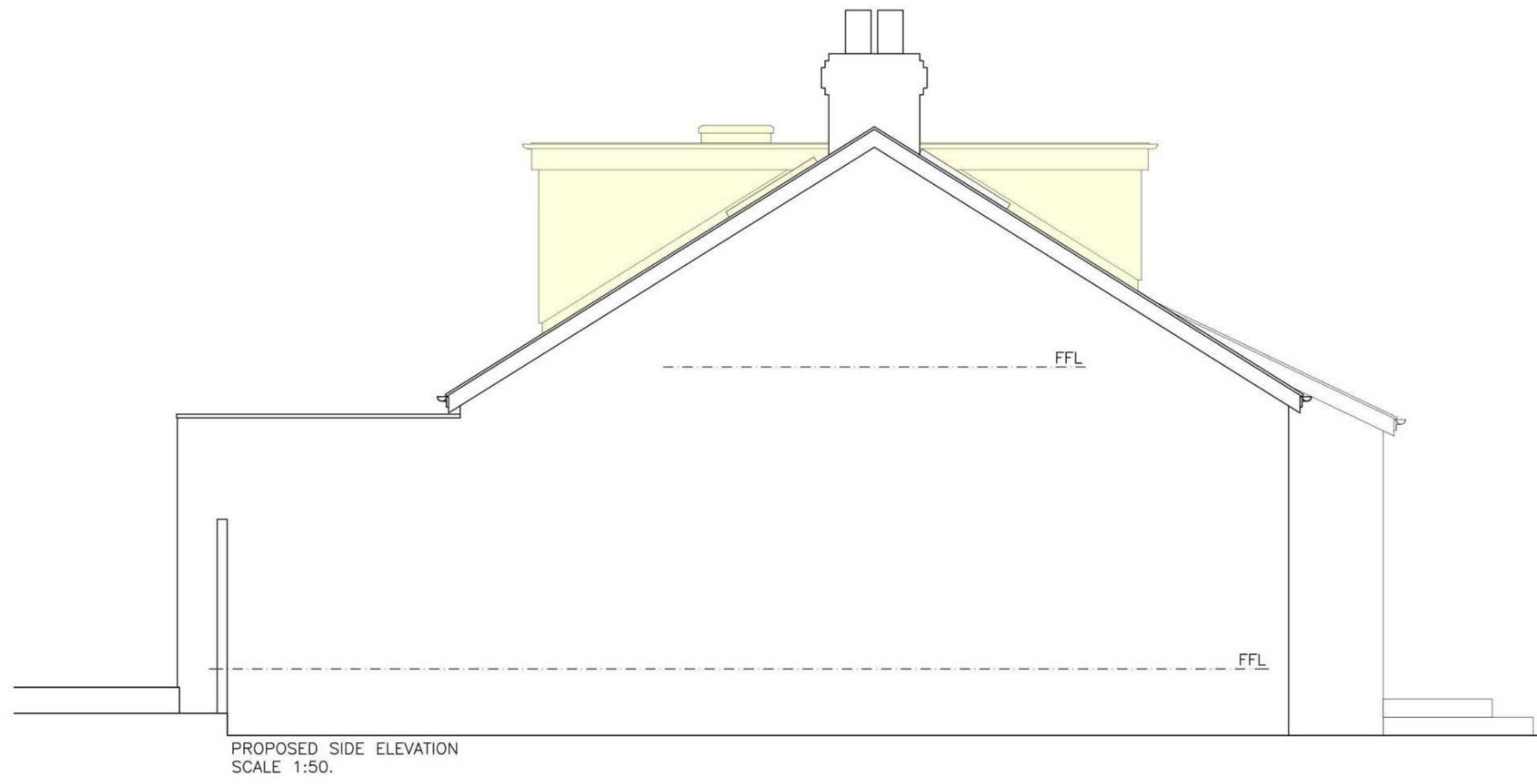
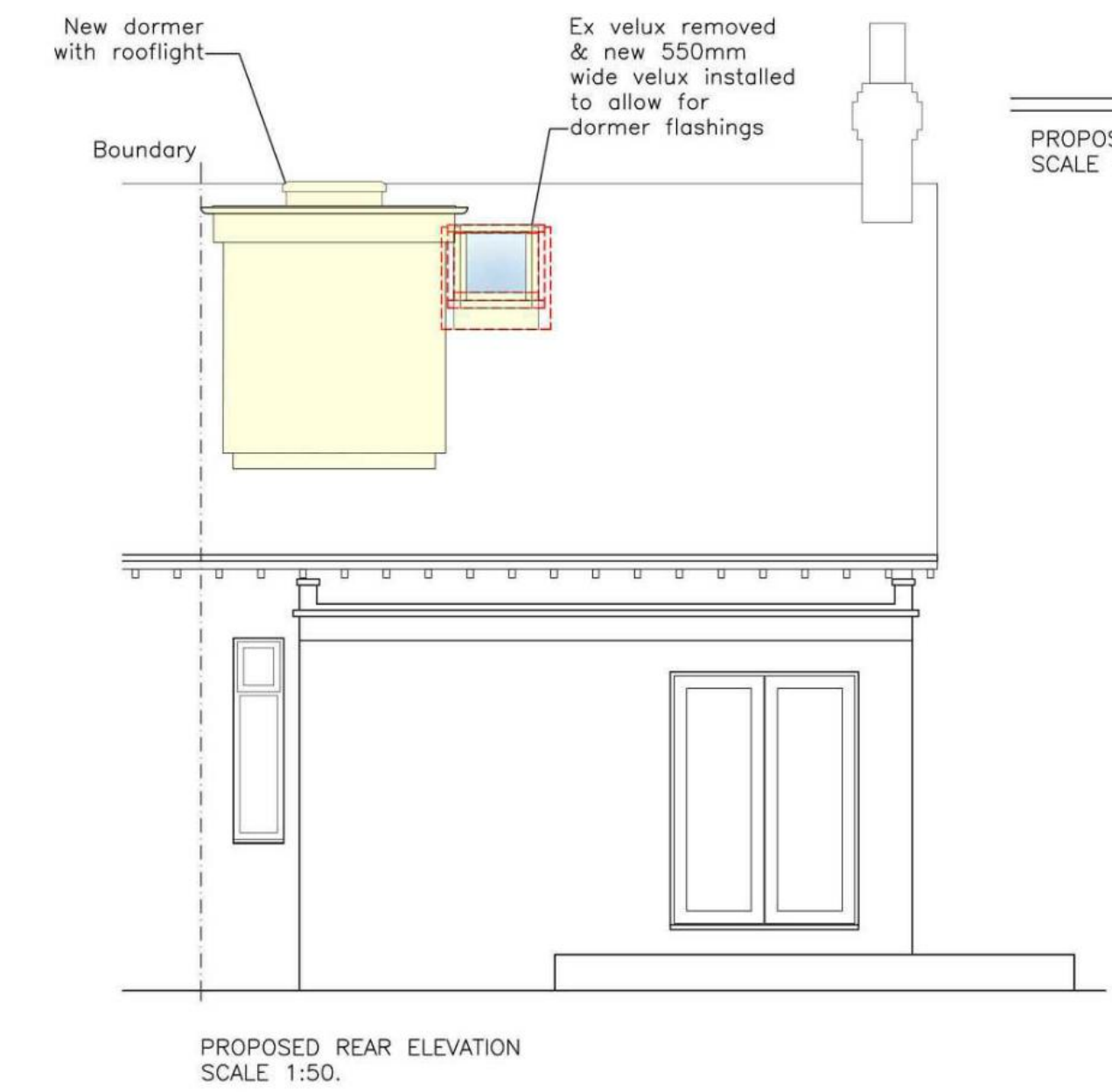
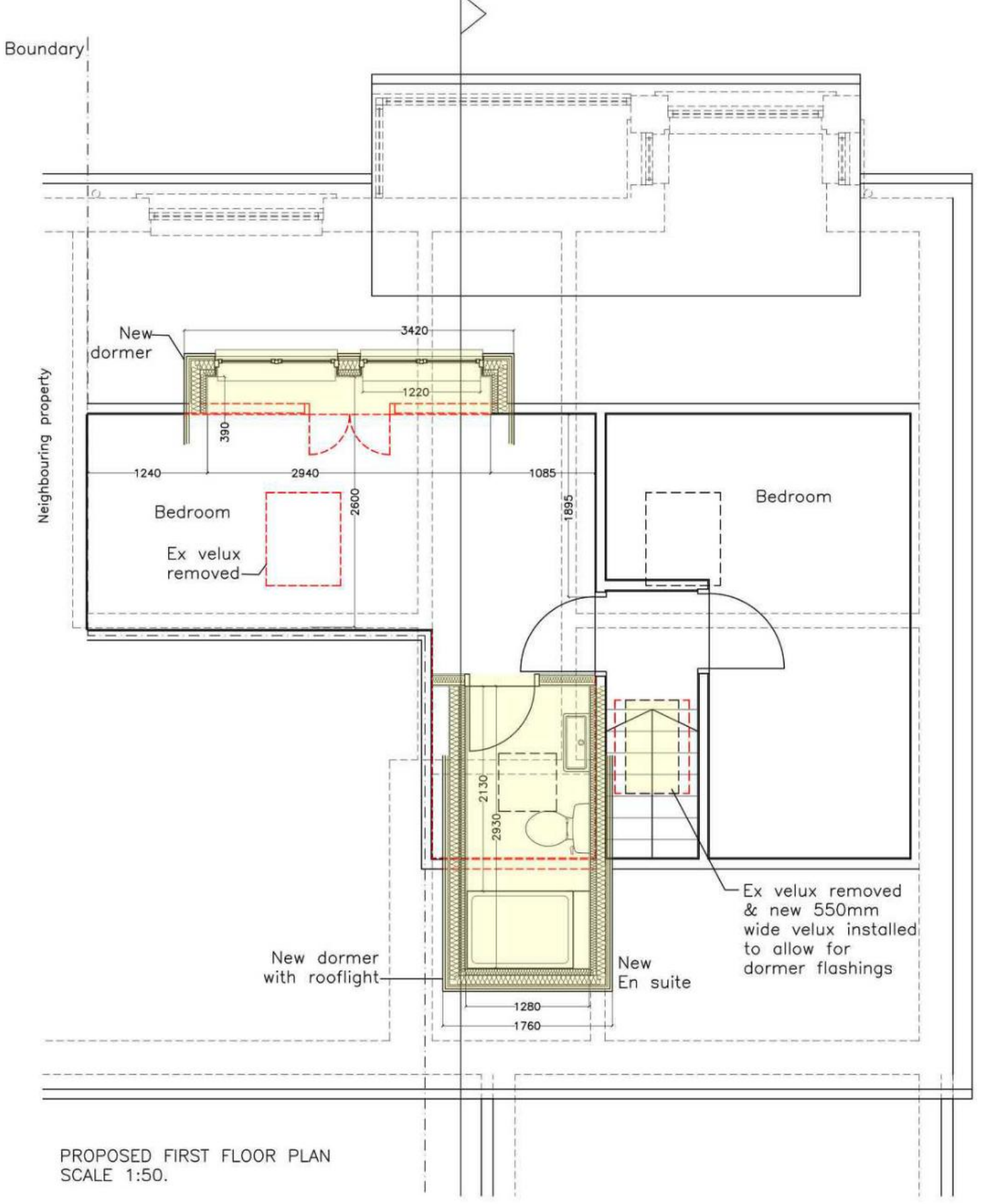
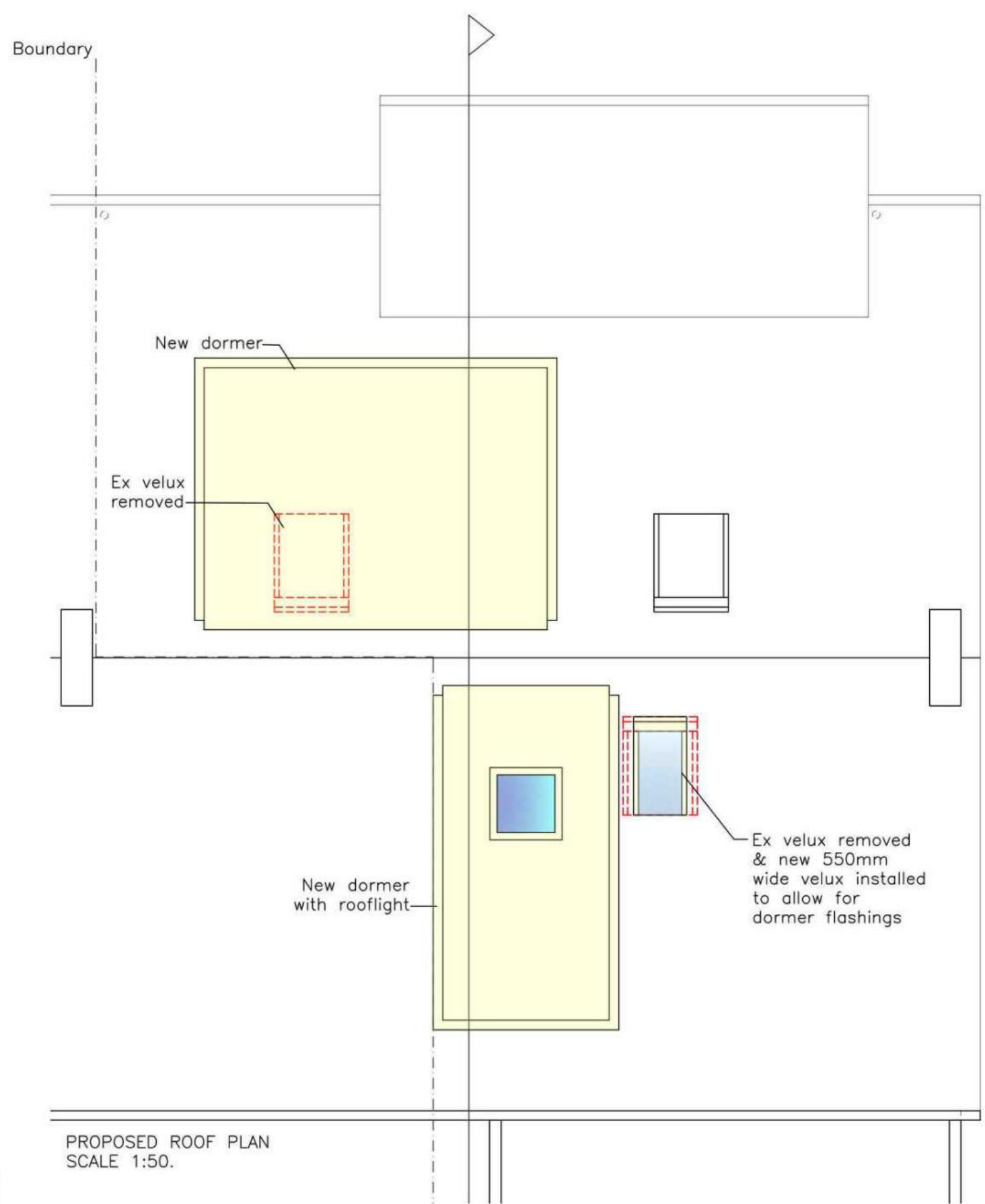
If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

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

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

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REFUSED
19.01.2024
23/0751/DPP



LOTHIAN PLANS		CLIENT: Mr & Mrs Ramsey	
www.lothianplans.com		JOB: 30 LEIGHTON CRESCENT Easthouses, Dalkeith EH22 4DX	
NUMBER: 30LC-PL2	REVISION: A	SCALE: 1:100/500A	TITLE: EXISTING & PROPOSED (A1) FORMATION OF DORMERS
	CHECK: BMT	DRAWN: BMT	DATE: OCT 2023