

# Notice of Review: 11 Rosedale Neuk, Rosewell Determination Report

Report by Derek Oliver, 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 an extension to dwellinghouse at 11 Rosedale Neuk, Rosewell.

### 2 Background

- 2.1 Planning application 19/00893/DPP for the erection of an extension to dwellinghouse at 11 Rosedale Neuk, Rosewell was refused planning permission on 27 November 2019; 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 27 November 2019 (Appendix D); and
  - A copy of the relevant plans (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 procedures (as amended during the COVID-19 pandemic) agreed by the LRB, the LRB by agreement of the Chair:

- Have determined to consider a visual presentation of the site instead of undertaking a site visit because of the COVID-19 pandemic restrictions; and
- Have determined to progress the review by written submissions.
- 4.2 The case officer's report identified that there was one consultation response and one representation received. As part of the review process the interested parties were notified of the review. No additional comments have been received at the time of drafting this report. 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 to the next 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 13 June 2017, 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 two windows at ground floor level on the south elevation of the extension shall be glazed with obscure glass which shall not be replaced with clear glass. Alternatively, a 2.2m high screen shall be erected along part of the boundary of the application property with no. 10 Rosedale Neuk in accordance with details (design, materials, length and timescale of erection) to be submitted to and approved by the planning authority. No work shall start on the

extension until these details have been approved in writing by the planning authority.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking and re-enacting that Order) no glazing shall be installed on the north elevation of the extension or on the south elevation including the roof plane of the pitched roof extension apart from that shown on the approved drawings unless planning permission is granted by the planning authority.

**Reason for conditions 1-2:** In order to minimise overlooking and protect the privacy of the occupants of the adjoining properties.

### 6 Recommendations

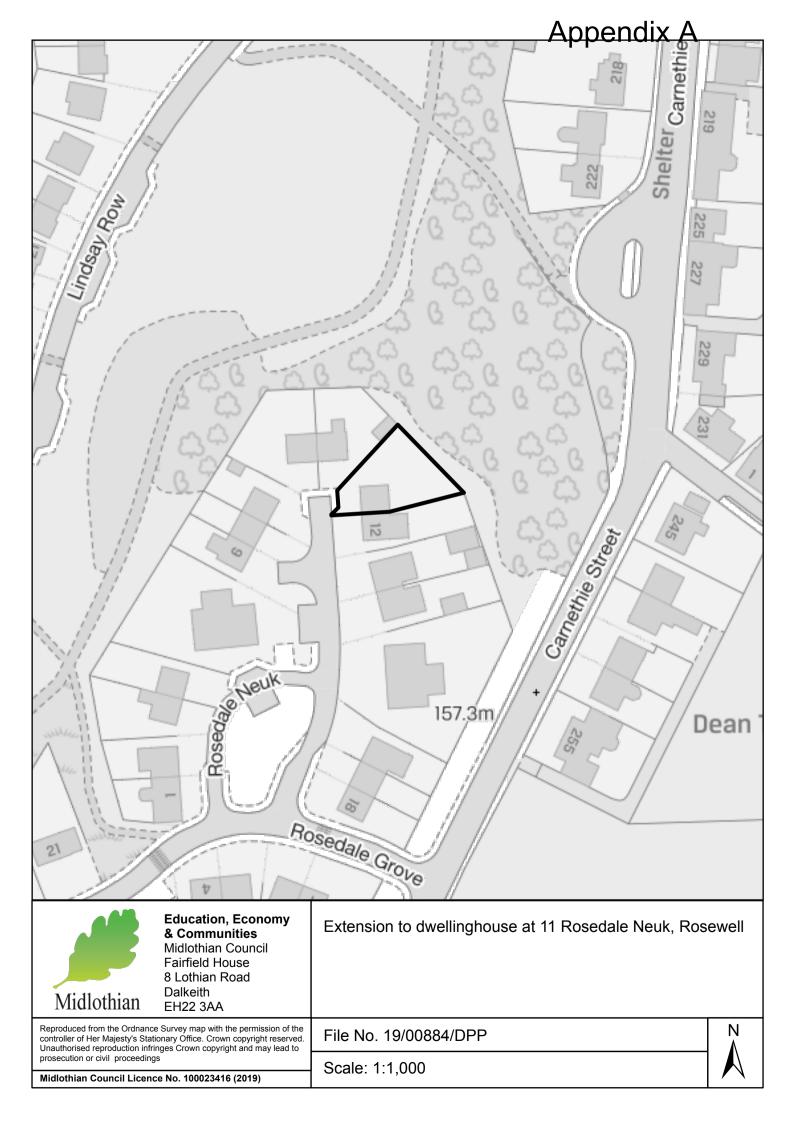
- 6.1 It is recommended that the LRB:
  - a) determine the review; and
  - b) the planning advisor draft and issue the decision of the LRB through the Chair

Date: 16 November 2020

**Report Contact:** Peter Arnsdorf, Planning Manager

peter.arnsdorf@midlothian.gov.uk

**Background Papers:** Planning application 19/00893/DPP available for inspection online.



Midlothia	n 🥬		
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 v	alidated until all the necessary documentation	on has been submitted a	and the required fee has been paid.
Thank you for completing	this application form:		
ONLINE REFERENCE	100224113-001		
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			
, ,,	n agent? * (An agent is an architect, consul t in connection with this application)	tant or someone else ad	cting  Applicant Agent
Applicant Details			
Please enter Applicant de	etails		
Title:	Mr	You must enter a Building Name or Number, or both; *	
Other Title:		Building Name:	
First Name: *	David	Building Number:	11
Last Name: *	White	Address 1 (Street): *	11 Rosedale Neuk
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Rosewell
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH24 9dh
Fax Number:	=		
Email Address: *			

Site Address Details			
Planning Authority:	Midlothian Council		
Full postal address of the s	ite (including postcode where available):		
Address 1:	11 ROSEDALE NEUK		
Address 2:			
Address 3:			
Address 4:			
Address 5:			
Town/City/Settlement:	ROSEWELL		
Post Code:	EH24 9DH		
Please identify/describe the location of the site or sites			
Northing 66	2123 Easting 328707		
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)  19/00893/DDP Single storey rear extension with side/rear extension.			
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 a	ny agreed extension) – deemed refusal.		
Statement of reasons for seeking review			
You must state in full, why you are a seeking a review of the planning authority's decision (o must set out all matters you consider require to be taken into account in determining your reseparate document in the 'Supporting Documents' section: * (Max 500 characters)	r failure to make a decision). Your statement eview. If necessary this can be provided as a		
Note: you are unlikely to have a further opportunity to add to your statement of appeal at a la all of the information you want the decision-maker to take into account.	ster date, so it is essential that you produce		
You should not however raise any new matter which was not before the planning authority a the time expiry of the period of determination), unless you can demonstrate that the new mattime or that it not being raised before that time is a consequence of exceptional circumstance.	tter could not have been raised before that		
Please see supporting documents White_RosedaleNeuk_Statement White_RosedaleNeuk_Appendix1 White_RosedaleNeuk_Appendix2 White_RosedaleNeuk_Appendix3 White_RosedaleNeuk_Appendix3cont White_RosedaleNeuk_Appendix4 White_RosedaleNeuk_Appendix5 White_RosedaleNeuk_Appendix6 LRBForm_Completed			
<u> </u>			
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *  If yes, you should explain in the box below, why you are raising the new matter, why it was n your application was determined and why you consider it should be considered in your review a) We refer to a property in the immediate vicinity which was granted permission as we be became aware of the planning application as we compiled our statement for review and has the plans were unlisted online. c) This evidence was raised via phone on 10th January believe the planning permission granted for this property is inconsistent given the similarity	w: * (Max 500 characters)  lieve it pertinent to our case. b) We only and to contact the Planning Department 2020 and should be considered as we		
Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the			
White_RosedaleNeuk_Statement White_RosedaleNeuk_Appendix1 White_RosedaleNeu White_RosedaleNeuk_Appendix3 White_RosedaleNeuk_Appendix3cont White_RosedaleNeuk_Appendix5 White_RosedaleNeuk_Appendix6 LRBForm_Completed LRBForm_Comple	Neuk_Appendix4		
Application Details			
Please provide details of the application and decision.			
What is the application reference number? *	19/00893/DDP		
The second of th			
What date was the application submitted to the planning authority? *	24/10/2019		
What date was the decision issued by the planning authority? *	27/11/2019		

Review Proced	dure	627	
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 parties only, without any full Yes X No	a conclusion, in your opinion, based on a review of the relevant inform orther procedures? For example, written submission, hearing session, s	ation provided by yourself and other ite inspection, *	
Please indicate what proce select more than one option	dure (or combination of procedures) you think is most appropriate for the review to be a combination of procedures.	ne handling of your review. You may	
Please select a further prod			
Holding one or more hea	ring sessions on specific matters		
Please explain in detail in y will deal with? (Max 500 ch	our own words why this further procedure is required and the matters s	et out in your statement of appeal it	
Please see attached LRE We consider a hearing se inspection of the site.	Form. We are seeking a review due to the refusal of our planning appliession necessary in case further clarification of our submission is require	cation by the appointed officer. ed. We would also welcome an	
In the event that the Local F	Review Body appointed to consider your application decides to inspect	the site, in your opinion:	
	from a road or public land? *	⊠ Yes □ No	
	be accessed safely and without barriers to entry? *	⊠ Yes □ No	
Checklist – Ap	plication for Notice of Review		
Please complete the following	ng checklist to make sure you have provided all the necessary informate may result in your appeal being deemed invalid.	tion in support of your appeal. Failure	
Have you provided the nam	e and address of the applicant?, *	X Yes ☐ No	
Have you provided the date review? *	and reference number of the application which is the subject of this	⊠ Yes □ No	
If you are the agent, acting and address and indicated vereview should be sent to you	on behalf of the applicant, have you provided details of your name whether any notice or correspondence required in connection with the u or the applicant?	☐ Yes ☐ No ☒ N/A	
Have you provided a statem procedure (or combination of	ent setting out your reasons for requiring a review and by what if procedures) you wish the review to be conducted? *	X 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 d	ocuments, material and evidence which you intend to rely on hich are now the subject of this review *	⊠ Yes □ No	
planning condition or where	tes to a further application e.g. renewal of planning permission or modil it relates to an application for approval of matters specified in condition rr, approved plans and decision notice (if any) from the earlier consent.	fication, variation or removal of a s, it is advisable to provide the	
Declare - Notic	e of Review		
I/We the applicant/agent cer	tify that this is an application for review on the grounds stated.		
Declaration Name:	Mr David White		
Declaration Date	13/01/2020		

### **NOTICE OF REVIEW**

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

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

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

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

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA https://www.eplanning.scot

1. Applicant's De		2. Agent's Details	
Title Forename Surname	Mr David White	Ref No. Forename Surname	Andrew Miller
Company Name Building No./Name Address Line 1 Address Line 2 Town/City	11 Rosedale Neuk	Company Name Building No./Name Address Line 1 Address Line 2 Town/City	AM Design  88 Newhailes Crescent  Musselburgh
Postcode Telephone Mobile Fax Email	EH24 9DH	Postcode Telephone Mobile Fax Email amdesign@li	EH21 6EG 07793816019
Planning authority	application reference number	Midlothian 19/00893/DDP	
11 Rosedale N Rosewell EH24 9DH	leuk	es .	
Description of propo	sed development		
Single storey flat roof extension to rear of property with gable extension to the side/rear.			

Date of application	24/10/19	Date of decision (if any)	27/11/19	
from the date of expir	Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.			
4. Nature of Applie	cation			
Application for planni	ng permission (including ho	useholder application)		$\boxtimes$
Application for planni	ng permission in principle			
Further application (in been imposed; renew condition)	ncluding development that had a rail of planning permission and	as not yet commenced and nd/or modification, variation	where a time limit has or removal of a planning	
	val of matters specified in co	onditions		
5. Reasons for see	king review			
Refusal of application	by appointed officer			X
Failure by appointed of the application	officer to determine the appl	lication within the period allo	wed for determination	
Conditions imposed o	on consent by appointed office	cer		
6. Review procedu	ire			
The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.				
Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.				
Further written submis One or more hearing: Site inspection Assessment of review		rther procedure		
If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.				
officer. We cons	ider a hearing session i	usal of our planning app necessary in case furth welcome an inspection	er clarification of our	ted +
7. Site inspection				
In the event that the L	ocal Review Body decides t	o inspect the review site, in	your opinion:	
Can the site be viewed is it possible for the sit	d entirely from public land? te to be accessed safely, an	d without barriers to entry?		$\boxtimes$

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:	
8. Statement	
You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.	
If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.	
State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form	n.
Our reasons for review are set out in the supporting document White_RosedaleNeuk.pdf.	
Have you raised any matters which were not before the appointed officer at the time your application was determined?  Yes No	
If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed offic before your application was determined and c) why you believe it should now be considered with your review.	er
a) We are raising new material as we refer to a property in the immediate vicinity which was granted permission as we believe it pertinent to our case. b) It was not raised previously as we only became aware of the planning application recently as we compiled our statement for review. We had to contact the Planning Department as the plans were unlisted online until we requested to see them. c) We did raise this newer evidence with the Lead Planning Officer via phone call on 10th January 2020. We think this should be considered with our review as we believe the planning permission granted for this property is inconsistent given the similarity to what we propose.	

9. List of Documents and Evidence	
Please provide a list of all supporting documents, materials and evidence which you wish to submit with you of review	our notice
White_RosedaleNeuk.pdf	
Note. The planning authority will make a copy of the notice of review, the review documents and any notice procedure of the review available for inspection at an office of the planning authority until such time as the determined. It may also be available on the planning authority website.	ce of the review is
10. Checklist	
Please mark the appropriate boxes to confirm that you have provided all supporting documents and evider relevant to your review:	nce
Full completion of all parts of this form	Z
Statement of your reasons for requesting a review	V
All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.	<b>/</b>
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 speconditions, it is advisable to provide the application reference number, approved plans and decision notice that earlier consent.	cified in
DECLARATION	
I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on and in the supporting documents. I hereby confirm that the information given in this form is true and accurate best of my knowledge.	this form ate to the
Signature: David White Date: 13/1/19	
Any personal data that you have been asked to provide on this from will be held and processed in accorda Data Protection Legislation.	nce with

## 19/00893/DDP-ERECTION OF REAR SINGLE STOREY AND SIDE STOREY EXTENSION AT 11 ROSEDALE NEUK, ROSEWELL, EH24 9DH

We refer to the above-mentioned application for planning permission which was refused by your Planning Department on 27<sup>m</sup> November 2019 for the following reasons:

- "1. The proposed two storey extension does not respect the design or character of, and will appear at odds with, the existing building. It will appear as an incongruous, disjointed addition, detracting from the overall character of the house.
- 2. The two styles of extension will appear as ad hoc additions unrelated to each other and the design of the original building detracting from the overall character and appearance of the building."

Copies of supporting documents are submitted as Appendices detailed below.

Appendix 1. Supporting Statement

Appendix 2. Approved plans submitted for 2 Rosedale Grove

Appendix 3. Photographs of properties pertinent to appeal

Appendix 4. Delegated/Short Report for 11 Rosedale Neuk

Appendix 5. Revised Plans submitted for 11 Rosedale Neuk

Appendix 6. Original Plans submitted of 11 Rosedale Neuk

We wish to respond to the refusal reasons in the following terms:

The general pattern of development in the area within which the application site is located comprises of a mixture of semi-detached and terraced dwelling houses. Although aesthetically pleasing the over-riding quality of the area is not architecturally distinguished. We are greatly surprised that the Planning Officer considers the proposed extension to be out of character with the existing building.

We have taken guidance from documents DP6 and SPG:rear extensions from the Midlothian Planning website and whilst we are fully aware that adherence to the guidelines is not a guarantee of a successful application we strongly maintain that the proposed extension;

- Reflects the style and character of the existing property and as such would enhance its overall appearance.
- Makes use of matching materials
- Has roof pitches which match existing height
- Has architectural detailing, scale and proportion which are similar to the existing

We would also refer to the Supporting Statement covering these issues in Appendix 1.

We are firmly of the opinion the proposed extension continues the existing form of the building and is in keeping with the existing character. Indeed, the Planning Officer states;

"The front elevation of the extension is in keeping with the character and design of the existing building. The rear part of the side extension and the rear single storey extension will not be highly publicly visible."

After a conversation with the Planning Officer it is apparent that the main issue is with the eaves of the gable and rear extension. We refute the Planning Officer's claims that:

"This part of the extension does not respect the design or character of, and will appear at odds with, the existing building. It will appear as an incongruous, disjointed addition detracting from the overall character of the house."

We strongly disagree with this statement as we have made every effort to ensure the continuity of appearance, on all elevations of the proposed extension and refer again to Supporting Statement Appendix 1.

#### Also:

The two styles of extension will appear as ad hoc additions unrelated to each other and the design of the original building detracting from the overall character and appearance of the building."

Again, we disagree with this statement as we believe the two styles of extension are complimentary to one another and will match in materials, scale and proportion. The flat roof will largely consist of a contemporary rooflight to allow natural light into the property due to its south facing aspect and the proximity of the neighbouring extension at number 12.

We would also highlight a statement from the Delegated/Short Report of 12 Rosedale Neuk Application Reference 15/00652/DPP.

"Albeit the extension will affect the symmetrical form of the semi-detached pair its design is sympathetic to the character of the building and located at the rear will not have a detrimental impact on the visual amenity of the area."

The part of the proposed extension which is under scrutiny will not be publicly visible, as at number 12, and we feel we have been as sympathetic as possible to the immediate neighbouring properties in protecting their outlook.

"The extension will not be overbearing to the outlook of the house or garden of no. 10 next door."

We would draw attention to a granted planning application at 2 Rosedale Grove, Application Reference 19/00386/DDP and would like to highlight the similarities between these plans (Appendix 2) and the proposed extension and hence question the inconsistency in planning decision in this case.

Moreover, the extension at 1 Whitehill Road, Application Reference Number 17/00515/BDAEX which we believe comes under 'permitted development' does not require

formal planning permission. We are very surprised that this extension does not appear to be classed as "an incongruous, disjointed addition, detracting from the overall character of the house" and have attached images of this extension as part of Appendix 3.

We would also like to correct an error in our report for 11 Rosedale Neuk that states;

"Also the eaves height of the extension exceeds that permissible in terms of the permitted development regulations for single storey extensions by 1.7m" as the actual measurement is 1.3m, a difference of approximately 300mm compared to 2 Rosedale Grove.

Additionally, we note the recommendation for a bat survey after application of the revised drawings (Delegated/Short Report Appendix 4). This has not been requested for any other development in the immediate vicinity to our knowledge/finding.

We would like to point out that a major purpose of the design is to allow the addition of a staircase, which would severely detriment the design and available space by utilising other floorplans/configurations.

"Other properties at Rosedale Neuk including at no 12 next door have extensions at the rear, including accommodation at first floor level, with the eaves level of the extension matching the eaves level of the existing building."

With reference to the existing extension at 12 Rosedale Neuk Application Reference 15/00652/DPP, we have communicated with the occupants of this property who have intimated that the placement of their staircase within their extension is narrow and awkward. We have tried to create an architectural solution which allows us to maximise space whilst remaining sympathetic to the surrounding area. We also wish to retain as much outdoor space as possible and building the gable side extension as proposed would allow us to do so.

As alluded to previously, the granting of planning permission for extensions of this nature does not appear to be without precedent within the locality. We include in Appendix 3 a list of properties where differing eaves height extensions/houses have been built, and question strongly why permission has been refused in this case. Our attention has been drawn in particular to the previous granting of planning permission for extensions at the aforementioned 2 Rosedale Grove, 90 Polton Bank, Lasswade 15/00004/DPP and 14 Knowetop Place, Roslin Reference Number 11/00533/DPP. With respect to the latter, we would draw attention to a statement from the Short Report

"Extension will be 4.5m wide and 8.4m deep with ridge and eaves heights matching existing", as seen from the photo in Appendix 3, although the difference is small, this is not the case.

We also include images of newer properties at Kilburn Wood Drive, Roslin, and Linsday Circus, Rosewell as an example of new developments with a similar outlook. In particular we highlight the property at Shiel Hall Crescent, Rosewell. This property is not dissimilar to the proposed rear extension and as seen in the image, is clearly visible from the A6094 running alongside. We also include an image of 12 Rosedale Grove, Rosewell a property within the same development as the proposed extension clearly showing removal of a rear pitch and addition of a flat roof along the rear of the property.

Whilst we do not wish to call into question any existing development, we are obviously perplexed as to why permission has been refused in this particular case. We are under the impression that we are being 'encouraged' to follow suit with the immediate neighbouring properties, despite that the extended outdoor space allows for a different solution. We believe the proposed extension will enhance the character of the existing building hence conforming to the DEV2 guidelines and do not fully comprehend the Planning Officer's seemingly inconsistent decisions to grant planning permission within the local area.

We are cognisant of the requirements to protect the character and amenity of a built-up area however, and are firmly of the opinion that the proposed extension will not have an adverse effect on the existing property or surrounding area. Indeed, the front of the proposed extension will not detract from the overall appearance of the existing character of the area, and the gable/rear extension will cause no detriment to neighbouring properties. Sufficient outdoor space would be retained. Given this and the precedent to which we refer we would encourage the Local Review Body to visit the site in advance of determining the review request.

### Appendix 1. Supporting Statement



Amendment to Planning for Application No: 19/00184/DPP

Mr & Mrs White Proposed Rear / Gable Extension to 11 Rosedale Neuk, Rosewell. EH24 9DH

### **Supporting Statement**

Mid Lothian Council's Decision Notice, which was received on the 9th September 2019, lists the following reasons for its refusal to grant planning permission:

1. The proposed two storey extension does not respect the form, design or character of, and will appear unsympathetic to and at odds with, the existing building. It will appear as an incongruous, bulky, disjointed addition, seriously detracting from the principal elevation and the overall character of the house.

2. The unsatisfactory relationship of the two storey extension with the original building will detract from the visual amenity of the surrounding area.

3. For the above reasons the proposals are contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017 which seeks to protect the character and amenity of the built-up area.

We have subsequently revised the overall design of the proposed extensions, taking into consideration the points noted above. The comments below outline the measures taken to reduce the visual impact of the extension, so that the additions do not appear unsympathetic or detract from the existing property and surrounding area.

- The proposed Gable extension roof has been brought forward and lowered, so that the eaves height matches the original property, hence, it no longer has the appearance of a two storey extension as per the refusal comments.
- A dormer has been introduced to the principle elevation, mirroring the existing front dormer construction (thus replicating the design of the existing building).
- The side extension now has a pitched roof to the rear, considerably reducing the amount of masonry shown in the previous scheme on the Gable elevation.
- The revised proposals result in only a 10% increase in the area of masonry visible on the Gable elevation, over that which would be permitted under development rights.
- The Gable facade has been broken up with glazed windows, to further reduce the extent / impact of the masonry present.

#### In Conclusion:

The proposed extensions is situated to the rear / side of the property and mostly hidden from view due to the properties position within the existing development. The size, form and materials specified were chosen to blend into the existing properties within the area.

As a result, we would contend that this proposal, using quality materials and good detailing, is not detrimental to the neighbourhood amenity and character of the existing area.

### Appendix 2. Delegated/short report and approved plans and for 2 Rosedale Grove

**MIDLOTHIAN COUNCIL** 

## DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 19/00386/dpp

Site Address: 2 Rosedale Grove, Rosewell

#### Site Description:

The application property comprises a semi-detached dwellinghouse with accommodation at first floor level within the roofspace with a dormer window at the front of the property. The house is finished externally in drydash render with a brick basecourse with brown timber framed windows and red coloured contoured roof tiles. There is a shed in the rear garden.

### **Proposed Development:**

Extension to dwellinghouse

### **Proposed Development Details:**

It is proposed to erect an extension at the rear of the house with accommodation within the roofspace. The extension measures a maximum of 6.1m wide and 5m deep and steps in towards the rear on both sides by 0.9m for a depth of 0.8. External wall and roof materials are to match existing with brown upvc framed windows proposed.

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

History sheet checked.

### Consultations:

None required.

### Representations:

None received.

#### Relevant Planning Policies:

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.

The design of the extension is sympathetic to the character of the existing building. Sufficient garden area will remain after the erection of the extension.

The extension will not be overbearing to the outlook from the back garden of no. 1 next door. It will be very prominent to the outlook of the kitchen window of no. 1 however on balance being set a minimum of 1m off the boundary the impact of the extension on the outlook of this room is not sufficient to warrant refusal of planning permission. It will be prominent to the outlook of the windows on the west side of a conservatory at no. 1 however will not have an overbearing impact. Satisfies standard 45° daylight test to the kitchen window. Apart from the rooflights on the extension, overlooking arising from the windows on the extension will not have a significant impact on the amenity of the occupiers of no. 1.

The extension will be very prominent to the outlook from the rear garden of no. 3 next door although on balance will not have an overbearing impact. It will be prominent to the outlook from the windows on the east side of a conservatory at the rear of no 3 however will not have an overbearing impact. Satisfies vertical sky component daylight test to kitchen window on rear of no 3. The glazed doors at first floor level on the rear elevation of the extension will directly overlook the rear garden of no 3. However the impact of overlooking will not be significant as compared to that arising as a result of the provisions for dormer windows in the Town and Country Planning (General Permitted Development) (Scotland ) Amendment Order 1992. A 1.8m high fence along the boundary with no. 3 will minimise overlooking from the ground floor windows on the extension.

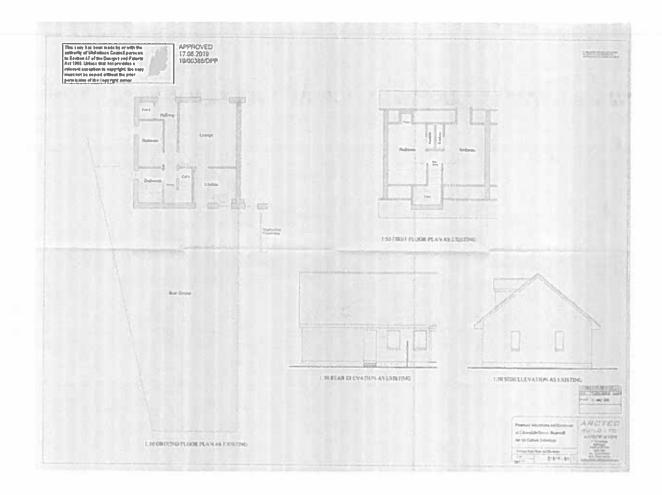
Rooflights on the side of the extension have the potential to overlook the rear gardens of the neighbouring properties. These should be obscure glazed or positioned at high level in order to minimise overlooking. This can be covered by condition.

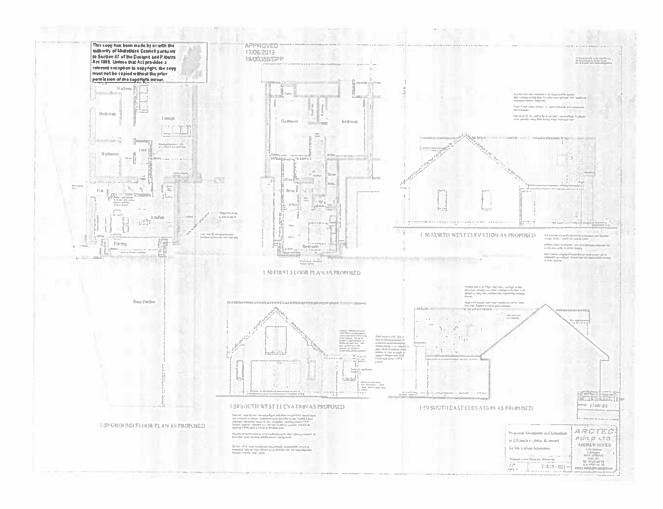
The glazed doors at first floor level on the rear elevation of the extension will directly overlook in particularly the conservatory of no. 268 Carnethie Street to the rear of the site. The perception of overlooking would be reduced if the external glazed protective barrier was obscure glazed. This can be covered by condition. Also the extension will be located 10m from the rear boundary and the impact of overlooking will not be significant as compared to that arising as a result of the provisions for two storey extensions and dormer windows in the Town and Country Planning (General Permitted Development) (Scotland ) Amendment Order 1992.

The extension will not have a significant impact on sunlight to neighbouring properties.

### Recommendation:

Grant planning permission





**Appendix 3.** Photographs of properties with application reference numbers of approved planning permission

Application Reference Number 17/00515/BDAEX, 1 Whitehill Road, Rosewell



Side elevation



Front elevation



Side elevation

## Application Reference Number 15/00004/DPP 90 Polton Bank, Lasswade



Application Reference Number 11/00533/DPP 14 Knowetop Place, Roslin

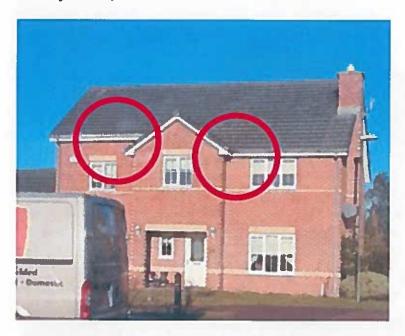


**Appendix 3 (cont).** Photographs of properties with application reference numbers of approved planning permission

Kilburn Wood Drive, Roslin



Lindsay Circus, Rosewell



Shiel Hall Crescent, Rosewell





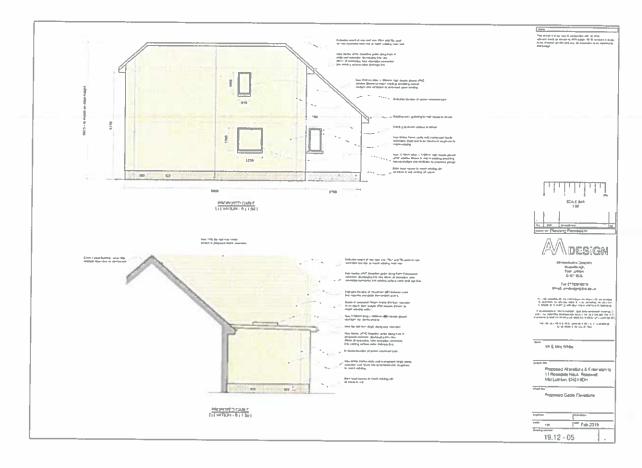
Per desail of the least in agency that with an elec-ration of desail for the first per Ad Green, Ad desail of the desail of the first per and the first per agency is been the filteria. Proposed Abasens & Enterior to 11 Rosedsle Mault, Rosewell, Med Lothan, EHZ4 90H AN DESIGN Ped Despeta & Ped Zapremo & Harry by Austrian
 Lo Sarbest (or Salbest Nam Or has become for any host
 Ped Sarbest (or Salbest Nam Or has become AND PRODUCED TO BE DUE FOR BY THE ANTHOUGH OF THE PARTY O Proposed Front & Rear Elevations THE STATE OF THE PARTY OF THE P Sept 2019 menter. Amendment to Planning Manufacture Manufacture Perioden Tet 07/20819019 Email: amosspr@hes.co.uk 8 19.12A - 04 to Section 47 of the Designs and Patents Act 1988. Unless that Act provides a relevant exception to copyright, the copy authority of Midlothian Council pursuant This copy has been made by or with the Life & Life S WANGO must not be copied without the prior permission of the copyright owner. 9 1 1 1 ion which have made out a proposed proje days selected from out Date out in the beauties, sughtant is received by is said their general and we have contact the said of The Name of PAC Dapping galls and ga mer Printer tong i füllers alle deute mit höft die kente prante THE PERSON NAMED IN COLUMN TWO DED Date starred a rate emety or Carry of Arrival Park Services PROPOSED FROM ELEVATION (1.50) PROPOSED PEAN ELEVATION (1.50) 8 19/00893/DPP **88** 8 27.11.2019 REFUSED 3 has been been dood and a proposed drops deep, software floar sold Char and it is browners. Registed to fract marring Autor other a tel per parties say New Tilbrin lang i Mathema suits daugh grand — Type to charm drawn han frilly-remain a frilly-remains flausas games to bette dans providing names the me games to present days State August of particular grand Appendix and install by the state of the sta AND PARTIES Now grade principals has val in its set last from him subsets in tak setting settins if gains use to and bearing being and it 

Appendix 5. Revised Plans submitted for 11 Rosedale Neuk

Sept 2019

Appendix 5. Revised Plans submitted for 11 Rosedale Neuk

Appendix 6. Original Plans submitted for 11 Rosedale Neuk



## Appendix 6. Original Plans submitted for 11 Rosedale Neuk



#### MIDLOTHIAN COUNCIL

## DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 19/00893/dpp

Site Address: 11 Rosedale Neuk, Rosewell

### Site Description:

The application property comprises a semi-detached dwellinghouse with accommodation at first floor level within the roofspace. It is finished externally in drydash render with a brick basecourse with brown stained timber window frames and red concrete pantiles. There is a pitched roof dormer at the front of the property. There are two sheds in the rear garden.

The application property is located within a residential cul-de-sac.

### **Proposed Development:**

Extension to dwellinghouse

### **Proposed Development Details:**

It is proposed to erect an extension comprising two storeys of accommodation at the side of the house. It measures 4m wide and 11.3m long projecting 4m beyond the rear building line of the existing building. The front elevation of the extension continues the form of the existing building with accommodation at first floor level within the roof space with a new dormer window at the front to match existing. The rear part of the extension has been designed with its ridge running perpendicular to that of the original house with its eaves approximately 1.7m above the eaves of the original building with accommodation at first floor level partly within the roofspace. The proposal also includes a single storey flat roof extension at the rear of the house measuring 4m deep and 5.4m wide.

Apart from on the south elevation of the two storey extension external wall and roof finishes are to match existing. The wall at first floor level on the south elevation of the two storey extension which rises vertically above the single storey extension at the rear is to be finished in cream upvc boards. Brown framed upvc windows are proposed. The material and colour of the frames of the patio doors on the single storey extension have not been specified.

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

History sheet checked.

19/00184/dpp - Two storey and single storey extension to dwellinghouse at 11 Rosedale Neuk, Rosewell – refused on design grounds – 09.04.19.

The applicant's agent has submitted a statement in support of the application stating that the scheme has been amended since the previous refusal as follows:

- The eaves height matches the original property at the front and no longer has the appearance of a two storey extension;
- A dormer has been introduced to the principal elevation replicating the design of the existing building;
- The side extension now has a pitched roof to the rear, considerably reducing the amount of masonry on the gable elevation;
- The revised proposals result in only a 10% increase in the area of masonry visible on the gable elevation, over that which would be permitted under development rights; and
- The gable facade has been broken up with glazed windows.

### It is also stated that:

- The proposed extension is mostly hidden from view;
- The size, form and materials specified blend into the existing properties within the area; and
- The current proposal is not detrimental to the neighbourhood amenity and character of the existing area.

### Consultations:

TWIC – Recommend a bat survey be carried out. During the case officer's site visit it was not immediately obvious how bats could gain access in to the roof of the existing building. The applicant's agent will be advised of the possibility of bats and their protected status.

### Representations:

One representation has been received in relation to the application from the occupier of 12 Rosedale Neuk stating that she has no objection in principal to an extension however requests that the extension is built 1m off the boundary as they were required to do.

### Relevant Planning Policies:

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.

The front elevation of the extension is in keeping with the character and design of the existing building. The rear part of the side extension and the rear single storey extension will not be highly publicly visible. It is also acknowledged that the current scheme is an improvement on the previously refused scheme. However concerns remain regarding the design of the extension and its effect on the character and appearance of the original house.

The existing building has accommodation at first floor level contained within the roofspace with the form of the property appearing as a single storey dwelling with a conventional pitched roof. The proposed side extension has higher eaves, at the rear, than the original building out of keeping with the existing building. (The extension comprises of two storeys of accommodation and does not fall within the permitted development criterion for extensions of more than one storey. Circular 1/2012 - Guidance on Householder Permitted Development Rights notes that 1 ½ or 2 storey extensions are more likely to have a greater impact than a single storey extension. Also the eaves height of the extension exceeds that permissible in terms of the permitted development regulations for single storey extensions by 1.7m.) This part of the extension does not respect the design or character of, and will appear at odds with, the existing building. It will appear as an incongruous, disjointed addition detracting from the overall character of the house. Other properties at Rosedale Neuk including at no, 12 next door have extensions at the rear, including accommodation at first floor level, with the eaves level of the extension matching the eaves level of the existing building.

Whilst the flat roof part of the extension to the rear of the house is uncharacteristic of the design of the existing building on balance, considered in isolation, it would not have a significant impact on the character of the existing building. Also it is not dissimilar to what could ordinarily be erected as permitted development.

However the two styles of extension will appear as ad hoc additions unrelated to each other and the design of the original building detracting from the overall character and appearance of the building.

Sufficient garden area will remain after the erection of the extension. Off-street parking unaffected.

The extension will not be overbearing to the outlook of the house or garden of no. 10 next door. Two windows proposed at ground floor level on the side of the extension would have views to the side garden of no. 10. One of the windows serves the garage and the other a dining area. Should planning permission be granted the garage could be converted at a future date to habitable accommodation. Obscure glazing or an increase in the height of the existing 1.6m high fence along the site boundary would minimise the impact of overlooking. Should planning permission be forthcoming this could be covered by condition. A high level rooflight and an obscure glazed window are proposed at first floor level. Should planning permission be

granted it would be appropriate to condition the retention of the obscure glazing and to restrict any further windows or rooflights on the side elevation to minimise overlooking. The extension will result in increased overshadowing of the side garden of no. 10 in the morning particularly in the winter months however the impact will be less in the summer months and is not sufficient to warrant refusal of planning permission. The extension will not have a significant impact on daylight or sunlight to the house at no. 10.

There is an existing pitched roof extension at the rear of no. 12 which forms the other half of the semi-detached pair. There are no windows on the side of the extension or on the rear wall of the original house closest to the boundary with the application property. The extension at no 12 (pa ref: 15/00652/dpp) was required to be pulled off the boundary due to its impact on the amenity of the occupiers of no 11 in particular the outlook from their kitchen window. The submitted plans indicate the extension the subject of the current application as being 0.74m from the boundary with no 12 at its closest point. There is no amenity or planning reason for the current proposal to be pulled further off the boundary. Whilst the wall on the south side of the two storey extension will be a prominent feature as viewed from the garden of no. 12 the extensions will not have a significant impact on the amenity of this property. The extension will not have a significant impact on daylight or sunlight to no. 12.

### Recommendation:

Refuse planning permission

## Appendix D

### **Refusal of Planning Permission**





Reg. No. 19/00893/DPP

AM Design 88 Newhailes Crescent Musselburgh EH21 6EG

Midlothian Council, as Planning Authority, having considered the application by Mr David White, 11 Rosedale Neuk, Rosewell, EH24 9DH, which was registered on 24 October 2019 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

### Extension to dwellinghouse at 11 Rosedale Neuk, Rosewell, EH24 9DH

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

Document/Drawing.	Drawing No/Scale	<u>Dated</u>
Location Plan	19.12-10 1:1250	24.10.2019
Site plan, Location Plan and Elevations	19.12A-01 1:1250 1:200 1:100	24.10.2019
Proposed Floor Plan	19.12A-02 1:50	24.10.2019
Proposed Floor Plan	19.12A-03 1:50	24.10.2019
Proposed Elevations	19.12A-04 1:50	24.10.2019
Proposed Elevations	19.12A-05 1:50	24.10.2019

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

- The proposed two storey extension does not respect the design or character of, and will appear at odds with, the existing building. It will appear as an incongruous, disjointed addition, detracting from the overall character of the house.
- 2. The two styles of extension will appear as ad hoc additions unrelated to each other and the design of the original building detracting from the overall character and appearance of the building.

Dated 27 / 11 / 2019

**Duncan Robertson** 

Lead Officer - Local Developments Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

### Any Planning Enquiries should be directed to:



Planning and Local Authority Liaison 01623 637 119

planningconsultation@coal.gov.uk

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

### **INFORMATIVE NOTE**

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

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

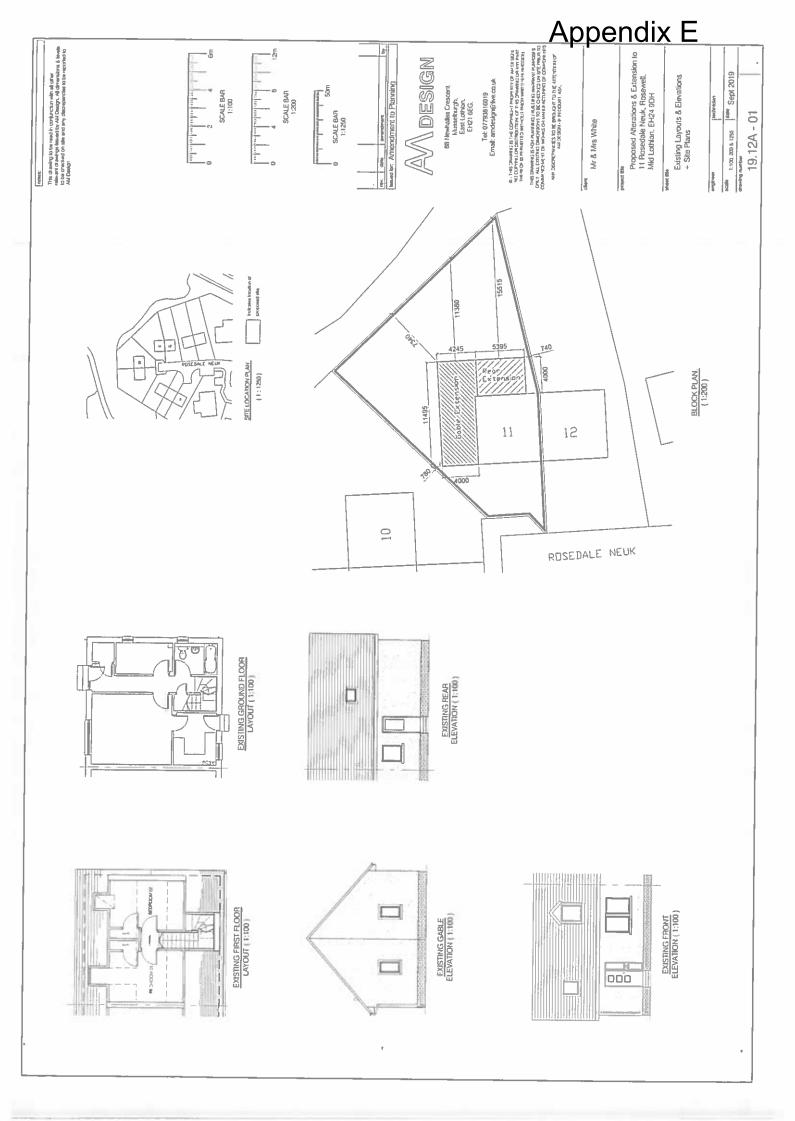
https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distanceof-mine-entries

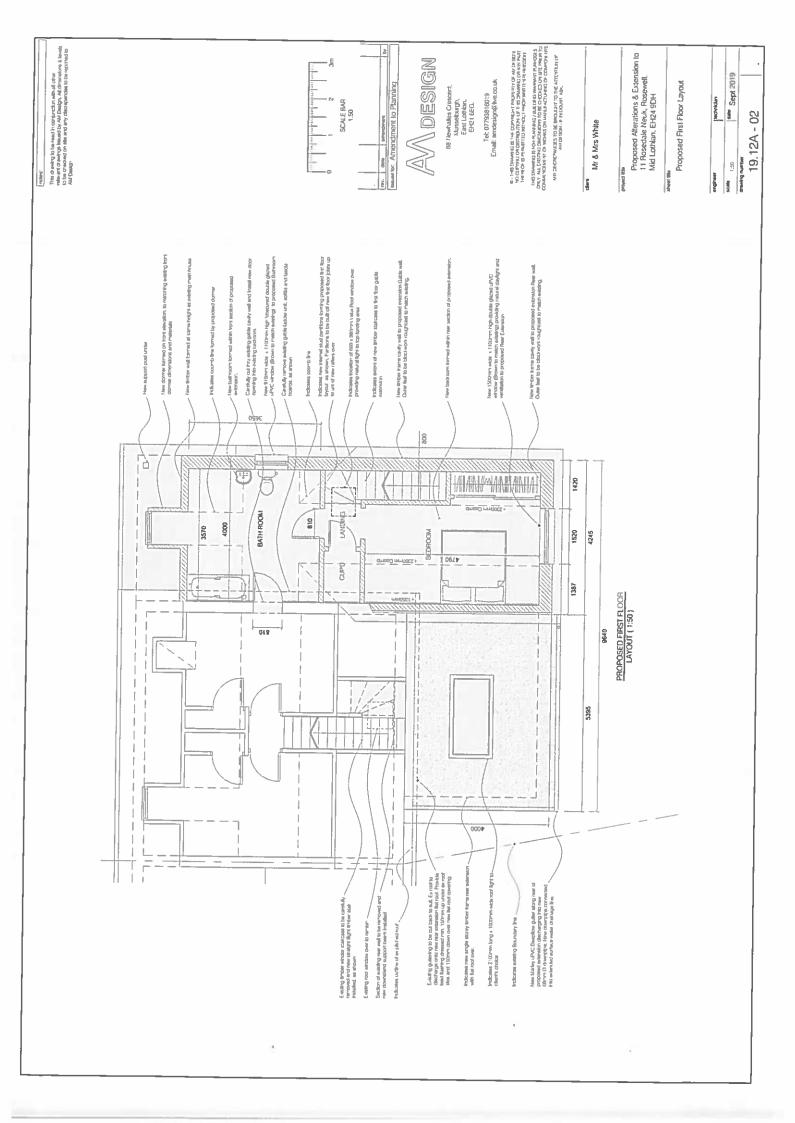
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment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

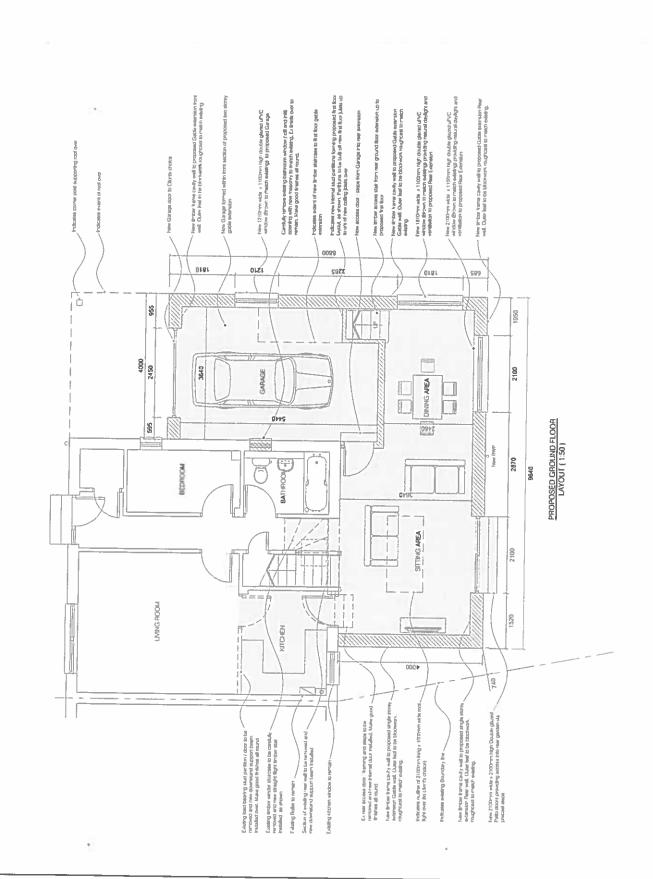
Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the 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

This Informative Note is valid from 1st January 2019 until 31st December 2020







This obliving to be read in confurcial multiplial other leads of the read in confusion of the read of chartering the confusion of the responsibility of the representation to be reported to AM Emalgy.

External Writts:
1. Houghcast Blockwark to Front, Hass and Natin Cardo
Elbraton

Light weight LPAC that they broat to Eachs revealth.
 Windle Carely
 Windle Carely

Concrete Prenincialing rood files in match examing seyle.
 Other and table on before breaking members on form
 If share's Charlet on first relates forming states (or the breaking states).

Flat Root:

1. 3 Ply ble trading on 120mm the Cyclase - beutalion on the 18 mm to 18

Whether, I Pulls District.

1. Double Class House where Brown

2. Double Class of Autritory mate dours Brown

Product Class or ments wearen

3. Double Class or ments wearen

3. Double Glass of His room window (Stry is befores chars)

Guider and Down Pignes:

1. New Markey Ceaphbar «PAC guides (Brown)

2. New «PAC Down plan (Brown) represents to existing

SCALE BAR 1.50

have ter: Amendment to Planning

AW Design 68 Nowhalles Crescent, Musselhurgh, East Lothian, EI/21 6EG,

Tet: 07793816019 Email: amdeslgn@live.co.uk

81- PHE DEMANDS BITTLE CORPORIGED PRODUCTIVES SALVES SINCE AND THE SINCE

THE DAY HAS DAY HAVE BY THE DRIVEN TO BE DECISED WHEN TO BE DECISED AND WENT TO BE AN DECREMENTS TO BE SHOUGHT TO THE ATTENTIVE OF AN DESIGN - IN PROCESS, A.S.

Mr & Mrs White

Proposed Alterations & Extension to 11 Rosedale Neuk, Rosewell. Mid Lothian, EH24 9DH

Proposed Ground Floor Layout

Sept 2019 150 Crawing number

19.12A - 03

