

Notice of meeting and agenda



Local Review Body

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

Date: Tuesday, 06 September 2016

Time: 14:00

John Blair
Director, Resources

Contact:

Clerk Name: Mike Broadway

Clerk Telephone: 0131 271 3160

Clerk Email: mike.broadway@midlothian.gov.uk

Further Information:

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

Audio Recording Notice: Please note that this meeting will be recorded. The recording will be publicly available following the meeting, including publication via the internet. The Council will comply with its statutory obligations under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002.

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 Declarations 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 Minutes of Previous Meeting

4.1 Minutes of Meeting held on 7 June 2016 - For Approval **3 - 12**

5 Public Reports

5.1 Planning Law Clarification Report **13 - 18**

Decision Notices

5.2 Land West Of Springfield House, Lasswade **19 - 22**

5.3 Gourlaw Farm, Rosewell **23 - 26**

5.4 1 Galadale Drive, Newtongrange **27 - 30**

5.5 Cherrytrees, Fala Village, Pathhead **31 - 34**

Notice of Review Requests Considered for the First Time – Reports by Head of Communities and Economy:-

5.6 47 Arthur View Terrace, Danderhall - Determination Report **35 - 58**

5.7 Lothian Cottage, Lothian Bridge, Dalkeith - Determination Report **59 - 92**

6 Private Reports

No private reports to be discussed at this meeting.

Minute of Meeting



Local Review Body

Date	Time	Venue
7 June 2016	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

Present:

Councillor Bryant (Chair)	Councillor Beattie
Councillor Bennett	Councillor Constable
Councillor Imrie	Councillor Rosie

1 Apologies

Apologies received from Councillors Baxter, de Vink, Milligan and Montgomery.

2 Order of Business

The order of business was confirmed as outlined in the agenda that had been previously circulated.

3 Declarations of interest

No declarations of interest were received.

4 Minutes of Previous Meetings

The Minutes of Meeting of 26 April 2016 were submitted and approved as a correct record.

5 Reports

Agenda No	Report Title	Presented by:
5.1	Decision Notice – Land at 22 Tipperwell Way, Howgate, Penicuik [15/00794/DPP]	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.5 of the Minutes of 26 April 2016, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mrs H Larkins, 22 Tipperwell Way, Howgate, Penicuik seeking, a review of the decision of the Planning Authority to refuse planning permission (15/00794/DPP, refused on 26 November 2015) for the change of use from agricultural land to private garden ground (retrospective) at land north of 22 Tipperwell Way, Howgate, Penicuik and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

Agenda No	Report Title	Presented by:
5.2	Decision Notice – Land at Rosebank North Cottage, Roslin [15/00948/DPP]	Peter Arnsdorf

Executive Summary of Report

With reference to paragraph 5.6 of the Minutes of 26 April 2016, there was submitted a copy of the Local Review Body decision notice upholding a review request from Ms Fiona Macaulay, Rosebank Cottage, Chapel Loan, Roslin seeking a review of the decision of the Planning Authority to refuse planning permission (15/00948/DPP, refused on 8 February 2016) for the demolition of derelict outbuildings and erection of replacement outbuilding at Land at Rosebank North Cottage, Roslin and granting planning permission subject to conditions.

Decision

To note the LRB decision notice.

Eligibility to Participate in Debate

In considering the following items of business, only those LRB Members who had attended the site visits on 6 June 2016 participated in the review process, namely Councillors Bryant (Chair), Beattie, Bennett, Constable, Imrie and Rosie.

Agenda No	Report Title	Presented by:
5.3	Notice of Review Requests Considered for the First Time – (a) Land West of Springfield House, Lasswade [15/00994/DPP]	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 31 May 2016, by the Head of Communities and Economy regarding an application regarding an application from APT Planning and Development, 6 High Street, West Linton, seeking on behalf of their client Mr J Lessels, a review of the decision of the Planning Authority to refuse planning permission (15/00994/DPP, refused on 17 February 2016) for the erection of 5 dwellinghouses; formation of access road and associated works at land west of Springfield House, Lasswade.

Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

The Local Review Body had made an accompanied visit to the site on Monday 6 June 2016.

In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case. He then introduced the applicant's agent, Mr Tony Thomas, APT Planning and Development, Mr Peter Cain and Mr Keith Fuller, Poltonhall Community Council both of whom had made representations, to the meeting.

Thereafter, oral representations were received from the applicant's agent, Mr Cain and Mr Fuller, and the local authority Planning Officer; following which they responded to questions from members of the LRB.

Summary of Discussion

Thereafter, the LRB gave careful consideration to the merits of the case based on all the information provided both in writing and in person at the Hearing. Whilst noting the present and emerging development plan policies, the LRB debated whether there were material planning considerations that justified a departure. It was acknowledged that the representations and consultation responses received were material considerations. The LRB discussed the current appearance of the site which it was felt could be improved without the need to redevelop the site for residential purposes as was currently proposed. Concerns regarding issues of precedent were also considered.

Decision

After further discussion, the LRB agreed to dismiss the review request, and refuse planning permission for the following reasons:

1. The proposed development is located on land identified as countryside within the Green Belt and, as such, is contrary to policies RP1, RP2 and DP1 of the adopted Midlothian Local Plan as no adequate justification for the redevelopment of the site with houses has been provided.
2. It has not been demonstrated to the satisfaction of the Planning Authority that adequate landscaping can be secured to ensure that the development would not have a detrimental impact on the landscape character and amenity of the surrounding area and Area of Great Landscape Value, therefore the proposal is contrary to policies RP5, RP6 and RP7 of the adopted Midlothian Local Plan.
3. The development is contrary to policy RP9 of the adopted Midlothian Local Plan as it has not been demonstrated that there is a locational need for the development in the river valley.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.4	(b) Land at Gourlaw Farm, Rosewell [15/00939/DPP]	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 31 May 2016, by the Head of Communities and Economy regarding an application from Format Design, 146 Duddingston Road West, Edinburgh, seeking on behalf of their client Ms L Sillars, a review of the decision of the Planning Authority to refuse planning permission (15/00939/DPP, refused on 29 January 2016) for the change of use of steading building to dog day care centre at Gourlaw Farm, Rosewell.

Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

The Local Review Body had made an unaccompanied visit to the site on Monday 6 June 2016.

In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case. He then introduced the applicant Ms Lyn Sillars, the applicant's agent, Mr Bob Tait, Format Design, and Mrs H Martin, who had made representations, to the meeting

Thereafter, oral representations were received from the applicant's agent, the applicant, Mrs Martin and the local authority Planning Officer; following which they responded to questions from members of the LRB.

Summary of Discussion

Having heard from the Planning Adviser, the LRB gave careful consideration to the merits of the case based on all the information provided both in writing and in person at the Hearing. In particular, the LRB discussed the potential impact that the noise from barking dogs might have and also the vehicular access to the application site. It was felt that the rural nature of site, lent itself to such a development and that as the dogs would be picked up and taken to the site, the access could accommodate the additional traffic movements likely to be generated.

Decision

To agreed to uphold the review request, and grant planning permission for the following reason:

The proposed use of the site for a dog day care centre is compatible with its rural location and will not have a detrimental impact on neighbouring and nearby properties, above that level of disturbance which can be reasonably expected in the countryside. Furthermore, the careful management of the site and the collection and return of dogs can mitigate any concerns over road safety.

subject to the following conditions:-

1. Development shall not begin until the following details have been submitted to and approved in writing by the planning authority:
 - a. a green transport plan designed to minimise the number of vehicles accessing the site. The plan should include measures to ensure that dogs are not dropped off and collected by individual owners; and details of the size and number of vehicles that will be used by the applicant to collect and return the dogs.
 - b. a scheme of advanced signage to be displayed on roads approaching the two concealed entrances.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure safe and convenient access to/from the site.*

2. Development shall not begin until the following details have been submitted to and approved in writing by the planning authority:
 - a. Details of the design, height, specification and location of acoustic fencing to be located around the external paddocks and the parking area.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: *To minimise noise disturbance to nearby residential properties.*

3. The use hereby approved shall accommodate a maximum of 20 dogs at any one time.
4. No dog shall be allowed into any external run area outwith the hours of 9.00am to 6.00pm Monday to Saturday unless otherwise approved in writing by the Planning Authority.
5. There shall be no overnight boarding of dogs.

Reason for Conditions 3 - 5: *To minimise noise disturbance to nearby residential properties.*

6. The dog day care use hereby approved shall be operated by the occupant of the house known as Gourlaw Farm, Rosewell.

Reason: *Occupation of the house by persons unconnected with the business would create a sub-standard level of amenity for the occupants of the house.*

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.5	(c) 1Galadale Drive, Newtongrange [16/00044/DPP]	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 31 May 2016, by the Head of Communities and Economy regarding an application from GSM Architecture, 36-12 Malbet Park, Edinburgh, seeking on behalf of their client Mr A Wilkie, a review of the decision of the Planning Authority to refuse planning permission (16/00044/DPP, refused on 14 March 2016) for the erection of extension at 1Galadale Drive, Newtongrange.

Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

The Local Review Body had made an unaccompanied visit to the site on Monday 6 June 2016.

Summary of Discussion

Having heard from the Planning Adviser, the LRB then gave careful consideration to the merits of the case based on all the written information provided. In this particular instance, it was felt that on balance the individual circumstances of the application site meant that the proposed extension, which was in keeping with other similar extensions in the area, would not have a significantly detrimental impact, albeit the sloping nature of the ground was acknowledged.

Decision

To agreed to uphold the review request, and grant planning permission for the following reason:

The proposed extension by means of its scale, form and design is compatible with its location and the host building and will not have a significant impact on neighbouring and nearby properties.

subject to the following condition:-

1. Development shall not begin until samples of materials to be used on external surfaces of the extension have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: To ensure the quality of the development is enhanced by the use of complementary materials to reflect its setting in accordance with policies RP20 and DP6 of the Midlothian Local Plan and national planning guidance and advice.

Action

Head of Communities and Economy

Agenda No	Report Title	Presented by:
5.6	(d) Cherrytrees, Fala, Bonnyrigg [15/00995/DPP]	Peter Arnsdorf

Executive Summary of Report

There was submitted report, dated 31 May 2016, by the Head of Communities and Economy regarding an application from Derek Scott Planning, 21 Lansdowne Crescent, Edinburgh, seeking on behalf of their clients Dr's C & V Rofe, a review of the decision of the Planning Authority to refuse planning permission (15/00995/DPP, refused on 22 February 2016) for the demolition of existing dwellinghouse and erection of replacement dwellinghouse, garage and associated works at Cherrytrees, Fala, Bonnyrigg.

Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon, together with a copy of the decision notice.

The Local Review Body had made an unaccompanied visit to the site on Monday 6 June 2016.

Summary of Discussion

The LRB, having heard from the Planning Adviser, then gave careful consideration to the merits of the case based on all the written information provided. In this particular instance, the LRB felt that the location of the application site on the edge of the settlement envelope, together with the design of the proposed replacement dwellinghouse would make a positive contribution to its surroundings. It was acknowledged that there was considerable local support for the proposal, albeit base predominately on non-planning related grounds.

Decision

To agreed to uphold the review request, and grant planning permission for the following reason:

The proposed dwellinghouse by means of its scale, form and design is compatible with its countryside location and positively contributes to its village setting. The individual design of the proposed building is of merit to justify the demolition of the existing building on the site and to provide a strong built form on the edge of the settlement.

subject to the following conditions:-

1. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings, open space and access tracks in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - iii boundary planting along the external boundaries of the application site;
 - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - vi programme for completion and subsequent maintenance of the boundary planting. The boundary planting shall be completed prior to the house being occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
 - vii drainage details and sustainable urban drainage systems to manage water runoff; and
 - viii proposed driveway configuration and surfacing.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP7 and RP22 of the Midlothian Local Plan and national planning guidance and advice.*

2. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP20 and RP22 of the Midlothian Local Plan and national planning guidance and advice.

3. Unless otherwise approved in writing by the Planning Authority the rooflights shall be installed so as to be flush with the plane of the roof.

Reason: In order to safeguard the visual amenity of the Fala Conservation Area.

4. Any noise associated with the air source heat pump shall comply with the product and installation standards for air source heat pumps specified in the Micro-generation Certification Scheme MCS 020(a).

Reason: To protect the residential amenity of surrounding properties.

Action
Head of Communities and Economy

The meeting terminated at 2.56pm.

Planning Law Clarification Report

Report by John Blair, Director, Resources

1 Purpose of Report

The purpose of this report is to bring to the Committee's attention the attached report by the Head of Communities and Economy.

2 Background

The report was considered by the Planning Committee on 30 August 2016, when it was agreed, as follows:-

- (a) To note the content of the inspection report; and
- (b) To refer the report onto the Local Review Body for noting.

3 Report Implications

These are as outlined in the attached report by the Head of Communities and Economy.

4 Recommendations

The Local Review Body is invited to note the attached report by the Head of Communities and Economy.

30 August 2016

Report Contact: Mike Broadway Tel No 0131 271 3160
mike.broadway@midlothian.gov.uk



PLANNING LAW CLARIFICATION REPORT

Report by Head of Communities and Economy

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to provide advice to the Committee with regard a number of points of Planning Law which directly impact on the determination of planning applications and the consideration of 'Notices of Review' submitted to the Local Review Body (LRB) .

2 BACKGROUND

- 2.1 At its meeting of 26 April the LRB requested clarification on a number of points of Planning Law, in particular:
- a) Making a decision on a planning application;
 - b) Considering late representations - can you consider information submitted 'late' when determining a planning application or notice of review; and
 - c) Can you consider new material at the LRB.

3 MAKING A DECISION ON A PLANNING APPLICATION

- 3.1 Planning applications are determined in accordance with the Town and Country Planning (Scotland) Act 1997 as amended (*hereafter referred to as the Act*) and associated regulations and Scottish Government advice in particular the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (*hereafter referred to as the Regulations*).
- 3.2 In considering an application section 37 (2) of the Act states "the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations".
- 3.3 Section 37(4) of the Act with regard the determination of applications states that "the date of the grant or refusal" ... "shall be the date on which the planning authority's decision bears to have been signed on behalf of the authority". The issuing of the decision notice bears the signature of the authority.
- 3.4 The courts have held that a decision on a planning application is not deemed to have been formally made until the issue of a decision letter

Co-operative Retail Services Ltd v Taff-Ely BC (1978) and later *R v West Oxfordshire District Council ex parte Pearce Homes Ltd (1985)*. Court judgements on points of principle and procedure transpose both Scottish and English planning systems.

- 3.5 As a Committee resolution to approve/refuse an application does not constitute a written decision notice, applications may be withdrawn, appealed against non determination or referred back to Committee for reconsideration before the issue of a decision notice.
- 3.6 In cases where an application is not subject to a legal agreement/developer contributions it is Midlothian's practice to issue the decision notice as soon as practicably possible after a Committee resolution (usually the following day). However there can be a significant period of time between a Committee resolution and the issuing of a decision notice in those cases which are subject to the conclusion of a legal agreement.
- 3.7 This issue has arisen because at its meeting of 19 January 2016 the LRB were minded to uphold a review and grant planning permission for a test piling facility at Shewington, subject to conditions and a bond/bank guarantee to secure a financial arrangement to protect local homes and businesses from any potential damage from the test piling operations and flooding (if the nearby dam was damaged). The LRB determined to consider the conditions and the details of the bond/bank guarantee prior to a decision being issued. In the subsequent negotiations between the applicant and officers the applicant advised that they were "not in a position to offer financial security" and as such on reporting back to the LRB at its meeting of 26 April 2016 the LRB were given the option of making a different resolution to the one taken at its meeting of 19 January 2016. The advisor to the LRB confirmed that this was within the scope of the LRB because the decision notice had not been issued.

4 CONSIDERING LATE REPRESENTATIONS

- 4.1 The assessment and determination of a planning application is subject to notification and consultation procedures as set out in the Act and the Regulations.
- 4.2 The Act requires the planning authority to "take into account any representations relating to that application which are received by them before the expiry of any period prescribed" by the Act and Regulations (21 days for notifications and 14 days for consultations). Furthermore, the Act states "no such application shall be determined until after the expiry of any period which may be so prescribed". (*The notification and consultation requirements vary for listed building consent applications, advertisement consent applications and applications to modify or discharge a planning obligation*).
- 4.3 It is Midlothian's practice to consider any representations received prior to the final drafting of an applications 'report of handling' which is either

the Committee report or the delegated officer's report which sets out the planning assessment of the application. This in effect means that representations received after the prescribed period are considered if the officer's assessment of the application has not been concluded. Representations received after the publication of the Committee agenda, but before the meeting of the Committee, are assessed and if appropriate the Committee are verbally updated at the meeting. The Committee (the decision maker) has the discretion to decide if they wish to consider 'late' representations received after the prescribed period. It is expected that it will wish to do so where the representation is material and could affect the planning assessment of the application. This would be consistent with the planning authority's statutory duty to take into account all considerations which are both material and relevant to the application known at the time. In exceptional circumstances, this may mean that officers recommend that an application be deferred to a future meeting pending further detailed assessment. If deadlines for the submission of late representations are strictly adhered to there is a risk that the planning authority would be failing in its duty to consider all relevant material considerations.

5 CONSIDERING NEW MATERIAL AT THE LRB

- 5.1 The Town and Country Planning (Schemes of Delegation and Local Review Procedures) (Scotland) Regulations 2013 and Scottish Government guidance in Circular 7/2009: Schemes of Delegation and Local Reviews provides the legislative and regulatory framework for the relevant administrative procedures.
- 5.2 Section 9(4) of the LRB regulations state that "(a) all matters which the applicant intends to raise in the review must be set out in the notice of review or in the documents which accompany the notice of review; and (b) all documents, materials and evidence which the applicant intends to rely on in the review must accompany the notice of review". The consequence of the LRB regulations is that 'new' material can only be submitted as part of the review process if it forms part of the review submission. An exception can be made if the LRB request further information to assist them with their determination.
- 5.3 As part of the review process those parties who have made representations on the original application are notified of the review in accordance with the LRB regulations and any further submissions are considered by the LRB. The regulations do not state whether new representations received from parties who did not make comment on the original application shall or shall not be considered and as such it is for the decision maker to decide what weight is given to such representations.

6 RECOMMENDATION

- 6.1 It is recommended that the Committee:
- a) Notes the contents of the report; and
 - b) Refers the report onto the Local Review Body for noting.

Ian Johnson
Head of Communities and Economy

Date: 23 August 2016
Contact Person: Peter Arnsdorf, Planning Manager
peter.arnsdorf@midlothian.gov.uk
Tel No: 0131 271 3310

Background Papers:

Local Review Body: Review of Planning Application Reg. No. 15/00994/DPP

APT Planning and Development
6 High Street
East Linton
EH40 3AB

Midlothian Council, as Planning Authority, having considered the review of the application by Mr John Lessels, C-O Apt Planning And Development Ltd, 6 High Street, East Linton, EH40 3AB, which was registered on 22 March 2016 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Erection of 5 dwellinghouses; formation of access road and associated works at Land West Of Springfield House, Lasswade, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	14081(OS)100-B 1:2500	22.12.2015
Site Plan	14081(PL)100-B 1:500	22.12.2015
Site Plan	14081(01)001-A 1:500	22.12.2015
Proposed floor plan	14081(PL)001-B 1:200	22.12.2015
Proposed floor plan	14081(PL)002-B 1:200	22.12.2015
Roof plan	14081(PL)003-B 1:200	22.12.2015
Proposed floor plan	14081(PL)010-B 1:200	22.12.2015
Proposed floor plan	14081(PL)011-B 1:100	22.12.2015
Proposed floor plan	14081(PL)012-B 1:100	22.12.2015
Proposed floor plan	14081(PL)013-B 1:100	22.12.2015
Proposed floor plan	14081(PL)014-B 1:100	22.12.2015
Proposed floor plan	14081(PL)015-B 1:100	22.12.2015
Proposed elevations	14081(PL)020-B 1:100	22.12.2015
Proposed elevations	14081(PL)021-B 1:100	22.12.2015
Other statements		22.12.2015
Design and Access Statement		22.12.2015

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

1. *The proposed development is located on land identified as countryside within the Green Belt and, as such, is contrary to policies RP1, RP2 and DP1 of the adopted Midlothian Local Plan as no adequate justification for the redevelopment of the site with houses has been provided.*
2. *It has not been demonstrated to the satisfaction of the Planning Authority that adequate landscaping can be secured to ensure that the development would not have a detrimental impact on the landscape character and amenity of the surrounding area and Area of Great Landscape Value, therefore the proposal is contrary to policies RP5, RP6 and RP7 of the adopted Midlothian Local Plan.*
3. *The development is contrary to policy RP9 of the adopted Midlothian Local Plan as it has not been demonstrated that there is a locational need for the development in the river valley.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 7 June 2016. The LRB carried out a site visit on the 6 June 2016.

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

Development Plan Policies:

1. RP1 Midlothian Local Plan – Protection of the Countryside
2. RP2 Midlothian Local Plan – Protection of the Green Belt
3. RP5 Midlothian Local Plan – Woodland, Trees and Hedges
4. RP6 Midlothian Local Plan – Areas of Great Landscape Value
5. RP7 Midlothian Local Plan – Landscape Character
6. RP9 Midlothian Local Plan – Protection of River Valleys
7. DP1 Midlothian Local Plan – Development in the Countryside

Material considerations:

1. The individual circumstances of the proposal

Dated: 07/06/2016

Councillor J Bryant
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997

Advisory note:

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

Local Review Body: Review of Planning Application Reg. No. 15/00939/DPP

Format Design
146 Duddingston Road West
Edinburgh
EH16 4AP

Midlothian Council, as Planning Authority, having considered the review of the application by Ms Lyn Sillars, C/o Format Design, 146 Duddingston Road West, Edinburgh, EH16 4AP, which was registered on 16 March 2016 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Change of use of steading building to dog day care centre at Gourlaw Farm, Rosewell, Midlothian, EH24 9DU, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	9963 03 1:1250	30.11.2015
Existing Site Plan	9963 01 1:500	30.11.2015
Proposed Site Plan	9963 02 1:500	30.11.2015
Planning Statement	Planning Statement	30.11.2015

Subject to the following condition:

1. Development shall not begin until the following details have been submitted to and approved in writing by the planning authority:
 - a. a green transport plan designed to minimise the number of vehicles accessing the site. The plan should include measures to ensure that dogs are not dropped off and collected by individual owners; and details of the size and number of vehicles that will be used by the applicant to collect and return the dogs.
 - b. a scheme of advanced signage to be displayed on roads approaching the two concealed entrances.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure safe and convenient access to/from the site.*

2. Development shall not begin until the following details have been submitted to and approved in writing by the planning authority:
 - a. Details of the design, height, specification and location of acoustic fencing to be located around the external paddocks and the parking area.

Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be agreed in writing with the planning authority.

Reason: *To minimise noise disturbance to nearby residential properties.*

3. The use hereby approved shall accommodate a maximum of 20 dogs at any one time.
4. No dog shall be allowed into any external run area outwith the hours of 9.00am to 6.00pm Monday to Saturday unless otherwise approved in writing by the Planning Authority.
5. There shall be no overnight boarding of dogs.

Reason for Conditions 3 - 5: *To minimise noise disturbance to nearby residential properties.*

6. The dog day care use hereby approved shall be operated by the occupant of the house known as Gourlaw Farm, Rosewell.

Reason: *Occupation of the house by persons unconnected with the business would create a sub-standard level of amenity for the occupants of the house.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 7 June 2016. The LRB carried out a site visit on the 6 June 2016.

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

Development Plan Policies:

1. RP1 Midlothian Local Plan – Protection of the Countryside
2. ECON8 Midlothian Local Plan – Rural Development

Material considerations:

1. The individual circumstances of the proposal

In determining the review the LRB concluded:

The proposed use of the site for a dog day care centre is compatible with its rural location and will not have a detrimental impact on neighbouring and nearby properties, above that level of disturbance which can be reasonably expected in the countryside. Furthermore, the careful management of the site and the collection and return of dogs can mitigate any concerns over road safety.

Dated: 07/06/2016

Councillor J Bryant
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997

Advisory note:

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

Local Review Body: Review of Planning Application Reg. No. 16/00044/DPP

G.S.M. Architecture
36-12 Malbet Park
Edinburgh
Midlothian
EH16 6SY

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Andrew Wilkie, 1 Galadale Drive, Newtongrange, Scotland, EH22 4RP, which was registered on 10 May 2016 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Extension to dwellinghouse at 1 Galadale Drive, Newtongrange, EH22 4RP, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Existing floor plan	36/101 1:50	26.01.2016
Existing floor plan	36/102 1:50	26.01.2016
Existing elevations	36/103 1:100	26.01.2016
Proposed floor plan	36/104 1:50	26.01.2016
Proposed floor plan	36/105 1:50	26.01.2016
Proposed elevations	36/106 1:100	26.01.2016
Location Plan	36/107 1:1250 1:200 1:100	26.01.2016

Subject to the following conditions:

1. Development shall not begin until samples of materials to be used on external surfaces of the extension have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: *To ensure the quality of the development is enhanced by the use of complementary materials to reflect its setting in accordance with policies RP20 and DP6 of the Midlothian Local Plan and national planning guidance and advice.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 7 June 2016. The LRB carried out a site visit on the 6 June 2016.

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

Development Plan Policies:

1. RP20 Midlothian Local Plan – Development within the built-up area
2. DP6 Midlothian Local Plan – House Extensions

Material considerations:

1. The individual circumstances of the proposal

In determining the review the LRB concluded:

The proposed extension by means of its scale, form and design is compatible with its location and the host building and will not have a significant impact on neighbouring and nearby properties.

Dated: 07/06/2016

Councillor J Bryant
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997

Advisory note:

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

Local Review Body: Review of Planning Application Reg. No. 15/00995/DPP

Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
EH12 5EH

Midlothian Council, as Planning Authority, having considered the review of the application by Dr's Christopher And Victoria Rofe, 63 Woodhall Road, Colinton, Edinburgh, EH13 0HQ, which was registered on 27 April 2016 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Demolition of existing dwellinghouse and erection of replacement dwellinghouse and detached garage; erection of fence and installation of air source heat pump, bin store, decking and paving at Cherrytrees, Fala Village, Pathhead, EH37 5SY, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	664/FLM 101 1:1250	22.12.2015
Site Plan	664/FLM 102 1:100	22.12.2015
Existing elevations	664/FLM 103 1:100	22.12.2015
Site Plan	664/FLM 105 1:100	22.12.2015
Site Plan	664/FLM 106 1:100	22.12.2015
Elevations	664/FLM 107 1:100	22.12.2015
Site Plan	664/FLM 108 1:200	22.12.2015
Site Plan	664/FLM 111 1:100	22.12.2015
Proposed floor plan	664/FLM 112 1:50	22.12.2015
Proposed floor plan	664/FLM 113 1:50	22.12.2015
Roof plan	664/FLM 114 1:50	22.12.2015
Proposed elevations	664/FLM 121 1:50	22.12.2015
Proposed elevations	664/FLM 122 1:50	22.12.2015
Proposed elevations	664/FLM 124 1:100	22.12.2015
Proposed elevations	664/FLM 125 1:100	22.12.2015
Proposed elevations and floor plan	664/FLM 131 1:20	22.12.2015
Proposed cross section	664/FLM 132 1:25	22.12.2015
Proposed elevations	664/FLM 133 1:50	22.12.2015

Subject to the following conditions:

1. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - i existing and finished ground levels and floor levels for all buildings, open space and access tracks in relation to a fixed datum;
 - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
 - iii boundary planting along the external boundaries of the application site;
 - iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
 - v schedule of plants to comprise species, plant sizes and proposed numbers/density;
 - vi programme for completion and subsequent maintenance of the boundary planting. The boundary planting shall be completed prior to the house being occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
 - vii drainage details and sustainable urban drainage systems to manage water runoff; and
 - viii proposed driveway configuration and surfacing.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP7 and RP22 of the Midlothian Local Plan and national planning guidance and advice.

2. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP20 and RP22 of the Midlothian Local Plan and national planning guidance and advice.

3. Unless otherwise approved in writing by the Planning Authority the rooflights shall be installed so as to be flush with the plane of the roof.

Reason: In order to safeguard the visual amenity of the Fala Conservation Area.

4. Any noise associated with the air source heat pump shall comply with the product and installation standards for air source heat pumps specified in the Micro-generation Certification Scheme MCS 020(a).

Reason: *To protect the residential amenity of surrounding properties.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 7 June 2016. The LRB carried out a site visit on the 6 June 2016.

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

Development Plan Policies:

1. RP5 Midlothian Local Plan – Woodland, Trees and Hedges
2. RP7 Midlothian Local Plan – Landscape Character
3. RP20 Midlothian Local Plan – Development within the built-up area
4. RP22 Midlothian Local Plan – Conservation areas

Material considerations:

1. The Conservation Area Appraisal for Fala; and
2. The individual circumstances of the proposal

In determining the review the LRB concluded:

The proposed dwellinghouse by means of its scale, form and design is compatible with its countryside location and positively contributes to its village setting. The individual design of the proposed building is of merit to justify the demolition of the existing building on the site and to provide a strong built form on the edge of the settlement.

Dated: 07/06/2016

Councillor J Bryant
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

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

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997

Advisory note:

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

Notice of Review: 47 Arthur View Terrace, Danderhall Determination Report

Report by Ian Johnson, Head of Communities and Economy

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of a two storey and a single storey extension at 47 Arthur View Terrace, Danderhall.

2 Background

- 2.1 Planning application 16/00213/DPP for the erection of a two storey and a single storey extension at 47 Arthur View Terrace, Danderhall was refused planning permission on 27 April 2016; 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, issued on 27 April 2016 (Appendix D); and
 - A copy of the relevant drawings/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 agreed by the LRB, the LRB by agreement of the Chair:

- Have scheduled an accompanied site visit for Monday 5 September 2016; and
 - Have determined to progress the review by way of a hearing.
- 4.2 The case officer's report identified that no consultations were required and no representations have been 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 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 19 June 2012 and 26 November 2013, 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. Unless otherwise approved in writing by the Planning Authority the 1.8m high fence indicated by a broken black line on the approved site plan, drawing no. SP 002, shall comprise a close boarded timber fence and shall be erected within three months of the rear extension being completed or brought in to use whichever is the earlier date and thereafter shall not be removed.

Reason: *In order to minimise overlooking and protect the privacy of the occupants of the adjoining property.*

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: 30 August 2016

Report Contact: Peter Arnsdorf, Planning Manager (LRB Advisor)
peter.arnsdorf@midlothian.gov.uk

Tel No: 0131 271 3310

Background Papers: Planning application 16/00213/DPP available for inspection online.

APPENDIX A



**Education, Economy
& Communities**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

**Two storey and single storey extension to dwellinghouse at
47 Arthur View Terrace, Danderhall**

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prosecution or civil proceedings

File No. 16/00213/DPP

Midlothian Council Licence No. 100023416 (2016)

Scale: 1:1,250



Midlothian

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 100013086-001

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 ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Alan

Building Name:

Last Name: *

Anderson

Building Number:

62

Telephone Number: *

07967969534

Address 1 (Street): *

Donbristle Gardens

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Dalgety Bay

Fax Number:

Country: *

Scotland

Postcode: *

KY11 9NQ

Email Address: *

alananderson88@googlemail.com

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	James	Building Number:	47
Last Name: *	Raeburn	Address 1 (Street): *	Arthur View Terrace
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Danderhall
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH22 1NS
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:	Midlothian Council
Full postal address of the site (including postcode where available):	
Address 1:	47 ARTHUR VIEW TERRACE
Address 2:	DANDERHALL
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	DALKEITH
Post Code:	EH22 1NS

Please identify/describe the location of the site or sites

--	--

Northings	669585	Eastings	330551
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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)

Two storey and single storey extension to dwellinghouse

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.

It is felt that refusal of the proposals as per the original Planning Application should be reversed as it is still felt that the proposals are not overbearing in nature and no adverse impact on daylight to the Kitchen window of the property at No 49 will occur (please note that there were no objections to the Planning Application from any neighbouring properties)

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)

Supporting Information Document 1 Existing Elevations Existing Floor Plans OS Location Plan Proposed Elevations Proposed Floor Plans Site Plan AV49_SK001_Possible amendment of scheme design Extract of City of Edinburgh Council Planning Householder Guidance

Application Details

Please provide details of the application and decision.

What is the application reference number? *

16/00213/DPP

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

23/03/2016

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

27/04/2016

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A Site Visit would be deemed as very relevant in this instance and think further discussion at the property would help alleviate any issues/ concerns as raised by MDC Planning Department

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 Alan Anderson

Declaration Date: 31/05/2016

**Two Storey and Single Storey Extension 47 Arthur View Terrace, Danderhall
Midlothian, EH 22 1NS
Planning Reference 16/00213/DPP**

**Notice of Review Application Supporting Information
Ref: 100013086_001**

Application History

A Pre Application Enquiry was submitted on 23 February as no on line Planning guidance was available for Terraced properties, a response was received on 16 March 2016, Ref 16/00138/preapp referring to RP20 and DP6 (see below)

A Planning Application was made and registered on 23 March 2016 and a decision notice stating refusal was issued on 24 April 2016

Reason for refusal were given as: the two storey extension to the side being dominant and have an overbearing impact on the outlook and also daylight to kitchen window of No 49. Policies RP20 and DP6 were quoted in the refusal notice, these seek to protect the amenity of existing residential properties and that there should be no material loss of amenity also to adjoining properties

In support of the Application for Notice of Review and the Local Review Body I state the following:

The proposed single storey extension to the rear was deemed acceptable as stated in the Planning Report

The two storey extension's design was carefully considered and was deliberately not taken beyond the front of rear of the existing building line, a similar extension was granted in 2004 for No. 61 Arthur View Terrace Ref 04/00093/FUL

Factors to consider in the Notice of Review

- Scale, size and use of materials in the proposed two storey part of the extension match the existing property and are not deemed overbearing and naturally merge in to maintain the prevalent area's character
- No loss of privacy to No 49 occurs
- No loss of sunlight occurs to No 49's existing garden ground
- No loss of amenity to No 47 garden ground due to existing garden size
- Daylight is still maintained the existing Kitchen Window to No 49
Considering one of the Policies in City of Edinburgh Council side windows are not actually protected (Page 9 of Planning Guidance for Householders (published February 2016, see extract attached). This does not say however I have tried to prevent daylight getting to the above said Kitchen window to No 49, far from it, a measurement of 3.6 meters has been maintained between the proposed gable wall of the Application property and the existing gable wall to No 49 where the said kitchen window resides

In conclusion any impact to the existing Property at No 49 has been minimised and the proposals are sympathetic to the surrounding area's character

It should also be pointed out that there were no objections at the time of the Planning Application

Amending the Scheme

It may be possible to amend the rear roof design without affecting the streetscape and that this could form part of the Notice of Review

This may also alleviate any concerns that Midlothian Council Planning Department had daylight being affected to No 49's Kitchen, see attached supporting sketch AV47_SK001

The proposed rear section of the roof could potentially be hipped which would alleviate any potential loss of daylight to the Kitchen window on the gable wall to No. 49, the proposed front section of roof facing the street to Arthur View Terrace would be maintained as was originally proposed, pitched from the ridge to eaves following same profile as the existing roof

This would not be deemed as a significant amendment to the scheme

List of Supporting Information

- Statement above
- Drawings as submitted for Planning being:
- Existing Floor Plans
- Existing Elevations
- Proposed Floor Plans
- Proposed Elevations
- Site Plan
- Location Plan
- AV49_SK001 (potential change to scheme to rear roof design)

* City of Edinburgh Council Householders
Planning Guidance Extract.

Extensions that project beyond the front building line are not generally allowed unless this fits in with the local character of the street.

Corner plots can present a particular problem where the majority of the house's garden space is in front of the building lines.

Where they contribute to the character of the area, their openness will be protected by resisting any significant intrusion into the corner ground.

Modest porches may be acceptable where they do not detract from the design of the original building or the character of the street.

Side Extensions

In achieving an extension that will fit in with the original building and respect its neighbours, the extension should be set behind the front line of the existing dwelling to give a clear definition between the new design and the existing building.

Where a side extension could visually connect separate houses so that they appear like a continuous terrace, planning permission will only be permitted if that is characteristic of the area.

Rear extensions

Rear extensions should not occupy more than one third of the applicant's original rear garden area.

For flats, including 4 in a block and maisonettes, the opportunity for extending, if any, will be limited.

Conservatories

Consent will not normally be granted for a conservatory on a principal, or other conspicuous, elevation. Exceptions may be justified for appropriately designed conservatories where this is part of the traditional character of the area.

In general, only ground floor conservatories will be permitted, except where underbuilding is required to achieve an appropriate height. Original abutting walls should be kept and form part of the structure. Where dwarf walls are proposed they should be constructed with the same materials and finish as the house.

Proposals for a new conservatory on a listed building should ensure that the original stonework inside a conservatory remains unpainted, and that the colour of the conservatory respects the character of the area.

Daylight and sunlight

Daylight and sunlight are important to health and well being. Lack of daylight contributes to depression (SAD), and sunlight helps synthesise Vitamin D which is important for bone health.

Adequate daylight can also reduce the energy requirements of development through lessening the need for electric lighting.

All extensions and alterations will be required to ensure adequate daylighting, privacy and sunlight both for themselves and to their neighbours.

Calculating daylight and sunlight is complex, but there are some simple "rules of thumb" which can be used to check whether a proposed development is likely to conform. These are set out here.

Step 2: Fitting it on to the site

All new development should ensure that:

- the amenity of neighbouring development will not be adversely affected by impact on privacy, daylight, sunlight or immediate outlook from main (i.e. front and rear) windows; and,
 - occupiers will have adequate daylight, sunlight, privacy and immediate outlook
- If the proposal does not meet these criteria, and there are good townscape reasons for looking at other solutions (for instance, the character of an historic area), then more detailed calculations will be required. Guidance can be found in the *Building Research Establishment guide Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice*.

Daylight to existing buildings

Reasonable levels of daylight to existing buildings will be maintained where the measure of daylight falling on the wall (the Vertical Sky Component - VSC), does not fall below 27%. This standard can be achieved where new development is kept below a 25° line from the mid point of an existing window.

Daylighting to side or gable windows is not protected (see Side Windows, page 11)



Neighbouring Property

Extension sits below 25° line and will not affect neighbour's daylight adversely

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 16/00213/dpp

Site Address: 47 Arthur View Terrace, Danderhall

Site Description:

The application property comprises an end terraced two storey dwellinghouse finished externally in drydash render with brown timber framed windows and grey/brown contoured roof tiles. There is an existing shed in the back garden.

Proposed Development:

Two storey and single storey extension to dwellinghouse

Proposed Development Details:

It is proposed to erect a two storey extension on the north side of the house measuring 3.1m wide and 6.8m deep continuing the form of the existing house. A single storey extension with a monopitch roof is proposed at the rear. This extension measures 4.1m deep by 6.25m. The walls of the extensions are to be rendered to match the house. Windows are to be brown upvc. The roof finish on the two storey extension is to match existing with a felt roof on the single storey extension.

The rear garden of the application property is at a higher level than the house. The proposal includes a new path and patio area surrounding the rear extension surrounded by a new 1.1m high brick retaining wall.

The submitted plans indicate the formation of a drive way in the front garden. Subject to the drive way surface being permeable or draining to a permeable surface within the curtilage of the application property and the new gates not exceeding 1m in height these works constitute permitted development.

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

History sheet checked.

The applicant's agent submitted a pre-application enquiry for extensions at the application property. The single storey extension had a steeper roof pitch and did not project along the boundary with no. 45 as far as the current proposal. The agent was advised that the design of the extensions appeared acceptable. However some concern was expressed regarding the impact of the two storey extension on the amenity of no.49 in terms of daylight, sunlight, outlook and overlooking.

Consultations:

None required.

Representations:

None received.

Relevant Planning Policies:

The relevant policies of the 2008 Midlothian Local Plan are;

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

DP6 – House Extensions - requires that extensions are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines also relate to size of extensions, materials, impact on neighbours and remaining garden area.

Planning Issues:

The main planning issue to be considered is whether or not the proposal complies with the development plan policies and, if not, whether there are any material planning considerations which would otherwise justify approval.

The design of the two storey extension is in keeping with the character of the existing building. The roof of the single storey extension has a very shallow pitch and for all intents and purposes will appear as a flat roof. Whilst this does not reflect the form of the roof of the main part of the building the extension will appear subservient to, and located at the rear will not have a significant impact on, the overall character of the existing building or the visual amenity of the surrounding area.

Sufficient garden area would remain after the erection of the extension.

The rear extension would not be overbearing to the outlook of the house or garden at no. 45. Satisfies standard 45° daylight test to nearest window at no. 45. The extension will not have a significant impact on sunlight to no. 45.

Neither the side or rear extension would be overbearing to the garden at no. 49. The patio doors on the side of the rear extension would permit views to no. 49. This can be overcome by the erection of a fence on the boundary. The two storey extension would result in increased overshadowing of no. 49's rear garden in the morning although not to such an extent as to warrant refusal of planning permission. There is a window on the gable of no. 49 which serves the kitchen. Albeit there is a part glazed door and narrow glazed panel on the rear elevation also serving the kitchen this window is the main source of light and outlook to this room. The extension will not have a significant impact on sunlight to this room. However it would have an adverse impact on daylight to this window detrimental to the amenity of the occupier of no. 49. Also the proposed two storey extension would be very prominent with an overbearing impact on the outlook of this room. The single storey extension would not be overbearing to the outlook.

(In the pre-application submission the agent referred to an extension at 61 Arthur View Terrace. The notes on the planning application file (03/00093/FUL) mention a window on the gable of the neighbouring property which serves a bedroom as opposed to a kitchen. It is noted in the BRE document Site Layout Planning for Daylight and Sunlight - A Guide to Good practice (PJ Littlefair) that kitchens need more daylight than bedrooms with bedroom being less important.)

Recommendation:

Refuse planning permission.



Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 16/00213/DPP

Alan Anderson
62 Donibristle Gardens
Dalgety Bay
Scotland
KY11 9NQ

Midlothian Council, as Planning Authority, having considered the application by Mr James Raeburn, 62 Donibristle Gardens, Dalgety Bay, Scotland, KY11 9NQ, which was registered on 23 March 2016 in pursuance of their powers under the above Acts, hereby refuse permission to carry out the following proposed development:

Two storey and single storey extension to dwellinghouse at 47 Arthur View Terrace, Danderhall, EH22 1NS

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	SP 001 1:1000	23.03.2016
Site Plan	SP 002 1:100	23.03.2016
Existing floor plan	1:50	23.03.2016
Existing elevations	1:100	23.03.2016
Proposed floor plan	Rev A 1:50	23.03.2016
Proposed elevations	1:100	23.03.2016

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

1. *The proposed extension would have a detrimental impact on the amenity of the neighbouring property at no. 49 Arthur View Terrace by virtue of the following:*
 - (a) *it would be an overly dominant feature with an overbearing impact on the outlook from the kitchen window of no. 49; and*
 - (b) *it would result in an adverse impact on daylight to the kitchen window of no. 49.*
2. *For the above reasons the proposal is contrary to policies RP20 and DP6 of the Midlothian Local Plan which seeks to protect the amenity of existing residential areas and require that in providing additional space for the existing building there should be no material loss of amenity for adjoining houses. If the proposal were approved it would undermine the consistent implementation of these policies.*

Dated 27 / 4 / 2016

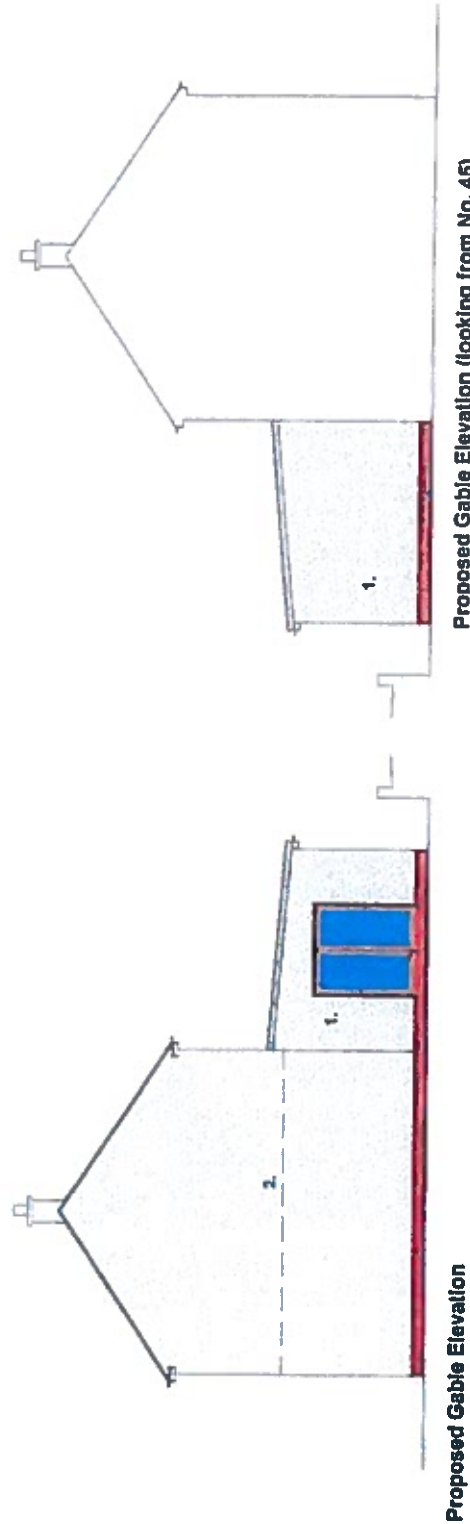
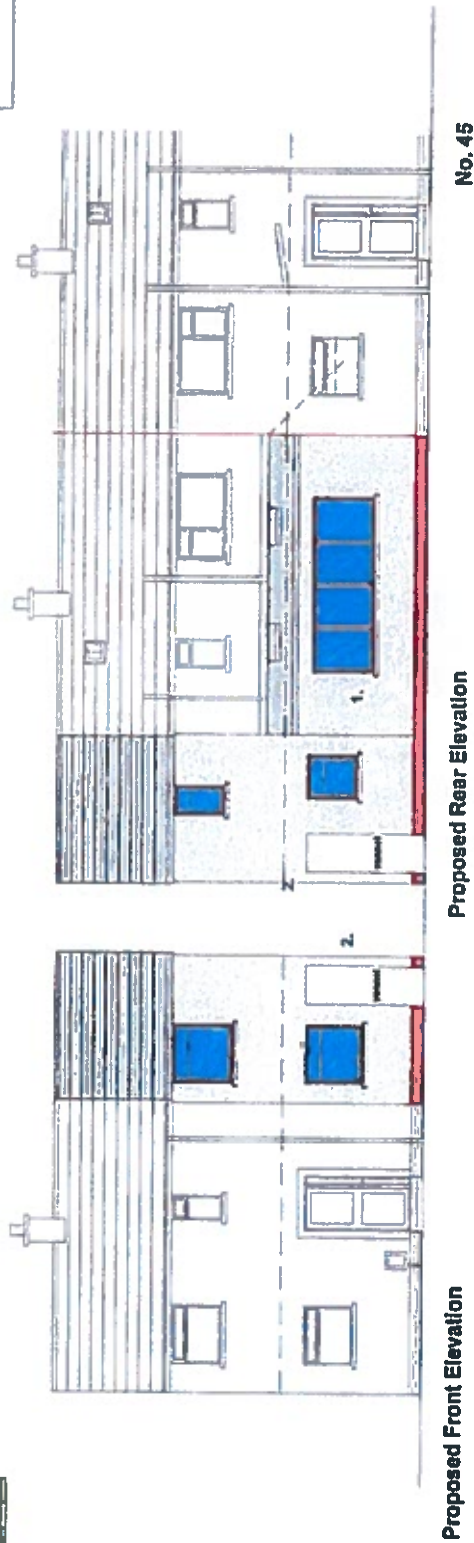
DR

.....
Duncan Robertson
Lead Officer – Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

Proposed Elevations 1:100@A3



Proposed Alterations 47 Arthur Vane Terrace Denderhall, Mallowpark February 2018	Alan Anderson Architectural Design 82 Donkerella Gardens Clagerty Bay NT11 8WQ
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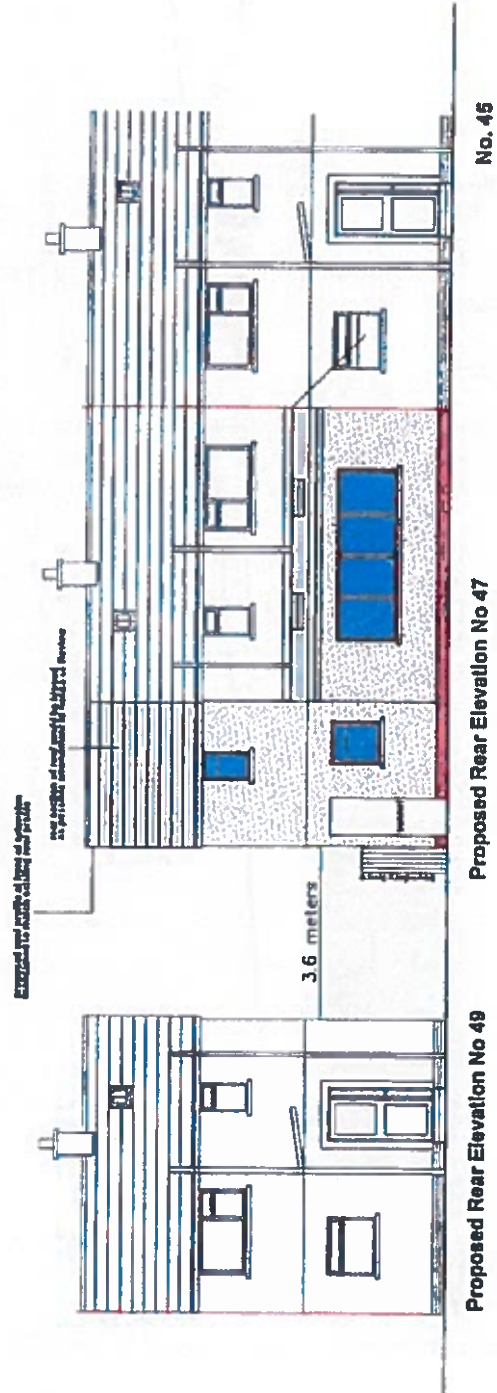


Notes:

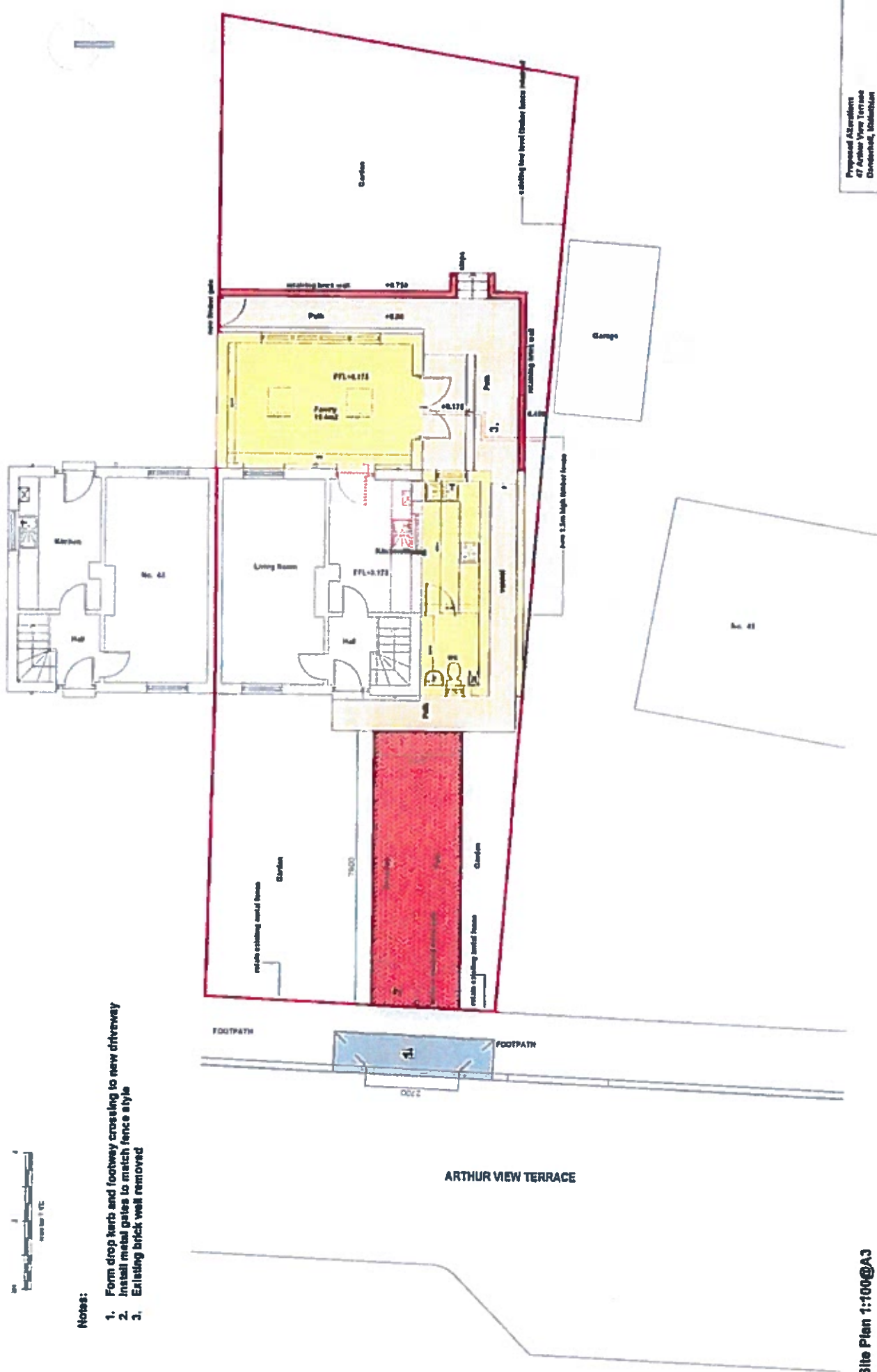
1. Form single storey extension to rear of property
2. Form two storey extension to side/gable of property

Materials:

- Roof Two Storey - grey roof tiles to match
- Single Storey - grey felt finish
- Windows - brown upvc to match
- Walls - roughcast to match
- Brick Base Course - red/brown facing brick to match
- Rainwater goods - grey upvc to match



AV 49_SK001



Notes:

1. Form drop kerb and footway crossing to new driveway
2. Install metal gates to match fence style
3. Existing brick wall removed

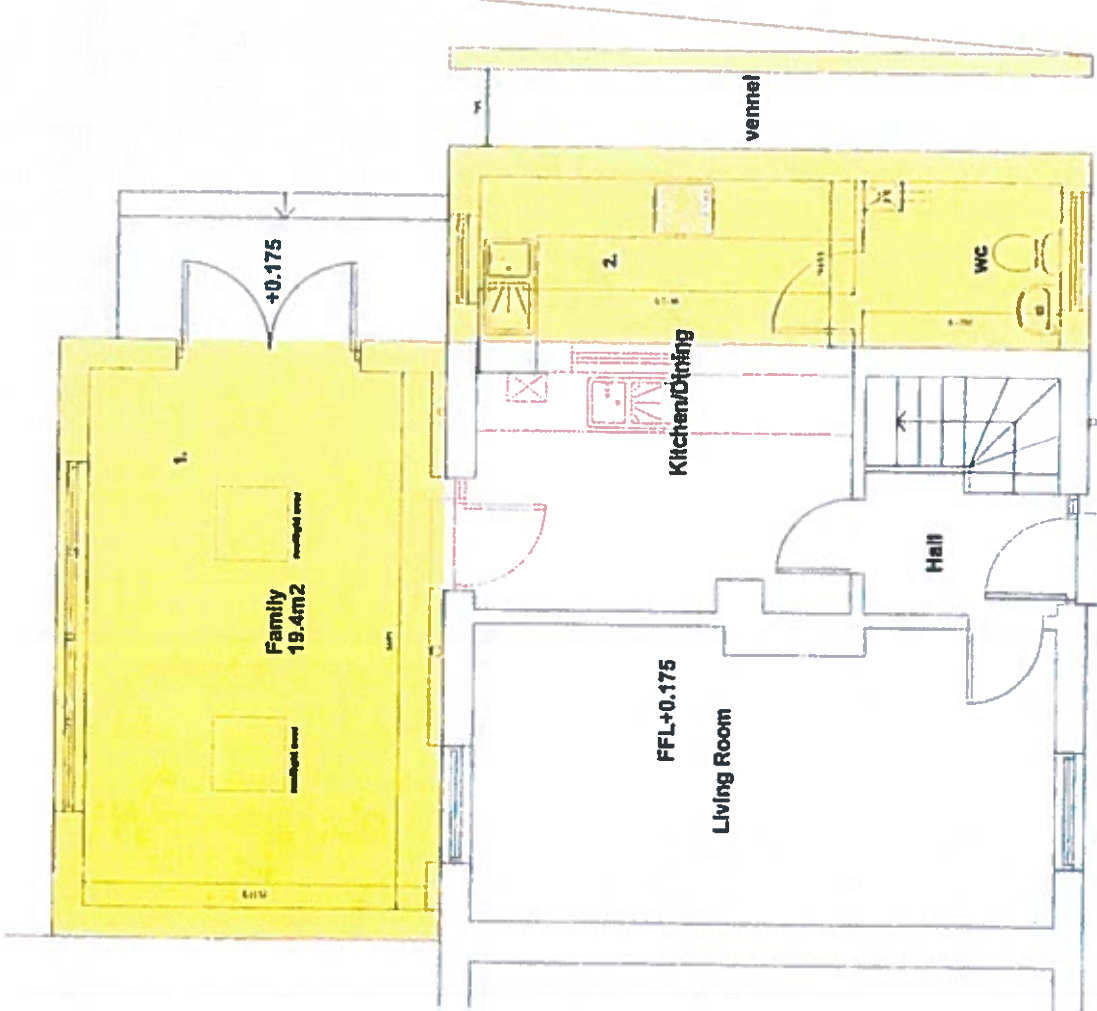
Site Plan 1:100@A3
SP 602

APPLICATION BOUNDARY

Proposed Alterations
47 Arthur View Terrace
Doncaster, Nottingham
February 2018

Alan Anderson Architectural Design
68 Doncaster Road
Glasgow G4 7JY
RT111 WND

Proposed Floor Plans 1:50@A3

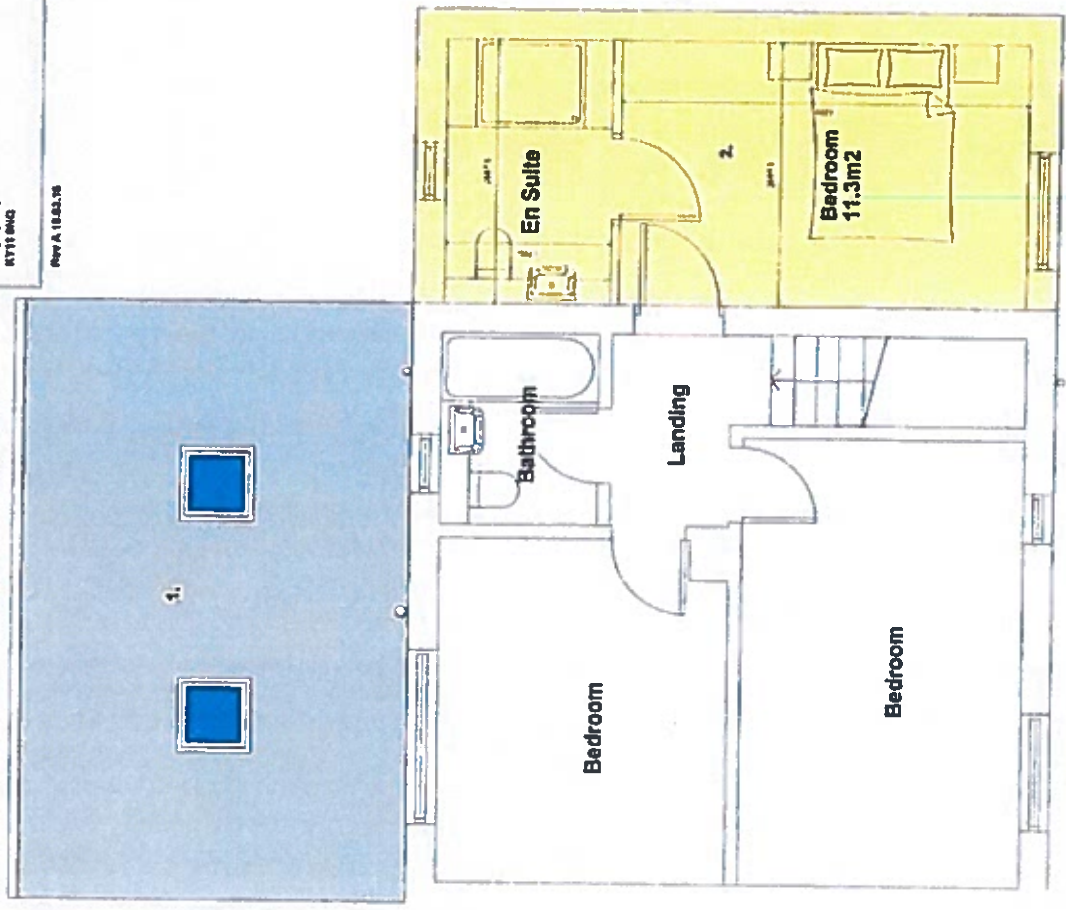


Proposed Ground Floor Plan



Proposed Alterations 47 Ash Grove Stoke-on-Trent, Staffordshire February 2019	Alan Anderson Architectural Design 62 Donkirk Gardens Belper Derby DE11 6NQ
--	--

Rev A 18.03.19



Proposed First Floor Plan

Notes:

1. Form single storey extension to rear of property
2. Form two storey extension to side/gable of property

Notice of Review: Lothian Cottage, Lothian Bridge, Dalkeith Determination Report

Report by Ian Johnson, Head of Communities and Economy

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of a two storey and a single storey extension at Lothian Cottage, Lothian Bridge, Dalkeith.

2 Background

- 2.1 Planning application 16/00193/DPP for the erection of a two storey and a single storey extension at Lothian Cottage, Lothian Bridge, Dalkeith was refused planning permission on 16 May 2016; 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, issued on 16 May 2016 (Appendix D); and
 - A copy of the relevant drawings/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 agreed by the LRB, the LRB by agreement of the Chair:

- Have scheduled an unaccompanied site visit for Monday 5 September 2016; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that one consultation response and one representation (objection) have been received. As part of the review process the interested parties were notified of the review. No comments have been received. All the comments can be viewed online on the electronic planning application case file via www.midlothian.gov.uk.
- 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 19 June 2012 and 26 November 2013, 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. Development shall not begin until a scheme to deal with any contamination of the site and/or previous mineral workings has been submitted to and approved by the planning authority. The scheme shall contain details of the proposals to deal with any contamination and/or previous mineral workings and include:
 - i. the nature, extent and types of contamination and/or previous mineral workings on the site;

- ii measures to treat or remove contamination and/or previous mineral workings to ensure that the site is fit for the uses hereby approved, and that there is no risk to the wider environment from contamination and/or previous mineral workings originating within the site;
- iii measures to deal with contamination and/or previous mineral workings encountered during construction work; and
- iv the condition of the site on completion of the specified decontamination measures.

Before any part of the site is occupied for residential purposes, the measures to decontaminate the site shall be fully implemented as approved by the planning authority.

Reason: To ensure that any contamination on the site is adequately identified and that appropriate decontamination measures are undertaken to mitigate the identified risk to site users and construction workers, built development on the site, landscaped areas, and the wider environment.

- 2. Before the extension is occupied for residential purposes any remedial measures required in accordance with the scheme approved in terms of condition 1 shall be completed.

Reason: To ensure that the site is in a suitable condition for its proposed use for residential purposes given the industrial history of the site.

- 3. The external walls and copes of the extension shall be finished in natural stone.
- 4. The size, colour, texture and coursing of the natural stone to be used on the external walls of the extension shall match those of the external walls of the existing building.
- 5. Details, including elevations, to show the treatment of the window and door surrounds on the extension shall be submitted to the Planning Authority and no work shall start on the extension until these details have been approved in writing by the Planning Authority.
- 6. The slate on the roof of the extension shall match the size, colour and coursing of the slate on the roof of the existing building.
- 7. Details of the colour finish of the garage doors shall be submitted to the Planning Authority and they shall not be installed until this detail has been approved in writing by the Planning Authority.

Reason for conditions 3- 7: To safeguard the character of the house as extended and the visual amenity of the surrounding area.

- 8. Development shall not begin until a report/investigation on bat activity/presence is undertaken by a qualified ecologist and any mitigation measures identified implemented in accordance with details to be submitted and approved in writing by the planning

authority. The update investigation shall be carried out within the 6 months prior to development commencing.

Reason: *In the interests of safeguarding otter, barn owl, badger and bats in accordance with Policy RP13 of the Adopted Midlothian Local Plan and to ensure that an up to date understanding of these species on the site is available prior to development commencing.*

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

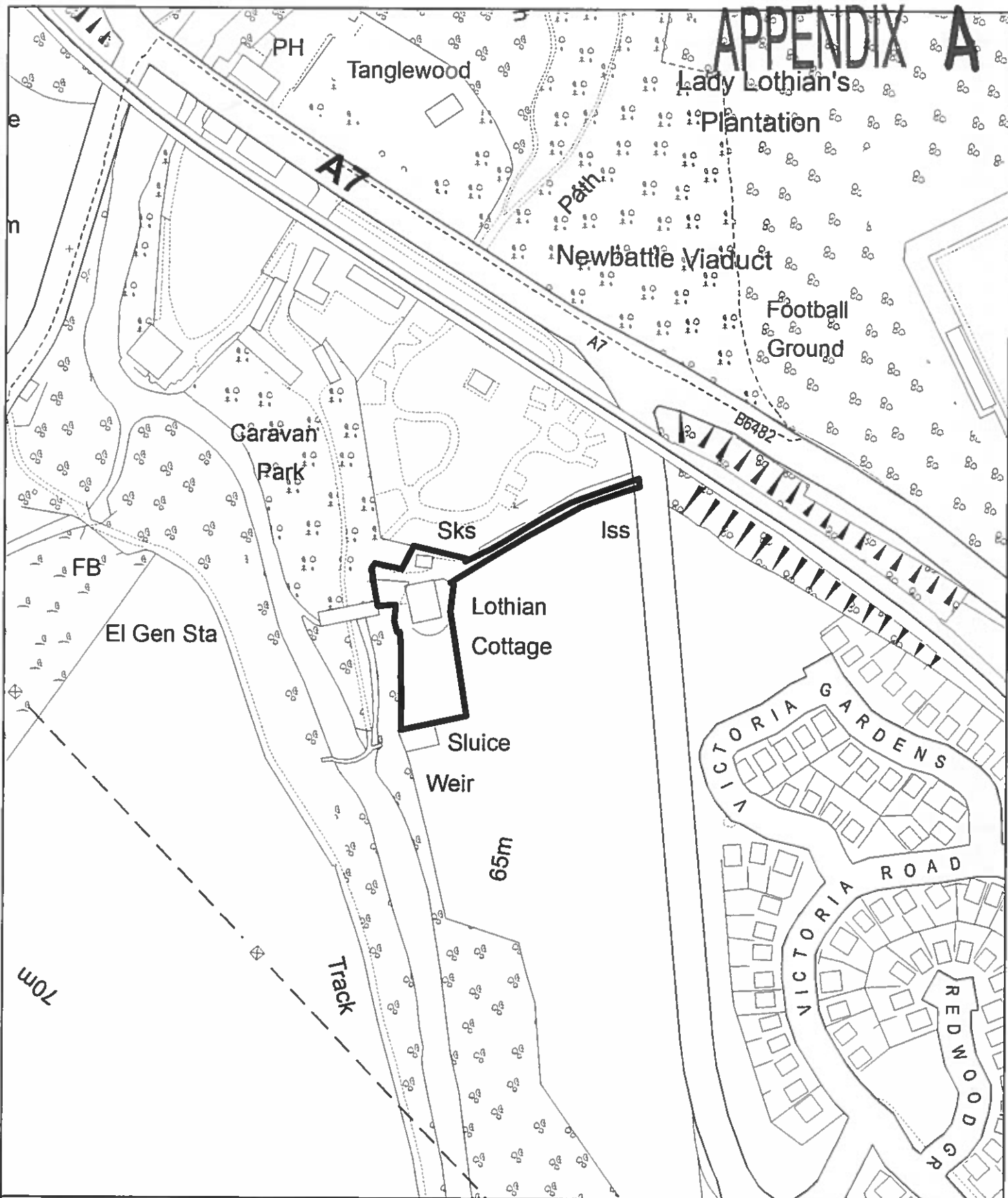
Date: 30 August 2016

Report Contact: Peter Arnsdorf, Planning Manager (LRB Advisor)
peter.arnsdorf@midlothian.gov.uk

Tel No: 0131 271 3310

Background Papers: Planning application 16/00193/DPP available for inspection online.

APPENDIX A



**Education, Economy
& Communities**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

**Erection of two storey and single storey extension to
dwellinghouse at Lothian Cottage, Dalkeith**

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File No. 16/00193/DPP

Scale: 1:2,500



Midlothian

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 100021494-001

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 ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation: Cockburn's Consultants

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Lothian Cottage
First Name: *	Sandy	Building Number:	
Last Name: *	Alexander	Address 1 (Street): *	Lothian Bridge
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Dalkeith
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH22 4TS
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:	Midlothian Council
Full postal address of the site (including postcode where available):	
Address 1:	LOTHIAN COTTAGE
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	DALKEITH
Post Code:	EH22 4TS

Please identify/describe the location of the site or sites

--	--

Northing	664675	Easting	332720
----------	--------	---------	--------

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)

Erection of two storey and single storey extension to rear of dwellinghouse

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.

Please see Grounds of Appeal Statement

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)

Grounds of Appeal Statement All plans, etc as submitted and referred to in planning application

Application Details

Please provide details of the application and decision.

What is the application reference number? *

16/00193/FUL

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

17/03/2016

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

13/05/2016

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

No reason

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

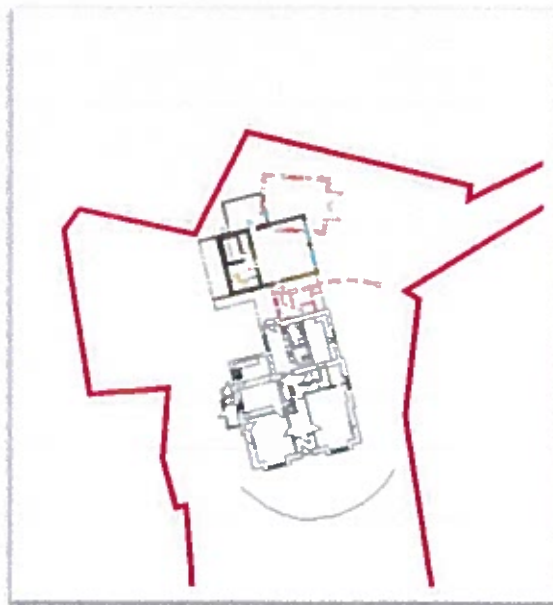
I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Brent Quinn

Declaration Date: 08/08/2016

Local Review Body (LRB) Grounds of Appeal Statement

For: Mr Sandy Alexander
Against: Refusal of Planning Permission
By: Midlothian Council
For: Proposed Rear Extension
At: Lothian Cottage Dalkeith EH22 4TS



Prepared by:
Brent Quinn MA(Hons) MRTPI PRINCE2
Cockburn's Consultants
July 2016
www.cockburnsconsultants.com

JOB REFERENCE: HH/16004/BQ

ON BEHALF OF: MR SANDY ALEXANDER

VERSION: FINAL (SUBMISSION)

DATE: 8TH AUGUST 2016

PREPARED BY: 
BRENT D QUINN MA (Hons)

Cockburn's Consultants 2016

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Registered Office at:

29 Ryehill Terrace

Edinburgh

Eh6 8EN

Contents

1. Introduction	4
2. Site and Surroundings	5
3. Development Proposals & Case Context	7
4. Planning Policy	8
5. Planning Analysis	10
6. Conclusions	14

Appendix 1: All Plans, Drawings, etc.

1. Introduction

This appeal concerns a detached two storey dwellinghouse known as Lothian Cottage, by Dalkeith. The property is a traditional Victorian building that sits within a secluded woodland setting (hereafter the 'appeal property').

On the 17th March 2016, on behalf of the appellant, Mr Stuart Smith of VAS Architectural Practice, lodged a Planning Application (Ref. 16/00193/DPP) with Midlothian Council for the 'Erection of two storey and single storey extension to dwellinghouse' at the appeal property. The application was validated on the same day as the submission date and was subsequently refused by delegated powers on 16th of May 2016.

The following singular reason for refusal was cited:

1. The proposed extension as a result of its massing, detailed design treatment and materials is unsympathetic to and would seriously diminish and detract from the character of the existing building, contrary to policy DP6 of the adopted Midlothian Local Plan which requires that extensions are well designed in order to maintain or enhance the appearance of the house.

Following this introduction, this report comprises the following sections:

- Section 2 - provides a brief review of the site and its surroundings;
- Section 3 - details the development proposals and context;
- Section 4 - provides detail of planning policy;
- Section 5 - provides an analysis of this policy and the case generally; and finally,
- Section 6 - draws key conclusions to this statement.

Due to the small size of the site and the modest scale of the proposal, the application was classed as a "Local Development" in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. As the application was determined under 'delegated powers' by Midlothian Council and therefore it is a matter for the Local Review Body (LRB), as opposed to the Directorate for Planning and Environmental Appeals.

It is respectfully requested that this LRB planning appeal is upheld and that planning permission is granted accordingly.

2. Site and Surroundings

The appeal property comprises a traditional two storey stone built dwellinghouse with a slate roof and white upvc framed sash and case windows. There is an existing single storey lean to attached to the north side of the house and a single storey flat roof extension attached to the west side of the house with a balcony above. There is an existing detached garage building to the north of the house.

The Lothian Bridge caravan park is located to the north of the appeal property and a house associated with this use is located to the west of the appeal property. A significant and dense tree belt separates the properties and uses, to the west and to the north. A significant garden ground of nearly 1 acre is located to the south of the property, beyond which lies open agricultural land, which is screened from the A7 by high hedges.

The appeal site is accessed from the A7, around 60m or so south of its junction with Dalhousie Road. A 100m long access track provides sole access to the appeal property.

The overall feel of the site is that it is secluded and not overlooked in any way by any other uses or dwellings.



Figure 1: Photograph of Appeal Property Showing Site Context (not to scale)

A more accurate and specific location plan of the appeal site and the land associated thereof is shown below, in Figure 2:

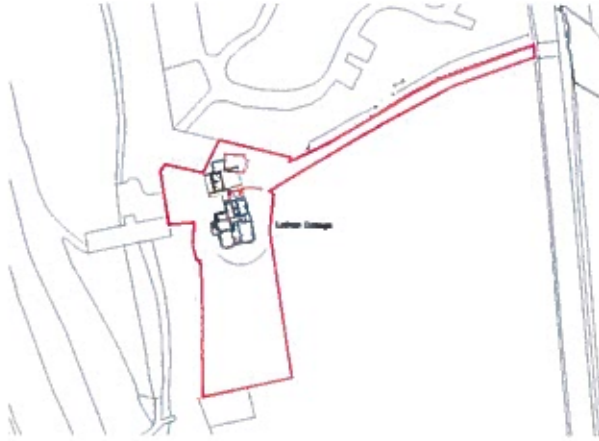


Figure 2: Location Plan (not to scale)

3. Development Proposals & Case Context

Proposal

The appellant is seeking planning permission for the development of a two-storey extension to the side of the dwelling.

It is proposed to remove the existing lean to extension and garage on the north side of the house and extend the house on this side. The extension comprises of three parts. A 4m wide, 5.2m deep two storey extension with its ridge running in line with the existing roof on this side of the building is proposed adjoining the existing building linking on to 6.7m wide and 12m deep two storey extension with its ridge running perpendicular to the linking structure. Beyond this to the north of the house a single storey extension measuring 3.5m wide and 4.5m deep is proposed. The extension is to be finished in ashlar stone with slate roof and white upvc windows and doors. The scheme includes balconies at first floor level on the west elevation with glass balustrades.

The plans are contained at Appendix 1.

Aim and Purpose of Proposal

The aim is to increase the ground floor area of the property to provide an additional bedroom and living area by creating the proposed extension to the rear of the property and the dormer to the front. The proposed extension is full width of the existing property with a flat roof to reduce massing of the structure. The external finish is to be blonde brick to match the existing property. The main reason for this proposal is that although it was designed as a family home, the proportions of the property are relatively small and not conducive to modern day to day living.

By matching existing external materials the aim is to create a structure which is sympathetic to the original house. It will also create a living space that reflects the needs of its owner but not to the detriment of the neighbouring properties.

The application process attracted only one objection, which raised no material issues in respect of the final refusal.

4. Planning Policy

Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that where, in making any determination under the planning Acts, regard is to be had to the development plan, and the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

The development plan in this case includes:

- SESplan, as approved, (June 2013), and
- City of Edinburgh Local Plan (adopted 2010)

A significant material consideration in the determination of this case is the non-statutory 'Guidance for Householders', approved by the Council in December 2012.

National Planning Policy & Guidance

Scottish Planning Policy 2014

- This SPP is a statement of Scottish Government policy on land use planning and contains:
- The Scottish Government's view of the purpose of planning,
- The core principles for the operation of the system and the objectives for key parts of the system;
- Statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006;
- Concise subject planning policies, including the implications for development planning and development management; and
- The Scottish Government's expectations of the intended outcomes of the planning system.

Development Plan

SESPlan (2013)

The proposal does not raise any strategic issues, therefore this document is not applicable.

Midlothian Local Plan (2008) (MLP)

The relevant policies of the MLP are;

RP1 – Protection of the countryside - seeks to restrict development in the countryside.

RP8 - Water Environment - aims to prevent damage to water environment, including groundwater and requires

compliance with SEPA's guidance on SUDs.

RP9 - Protection of River Valleys - requires development within the river valley protection areas of the Rivers North Esk, South Esk and Tyne to have a specific locational need for the development, and where this is established, development must demonstrate that it will not have an adverse impact either on the landscape and conservation value of the valleys or impede potential public access opportunities.

DP3 - Protection of the Water Environment - sets out development guidelines regarding flooding, treatment of water courses, drainage and Sustainable Urban Drainage Systems (SUDS).

DP6 – House Extensions - requires that extensions are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines also relate to size of extensions, materials, impact on neighbours and remaining garden area.

5. Planning Analysis

Context

The application was refused for the following single reason:

2. The proposed extension as a result of its massing, detailed design treatment and materials is unsympathetic to and would seriously diminish and detract from the character of the existing building, contrary to policy DP6 of the adopted Midlothian Local Plan which requires that extensions are well designed in order to maintain or enhance the appearance of the house.

It is suggested that there are two determining issues in this LRB appeal, namely:

1. whether the proposal complies with Policy DP6 of the adopted Local Plan, , and
2. whether the proposal complies with the Guidance for Householders' document.

Whilst considering:

3. whether the proposed extension would have an adverse effect on the character of the amenity of the area in terms of its footprint, scale, massing and design, and
4. whether there would be any impact on the residential amenity of the neighbouring properties

These issues are collectively considered in the following assessment.

Assessment

Rear Extension

It is considered that the wording of the planning officer's Report of Handling creates some confusion as to what constitutes the principal elevation of the dwellinghouse to which this proposal relates. For the avoidance of any doubt, the principle elevation i.e. where the main entrance is located and where the windows of principle rooms are positioned, faces the south. The house was built at a time where almost all properties were orientated to the south, in order to maximize solar gain. The principle elevation is therefore unequivocally that which is south facing.

The dwelling is approached from the east and it is the rear of the house which is first encountered on arrival, which may have caused for some confusion. However, the extension being proposed is to the north of the dwellinghouse and is therefore a 'rear extension'. This is shown and explained visually in Figure 3, below:

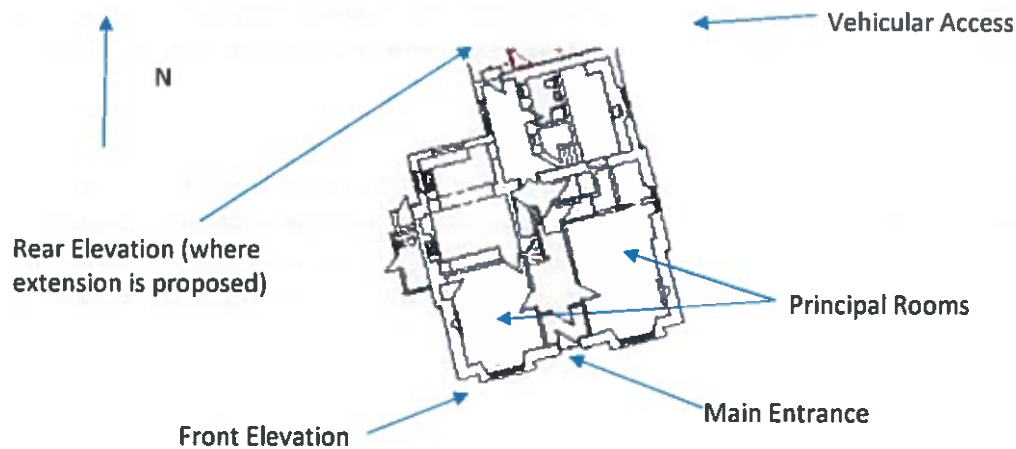


Figure 3: Original Dwelling Showing Proposal is a 'Rear Extension'

Taking cognizance of this, the proposed development should have been correctly described as: 'Erection of two storey and single storey extension to [rear of] dwellinghouse'. Given that the issue of subservience and impact on the character and setting of the original dwellinghouse were so central both in the planning officer's Report of Handling and in the single reason for refusal, it is important to acknowledge this fundamental point at the outset.

Footprint

In terms of footprint only, a similar sized extension would be permissible through Scottish Government's prescribed General Permitted Development Rights (GPDR). This legislation permits a 50% increase in the original footprint of the dwelling. In this case, the existing footprint is 85sqm, thus an additional extension of 42.5sqm would be permissible without the requirement for any planning permission whatsoever. The overall footprint permissible would be 127.5sqm, whilst the proposal would result in a footprint of some 139sqm. The increase in what is being proposed is only marginally greater than would be permitted through the GPDR. It is recognised that this element of legislation refers to single storey extensions (up to 4m in height), whilst what is being proposed in this instance is of course two storey. However, it illustrates that what is being sought in terms of the footprint at least is generally acceptable, and is not hugely greater than what would be considered to be permitted development per the criteria specified in the GPDR.

Scale & Massing

The proposed development by means of its size, form and design is compatible to the host dwellinghouse and does not have a detrimental impact on neighbouring properties or other land users.

As referred to above, the footprint of the extension is smaller than that of the existing building and as a result it does not compete with the original dwellinghouse. Indeed, the principal elevation of the house i.e. the south facing elevation, remains entirely untouched and when viewing the building from this perspective, the extension

will have no impact whatsoever. The ridge height of the proposed extension in terms of the link is slightly below the existing, to emphasise that the new element will be subservient. It is acknowledged that this ridge point would have ideally been slightly lower than proposed but practical construction issues necessitate the height as proposed.

The original building was built in circa the Victorian era, and is of a scale and type of property where it would not be unusual to have either a separate or integrated coach houses as part of the overall design. It is therefore quite unreasonable for the planning officer to state that 'the integral garage at ground floor level of the two storey gabled part of the extension is totally unsympathetic and out of keeping with the traditional character of the existing building'.

Policy DP6

In addition to the above, Policy DP6 is an entirely correct policy against which to assess the proposal. Criterion a) of Policy Des 11 of the Edinburgh City Local Plan states that planning permission will be granted for alterations which in their design, form, positioning and choice of materials are compatible with the character of the existing building. This is the key consideration in this case. Building upon this policy, the following detailed criteria are applicable to demonstrate that any householder extension complies with Policy Des 11:

Design and Materials;

The proposal blends well with the materials of the existing house. The proportions of the design are in keeping with the local vernacular. The design is such that it will fit harmoniously, not only in relation to the existing dwellinghouse, but also the wider rural context within which it sits.

The walls of the extension are to be finished in ashlar. The treatment of the external face of the stone has not been specified, although the appellant is happy to incorporate a condition requiring that it would be natural stone. The planning officer has stated that there is 'some concern on how good a match can be obtained in terms of in particular the colour, size, coursing and texture of the stone' although this is a regular issue when matching old with new, and usually weathering will blend this out in time.

The planning officer makes reference to the fact that no details of the treatment of the window and door surrounds submitted, although it is respectfully considered that this matter can easily be overcome by virtue of a suitably worded planning condition.

In terms of design and materials, the proposal is overall fully compliant.

Useable Private Garden Space;

The proposal would account for less than one third of the existing garden ground leaving ample amenity space in accordance with the requirements of the Non Statutory Guidance for Householders.

Privacy and Overlooking:

There are no overlooking windows or overlooking into any garden areas so there are no issues arising with this proposal in either regard.

Daylight and overshadowing:

The proposal essentially works with the character and type of the existing roof. It has been designed in such a way that it will not result in any loss of daylight or overshadowing for either the appeal property or the adjacent property.

The proposed extension satisfies the universally accepted 45 degree daylighting criterion will not cause an unreasonable loss of daylight into neighbouring properties. The proposal will not cause overshadowing of neighbouring properties.

Based on the above the proposal does not cause an unreasonable impact on the amenity of adjoining properties.

Energy Efficiency.

The main useable space in the proposal remains located at the front of the property, which is south facing. It therefore maximizes passive solar gain, minimizing exposure and heat loss.

Proposed Conditions

1. The external materials and finishes of the extension shall match those on the existing dwellinghouse and be finished in natural stone.
2. The design, materials and treatment of the window and door surrounds on the extension shall match the corresponding details on the existing dwelling.
3. Unless otherwise approved in writing by the Planning Authority the roof and cheeks shall be finished externally in natural slate to match that on the roof of the existing extension.

Reason for conditions 1 – 3: To safeguard the character of the existing building.

Conclusion

Policy DP6 of the Midlothian Local Plan makes reference to key issues such as overlooking and scale, massing and design, which have all been addressed in the foregoing discussion.

The proposed extension represents a well designed high quality contemporary complementary addition or a distinctive contrasting new component. As a result, this appeal proposal would seriously not detract from the character of the existing building and provide contemporary accommodation that will meet the appellant's family needs.

Overall, the proposed extension is considered to be in accordance with all other provisions of Policy DP6 and it is respectfully requested that planning permission should be approved.

6. Conclusions

It is submitted that the proposal that is subject of this LRB appeal ought to be given planning permission given that:

- Policy DP6 of the adopted Local Plan makes reference to key issues such as overlooking and scale, massing and design, which have been addressed in the foregoing discussion.
- The proposed extension is considered to be in accordance with all other provisions of Policy DP6 and it is respectfully requested that planning permission should be approved.
- The proposal is relatively modest and is wholly subservient to the principal building, with the principal elevation of the main building being left entirely intact.
- The proposed development is a rear extension of a design and type that aligns with the existing house and the general appearance of the local vernacular.
- The materials proposed match the existing and are considered to be wholly acceptable.
- Despite a full neighbour notification exercise being carried out in respect of this proposal and the previous planning application, only one neighbour representation was received in respect of the planning application, on grounds that were ultimately proved to be not material to the consideration of the case.
- Overall, the proposal is in accordance with the Development Plan, in particular with Policy DP6 of the adopted Local Plan.

Accordingly, it is respectfully requested that this LRB appeal be upheld and that planning permission be granted.

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 16/00193/dpp

Site Address: Lothian Cottage, Dalkeith

Site Description:

The application property comprises a traditional two storey stone built dwellinghouse with a slate roof and white upvc framed sash and case windows. There is an existing single storey lean to attached to the north side of the house and a single storey flat roof extension attached to the west side of the house with a balcony above. There is an existing detached garage building to the north of the house.

Proposed Development:

Erection of two storey and single storey extension to dwellinghouse

Proposed Development Details:

It is proposed to remove the existing lean to extension and garage on the north side of the house and extend the house on this side. The extension comprises of three parts. A 4m wide, 5.2m deep two storey extension with its ridge running in line with the existing roof on this side of the building is proposed adjoining the existing building linking on to 6.7m wide and 12m deep two storey extension with its ridge running perpendicular to the linking structure. Beyond this to the north of the house a single storey extension measuring 3.5m wide and 4.5m deep is proposed. The extension is to be finished in ashlar stone with slate roof and white upvc windows and doors. The scheme includes balconies at first floor level on the west elevation with glass balustrades.

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

History sheet checked.

Consultations:

The Wildlife Information Centre – (received 27.04.16) - looking at the proposed work and the surrounding habitat it is possible a bat roost may be present in the building so a suitably qualified ecologist should carry out a bat roost assessment and further survey work if deemed needed.

Representations:

One representation has been received in relation to the application from the occupier of Esk House, objecting to the proposals on the following grounds:

- Overlooking to the house and garden and resultant impact on privacy (this was an issue when they sought planning permission for the redevelopment of their property);
- The plans are unclear – the use of natural stone on the external walls of the extension and for the lintels/window surrounds should be covered by condition;

- Concerned that the new windows are not timber framed.
- It is likely that the site will be included in a conservation area and is within an area of outstanding landscape beauty and is highly visible from the road and the impact of this large extension will be significant.
- As a result of its scale and modern design and proportions the extension will overpower the house with the garages becoming a prominent feature;
- The proposed balconies and large doorways are not in keeping with the design and proportions of the existing house;
- Impact on road safety as a result of the potential increase in the number of inhabitants – a traffic impact report should be obtained;
- The reduction in the area for natural drainage and the proximity of the extension to and the resultant impact on the retaining wall between the two properties and the safety of their property – an engineer's report should be obtained in this respect;
- No details of drainage for rainwater or foul water have been submitted and they already suffer from unpleasant odours from the current drainage/sewerage system;
- The proposed extension is in close proximity to a gasometer and land the subject of previous heavy industrial use and as such a toxicology report should be obtained.

Relevant Planning Policies:

The relevant policies of the **2008 Midlothian Local Plan** are;

RP1 – Protection of the countryside - seeks to restrict development in the countryside.

RP8 - Water Environment - aims to prevent damage to water environment, including groundwater and requires compliance with SEPA's guidance on SUDs.

RP9 - Protection of River Valleys - requires development within the river valley protection areas of the Rivers North Esk, South Esk and Tyne to have a specific locational need for the development, and where this is established, development must demonstrate that it will not have an adverse impact either on the landscape and conservation value of the valleys or impede potential public access opportunities.

DP3 - Protection of the Water Environment - sets out development guidelines regarding flooding, treatment of water courses, drainage and Sustainable Urban Drainage Systems (SUDS).

DP6 – House Extensions - requires that extensions are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines also relate to size of extensions, materials, impact on neighbours and remaining garden 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. As this is an existing house there is no objection in principle to its extension.

The application site is elevated from the river. The proposal does not conflict with the aims of policies RP9, RP8 and DP3 in relation to the water environment.

The application property is not located within a conservation area or Area of Great Landscape Value and is not identified as such in the emerging Midlothian Local Development Plan. However the design of the proposed extension and its impact on both the existing building and the visual amenity of the surrounding area are material planning considerations in the assessment of the application.

The application property comprises a traditional two storey stone dwellinghouse. Whilst it is acknowledged that the principal elevation is the south elevation it is the east elevation which is prominent on approaching the house. Of concern is the massing of the proposed extension in relation to the proportions of the existing building. Whilst the footprint of the extension is smaller than that of the existing building as a result of its massing including the width of the gable on the east and west elevations, the extent of solid wall on the east gable elevation, the height of the roof on both the linking building and the two storey gable, and the proposed use of ashlar it will compete visually with the existing building. Also the integral garage at ground floor level of the two storey gabled part of the extension is totally unsympathetic and out of keeping with the traditional character of the existing building. The walls of the extension are to be finished in ashlar. The treatment of the external face of the stone has not been specified. The agent confirmed at a meeting that this would be natural stone. Of some concern is how good a match can be obtained in terms of in particular the colour, size, coursing and texture of the stone. Regularly coursed ashlar would appear out of character with the existing building. Also a smooth ashlar would not be acceptable as it would exacerbate the visual prominence of the extension. No details of the treatment of the window and door surrounds have been submitted. The proposed extension is neither a quality replication of the existing building nor does it constitute a well designed high quality contemporary complementary addition or a distinctive contrasting new component. As a result of all of these factors the current proposal would seriously diminish and detract from the character of the existing building.

As regards the comments raised in the objection not already dealt with above patio doors and balconies may be acceptable subject to forming part of an overall coherent design approach. The proposed use of upvc framed windows and doors is regrettable.

Sufficient garden area would remain after the erection of the extension.

A meeting was held with the applicant's agent to go over the above concerns. It was suggested that the linking building be reduced in height, the two storey gabled extension reduced in width and height so as not to compete with the existing building, timber cladding for the walls was suggested to give it a more lightweight appearance and to disguise the garage doors and a more contemporary glazing pattern and frame material was suggested. This approach would give a clearer distinction between the old and new and preserve the integrity of the existing building. The agent has confirmed that his client wishes the originally submitted scheme to be considered.

The proposals involve demolition of an existing free standing garage to make way for the extension and includes a new double garage within the fabric of the extension and a store. The extension includes one additional bedroom. The proposals do not raise any obvious road safety concerns.

Lothianbridge Caravan Park is located to the north of the site. Esk House is located to the west of the site at a lower level. The proposed extension will not be overbearing to the outlook of this property. There will be some overlooking from the first floor windows on the extension and the balcony to the garden of Esk House. However the extension including the balcony will be approximately 16m from the mutual boundary with oblique views to the garden on the south side of Esk House and views to a parking area and more distant views to the garden on the north side. The impact on privacy does not in this instance warrant refusal of planning permission. The extension including the balcony will not afford views in to the house at Esk House. The extension will not have a significant impact on daylight and sunlight to Esk House. In addition, it is not considered that the proposed development will have a significant adverse impact on the character or appearance of the area.

The issues of drainage and the impact on the retaining wall between the two properties are not material planning considerations in the assessment of the application. Drainage is considered under building standards regulations. Also the structural engineer's report certificate or calculations requires as part of the building warrant process would take in to account all structural implications of the proposal including ground conditions. Any damage to the retaining wall and any resultant damage to Esk House is a private legal matter between the parties involved. Details of any site contamination and measures to deal with it could be covered by condition should planning permission be forthcoming.

Recommendation:

Refuse planning permission.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 16/00193/DPP

Venn Architectural Services Limited
6-11 Mitchell Street
Edinburgh
EH6 7BD

Midlothian Council, as Planning Authority, having considered the application by Mr S Alexander, Lothian Cottage, Lothian Bridge, Dalkeith, Midlothian, EH22 4TS which was registered on 17 March 2016 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of two storey and single storey extension to dwellinghouse at Lothian Cottage, Dalkeith, EH22 4TS

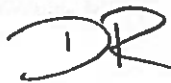
in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	070/LP 1:1250	17.03.2016
Elevations, floor plan and cross section	070/PL1A 1:100 1:50	17.03.2016
Elevations, floor plan and cross section	070/PL2 1:500 1:100 1:50	17.03.2016

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

1. The proposed extension as a result of its massing, detailed design treatment and materials is unsympathetic to and would seriously diminish and detract from the character of the existing building, contrary to policy DP6 of the adopted Midlothian Local Plan which requires that extensions are well designed in order to maintain or enhance the appearance of the house.

Dated 16 / 5 / 2016



.....
Duncan Robertson
Lead Officer – Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN



**The Coal
Authority**

authority

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: [www.gov.uk/government/organisations/the-coal-](http://www.gov.uk/government/organisations/the-coal-authority)

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). 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-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, 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

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

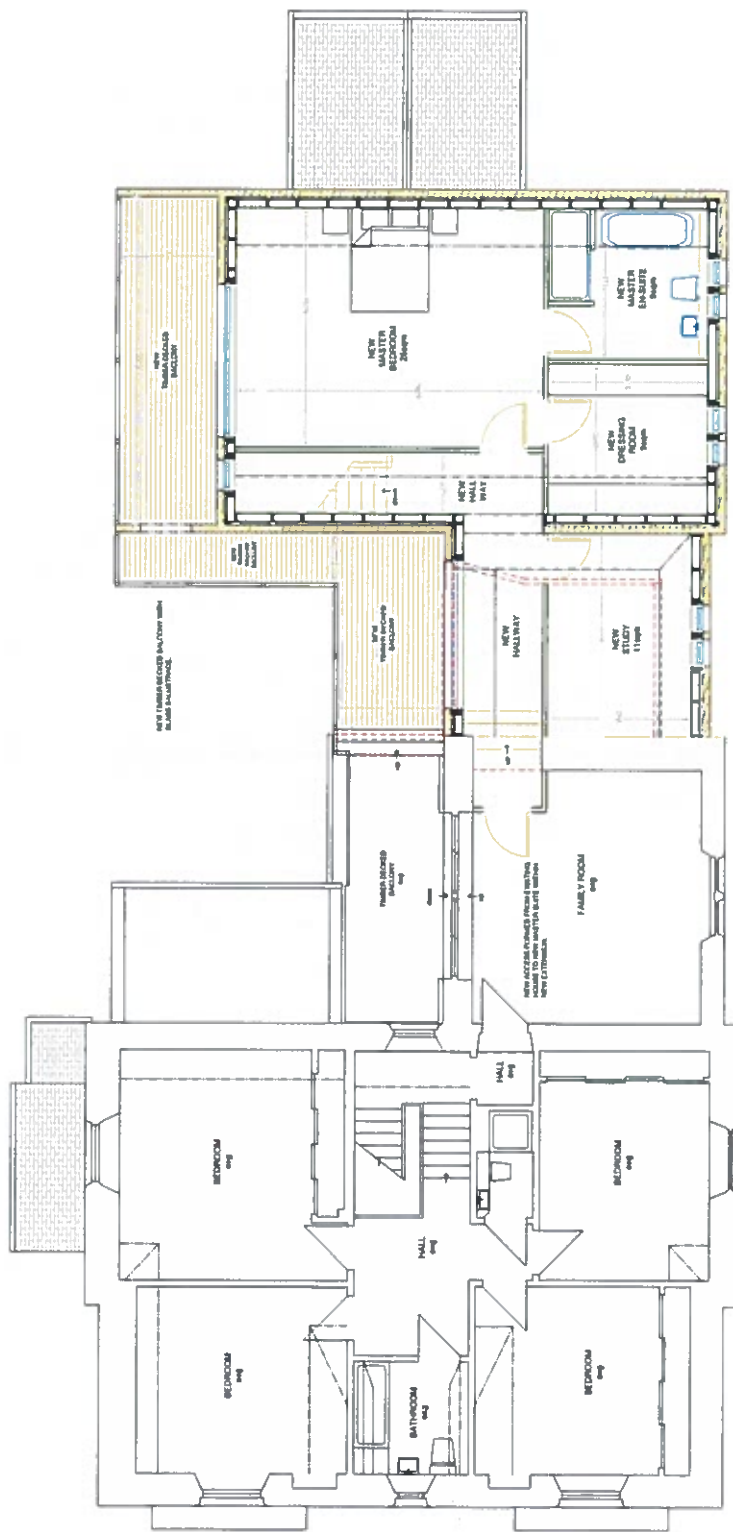
This Informative Note is valid from 1st January 2015 until 31st December 2016

PLEASE NOTE

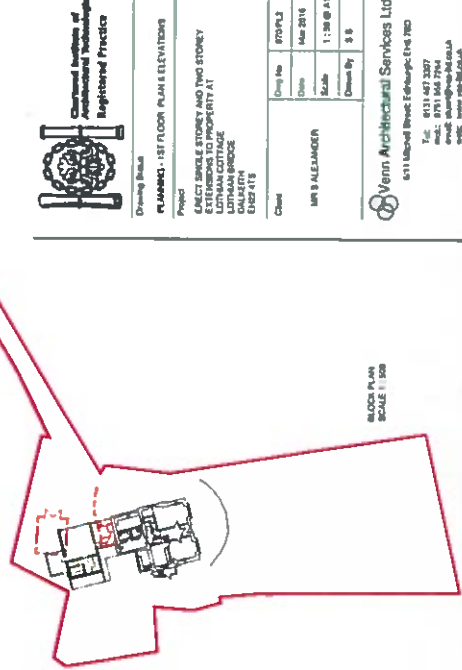
If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval

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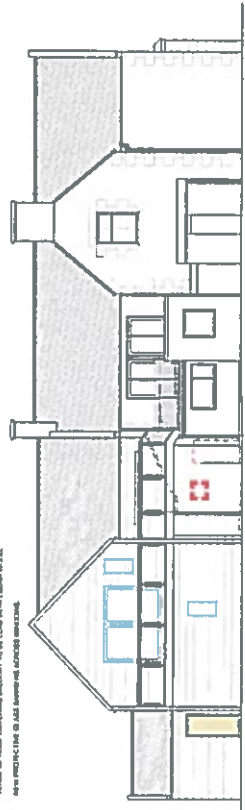
Venn Architectural Services Ltd
611 Maxwell Street, Edinburgh EH4 7ED
Tel: 0131 467 2307
Fax: 0171 664 7764
e-mail: design@vsa-ltd.co.uk
e-mail: info@vsa-ltd.co.uk



PROPOSED FIRST FLOOR LAYOUT

BLOCK PLAN
SCALE 1" = 500'

PROPOSED SIDE ELEVATION
NORTH WEST FACING



PROPOSED MEAR ELEVATION
SOUTH WEST FACE

EXTENDING MATHEMATICS:

1. **THESE PERSONS MUST BE CLERKS, MANAGERS, ASSISTANTS, OR SUPERVISORS.**
 2. **THEY MUST BE AT LEAST 18 YEARS OF AGE.**
 3. **THEY MUST BE EMPLOYED BY THE COMPANY FOR AT LEAST 90 DAYS.**
 4. **THEY MUST BE EMPLOYED BY THE COMPANY FOR AT LEAST 90 DAYS.**
 5. **THEY MUST BE EMPLOYED BY THE COMPANY FOR AT LEAST 90 DAYS.**
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