

## Local Review Body: Review of Planning Application Reg. No. 18/00581/DPP

F.E.M Building Design  
8 Plantain Grove  
Lenzie  
G66 3NE

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Peter McVey, 39 The Brae, Auchendinny, EH26 0RB, which was registered on 21 January 2019 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

**Erection of dwellinghouse at Land at 39 The Brae, Auchendinny, Penicuik**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	29.08.2018
Site Plan, Location Plan And Elevations	18/McVey/PP/001(-)1:1250 1:500 1:50	29.08.2018

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

- 1. The proposed development would result in a low standard of amenity for future occupants, particularly as an inadequate level of amenity space will be provided. Therefore, the proposed development is considered to be an overdevelopment of the site, contrary to policies STRAT2 and DEV2 of the adopted Midlothian Local Development Plan 2017.*
- 2. The proposed dormer extension on the proposed rear elevation, on account of its size and design, would appear overly bulky and would be an unduly dominant feature at roof level, and would significantly detract from the form of the roof of the building with a detrimental impact on the character and appearance of the property.*
- 3. The proposed dormer extension on the proposed rear elevation would be publicly visible and its unsatisfactory relationship to the building would have a significant detrimental impact on the visual amenity of the locality.*
- 4. For the above reasons (2 and 3) the proposal is contrary to policies STRAT2, DEV2 and DEV6 of the adopted Midlothian Local Development Plan 2017. If*

*the application were approved it would undermine the consistent implementation of these policies, the objectives of which are to protect the character and amenity of the built-up area and to ensure that extensions do not detract from the appearance of the property.*

5. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposed development would not have a detrimental impact on protected species and is therefore contrary to policy ENV15 of the adopted Midlothian Local Development Plan.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 5 March 2019. The LRB carried out a site visit on the 5 March 2019.

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

Development Plan Policies:

1. STRAT2 Midlothian Local Development Plan – Windfall Housing Sites;
2. DEV2 Midlothian Local Development Plan – Development in the Built-Up Area;
3. DEV6 Midlothian Local Development Plan – Layout and Design of New Development;
4. ENV15 Midlothian Local Development Plan – Species and Habitat Protection and Enhancement

Material considerations:

1. The individual circumstances of the proposal

In reaching its decision the LRB considered that an alternatively proposal for a smaller dwellinghouse of higher quality design using traditional detailing and materials would be acceptable in principle.

Dated: 05/03/2019



Peter Arnsdorf  
Planning Manager (Advisor to the Local Review Body)  
Communities and Economy  
Midlothian Council

On behalf of:  
Councillor R Imrie  
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](mailto:peter.arnsdorf@midlothian.gov.uk)*