

Refuse of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 22 May 2018
Item No 5.4

Local Review Body: Review of Planning Application Reg. No. 17/00828/DPP

Les McCaskey
18A Rothesay Place
Edinburgh
EH3 7SQ

Midlothian Council, as Planning Authority, having considered the review of the application by Mr James Murphy, 75 Castlelaw Crescent, Bilston, EH25 9SR, which was registered on 7 February 2018 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Extension to dwellinghouse at 75 Castlelaw Crescent, Bilston, EH25 9SR, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Existing Elevations	1:100	19.10.2017
Proposed Cross Section	1:100	19.10.2017
Proposed Elevations	1:100	19.10.2017
Roof Plan (Proposed/Existing)	1:100	19.10.2017
Location Plan/Inc Neighbours Notified	1:1250	19.10.2017
Site Plan	1:200	19.10.2017
Proposed Floor Plan	Ground 1:100	19.10.2017
Site Plan	Site Layout 1:100	19.10.2017

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

- 1. The proposed extension does not reflect the roof design, form or character of the existing dwellinghouse and would result in a significant adverse impact upon the character and appearance of the dwellinghouse and streetscape.*
- 2. The prominent siting and excessive scale of the extension detracts from the character of the application dwelling and attached neighbouring property (particularly as they form a symmetrical pair), and results in an adverse visual impact upon the character and appearance of the streetscape/locale.*
- 3. For the above reasons the proposal is contrary to policies DEV2 of the adopted Midlothian Local Development Plan 2017. If the application was approved it would undermine the principals set out within DEV2, which seeks*

to ensure that development does not materially detract from the existing character or amenity of the area.

The Local Review Body (LRB) considered the review of the planning application at its meeting of 10 April 2018. The LRB carried out a site visit on the 9 April 2018.

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

Development Plan Policies:

1. DEV2 Midlothian Local Development Plan – Protecting amenity within the built-up area

Material considerations:

1. The individual circumstances of the applicant

Dated: 10/04/2018

A handwritten signature in dark ink, appearing to read 'Peter', with a stylized flourish at the end.

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