

# Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body  
Tuesday 20 January 2015  
Item No 5(b)

## Local Review Body: Review of Planning Application Reg. No. 14/00566/DPP

Douglas Mack  
FEM Building Design Services  
8 Plantain Grove  
Lenzie  
Glasgow  
G66 3NE

Midlothian Council, as Planning Authority, having considered the review of the application by Lesley Watson, 19 Robert Smillie Avenue, Mayfield, Dalkeith, EH22 5QH, which was registered on 20 October 2014 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

**Erection of two storey extension to dwellinghouse at 19 Robert Smillie Avenue, Mayfield, Dalkeith, EH22 5QH** 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	01.08.2014
Elevations, floor plan and cross section	14/WATS/1 1:200 1:50	01.08.2014

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

1. *The extension would be an overly dominant feature when viewed from the adjoining house and rear garden at 20 Robert Smillie Avenue, with an overbearing impact on the amenity of the occupiers.*
2. *For the above reason the proposal is contrary to policies RP20 and DP6 of the adopted Midlothian Local Plan which seek to protect the amenity of 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.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 25 November 2014. The LRB carried out an unaccompanied site visit on the 24 November 2014.

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 – Householder Extension

Material Considerations:

1. The individual circumstances of the site; and
2. The relationship between the adjoining property and the application site.

Dated: 24/11/2014

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, Development Management Manager tel: 0131 2713310 or via [peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)*