

## **Notice of Review: 31 Broomhill Avenue, Penicuik**

### **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 an extension at 31 Broomhill Avenue, Penicuik.

#### **2 Background**

- 2.1 Planning application 17/00081/DPP for the erection of an extension at 31 Broomhill Avenue, Penicuik was refused planning permission on 30 March 2017; 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 30 March 2017 (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](http://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 12 June 2017; and
  - Have determined to progress the review by way of written submissions.
- 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. The colour and texture of the render on the extension shall match the colour and texture of the render on the existing building.  
  
***Reason:** To ensure that the extension matches the external appearance of the existing building and thereby maintains the visual quality of the area.*
  2. The roof light serving the en-suite at first floor level on the extension shall be glazed with obscure glass which notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 ( or any Order revoking and re-enacting that Order) shall not be replaced with clear glass.
  3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking and re-enacting that Order) the windows on the south east elevation of the extension shall not be altered in size and apart from those shown on the approved drawings no rooflights

or windows shall be installed on this elevation unless planning permission is granted by the Planning Authority.

***Reason for conditions 2 and 3:*** *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:** 1 June 2017

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

**Tel No:** 0131 271 3310

**Background Papers:** Planning application 17/00081/DPP available for inspection online.

# APPENDIX A



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

31 Broomhill Avenue, Penicuik, EH26 9EG

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File No. 17/00081/DPP

Scale: 1:750



# APPENDIX B

CORPORATE RESOURCE

FILE:

## NOTICE OF REVIEW

RECEIVED 26 APR 2017

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

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

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

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

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

### 1. Applicant's Details

Title	MR & MRS
Forename	CRAIG
Surname	NEIL
Company Name	
Building No./Name	31
Address Line 1	Broomhill Avenue
Address Line 2	
Town/City	PENCUK
Postcode	EH26 9EZ
Telephone	
Mobile	
Fax	
Email	

### 2. Agent's Details (if any)

Ref No.	
Forename	
Surname	
Company Name	
Building No./Name	
Address Line 1	
Address Line 2	
Town/City	
Postcode	
Telephone	
Mobile	
Fax	
Email	

### 3. Application Details

Planning authority	MIDLOTHIAN COUNCIL
Planning authority's application reference number	17/00081/0PP

Site address

31 Broomhill Avenue PENCUK
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Description of proposed development

EXTENSION TO REAR OF HOUSE
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Date of application

10/2/17

Date of decision (if any)

30/3/17

**Note.** This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

#### 4. Nature of Application

Application for planning permission (including householder application)

☒

Application for planning permission in principle

☐

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

☐

Application for approval of matters specified in conditions

☐

#### 5. Reasons for seeking review

Refusal of application by appointed officer

☒

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☐

#### 6. 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.

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

Further written submissions

☐

One or more hearing sessions

☐

Site inspection

☐

Assessment of review documents only, with no further procedure

☒

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

#### 7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?

☒

Is it possible for the site to be accessed safely, and without barriers to entry?

☒

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

## 8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

SEE SEPARATE STATEMENT DOCUMENT.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.



## 9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

DRAWINGS - 1, 2, 3, 4

STATEMENT IN SUPPORT OF REVIEW  
APPLICATION FORM.

**Note.** The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

## 10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form



Statement of your reasons for requesting a review



All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.



**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 from that earlier consent.

## DECLARATION

I, the applicant/~~agent~~ hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

CRAIG NEIL

Date:

22/4/17.

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.



STATEMENT IN SUPPORT OF APPEAL

REFERENCE NO: 17/00081/DPP

APPLICATION ADDRESS: 31 Broomhill Avenue, Penicuik

Site History:

Planning permission was previously granted under application 05/00360/FUL for an extension to the rear of this property. The approved extension was 6m wide and projected 8m from the rear of the house and was finished with a gable end, on this gable end was a further 3.5m long conservatory resulting in a total projection from the rear of the existing house of 11.5m. The extension was flush with the side of the existing house and had a ridge height matching the existing house.

Current Proposals:

When the extension proposed in the current application was being planned it was felt this previously granted extension projected an excessive length from the rear of the existing house resulting in a large mass of extension facing the road to the side of the house and occupying an unreasonably large amount of the rear garden. It was felt the projection of any new extension should be restricted to reduce the amount of extension visible to the side and to provide a more usable rear garden space.

Following the guidelines in the design guidance the extension was set back from the side of the existing house by 1.2m to ensure it was clearly sub-servient to the main house. The height of the proposed roof was reduced from that previously granted under 05/00360/FUL to ensure the extension roof height was lower than that of the main house and again was sub-servient. We were keen to avoid any unnecessary work to the front elevation of the house to maintain the character of the traditional design and maintain the streetscape, albeit that the existing streetscape has been significantly altered from the original by numerous additions and alterations. Having followed the guidance it was felt the proposed extension was a much better fit with the surrounding area and with the existing house.

Massing/Bulky Addition:

We feel the massing of the proposed extension will not appear as a bulky addition, the proposed extension only projects 6m, some 5.5m less than the previously approved extension and only 2m more than allowed under permitted development rights. It will have a lower roof height than both the main house and the previously approved extension. The flat roof area of the extension is a regular feature in the surrounding area, and it is not an unusual design type for this kind of property, there are numerous examples of this design of extension to the rear of houses in Dalkeith and in adjacent Edinburgh.

The side of the house at 31 Broomhill Avenue is restricted from view from the adjacent Craigiefield Road by a 2m high brick wall and by mature planting immediately behind this wall and along the side and rear boundary, it is very difficult to get a clear unobstructed view of the existing house or the proposed extension from the side.

The gable part of the proposed extension is only visible from the rear of the property at 45 Bog Road Penicuik and there is separation between the rear windows of the existing properties of approximately 50m, well in excess of the 18m recommended in guidance and ensuring any view of the proposed extension is limited. As viewed from the side of the house the gable end would not be visible.

Detract from the visual amenity of the surrounding area:

The area immediately surrounding the proposals displays a variety of design features. There is evidence of large box type dormers to the front and rear of houses at 25 and 27 Broomhill Avenue (see photo 1 and 2) which have the same roof design as we are proposing with a small pitched area to give the appearance of a traditional roof with a portion of hidden flat roof above, there is also evidence of dormers on the side hip roofs of a property at 19 Broomhill Avenue (photo 3) and evidence of box dormers to the rear beside a flat roof extension in 43 Bog Road (photo 4). There are several examples of houses and extensions in the vicinity with gable ends as well as flat roofs e.g. 31 Jackson Street (photo 5).

Taking in to account the large variety of existing design styles and features in the surrounding area it is not felt that the proposed extension will detract from the visual amenity of the existing area.

Consultation with the Planning Officer following refusal:

Following the refusal contact was made with the case officer in an attempt to clarify the reasons for refusal and discuss a way forward with the application. Several options were discussed with the case officer including finishing the gable end of the extension in a different material to reduce the visual impact, suggestions included changing the wall finish or wrapping the pitched slated roof round the rear elevation to give the visual effect of a hipped roof rather than a gable end (photo 6 is an example of what this wrap round roof would have looked like viewed from the back, it also shows another example of the numerous flat roof extensions in the area). The case officer stated that the flat roof part of the design was the issue and that wrapping the roof round would not solve this, we are surprised by this view as there are many examples of flat roof extensions and dormers in the surrounding area giving us the impression this was more of a personal opinion than a view based on design guidance (photo 7 shows the extension of our immediate neighbour at 29 Broomhill Avenue). We feel the case officer just didn't like the design and despite trying to explain that visually the roof would look pitched from all elevations it was felt that revising the proposals to include the wrap round roof and submitting a new application would not be viewed favourably by the case officer and therefore not worthwhile.

We are happy to consider other options for finishing the gable end part of the extension to reduce any visual impact perceived by the case officer.

Privacy:

It is noted that there are no concerns over the privacy or overlooking any adjacent properties or garden space.

**Over-shadowing:**

It is noted that there are no concerns with regard to the proposed extension over-shadowing any adjacent gardens or windows.

**Comments or Objections:**

It is also noted that none of the 11 consultees noted any comments or objections to the proposals, there were also no comments or objections from any other interested party.

**Summary:**

To summarize we feel that the mass of the proposed extension will be significantly less than the previously approved extension and will not have a detrimental impact on the visual amenity of the surrounding area, it will not be clearly visible from the side road and has been designed taking into account the guidance for rear extensions. It is not felt the character of the original building will be affected by the proposal, the features of these properties lie on the front elevation and every effort has been made to retain the front elevation unaffected by the proposal (photo 8).

We would have been happy to revise our proposals and submit a revised planning application but following discussion with the case officer it was not felt this would be worthwhile, however, we would like it noted that we would be happy to discuss any suggestions the review body may have with regard to the proposals in order to reach a mutual decision.

Mr & Mrs Neil.



Photo 1: The large box dormers to the front elevation of 25 and 27 Broomhill Avenue

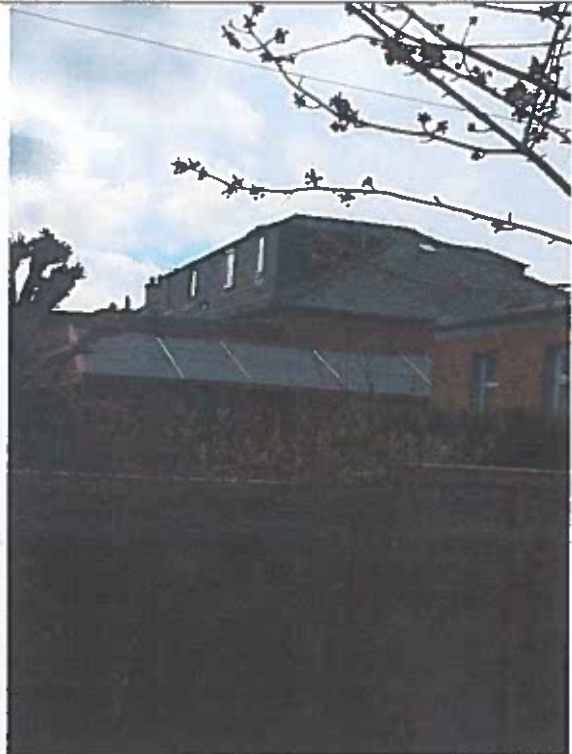


Photo 2: The large box dormers and flat roof extension to the rear elevation of 25 and 27 Broomhill Avenue



Photo 3: showing the box dormer on the side and front elevations of the roof at 19 Broomhill Avenue. This also illustrates another flat roof extension with a partial sloping roof.



Photo 4: The large box dormer and flat roof extension to 45 Bog Road, situated to the rear of 31 Broomhill Avenue



**Photo 5:** The flat roof extension at 31 Jackson Street is an example of flat roof combined with gable ends and hipped roof finishes



**Photo 6:** The roof at 22 Broomhill Avenue is an example of what the extension roof would have looked like if the suggestion of the wrap-round design had been accepted by the case officer as an alternative to the gable finish. It also shows another example of a flat roof extension.



**Photo 7:** This is the flat roof extension of our immediate next door neighbour.



**Photo 8:** The existing front elevation of 31 Broomhill Avenue with the feature bay window. This elevation will remain unaffected by the proposals.

**MIDLOTHIAN COUNCIL****DEVELOPMENT MANAGEMENT  
PLANNING APPLICATION DELEGATED WORKSHEET:**

**Planning Application Reference:** 17/00081/dpp

**Site Address:** 31 Broomhill Avenue, Penicuik

**Site Description:**

The application property comprises a semi-detached single storey dwellinghouse located on the corner of Broomhill Avenue and Craigiebiel Crescent. It is finished externally in drydash render with a slate hipped roof and white plastic window frames. There is a timber summerhouse and two small sheds in the rear garden which is predominantly laid to grass and planting.

**Proposed Development:**

Extension to dwellinghouse

**Proposed Development Details:**

It is proposed to erect a 6m deep and 8m wide extension with accommodation at both ground floor and first floor level (within the roofspace) with a 2m wide section of flat roof at ridge height. The walls of the extension are to be rendered with slate on the roof and white upvc windows.

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

History sheet checked.

**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 proposed extension would dominate the rear elevation of the house and its massing, in particular the gable end and flat roof section at ridge level, does not respect the traditional hipped form of the roof on the original house. Also the angle of the pitched sections of roof does not match the pitch of the roof of the existing building. As a result of its overall size and design the extension will appear as a very bulky addition at the rear of the existing building the design of which is unsympathetic to and would detract from the host building.

The rear of the application property is publicly visible from Craigiefield Crescent to the side. The unsatisfactory relationship of the extension with the existing building will detract from the visual amenity of the surrounding area.

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

The extension will not have a significant impact on the amenity of the occupiers of the property to the rear of the site or on the opposite side of Craigiefield Crescent.

Impact on no. 29 – The nearest window on the rear elevation of no. 29 serves a bedroom. The extension will be prominent to the outlook of this window but not to such a degree as to be overbearing. Satisfies 45° daylight test to this window. There is a flat roof extension at the rear of no 29 with a window on the side serving a dining area. The extension will block distant views and be prominent to the outlook from this window. (Satisfies standard 25° daylight test to this window.) This room is also served by two windows on the rear elevation overlooking no. 29's garden and a glazed door on the other side. The overall impact on the amenity of this room is not sufficient to warrant refusal of planning permission. The extension will not be overbearing to the outlook of no.29's garden. Overshadowing will not be significant.

There would be potential for overlooking towards no 29 from the rooflight serving an en-suite proposed at first floor level and if the proposed high level windows proposed on the south east elevation of the extension were altered. These aspects could however 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. 17/00081/DPP**

Mr And Mrs Craig Neil  
31 Broomhill Avenue  
Penicuik  
EH26 9EG

Midlothian Council, as Planning Authority, having considered the application by Mr And Mrs Craig Neil, 31 Broomhill Avenue, Penicuik, EH26 9EG, which was registered on 10 February 2017 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Extension to dwellinghouse at 31 Broomhill Avenue, Penicuik, EH26 9EG**

In accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site plan, location plan and elevations	1 1:1250 1:500 1:100	10.02.2017
Proposed floor plan	2 1:50	10.02.2017
Proposed floor plan	3 1:50	10.02.2017
Proposed elevations	4 1:100	10.02.2017

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

- 1. The proposed extension is unsympathetic to the original building, in terms of its massing and detailed design treatment. It would appear as a bulky addition, detracting from the character of the existing building and the visual amenity of the surrounding area.*
- 2. For the above reasons the proposal is contrary to policies RP20 and DP6 of the adopted Midlothian Local Plan which seek to protect the character and amenity of the built-up area and requires that extensions are well designed in order to maintain or enhance the appearance of the house and locality.*

Dated 30 / 3 / 2017



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



**The Coal  
Authority**

**Any Planning Enquiries should be directed to:**

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

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

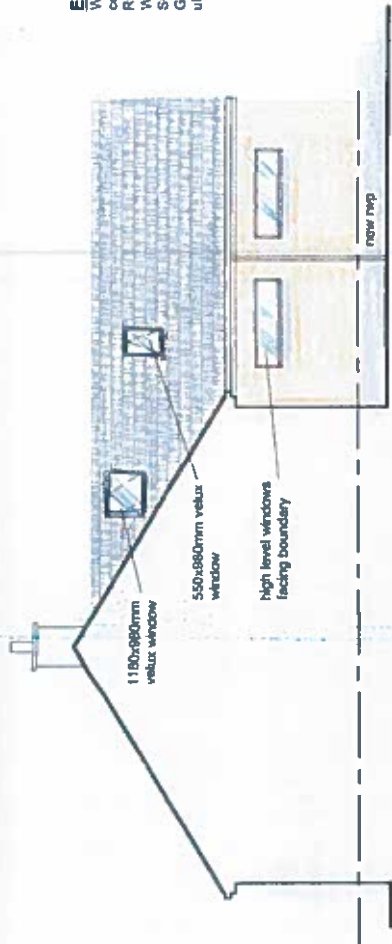
#### **STANDING ADVICE - DEVELOPMENT LOW RISK AREA**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

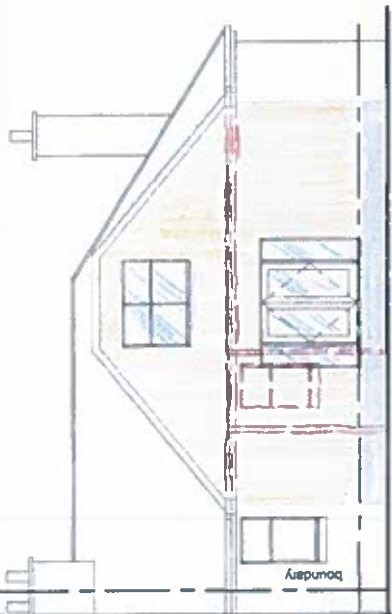
Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

*This Standing Advice is valid from 1<sup>st</sup> January 2017 until 31<sup>st</sup> December 2018*

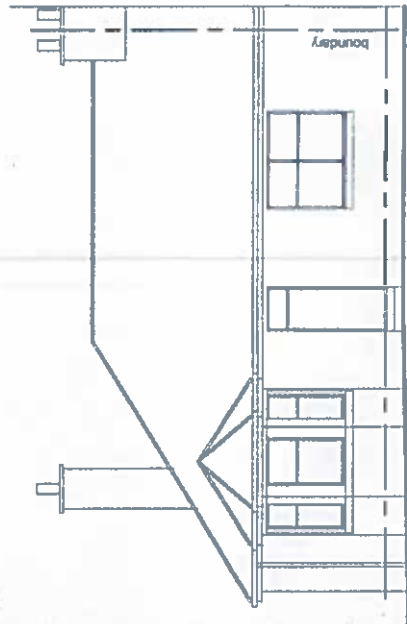
**EXTERNAL FINISHES:**  
 WALLS: Roughcast finish with smooth  
 cement render Basecourse  
 ROOF: Slates to match existing  
 WINDOWS: White uPVC to match  
 SOFFIT AND FASCIA: white uPVC  
 GUTTERS AND DOWNPIPES: Black  
 uPVC.



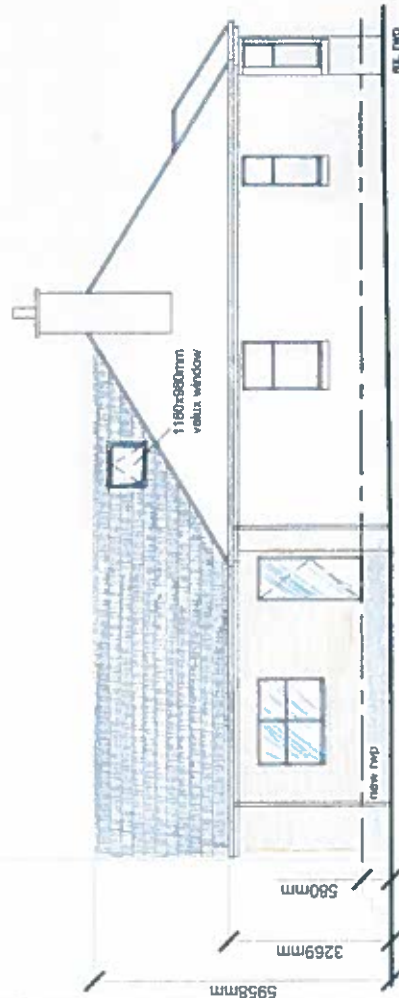
**PROPOSED SIDE ELEVATION**



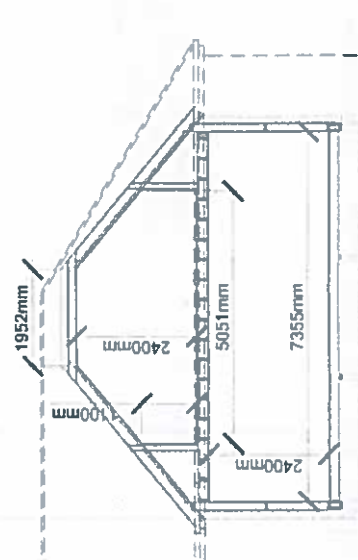
**PROPOSED REAR ELEVATION**



**PROPOSED FRONT ELEVATION**



**PROPOSED SIDE ELEVATION**



**PROPOSED SECTION**

CORPORATE RESOURCES  
 FILE: 17100081  
 RECEIVED 10 FEB 2017

This drawing has been prepared to obtain statutory Local Authority Consent.  
 All sizes to be confirmed by Contractor on site prior to works commencing.

Project		Sheet	
Proposed Storey and a half Extension to the rear of the house		4	
Address		31 Broomhill Avenue, Penicuik EH26 9EG for Mr & Mrs Neil.	
Date	30/11/17	Scale	1:100
Rev			