

# Notice of Meeting and Agenda



## Local Review Body

**Venue:** Virtual Meeting,

**Date:** Monday, 17 May 2021

**Time:** 13:00

**Executive Director : Place**

**Contact:**

Clerk Name: Janet Ritchie

Clerk Telephone:

Clerk Email: [janet.ritchie@midlothian.gov.uk](mailto:janet.ritchie@midlothian.gov.uk)

**Further Information:**

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

**Privacy notice:** Please note that this meeting may be recorded. The recording may be publicly available following the meeting. If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website: [www.midlothian.gov.uk](http://www.midlothian.gov.uk)

## **1 Welcome, Introductions and Apologies**

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## **2 Order of Business**

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Including notice of new business submitted as urgent for consideration at the end of the meeting.

## **3 Declaration of Interest**

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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 Minute of Previous Meeting**

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| <b>4.1</b> | Minute of 30 March 2021 - For Approval | 3 - 10 |
|------------|--|--------|

## **5 Public Reports**

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Notices of Review - Determination Reports by Chief Officer:  
Place.

- |            |  |         |
|------------|--|---------|
| <b>5.1</b> | 24 Newton Church Road, Danderhall (20/00541/DPP) | 11 - 32 |
| <b>5.2</b> | 25 Park Road, Dalkeith (20/00521/DPP)            | 33 - 58 |

## **6 Private Reports**

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No items for discussion

## **7 Date of Next Meeting**

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The next meeting will be held on Monday 14 June 2021 at 1 pm

Plans and papers relating to the applications on this agenda can also be viewed at <https://planning-applications.midlothian.gov.uk/OnlinePlanning>

# Minute of Meeting



## Local Review Body

Date	Time	Venue
Tuesday 30 March 2021	1.00pm	Virtual Meeting using MS Teams

### Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Cassidy	Councillor Curran
Councillor Lay-Douglas	Councillor Milligan
Councillor Muirhead	Councillor Munro
Councillor Smail	

### In Attendance:

Derek Oliver, Chief Officer Place	Joyce Learmonth, Lead Officer Major Developments and Enforcement
Duncan Robertson, Lead Officer Local Developments	Mhairi-Anne Cowie, Planning Officer: Local Developments
Mike Broadway, Democratic Services Officer	

## 1 Apologies

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No apologies for absence had been received.

## 2 Order of Business

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

## 3 Declarations of interest

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No declarations of interest were intimated at this stage of the proceedings.

## 4 Minute of Previous Meeting

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The Minutes of (i) Special Meeting held on 23 November 2020; (ii) Meeting held on 30 November 2020; and (iii) Special Meeting held on 14 December 2020, were submitted and approved as correct records.

## 5 Reports

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### Declaration of Interest/Sederunt

During the initial introductory overview by the Planning Advisor, Councillor Cassidy, having become aware that the applicant was a customer of his own business, although he did not know the applicant personally, declared a non-pecuniary interest and withdrew from the meeting during consideration of this particular review at 1.08 pm, shortly prior to the commencement of the oral presentations.

Agenda No	Report Title	Presented by:
5.1	Notice of Review Request Considered for the First Time – Land 250m North West of Fyrnlea, Penicuik (20/00472/PPP).	Joyce Learmonth
<b>Executive Summary of Report</b>		
<p>There was submitted report dated 18 March 2021 by the Chief Officer Place, regarding an application from Holder Planning, South Charlotte Street, Edinburgh seeking, on behalf of their client Mr S Lamb, Valley Landscaping Ltd, a review of the decision of the Planning Authority to refuse planning permission in principle (20/00472/PPP, refused on 31 August 2020) for the erection of a dwellinghouse and formation of access at land 250m North West of Fyrnlea, Penicuik.</p> <p>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.</p>		
<b>Summary of Discussion</b>		
<p>In accordance with the procedures for the Local Review Body, Joyce Learmonth, as Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case.</p>		

Thereafter, oral representations were received firstly on behalf of the applicant from Robin Holder, Holder Planning the applicant's agent; also present were the applicant, Stephen Lamb, Andrew Carrie, Andrew Carrie Traffic & Transportation Ltd and Brian McAllister, Yeoman McAllister Architects, and then from Mhairi-Anne Cowie, the local authority Planning Officer; following which both parties responded to Members' questions/comments.

The LRB then 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 consideration was given to the impact that the proposed development would potentially have on the landscape of the area; the applicant plans to consolidate his horticulture business on the site; and the proposed access arrangements.

### Decision

After further discussion, the LRB agreed to uphold the review request, and grant planning permission for the following reason:

*The proposed house is required to further the horticulture business which is consolidating much of its operations on the site to the benefit of the local economy and will not have a significant impact on the landscape of the area and therefore complies with policies RD1 and ENV7 of the Midlothian Local Development Plan 2017.*

subject to the following conditions –

1. Development shall not begin until an application for the approval of matters specified in conditions for the following details has been submitted to and approved in writing by the Planning Authority:
  - a) A detailed layout plan of the site, showing the siting of the proposed house, details of vehicular access, parking provision and manoeuvring within the site and details of all walls, fences or other means of enclosure, including bin stores or other ancillary structures;
  - b) Existing and finished ground levels and floor levels for all buildings, open space and access roads in relation to a fixed datum;
  - c) Detailed plans, sections and elevations of the proposed house, indicating the colour and type of materials to be used on the external walls, roof and windows;
  - d) Details of all hard surfacing and kerbing;
  - e) Details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts;
  - f) Details of the provision of high speed fibre broadband connections for the house;
  - g) Details of the provision of electric vehicle charging stations for the house;
  - h) Proposals for the treatment and disposal of foul and surface water drainage from the proposed house. Unless otherwise approved in writing by the Planning Authority, the surface water drainage shall comply with the standards detailed in the SUDS Manual; and
  - i) Details of a scheme of landscaping for the boundaries of the site and a plan showing the position, number, size and species of all trees and shrubs that are proposed to be planted; all trees on the site which are to

be removed and retained; and details of the means of protection of all trees that are to be retained.

**Reason:** *Permission is granted in principle only. No details were approved with the application and detailed consideration is required for the siting, massing and design of the proposed dwellinghouse and site access arrangements; to ensure protected species are not adversely affected.*

2. The vehicular access details required in condition 1a) shall include details of the visibility splay.

**Reason:** *In the interests of road safety; to ensure that a safe access is provided for the future occupants of the house.*

3. The details of the hardstanding required in terms of condition 1d) shall be porous materials.

**Reason:** *In the interests of road safety; to prevent water run-off from the site into the surrounding countryside.*

4. The scheme of landscaping approved in accordance with condition 1i) shall be carried out and completed within six months of the building either being completed or brought into use, whichever is the earlier date. Any trees removed, dying, severely damaged or becoming seriously diseased within five years of planting shall be replaced in the following planting season by trees of a size and species similar to those originally required.

**Reason:** *To ensure the landscaping is carried out and become successfully established.*

5. Before the new house is occupied the installation of the means of drainage treatment and disposal approved in terms of condition 1h) above shall be completed to the satisfaction of the Planning Authority.

**Reason:** *To ensure that the house is provided with adequate drainage facilities prior to occupation.*

6. No development shall take place on site until the applicants or their successors have undertaken and reported upon a programme of archaeological (monitored soil strip) work in accordance with a written scheme of investigation to be submitted to and approved in writing by the Planning Authority.

**Reason:** *To ensure a proper archaeological evaluation of the site, which is within an area of potential archaeological interest, and that adequate measures are in place to record any archaeological finds.*

7. The dwellinghouse hereby approved shall only be occupied by the owner or a full-time employee of Valley Landscaping Limited, or any successor in title carrying out the same business as Valley Landscaping Limited, operating from the application site, together with the dependents or direct family members of such a person residing with them.

**Reason:** *There is significant pressure for sporadic residential development in the Midlothian countryside and it is necessary to restrict occupancy of the new house to somebody who has a direct involvement in the business being furthered in the locality; to ensure that the adverse impact of the development on the character and appearance of the local landscape is justified in relation to the support for a local business during challenging economic conditions; the development was justified at Local Review Body on the basis that the house was required to further the horticulture business which was consolidating its operations on the site to the benefit of the local economy; and, in the interests of ensuring that the development adheres to sustainability principles in terms of the resident of the new house living and working on the same site.*

8. The development hereby approved shall not begin until an application for approval of matters specified in conditions in relation to a phasing schedule, including the following details, has been submitted to and approved in writing by the Planning Authority:
- a) Creation of vehicular access at the site;
  - b) Establishing the horticulture business on the application site, including the erection of required buildings, ground preparation works and planting on the site;
  - c) Commencement of construction of the dwellinghouse hereby approved;
  - d) Occupation of dwellinghouse; and
  - e) Any other key and relevant works required in order to establish the horticulture business on site.

Thereafter the development of the site shall accord with the approved phasing schedule.

**Reason:** *To ensure that the reasonable and phased establishment of significant elements of the horticulture business is made prior to the commencement of construction of the dwellinghouse and the subsequent occupation of the dwellinghouse. The consolidation of much of the established business at this site was the justification put forward for the new dwellinghouse. This was a persuasive matter accepted by the Local Review Body, who also wanted occupation of the dwellinghouse to be secured and tied to the business. The Local Review Body wanted the business to be located at the site and for this to take place before the occupation of the dwellinghouse. The business use should be evident on the site before construction of the dwellinghouse commences and before the subsequent occupation of the dwellinghouse. The Local Review Body wanted these restrictions to be enforceable.*

#### Action

Planning Manager

#### Sederunt

Councillor Cassidy re-joined the meeting at the conclusion of the foregoing item of business at 1.40 pm.

Agenda No	Report Title	Presented by:
5.2	Notice of Review Request Considered for the First Time – Land at 5 Golf Course Road, Bonnyrigg (20/00317/DPP).	Joyce Learmonth
<b>Executive Summary of Report</b>		
<p>There was submitted report, dated 18 March 2021 by the Chief Officer Place, regarding an application from Slorach Wood Architects, The Station Masters Office, Station Road, South Queensferry seeking, on behalf of their clients Mr &amp; Mrs M Reekie, 5 Golf Course Road, Bonnyrigg a review of the decision of the Planning Authority to refuse planning permission (20/00317/DPP, refused on 29 September 2019) for the erection of dwellinghouse on land at address.</p> <p>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.</p>		
<b>Summary of Discussion</b>		
<p>The LRB, having heard from the Planning Advisor, gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed development and the reasons for its refusal, the LRB considered at length the potential impact that permitting the proposed development would have on the character and appearance of the area, and concerns regarding the proposed access arrangements and the potential impact its development might have on trees located within the application site.</p>		
<b>Decision</b>		
<p>After further discussion, the LRB agreed to dismiss the review request, and refuse planning permission for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The proposed development will have a detrimental impact on the character and setting of the existing property at 5 Golf Course Road. By virtue of its age, design and setting this building makes a significant positive contribution towards the character of Bonnyrigg. The proposal is therefore contrary to policy DEV2 of the Midlothian Local Development Plan 2017.</li> <li>2. It has not been satisfactorily demonstrated that the site can be drained of surface water in a manner that complies with Scottish Planning Policy, Scottish water guidance and the CIRIA SuDS Manual (C753). The proposal is therefore contrary to policy ENV10 of the Midlothian Local Development Plan 2017.</li> <li>3. The location of the proposed development will threaten the long-term viability of trees that by virtue of their location have a landscape value that enhances the amenity of the surrounding area. The proposal is therefore contrary to policy ENV11 of the Midlothian Local Development Plan 2017.</li> </ol>		
<b>Action</b>		
Planning Manager		



Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered for the First Time – 41-43 Main Street, Gorebridge (19/01022/DPP).	Joyce Learmonth
<b>Executive Summary of Report</b>		
<p>There was submitted report, dated 16 November 2020 by the Chief Officer Place, regarding an application from Rick Finc Associates Ltd, Melford House, Walker Street, Edinburgh seeking, on behalf of their client Mr D Klan, a review of the decision of the Planning Authority to refuse planning permission (19/01022/DPP, refused 7 February 2020) for the change of use from post office (class 1 – shop) to flatted dwelling (sui generis); extension to building; installation of balustrade and stairs; installation of roof-lights; formation of window openings; re-rendering and replacement rain water goods at 41-43 Main Street, Gorebridge..</p> <p>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.</p>		
<b>Summary of Discussion</b>		
<p>The LRB, having heard from the Planning Advisor, gave careful consideration to the merits of the case based on all the written information provided. In discussing the proposed change of use and the reasons for its refusal, the LRB considered at length the potential impact that the loss of a retail unit, together with its conversion to a flatted dwelling might have on the character and appearance of the area.</p> <p>After further discussion, Councillor Muirhead, seconded by Councillor Imrie, moved to dismiss the review request, and uphold the decision to refuse planning permission for the reasons detailed in the case officer's report.</p> <p>As an amendment, Councillor Cassidy seconded by Councillor Smaill moved that on balance given the particular circumstance involved, to uphold the review request, and grant planning permission subject to the proposed conditions contained in the Chief Officer Place's report.</p> <p>On a vote being taken 4 members voted for the Motion and 5 for the Amendment which accordingly became the decision of the Local Review Body.</p>		
<b>Decision</b>		
<p>The LRB agreed to uphold the review request, and grant planning permission for the following reason:</p> <p><i>The proposal would bring a vacant building back into use, create residential accommodation within a town centre with good public transport links and create an attractive building within the conservation area. The extensions and external alterations would positively contribute to the surrounding area.</i></p> <p>subject to:-</p>		

1. Prior to the commencement of development, the following details shall be submitted and approved in writing by the Planning Authority:

- a) Details and a sample of all external materials;
- b) Plans to a scale of 1:20 showing details of the design of the new windows, including dimensions and cross sections of the windows;
- c) Details of the materials of any areas of hardstanding; and
- d) Details of the design, dimensions, materials and colour finish of all new walls, gates, fences or other means of enclosure.

**Reason:** *These details were not submitted with the application; in order to ensure that the development hereby approved does not detract from the character and appearance of this listed building and surrounding conservation area.*

2. The details of the windows required by condition 1b) shall include genuine timber astragals, which are not to be inserted between or planted on the panes of glass unless otherwise agreed in writing by the Planning Authority.

3. The proposed slate vent on drawing number 1906/09A is not approved: prior to the commencement of development, details of an alternative means of ventilating this area shall be submitted to and approved by the Planning Authority.

**Reason for conditions 2 and 3:** *To protect the character and appearance of the existing listed building and surrounding conservation area and ensure this maintains the visual quality of this sensitive site.*

Action

Planning Manager

## 6. Private Reports

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No private business was discussed.

## 7. Date of Next Meeting

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The next scheduled meeting will be held on Monday 17 May 2021 at 1.00 pm.

The meeting terminated at 2.28pm.

## **Notice of Review: 24 Newton Church Road, Danderhall**

### **Determination Report**

Report by Chief Officer Place

#### **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 formation of access and driveway at 24 Newton Church Road, Danderhall.

#### **2 Background**

- 2.1 Planning application 20/00541/DPP for the formation of access and driveway at 24 Newton Church Road, Danderhall was refused planning permission on 18 November 2020; 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, excluding the standard advisory notes, issued on 18 November 2020 (Appendix D); and
  - A copy of the key plans/drawings (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 determined to consider a visual presentation of the site instead of undertaking a site visit because of the COVID-19 pandemic restrictions; and
  - Have determined to progress the review by written submissions.
- 4.2 The case officer's report identified that there was one consultation response and two representations received. As part of the review process the interested parties were notified of the review. No additional comments have been received. All comments can be viewed online on the electronic planning application case file.
- 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 13 June 2017, 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. Prior to the commencement of development, the following details shall be submitted and approved in writing by the Planning Authority:
    - a) Details of the materials of all areas of hardstanding; and
    - b) Details of the design, dimensions, materials and colour finish of all new walls, gates, fences or other means of enclosure over 1 metre in height.

**Reason:** *These details were not submitted with the application; in order to ensure that the development hereby approved does not detract from the character and appearance of the existing building and surrounding area.*

2. The details of the hardstanding required in terms of condition 1a) shall be a porous material/surface.

**Reason:** *To prevent water run-off from the site to neighbouring properties.*

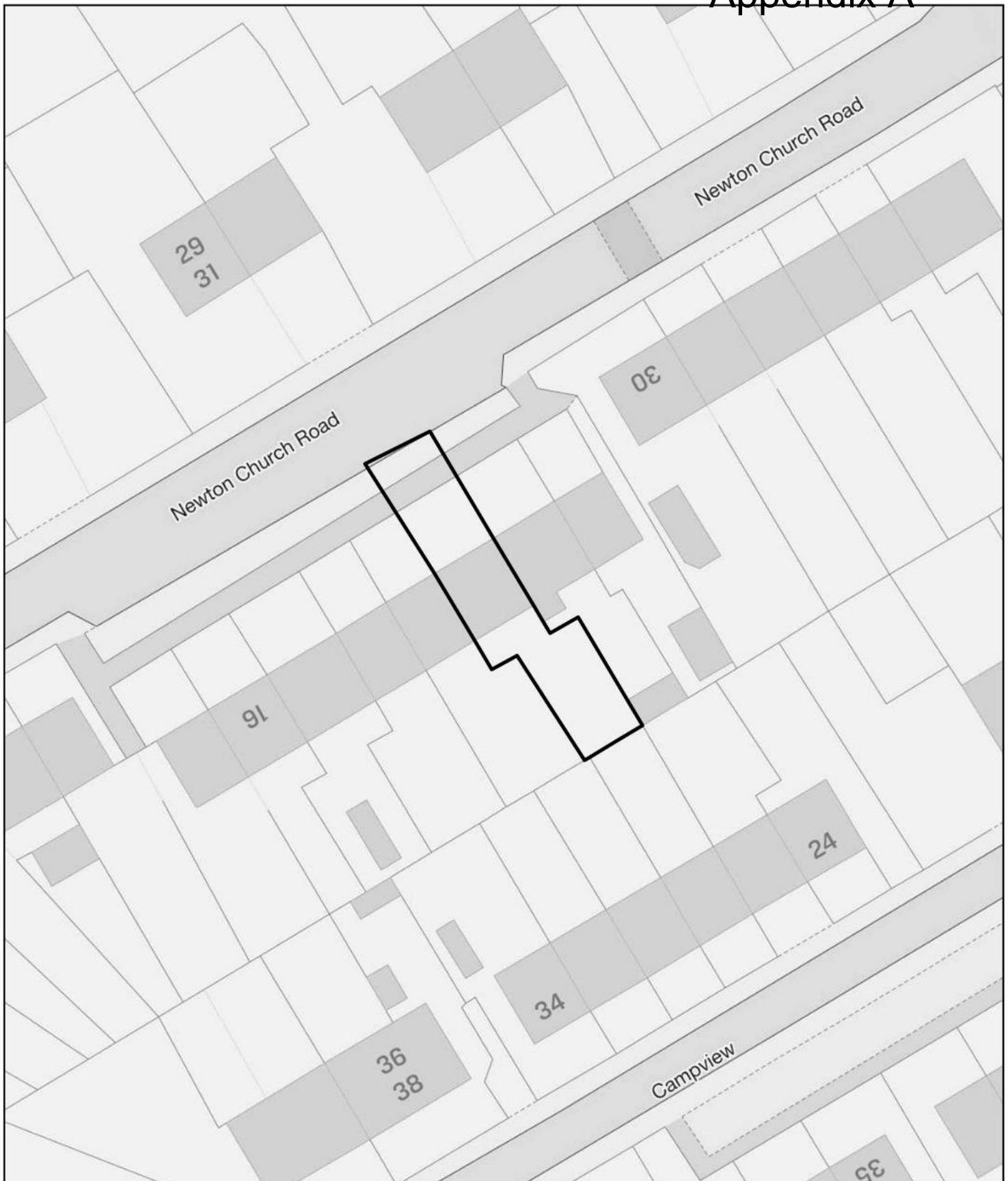
## **6 Recommendations**

- 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:** 7 May 2021

**Report Contact:** Peter Arnsdorf, Planning Manager  
[peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)

**Background Papers:** Planning application 20/00541/DPP available for inspection online.



**Planning Service  
Place Directorate**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

Formation of access and driveway at 24 Newton Church Road,  
Danderhall, EH22 1LU

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File No: 20/00541/DPP

Scale: 1:500

Page 14 of 58





Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: [planning-applications@midlothian.gov.uk](mailto: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 100297189-005

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:	<input type="text" value="Suzanne McIntosh Planning Limited"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Suzanne"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="McIntosh"/>	Building Number:	<input type="text" value="45C"/>
Telephone Number: *	<input type="text" value="07792230979"/>	Address 1 (Street): *	<input type="text" value="Bath Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Portobello"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="EH15 1HB"/>
Email Address: *	<input type="text" value="smcintoshplan@gmail.com"/>		

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

☒ Individual ☐ Organisation/Corporate entity



## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr and Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Bryan"/>	Building Number:	<input type="text" value="24"/>
Last Name: *	<input type="text" value="Ramsay"/>	Address 1 (Street): *	<input type="text" value="Newton Church Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Danderhall"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH22 1LU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="smcintoshplan@gmail.com"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="24 NEWTON CHURCH ROAD"/>
Address 2:	<input type="text" value="DANDERHALL"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="DALKEITH"/>
Post Code:	<input type="text" value="EH22 1LU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="669293"/>	Easting	<input type="text" value="330816"/>
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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)

Refusal of Planning Permission for the formation of a driveway and access

## 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.

A statement is provided with the Grounds of Review

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 Statement and set of drawings lodged with the application

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/00541/DPP

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

31/08/2020

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

18/11/2020

## 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

## 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: Mrs Suzanne McIntosh

Declaration Date: 16/12/2020

# GROUNDS OF APPEAL

Refusal of Planning Permission for a Driveway  
20/00541/DPP

Applicants: Mr and Mrs Ramsay  
24 Newton Church Road  
Danderhall  
Midlothian  
EH22 1LU

16<sup>th</sup> December 2020

**Suzanne McIntosh Planning Limited**

## Introduction

A planning application reference 20/00541/DPP was registered on 31.8.20 for the creation of an access and driveway to allow part of the front garden to be used to charge an electric vehicle at a charge point to be installed on the front elevation of the house at 24 Newton Church Road, Danderhall. The application was Refused by the Planning Officer on 18<sup>th</sup> November 2020 for the following reasons:

1. *'The lay-by is a well used safe public parking resource on a busy thoroughfare. The construction of a private driveway at this location would remove a section of lay-by and reduce the area available for general parking. This would place additional pressure on the limited number of public parking spaces presently available and would result in the vehicles currently using it having to park on-road. Also it may also lead to an increase in inconsiderate or illegal parking in the local area to the detriment of road safety'*
2. *The proposal would reduce the amenity space presently provided by the verge to the front of the terrace, to the detriment of the appearance of this area.*
3. *For the above reasons, the proposal is contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017.'*

## The Appeal

The appeal site forms the front garden and verge of a terraced house, situated within a terrace of 8 houses in Newton Church Road, Danderhall. Newton Church Road runs through a residential area that connects the A7 to the A6106. The busiest sections of Newton Church Road tend to be around the shops at either end in the village of Danderhall.



Newton Church Road is one of 4 different roads linking the A7 and A6106 through the village of Danderhall. Traffic is dispersed east/ west and vice versa, at different speeds, along each of these routes.

The section that the application site is situated on is the quietest section of these four options. It is the quietest because it is narrower than the other options, traffic calmed and much more residential in nature with a lower average speed of vehicle than each of the other routes. Given the large number of driveways along this route drivers tend to be driving at lower speeds and with caution in anticipation of someone reversing out of a driveway, as many do. Drivers also tend to be local, given there are better

routes that vehicles visiting the area for the first time will be directed to. This street isn't the busy street it was in the past when the alternative routes to the south didn't exist. The cars parked along the verge frontage are the occupiers of 24 and their neighbours. Everyone who has a driveway uses it. The car parked directly in front of 24 is the appellants car. Everyone along this section tends to park in front of their own house, if they don't have a driveway.

The houses along this road are all two storeys in height with pitched roofs. Number 24 is typical of this and has elevations that are a mixture of rendered sections and stone sections and the plain red tiles on the roof. The houses have front and rear gardens. A path runs along the front gardens then a hedge and grass verge to the road. At present most of the houses have a driveway along this section of Newton Church Road. The exception is part of the section number 24 is situated within. The front gardens are of sufficient length to physically accommodate a driveway. A layby parking arrangement is therefore used by the occupiers of these houses along the verge because they don't have driveways. The verge itself isn't pretty. It's a strip of grass and a patchy hedge.



The grass verge in front of number 24 has no hedge at this section; grass and weeds are the ground cover in this area. It is poorly maintained by the council.

Pedestrians tend not to use the footpath on the left side of the photo – they walk up the edge of the verge on the right – you can see the patchy area in the photograph close to the cars where they walk. What this means is that there is continual vandalism to the cars in the evenings at weekends. The most recent case to the appellants car was in November 2020. The police have visited and been informed each time it happens and incident numbers are available.

The residents here are penalised in terms of the heavy costs of their car insurance due to the volume of claims submitted for vandalism damage to vehicles. Hence why the appellant wants to keep their cars within easy sight of the house, within the garden area. The Planners have not considered these important issues. They have also not considered that if the appellants car is in the garden then it won't be parked in the space out front on the road. No-one else is likely to park there because they park in their drives or outside their own houses. This isn't a location where people come, park then go somewhere.

## **Background**

In 2007 a Reporter from the DPEA dismissed a planning appeal reference P/PPA/290/149 against the refusal of an application for a driveway by Midlothian Council that had been lodged in 2006.

The main issues of concern for the Reporter at that time were precedent if he were to allow the driveway, the gap that was to be created in the hedge at that time was a concern. He

acknowledged that it seemed unfair to the applicants that so many other driveways existed in the street, he was aware of the problems of anti-social behaviour in the area but he concluded at that time, 13 years ago that the proposal would create additional issues of traffic safety.

## **The Application**

13 years on from the point of the last application being refused and going to appeal we have a very different scenario hence the application being lodged at this time. The following provided the reasons why the resubmission was made but the Planning Officer appears not to have considered these issues. These are provided to assist the LRB.

- There is a large gap in the hedge and has been for many years; the verge adds little to the amenity of the area and is used as a pedestrian path.
- The speed and volume of traffic on the road has reduced significantly with new speed and calming measures undertaken by the council and journeys all tend to be local traffic.
- The volume of traffic on the road is significantly reduced with there being so many routes from A7 through Danderhall to Millerhill/ Fort Kinnaird now. Newton Church Road is the most circuitous of the four routes available and therefore the least likely to be used by drivers not going from and to the village itself. It is not a busy cut through as it once was.
- Weekend antisocial behaviour has become worse in the area with regular weekend damage to vehicles parked on the road. Mrs Ramsay is a key worker/carer and works shifts so needs to know her car is safe so she can use it to get to her clients at any hour of the day or night.
- There is no safe, convenient EV charge point available to these houses. The applicants are conscious about sustainability would like to change their vehicle for an electric vehicle and be able to charge it in a convenient, safe, supervised location.

The proposal illustrated on the drawings would be to create a driveway within the front garden to park the applicants' car and charge it from an EV charging point to be installed on the front wall of the house. Access to the driveway would be necessary over the grass verge and through the existing gap in the hedge. To necessitate this a dropped kerb will be required and white line on the access width of the road.

## **Planning Policy**

The current Midlothian Local Development Plan 2017 in particular Policy Dev2 Protecting Amenity within the Built Up Area states that Development will be permitted within existing built up areas.... unless it is likely to detract materially from the existing character and amenity of the area. The proposal will not adversely impact upon the character and amenity of the area. There are many driveways in this locality; the crossing of the verge will not necessitate the removal of planting and the overall benefit of being able to use a small electric vehicle outweighs any issues that were of concern.

This is the only planning policy mentioned in the reasons for refusal – in reason 3. The Planner in that reason gives a generic, unspecific reason. Reasons for refusal should never be generic or non-specific.

Policy Dev 5 Sustainability in New Development expects development proposals to have regard to the principles of sustainability. The proposal meets those in terms of its overall environmental objectives.

The Planner doesn't mention this policy – ignores it.

Policy Tran 5 Electric Vehicle Charging states that the council will support and promote the development of a network of electric vehicle charging stations....this proposal assists the implementation of this policy through providing a private charging point in the garden area where no other possibilities exist nearby.

Again the Planner doesn't mention this policy – ignores it.

## **Conclusions**

The proposals do not conflict with the policies of the Midlothian Local Development Plan, are needed to enable the applicants to purchase an electric vehicle and will address the issue of safety and security of their vehicle.

Planning is about a balance. In this case the sustainability benefits and safety/ security benefits far outweigh the loss of a weed covered verge that people cant see as part of the street scene for parked cars, isn't planted up and is used as a makeshift pedestrian cut through.

The reasons given by the Planner in the decision notice have been addressed above. Reason 1 doesn't acknowledge that the parking space that would be lost would be the one that the appellant uses at present. The car will move from there to the driveway – so there is not loss as suggested. It will not lead to inconsiderate parking – these spaces are used by the residents of these houses. There is no loss of amenity space – the space has little or no amenity value and is blocked from view by parked cars in a layby.

The LRB of Midlothian Council are asked to consider the information lodged and support the application. We are happy to answer any further questions in this regard.

***Suzanne C McIntosh MRTPI Hon FRIAS***



## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:** 20/00541/DPP

**Site Address:** 24 Newton Church Road, Danderhall.

**Site Description:** The application site comprises a mid-terraced two storey dwellinghouse, associated garden ground and part of a pavement and grass verge. The land slopes slightly from Newton Church Road down to the house. There is a parking layby to the north, separating the site and Newton Church Road. The site is in a predominantly residential area with largely two storey dwellinghouses and four in a block flatted dwellings. The grass verge runs alongside the whole layby and is owned by the Council.

**Proposed Development:** Formation of access and driveway.

**Proposed Development Details:** The driveway will cross the grass verge, with what appears to be paving/slabs, the existing pavement, and into the existing garden ground, again by using paving/slabs. The applicant's agent has submitted a supporting statement which seeks to address concerns raised by the planning authority regarding a previous similar proposal.

The plans state that gates will be erected but no details of the height or design of these gates have been submitted.

An electric charging point is shown on the plans which appears to be permitted development under Class 2B of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (as amended 2011).

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

06/00294/FUL Construction of driveway. Refused – the proposal would remove a section of lay-by and reduce the area available for general parking, placing additional pressure on the limited number of public parking spaces available and would result in the vehicles currently using it having to park on-road, adding to the current traffic congestion of the area. Also, it may also may lead to an increase in inconsiderate or illegal parking in the local area to the detriment of road safety. Also loss of hedge and reduction in amenity space presently provided by the verge to the front of the terrace, to the detriment of the appearance of this area. Contrary to policy RP19 of the then adopted Shawfair Local Plan. Appealed – refused at appeal.

10/00562/DPP 37 Newton Church Road Formation of driveway (retrospective). Consent with conditions.

## **Consultations:**

The **Policy and Road Safety Manager** recommends refusal of the planning application. The application property is one of a number along Newton Church Road which front onto the public parking lay-by. This is well used and provides safe, off-road parking for local residents and visitors. The proposal would remove a section of lay-by and reduce the area available for general parking. The layby also incorporates a disabled parking space which would require to be relocated if this driveway were approved. While the proposal would still provide a parking space, this would be a private space and would not provide the general parking which the lay-by currently provides. The proposal would place additional pressure on the limited number of public parking spaces presently available and may lead to an increase in inconsiderate or illegal parking in the local area to the detriment of road safety.

**Representations:** Two representations were received: one advises that the proposal does not affect them; the other confirms that they have no objection.

**Relevant Planning Policies:** The relevant policies of the **2017 Midlothian Local Development Plan** are;

**DEV2 Protecting Amenity within the Built-Up Area** advises that development will not be permitted where it is likely to detract materially from the existing character or amenity of the area; and

**TRAN5 Electric Vehicle Charging** seeks to support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals.

**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 proposal is to form a driveway to serve the application site, across part of a parking layby and a grass verge. The layby and grass verge extends along the front of the 8 properties that create this terrace, approximately 45 metres long. The application site is relatively central in the terrace and the interruption of the verge and layby would leave an area approximately 8 metres long to the east.

The applicant's agent has referred to the previous refusal for a similar proposal in 2006, stating the following changes in circumstances allow permission to now be granted; there is a large gap in the hedge at the site meaning the proposal would not result in the loss of this hedge; the speed and volume of traffic in the area has reduced due to changes to the road network in the wider area; there has been damage to cars parked on road and the applicant's circumstances means they are heavily reliant on their car and need to ensure it is safe; and there is currently no safe electric vehicle charging point at the house and the applicants want an electric car for sustainability reasons. They also highlight that there are other driveways in the area. They consider that these matters outweigh previous reasons for refusal.

There are two main considerations in this proposal – the impact on road safety and the impact on the appearance of the area.

With regards to road safety, it is clear that this remains a major concern. The proposal would result in the reduction of the well-used parking layby that provides safe, off-road parking for local residents and visitors and reduce the area available for general parking. Although the proposal would still provide a parking space, this would be a private space and would not provide the general parking which the lay-by currently provides. The proposal would place additional pressure on the limited number of public parking spaces presently available and may lead to an increase in inconsiderate or illegal parking in the local area to the detriment of road safety.

Although there is a gap in the hedge on the grass verge by the application site, meaning no hedge would need to be removed to accommodate the driveway, the proposal would still have an adverse visual impact on the appearance of the area. This would reduce the amount of amenity space currently provided and leave a relatively small amount of amenity space to the east, which would be to the detriment of the appearance of the area.

Although other driveways have been granted planning permission along Newton Church Road, these are quite different in their circumstances and have not given rise to the same concerns and road safety issues that are raised by current application. Each planning proposal must be assessed on its own merits.

The provision of a parking space for the house would facilitate an electric vehicle charging point here which would comply with policy TRAN5 and the Council's climate change objectives. However there remains strong road safety and amenity concerns. On balance the Planning Authority considers that in this case the suggested environmental benefits do not outweigh the concerns regarding road safety and the impact on the visual amenity of the area.

**Recommendation:** Refuse planning permission.

**Reg. No. 20/00541/DPP**

Suzanne McIntosh Planning Limited  
45C Bath Street  
Portobello  
Edinburgh  
EH15 1HB

Midlothian Council, as Planning Authority, having considered the application by Mr and Mrs Bryan Ramsay, 24 Newton Church Road, Danderhall, EH22 1LU, which was registered on 31 August 2020 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Formation of access and driveway at 24 Newton Church Road, Danderhall, EH22 1LU**

in accordance with the application and the following documents/drawings:

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	UD20/012/2001A 1:1250 1:500 1:100	31.08.2020
Elevations	UD20/012/002 1:50	31.08.2020
Planning Statement		31.08.2020

The reasons for Decision;

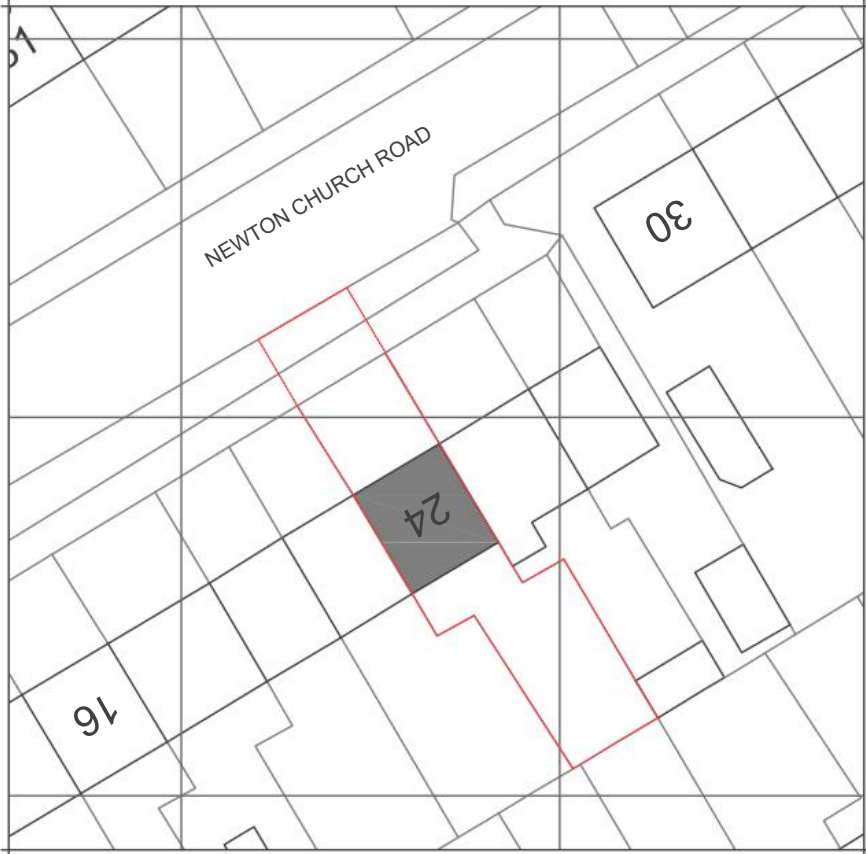
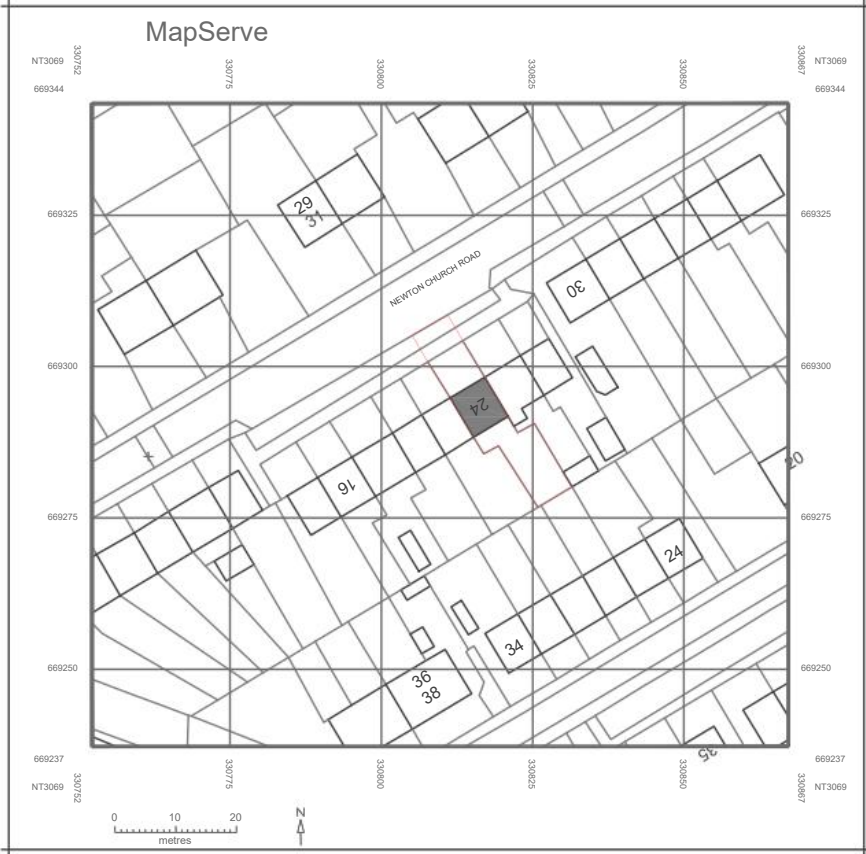
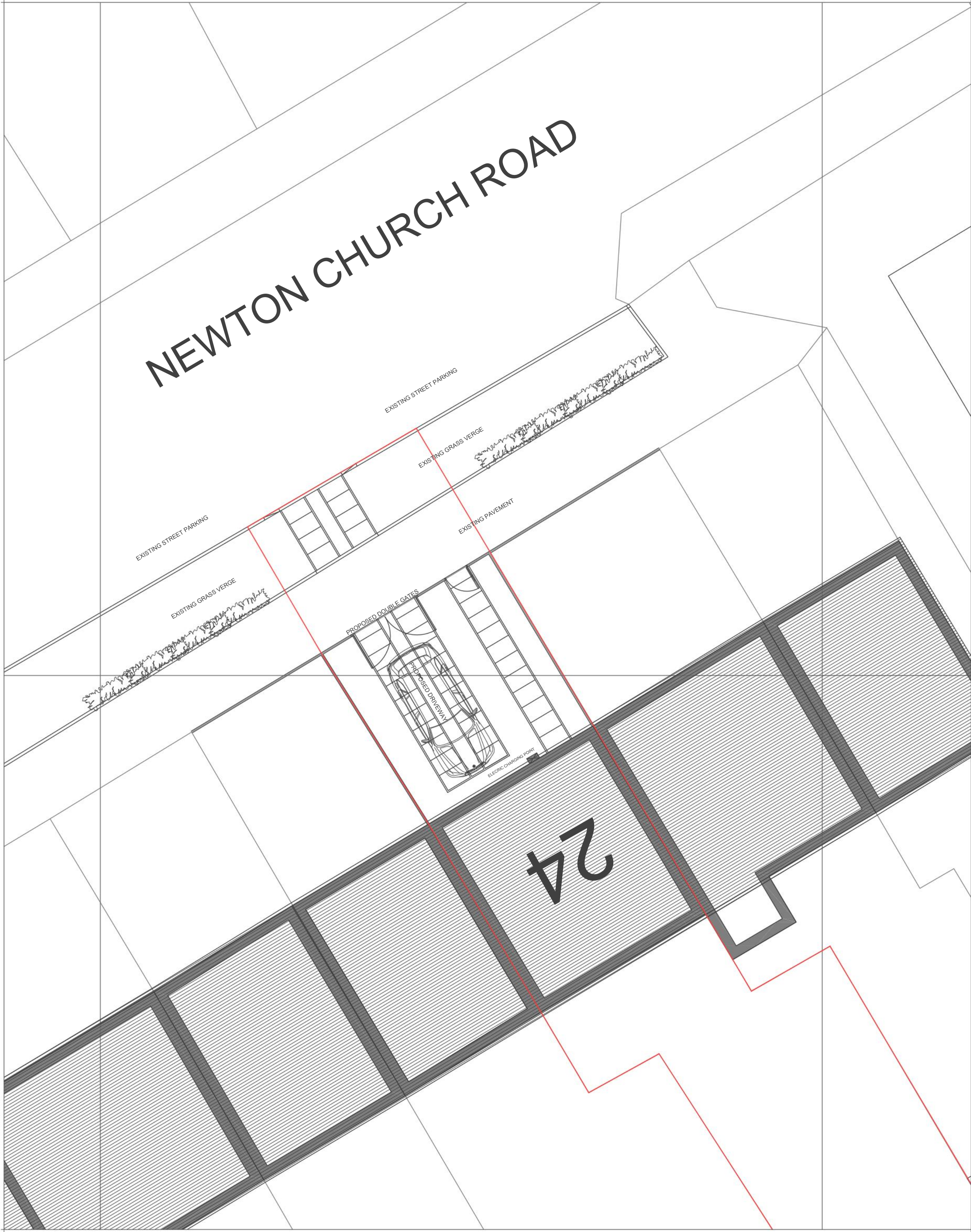
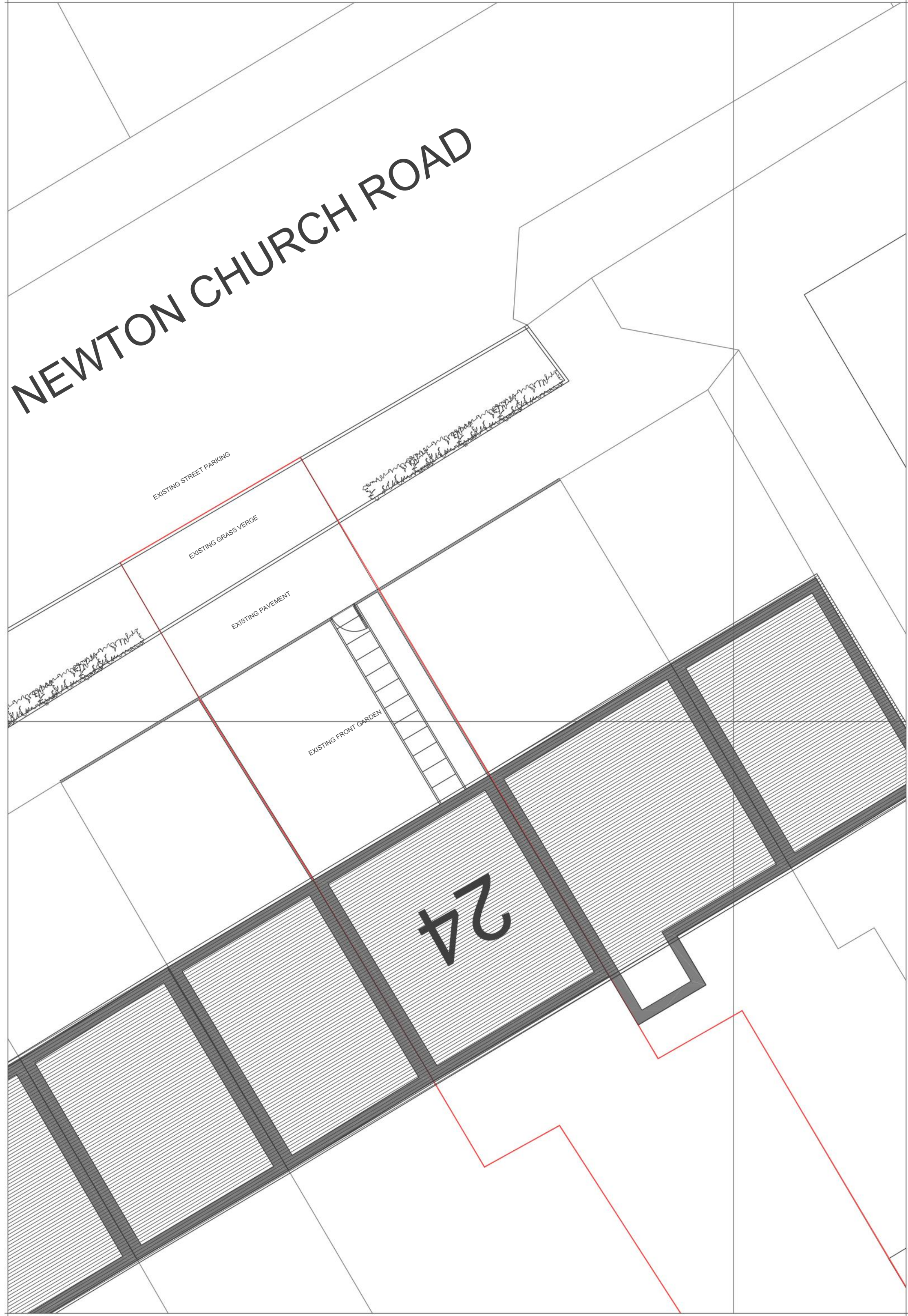
- 1. The lay-by is a well used safe public parking resource on a busy thoroughfare. The construction of a private driveway at this location would remove a section of lay-by and reduce the area available for general parking. This would place additional pressure on the limited number of public parking spaces presently available and would result in the vehicles currently using it having to park on-road. Also it may also lead to an increase in inconsiderate or illegal parking in the local area to the detriment of road safety.*
- 2. The proposal would reduce the amenity space presently provided by the verge to the front of the terrace, to the detriment of the appearance of this area.*
- 3. For the above reasons, the proposal is contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017.*

Dated 18 / 11 / 2020



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





REV A - AUG20 - BOUNDARY LINE AMENDED.



Urban Design (East Lothian) Limited  
80 Newhailes Crescent, Musselburgh, EH21 6EG  
Tel: 07886 113 817  
www.urbandesignlimited.com

DRAWING STATUS :-		
FEASIBILITY STUDY	<input type="checkbox"/> TENDER ISSUE	<input type="checkbox"/>
BUILDING WARRANT	<input type="checkbox"/> CONSTRUCTION ISSUE	<input type="checkbox"/>
PLANNING APPROVAL	<input checked="" type="checkbox"/> AS BUILT	<input type="checkbox"/>

CLIENT:  
MR & MRS RAMSAY

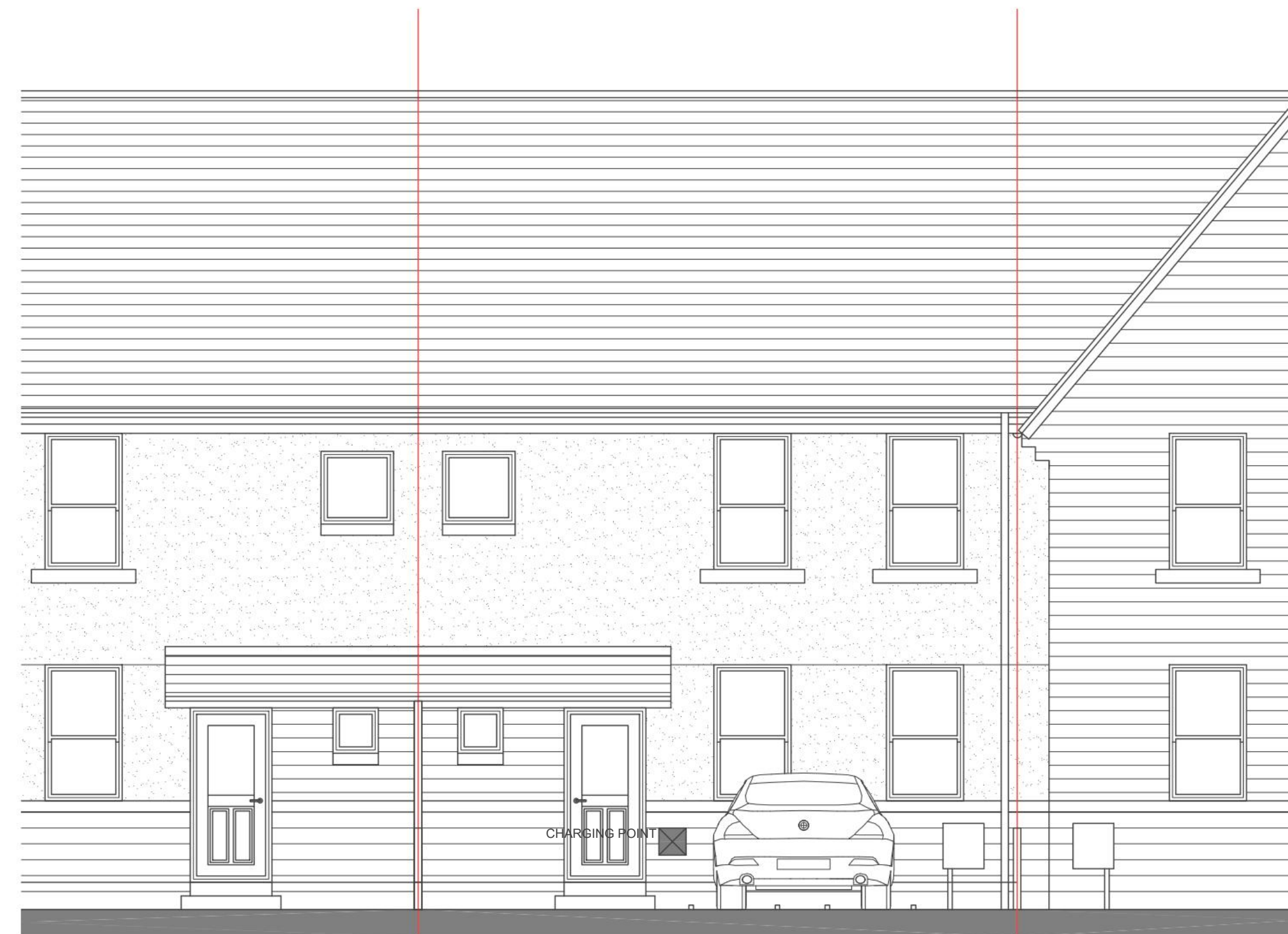
PROJECT:  
PROPOSED FORMATION OF DRIVEWAY

ADDRESS:  
24 NEWTON CHURCH ROAD, DANDERHALL, EH22 1LU

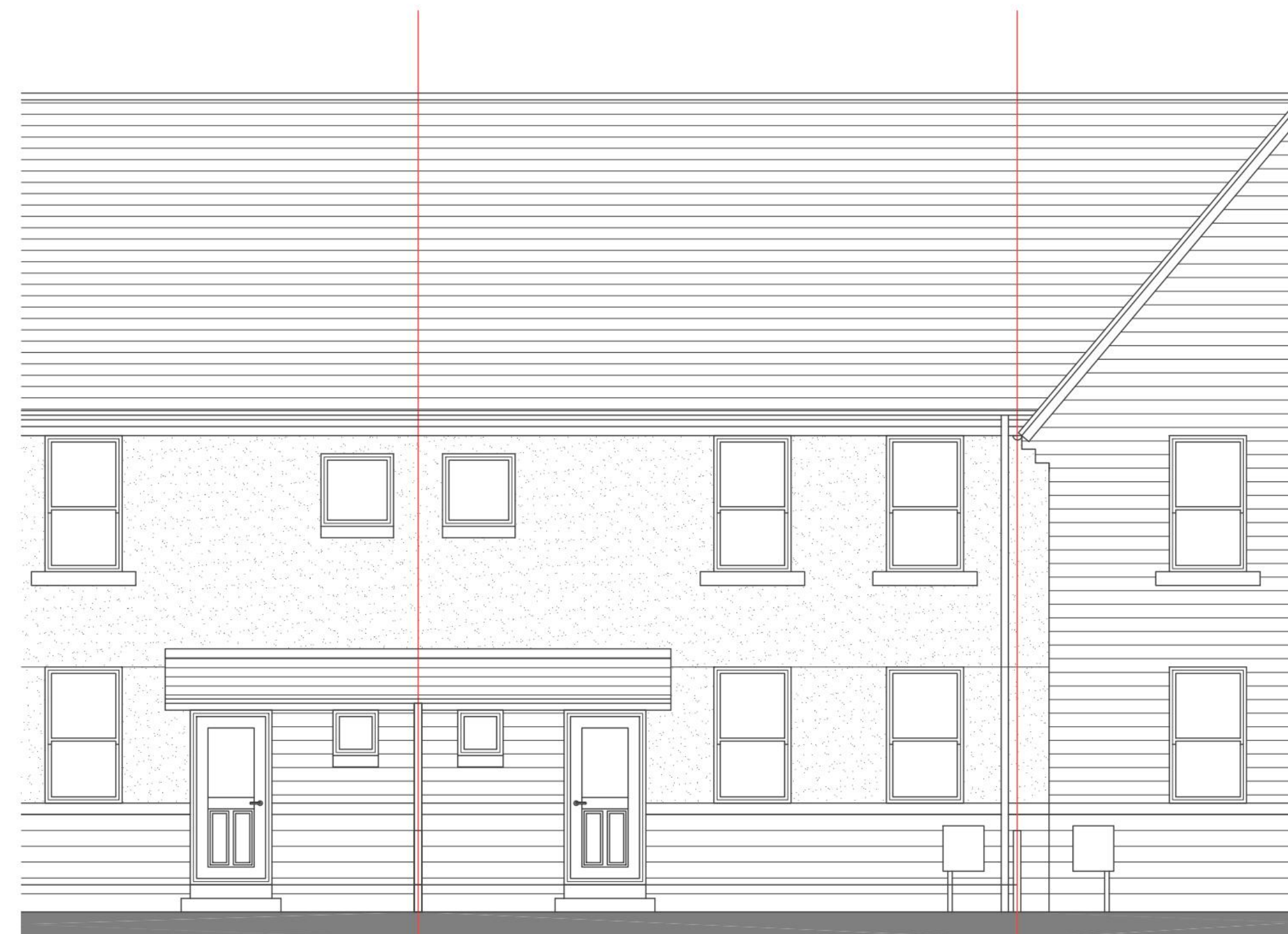
DRAWN BY:	CHECKED BY:	DATE:
CSD	SM	MAY 2020

DRAWING SCALE (A1):	DRAWING NUMBER:
1:100, 1:500 & 1:1250	UD20/012/001A





PROPOSED FRONT ELEVATION



EXISTING FRONT ELEVATION

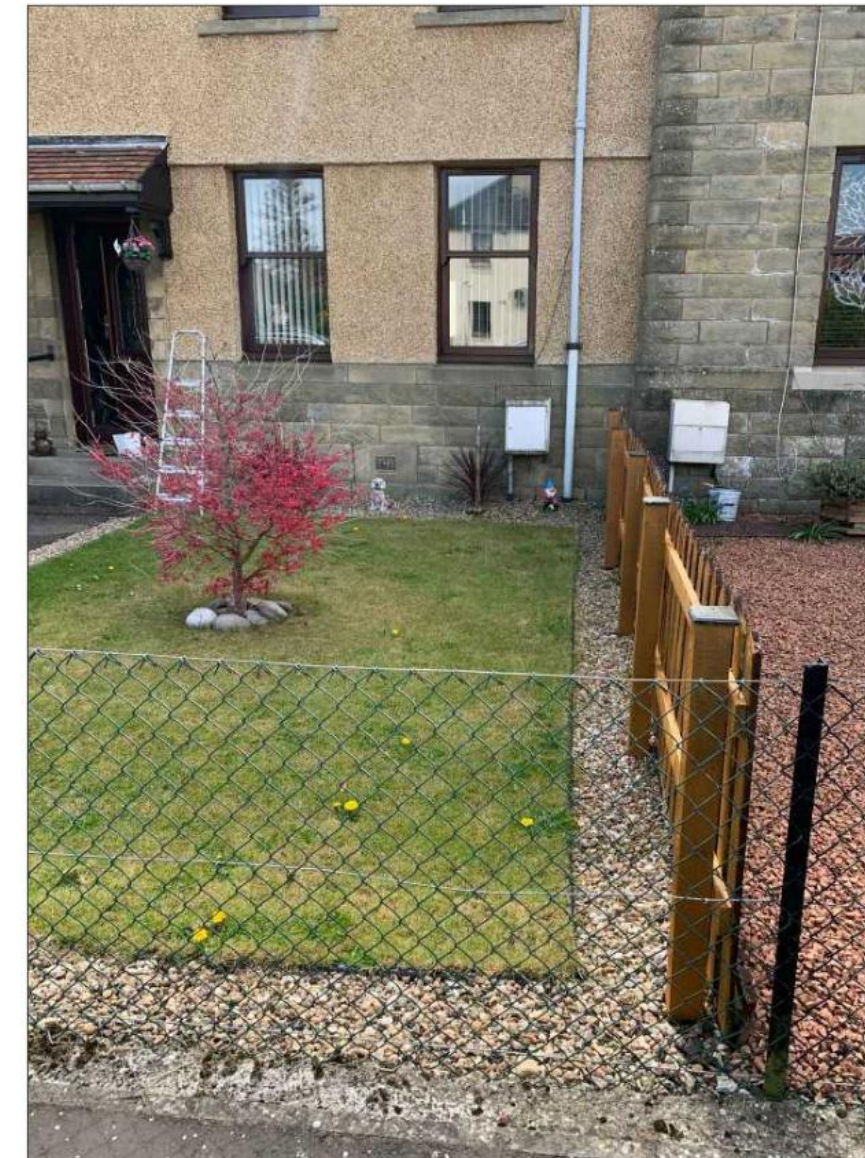


PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4



PHOTO 5



PHOTO 6



PHOTO - CHARGING POINT



Urban Design (East Lothian) Limited  
80 Newhailes Crescent, Musselburgh, EH21 6EG  
Tel: 07886 113 817  
www.urbandesignlimited.com

DRAWING STATUS :-			
FEASIBILITY STUDY	<input type="checkbox"/>	TENDER ISSUE	<input type="checkbox"/>
BUILDING WARRANT	<input type="checkbox"/>	CONSTRUCTION ISSUE	<input type="checkbox"/>
PLANNING APPROVAL	<input checked="" type="checkbox"/>	AS BUILT	<input type="checkbox"/>

CLIENT:  
TBC

PROJECT:  
PROPOSED FORMATION OF DRIVEWAY

ADDRESS:  
24 NEWTON CHURCH ROAD, DANDERHALL, EH22 1LU

DRAWN BY: CSD	CHECKED BY: SM	DATE: MAY 2020
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DRAWING SCALE (A1): 1:50	DRAWING NUMBER: UD20/012/002
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## Notice of Review: 25 Park Road, Dalkeith

### Determination Report

Report by Derek Oliver, Chief Officer Place

#### 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 to dwellinghouse; alterations to window opening to form door; formation of driveway and erection of associated retaining walls; alterations to boundary walls and erection of gates, at 25 Park Road, Dalkeith.

#### 2 Background

- 2.1 Planning application 20/00521/DPP for the erection of an extension to dwellinghouse; alterations to window opening to form door; formation of driveway and erection of associated retaining walls; alterations to boundary walls and erection of gates, at 25 Park Road, Dalkeith was granted planning permission subject to conditions on 13 November 2020; a copy of the decision is attached to this report. Condition 1 on planning permission 20/00521/DPP subject to review is as follows:

1. The proposed width of the enlarged opening in the front boundary wall as shown on drawing nos A(PL/BW)02 and A(PL/BW)07 is not approved: the width of the proposed enlarged opening in the front boundary wall shall not exceed 3m.

***Reason:*** *To retain as much of the front boundary wall as possible which contributes to the character and appearance of this part of the Eskbank and Ironmills Conservation Area.*

The applicant is requesting that this condition is removed from the grant of planning permission and as a consequence drawings A(PL/BW)02 and A(PL/BW)07 are approved with regard the width of the proposed enlarged opening in the front boundary wall – the opening thereby being 4m rather than 3m.

- 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, excluding the standard advisory notes, issued on 13 November 2020 (Appendix D); and
- A copy of the relevant 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 (as amended during the COVID-19 pandemic) agreed by the LRB, the LRB by agreement of the Chair:

- Have determined to consider a visual presentation of the site instead of undertaking a site visit because of the COVID-19 pandemic restrictions; and
- Have determined to progress the review by written submissions.

4.2 The case officer's report identified that there was one consultation response and one representation received. As part of the review process the interested parties were notified of the review. No additional comments have been received. All comments can be viewed online on the electronic planning application case file.

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 13 June 2017, 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 (conditions 1 - 4 below are on planning permission 20/00521/DPP as condition 2 – 5, which the applicant has not requested to be removed/amended).

1. Details of the material and colour of the gates to be installed at the enlarged opening in the front boundary wall shall be submitted to the Planning Authority and the gates shall not be installed until these details have been approved in writing by the Planning Authority.

***Reason:*** *To safeguard the character of this part of the Eskbank and Ironmills Conservation Area.*

2. Any gates to the vehicular access shall be so designed and installed as to only open inwards.

***Reason:*** *To ensure gates do not open over the pavement: to ensure no hazard is caused to pedestrians using the footway.*

3. Details of the surface material of the parking area proposed at the front of the house shall be submitted to the Planning Authority and this shall not be installed until this detail has been approved in writing by the Planning Authority.

***Reason:*** *To safeguard the character of the application property and this part of the Eskbank and Ironmills Conservation Area.*

4. The following details 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:

- a) The colour and texture of the render proposed on the external walls of, the extension;
- b) The material and colour finish of the sections of wall on the gable on the north west elevation of the proposed extension;
- c) The colour of the timber cladding proposed on the external walls of the extension; and,
- d) The colour of the window and door frames on the proposed extension.

***Reason:*** *To safeguard the character of the application 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:** 7 May 2022

**Report Contact:** Peter Arnsdorf, Planning Manager  
[peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)

**Background Papers:** Planning application 20/00521/DPP available for inspection online.



**Planning Service  
Place Directorate**  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3AA

Extension to dwellinghouse; alterations to window opening to form door; formation of driveway and erection of associated retaining walls; alterations to boundary walls and erection of gates at 25 Park Road, Dalkeith, EH22 3DH

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File No: 20/00521/DPP

Scale: 1:750

Page 37 of 58



## NOTICE OF REVIEW

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		2. Agent's Details (if any)	
Title	<input type="text" value="Ms"/>	Ref No.	<input type="text" value="20-004"/>
Forename	<input type="text" value="Kirsty"/>	Forename	<input type="text" value="Bengt"/>
Surname	<input type="text" value="Grieve"/>	Surname	<input type="text" value="Ericsson"/>
Company Name	<input type="text"/>	Company Name	<input type="text" value="Ericsson Architects"/>
Building No./Name	<input type="text" value="25"/>	Building No./Name	<input type="text" value="2 The Stables"/>
Address Line 1	<input type="text" value="Park Road"/>	Address Line 1	<input type="text" value="Newbattle Road"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="Eskbank"/>	Town/City	<input type="text" value="Eskbank"/>
Postcode	<input type="text" value="EH22 3DH"/>	Postcode	<input type="text" value="EH22 3LJ"/>
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	<input type="text" value="07769 334 437"/>	Mobile	<input type="text" value="07768 394 948"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text" value="kirstyg0110@hotmail.com"/>	Email	<input type="text" value="bengt@ericsson-architects.co.uk"/>
<b>3. Application Details</b>			
Planning authority		<input type="text" value="Midlothian Council"/>	
Planning authority's application reference number		<input type="text" value="20/00521/DPP"/>	
Site address			
<input style="width: 100%; height: 100%;" type="text" value="25 Park Road&lt;br/&gt;Eskbank&lt;br/&gt;EH22 3DH"/>			
Description of proposed development			
<input style="width: 100%; height: 100%;" type="text" value="Extension to Dwelling House; Alterations to window opening to form door; formation of driveway and erection of associated retaining walls; alterations to boundary walls and erection of gates."/>			



Date of application

19/08/2020

Date of decision (if any)

13/11/2020

**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.

Review of Condition 1. The proposed width of the enlarged opening in the front boundary wall.

#### 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.

We are seeking a review of the condition 1 of the granted planning permission dated 13/11/2020 limiting the opening to only extend to 3m.

The application for planning permission requested an enlarged opening to accommodate safe manoeuvring of vehicles to a proposed off street parking areas in the front garden adjacent to the driveway (please refer to drawingsa(PL/BW)02 and A(PL/BW)07 attached. The proposed opening extended to 4m on the original application.

During the assessment period, the planning officer corresponded with us (email dated 21/09/2020) to reduce this with reference to the "Eskbank and Ironmill Conservation Area".

We replied to this overmarked with our Clients requirements and reasons for an enlargement in an email dated 22/09/2020.

A further email was issued to planning on 29/10/2020 with the clients proposal to be prepared to reach a compromise of a reduction in width of the opening to 3.4m.

We did not get a response to this email and the planning approval was issued without any reference to the issues we had raised, but with a condition to which we now request a review.

PS. The family moved in before Christmas and the issues highlighted above clearly justifies a review.

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

Copies of the following are attached:  
Drawings A(PL/BW)02 and A(PL/BW)07.  
Email dated 22/09/2020 with pertinent issues highlighted.  
Email dated 29/10/2020, proposed compromise.

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.

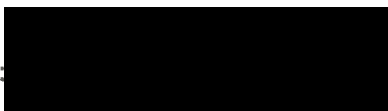


Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, 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:

B Ericsson for Ericsson Architects

Date:

22 January 2021

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

As regards the flue I would be grateful if you could confirm its height. Should the flue be any higher than shown on the plans it may be necessary for your client to submit a new planning application for this.

I look forward to hearing from you.

Regards, Ingrid

**From:** Bengt Ericsson <[bengt@ericsson-architects.co.uk](mailto:bengt@ericsson-architects.co.uk)>

**Sent:** 22 September 2020 13:43

**To:** Ingrid Forteath <[Ingrid.Forteath@midlothian.gov.uk](mailto:Ingrid.Forteath@midlothian.gov.uk)>

**Cc:** 'Kirsty Grieve' <[kirstyg0110@hotmail.com](mailto:kirstyg0110@hotmail.com)>; 'Gordon Lindsay'

<[the\\_lindsays@btopenworld.com](mailto:the_lindsays@btopenworld.com)>

**Subject:** RE: Planning application ref: 20/00521/dpp - 25 Park Road, Dalkeith

**CAUTION:** This email originated from outside Midlothian Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon Ingrid

Thank you for your email and I hope you are also keeping well and safe. I have noted my response below to your queries and if you do wish to expand on any issue, please do not hesitate to get in touch again.

All the best

Bengt

**From:** Ingrid Forteath [<mailto:Ingrid.Forteath@midlothian.gov.uk>]

**Sent:** Monday, September 21, 2020 5:21 PM

**To:** 'bengt@ericsson-architects.co.uk' <[bengt@ericsson-architects.co.uk](mailto:bengt@ericsson-architects.co.uk)>

**Subject:** Planning application ref: 20/00521/dpp - 25 Park Road, Dalkeith

Hi Bengt,

I hope you are well I have a few queries in relation to the above application. As regards the bin store am I correct in assuming that it is proposed to remove the existing trellis apart from the small section on the south east side of the storage area or is a new trellis also proposed alongside the boundary wall adjacent to the access to no 27? No, it is proposed to reduce the length of the existing section of the trellis perpendicular to the boundary wall only, so that the bins are not visible from the street.

The Eskbank and Ironmills Conservation Area Appraisal mentions the boundary treatments within Eskbank stating "High stone walls predominate, bounding wide and often straight streets." and "Tall sandstone boundary walls are very characteristic of the area providing privacy and enclosure for properties." and that "Stone garden and field walls, fences and railings should be retained." Stone boundary walls along the street frontage are particularly characteristic of Park Road and the proposed increase in the width of the vehicular access will impact on this. In the main openings for vehicular access to the properties on Park Road do not exceed 3m in width. I would be grateful if your client would consider retaining the width of the vehicular access on to Park Road as existing. The off street parking

is important and desirable for our Client. It would be difficult to safely access the proposed car park if the current opening is maintained. Should the existing opening be maintained, the parking area would have to be extended towards the house and would impact the front garden layout in a negative way. You are right in that in the main there are existing openings around 3m. It should be noted however, that at no 19, a project we were involved in (and still are), planning permission was granted a few years ago to extend the opening to 3.6m to accommodate the off street car parking required for that property. Our proposals indicate an increase of that opening by 0.4m, which is due to enable the parking to be close to the existing stone wall along the front and, as mentioned above, reduce the impact of the front garden. I shall ask the Client for their comment and get back to you.

A representation has been received in relation to the application querying the details of the proposed flue and expressing concern that modern pipes can be very reflective and especially if combined with a rotating cowl can be extremely distracting. Please can you confirm the height of the flue will be as shown on the submitted plans and provide details of the diameter, material and colour of the flue including details of the proposed cowl for information. The height of the chimney is dictated by the Technical Standards and subject to Building Warrant. The height shown of the application drawings is approx. 1m. We confirm height once type of stove has been selected and output. The chimney would in any case be no more than approx. 150mm diameter and of twin wall construction. As for the termination, an anti-draught cap or rain cap is preferred. A rotating cowl will not be installed. The chimney system is available in a black powder coated finish, which we would recommend.

The Wildlife Information Centre have also raised the possibility of bats at the application site. Please note bats are a European Protected Species and for any wild bat species it is an offence to deliberately or recklessly:

- capture, injure or kill a bat
- harass a bat or group of bats
- disturb a bat in a roost (any structure or place it uses for shelter or protection)
- disturb a bat while it is rearing or otherwise caring for its young
- obstruct access to a bat roost or otherwise deny an animal use of a roost
- disturb a bat in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species
- disturb a bat in a manner or in circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young

It's also an offence to:

- damage or destroy a breeding site or resting place of such an animal (whether or not deliberately or recklessly)
- keep, transport, sell or exchange, or offer for sale or exchange any wild bat (or any part or derivative of one) obtained after 10 June 1994

It is your client's responsibility to establish whether bats are present and to stay within the law. Should planning permission be forthcoming your client may wish to consider instructing a bat survey by a suitably qualified ecologist prior to any work starting at the site. Scottish Natural Heritage is responsible for issuing licences to permit development, including major works and minor home repairs that might affect bats or their roosts.

We are aware of this situation and on inspection of the loft, we are informed that there is no evidence of bats at the application site.

I look forward to hearing from you.

Regards, Ingrid

Ingrid Forteath  
Planning Officer  
Planning  
Place  
Midlothian Council  
Fairfield House  
8 Lothian Road  
Dalkeith  
EH22 3ZN  
Tel: 0131 2713316  
Fax: 0131 2713537  
Web: [www.midlothian.gov.uk](http://www.midlothian.gov.uk)  
Email: [ingrid.forteath@midlothian.gov.uk](mailto:ingrid.forteath@midlothian.gov.uk)

Please note I am currently working from home and only contactable by e-mail.

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## Bengt Ericsson

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**From:** Bengt Ericsson <bengt@ericsson-architects.co.uk>  
**Sent:** Thursday, October 29, 2020 12:39 PM  
**To:** 'Ingrid Forteath'  
**Cc:** 'Kirsty Grieve'; 'Gordon Lindsay'  
**Subject:** 20/00521/DPP 25 Park Road, Eskbank

Dear Ingrid

I have discussed with my Clients the issue of the enlarged gate to accommodate their cars being off street. We are proposing a compromise, which will work with the desired layout as shown on the application drawings. Bearing in mind our previous comments regarding minimising the impact on the front garden, it is proposed that the opening can be reduced from 4m as currently shown, to 3.4m. This would still mean careful manoeuvring for the off street parking.

Park Road is busy with a lot of street parking, not necessarily by residents but by deliveries, school pick-ups, visits to the park and commuter parking etc. All this require any new openings to existing properties for off street parking to be safe and suitable for today's vehicles. The existing openings were not built for modern cars and the extent of traffic generated in residential areas.

I would again refer to the not so long ago approved enlarged opening at no 19 Park Road, which is only two houses (nos. 23 and 21) away. This was enlarged from the original 2.7m to 3.6m to accommodate more cars being off street. We feel that there is therefore a precedent set.

With best wishes

Bengt

Bengt G Ericsson  
ME (Arch) STO RIAS RIBA SAR  
Director  
**ERICSSON Architects**  
2 The Stables  
Newbattle Road  
Eskbank  
Midlothian EH22 3LJ  
Mobile: 07768 394 948  
Email: [bengt@ericsson-architects.co.uk](mailto:bengt@ericsson-architects.co.uk)  
Web: [www.ericsson-architects.co.uk](http://www.ericsson-architects.co.uk)

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## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:**20/00521/dpp

**Site Address:** 25 Park Road, Dalkeith

#### **Site Description:**

The application property comprises a semi-detached two storey traditional stone dwellinghouse and its associated garden, located on a residential street. The house has a slate hipped roof and white painted timber sash and case windows. There is a 1.5m high (as measured from the pavement) stone wall at the front of the property with a 2.65m wide vehicular access. The area of garden immediately in front of the house is 0.6m higher than the pavement at the front of the site.

The application property is located within the Eskbank and Ironmills Conservation Area.

#### **Proposed Development:**

Extension to dwellinghouse; alterations to window opening to form door; formation of driveway and erection of associated retaining walls; alterations to boundary walls and erection of gates

#### **Proposed Development Details:**

It is proposed to erect a single storey extension at the rear of the house measuring a maximum of 7.1m wide and 5.5m deep. There is some discrepancy when scaling from some of the plans with regard to the depth of the extension being either 5.1m or 5.5m. However the proposed floor plan is annotated with the depth as being 5.5m and it is on this basis that the extension has been assessed. The design of the extension incorporates large areas of glazing and both a monopitch roof to be covered in a grey single ply membrane with standing seams and a pitched roof to be covered in slates. The walls of the extension are to be finished in a mix of render and timber cladding with timber or aluminium framed windows and doors. No details have been submitted of the colour of the render, timber cladding and window and door frames. A 1.5m high flue is proposed on the roof of the extension.

It is proposed to convert a window on the side of the house to a door opening.

At the front of the property it is proposed to reduce the ground levels in front of the house to form an enlarged parking area with 0.8m high stone clad (from down takings at the site) retaining walls. It is also proposed to increase the width of the vehicular access at the front to 4m with one of the existing stone piers relocated to the side of the widened entrance with new gates.

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

History sheet checked.



**Consultations:**

The Wildlife Information Centre – have raised the possibility of bats at the site and recommend that a bat survey be carried out by a suitably qualified ecologist.

**Representations:**

One representation has been received from the occupier of no. 23 next door who is generally supportive of the scheme. He does however seek clarification of the calibre, height, components and material (colour) of the new chimney pipe from the freestanding wood burner. He is concerned that modern pipes can be very reflective and especially if combined with a rotating cowl can be extremely distracting

**Relevant Planning Policies:**

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The relevant policies of the **Midlothian Local Development Plan 2017** are;

DEV2 – Protecting amenity within the built-up area - seeks to protect the character and amenity of the built-up area.

ENV 19 - Conservation Areas - seeks to preserve or enhance the character and appearance of conservation areas.

ENV 22 – Listed Buildings - This policy presumes against development which would adversely affect the character or appearance of listed buildings, its setting or any feature of special architectural or historic interest that it possesses. Development within the curtilage of a listed building or its setting will only be permitted where it complements its special architectural or historic character.

It is noted that policy DP6 House Extensions, from the now superseded 2008 Midlothian Local Plan, set out design guidance for new extensions requiring that they are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines contained in DP6 also relate to size of extensions, materials, impact on neighbours and remaining garden area. It also states that front porches to detached or semi-detached houses are usually acceptable provided they project less than two metres out from the front of the house. It also allowed for novel architectural solutions. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

The Eskbank and Ironmills Conservation Area Appraisal mentions the boundary treatments within Eskbank stating "High stone walls predominate, bounding wide and often straight streets." and "Tall sandstone boundary walls are very characteristic of the area providing privacy and enclosure for properties." and that "Stone garden and field walls, fences and railings should be retained."

**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 form of the extension is quite conventional however the large areas of glazing, timber cladding and single ply roof give it a more contemporary feel which whilst contrasting with the character of the existing building will add to its architectural interest. Details of the colour of some of the external finishes can be covered by condition should planning permission be forthcoming. Located at the rear of the property the extension will not have a significant impact on the character and appearance of the conservation area.

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

The proposed door on the side elevation of the house will not have a significant impact on the character of the existing building or the character and appearance of the conservation area.

The rear extension will have views towards no. 27 Park Road at the rear however there is 23m (approx.) between the rear elevation of the extension and the front of no. 27 which is also offset to one side from the application property and as such the impact on the privacy of no. 27 will not be significant. The extension will not have a significant impact on the setting of no. 27 which is a listed building.

Impact on no. 29 – There are two windows on the side of no. 29 which face the application property serving a kitchen and dining room. The dining room window looks out on to the two storey gable of the application property and the extension will not have a significant impact on the outlook from this room as compared to the existing situation. The extension will be prominent to the outlook of the kitchen window but will not have an overbearing impact. This room is also served by a glazed door on the rear elevation. The extension may impact on light to these windows. However notwithstanding the location of the application property within a conservation area and any hardstandings or other structures at the application property a material consideration in the assessment of the application is that ordinarily a similar extension could be erected as permitted development. As such the impact of the extension on the amenity of no. 29 will not be significant as compared to that arising from what could ordinarily be erected as permitted development. The extension will not have a significant impact on the amenity of the garden of no. 29 in terms of outlook, privacy or light.

Impact on no. 23 – The extension will not be overbearing to the outlook from the house or garden of no. 23. It will not have a significant impact on sunlight to or daylight (satisfies standard 45° daylight test to nearest window on rear elevation of no. 23) to no. 23. A 2.1m high hedge at no. 23 will minimise overlooking from the glazing on the side of the extension. Once the extension has been built the proposed flue (as shown on the submitted plans) could be installed as permitted development not requiring planning permission from the Council. Taking this into account it would be unreasonable to try to control the type of flue and cowl to be installed. Also the impact is unlikely to be of such significance as to warrant refusal



of planning permission. The applicant's agent has however confirmed that a rotating cowl will not be installed and that the chimney system is available in a black powder coated finish.

The extension does not break in to the roof of the existing building and the mention of bats is not specific to this property. The agent has been advised of the possibility of bats and their protected status.

Park Road is a wide road. On the opposite (south east) side of this section of Park Road it appears to be the rear of the houses which face the road with a high stone wall along the boundary with the road. The north west side of this section of Park Road is characterised by a stone wall along the frontage with the houses set back from the road. Apart from at no 5 Waverley Road where the wall is higher the boundary wall along the frontage of the other houses along this section of Park Road is relatively uniform in height. The boundary walls along the street frontage are a defining feature contributing to the character of the area. In the main openings for vehicular access to the properties on Park Road do not exceed 3m in width.

The Eskbank and Ironmills Conservation Area Appraisal mentions the boundary treatments within Eskbank stating "High stone walls predominate, bounding wide and often straight streets." and "Tall sandstone boundary walls are very characteristic of the area providing privacy and enclosure for properties." and that "Stone garden and field walls, fences and railings should be retained." The applicant's agent was originally requested to retain the existing opening. Subsequently the agent was advised that taking in to account the character of the area and looking at other driveway openings in the immediate surrounding area, including the percentage of the site frontages taken up by openings, a 3m driveway opening may be acceptable in order to retain as much of the boundary wall as possible in order to safeguard the character of this part of the conservation area.

The applicant's agent has replied that off street parking is important and desirable for his client and that it would be difficult to safely access the proposed car park if the current opening is maintained. Should the existing opening be maintained, the parking area would have to be extended towards the house and would impact the front garden layout in a negative way. He mentions that at no. 19 planning permission was granted to extend the vehicular opening to 3.6m setting a precedent and suggests that the opening at the application property could be reduced to 3.4m. He states that Park Road is busy with a lot of street parking and that this requires any new openings to existing properties for off street parking to be safe and suitable for today's vehicles. He states that the existing openings were not built for modern cars and the extent of traffic generated in residential areas.

The 3m width suggested by the case officer will readily accommodate modern cars and it would appear that it would be possible to access both parking spaces in the front garden albeit maybe with additional manoeuvres within the site. Also whilst Park Road is busy with on-street parking due to this part of Park Road being a dead end vehicle speeds are not particularly high. As regards the approved opening at no. 19 it should be noted that this property has a much longer frontage than the application property with the proposed widened access only occupying 15.7% of the frontage whilst the suggested 3m wide opening at the application property would

occupy 25% of the frontage of this property. The points put forward by the agent do not justify the piecemeal erosion of the character of this part of the conservation area. As such the width of the enlarged opening in the boundary wall at the application property should not exceed 3m. This can be covered by condition.

**Recommendation:**

Grant planning permission

## Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 20/00521/DPP



Bengt Ericsson  
2 The Stables  
Newbattle Road  
Eskbank  
Dalkeith  
EH22 3LJ

Midlothian Council, as Planning Authority, having considered the application by Ms Kirsty Greve, 25 Park Road, Dalkeith, EH22 3DH, which was registered on 19 August 2020, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

**Extension to dwellinghouse; alterations to window opening to form door; formation of driveway and erection of associated retaining walls; alterations to boundary walls and erection of gates, at 25 Park Road, Dalkeith, EH22 3DH**

in accordance with the application and the following documents/drawings:

<u>Document/Drawing</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site Plan	A(PL/BW)02 1:1250 1:500 1:250 1:100	19.08.2020
Elevations, Floor Plan And Cross Section	A(PL/BW)03 1:100	19.08.2020
Existing Elevations	A(PL/BW)04 1:100	19.08.2020
Elevations, Floor Plan And Cross Section	A(PL/BW)05 1:100	19.08.2020
Proposed Elevations	A(PL/BW)06 1:100	19.08.2020
Elevations, Floor Plan And Cross Section	A(PL/BW)07 1:100	19.08.2020

This permission is granted for the following reasons:

*The proposals will not detract from the character of the existing building or the character and appearance of this part of the Eskbank and Ironmills Conservation Area or have a significant impact on the setting of no. 27 Park Road of the amenity of the occupiers of no. 23 Park Road and comply with the aims of policies DEV2, ENV19 and ENV22 in these respects.*

*The proposed extension will not have a significant impact on the amenity of the occupiers of no. 29 Park Road as compared to that arising from what could ordinarily be erected as permitted development.*

Subject to the following conditions:

1. The proposed width of the enlarged opening in the front boundary wall as shown on drawing nos A(PL/BW)02 and A(PL/BW)07 is not approved: the width of the proposed enlarged opening in the front boundary wall shall not exceed 3m.

**Reason:** *To retain as much of the front boundary wall as possible which contributes to the character and appearance of this part of the Eskbank and Ironmills Conservation Area.*

2. Details of the material and colour of the gates to be installed at the enlarged opening in the front boundary wall shall be submitted to the Planning Authority and the gates shall not be installed until these details have been approved in writing by the Planning Authority.

**Reason:** *To safeguard the character of this part of the Eskbank and Ironmills Conservation Area.*

3. Any gates to the vehicular access shall be so designed and installed as to only open inwards.

**Reason:** *To ensure gates do not open over the pavement: to ensure no hazard is caused to pedestrians using the footway.*

4. Details of the surface material of the parking area proposed at the front of the house shall be submitted to the Planning Authority and this shall not be installed until this detail has been approved in writing by the Planning Authority.

**Reason:** *To safeguard the character of the application property and this part of the Eskbank and Ironmills Conservation Area.*

5. The following details 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:

- a) The colour and texture of the render proposed on the external walls of, the extension;
- b) The material and colour finish of the sections of wall on the gable on the north west elevation of the proposed extension;
- c) The colour of the timber cladding proposed on the external walls of the extension; and,
- d) The colour of the window and door frames on the proposed extension.

**Reason:** *To safeguard the character of the application property.*

Dated 13 / 11 / 2020



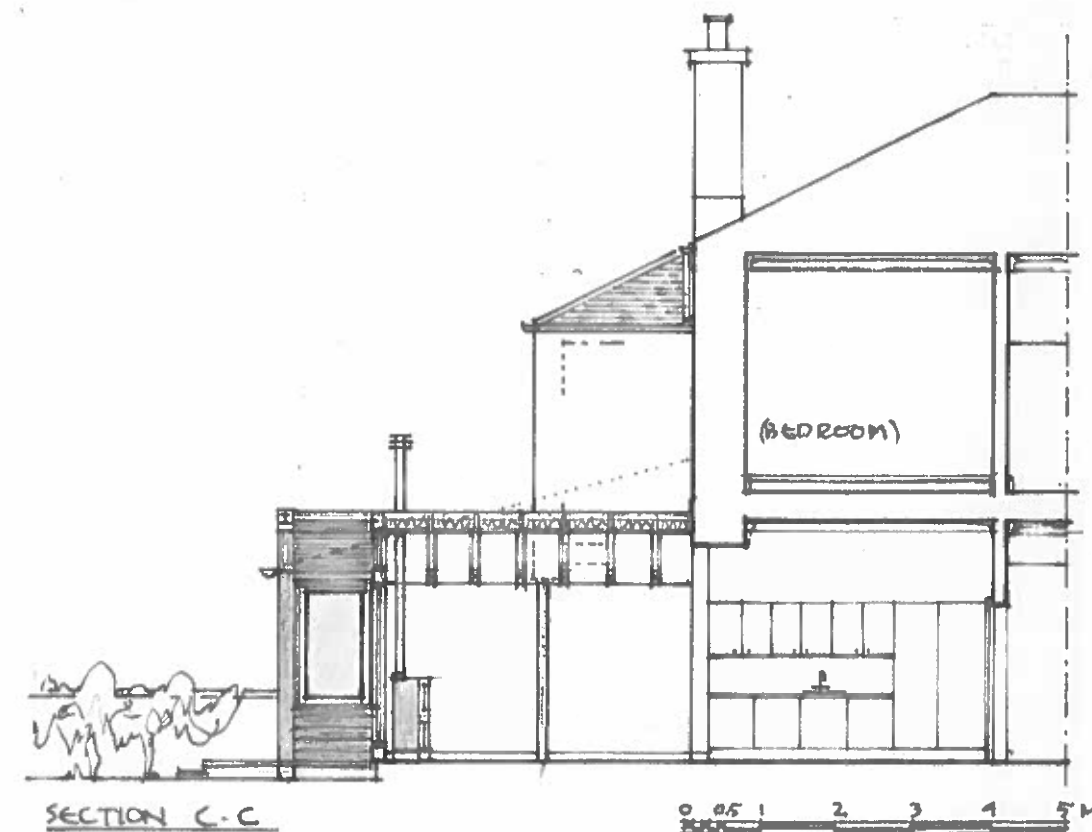
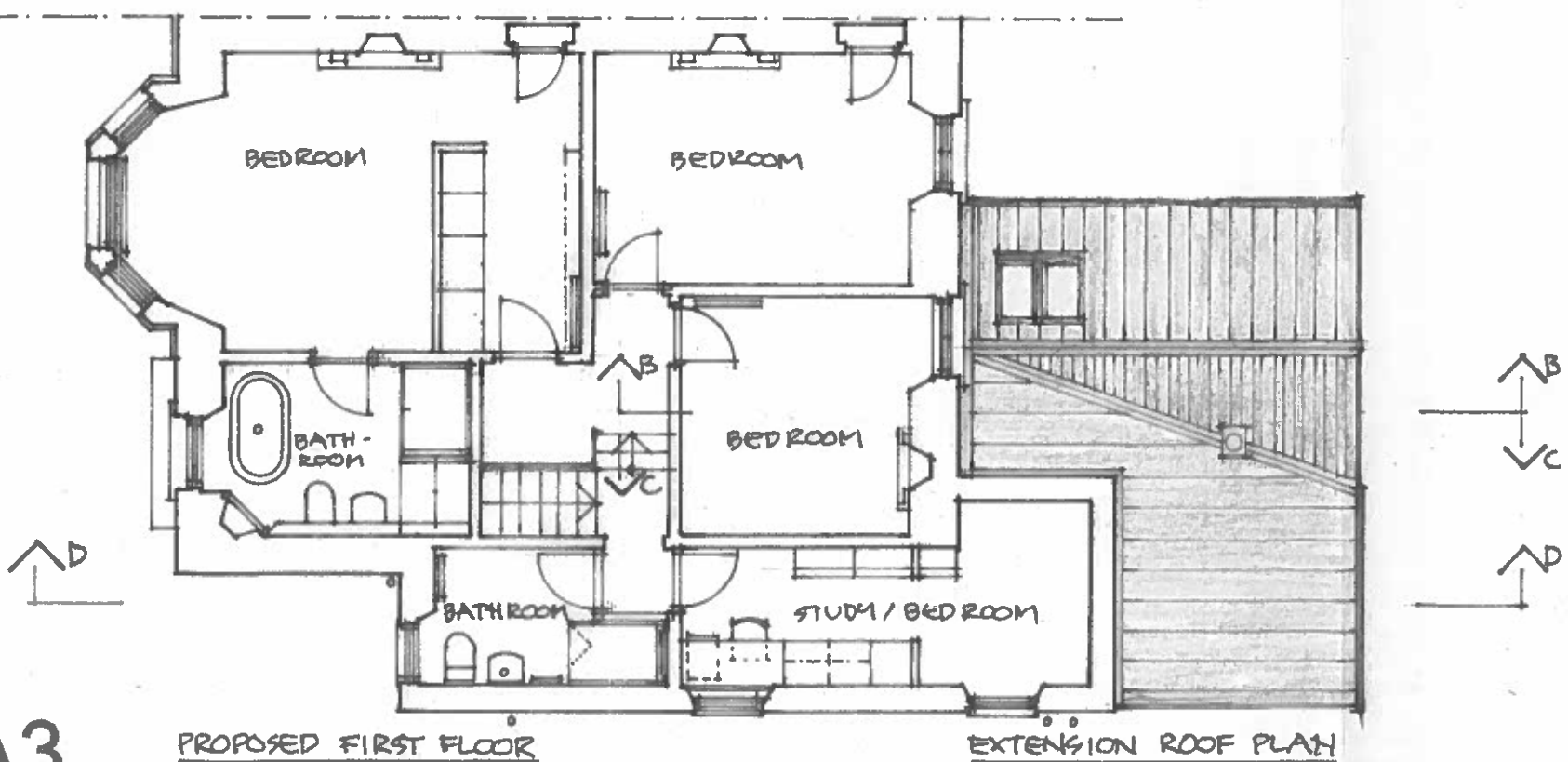
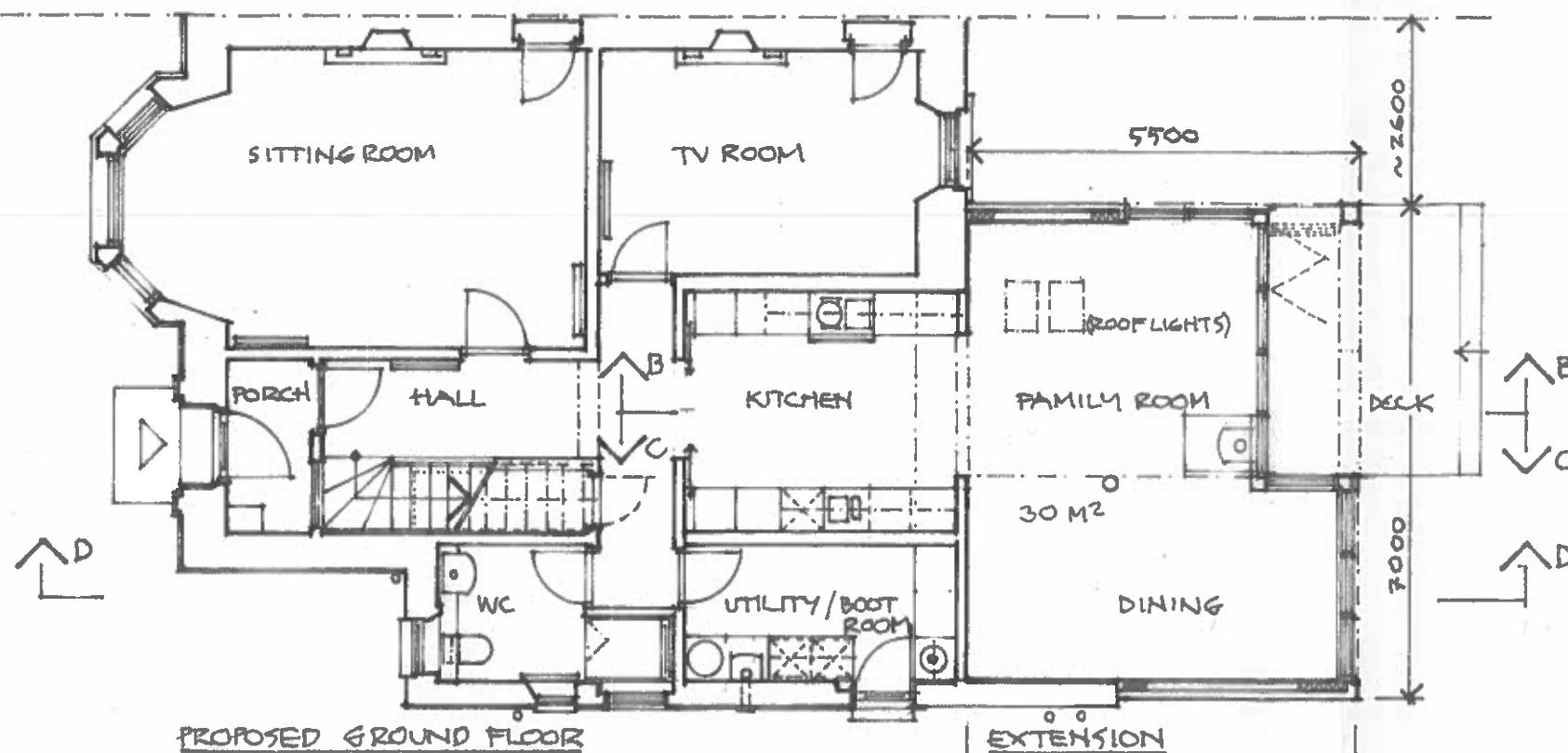
.....  
Duncan Robertson  
Lead Officer – Local Developments,  
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

Health & Safety must be taken into account when designing, manufacturing, installing, maintaining and disposing of all equipment and shopfitting.



# Appendix E

SECTION D.D - SEE  
DRAWING A(PL/BW) 06



A3

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Revision:	Date:

Project Title:	25 PARK ROAD, ESKBANK EH22 3DH
Drawing Title:	PROPOSED GROUND & 1 <sup>ST</sup> FLOOR PLANS
Dwg No:	A(PL/BW) 05
Job No:	20-004
Date:	JULY 2020
Drawn By:	BE
Checked:	
Scale:	1:100

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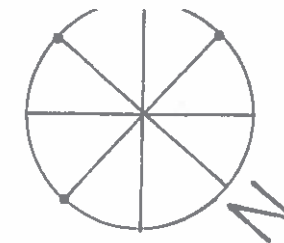
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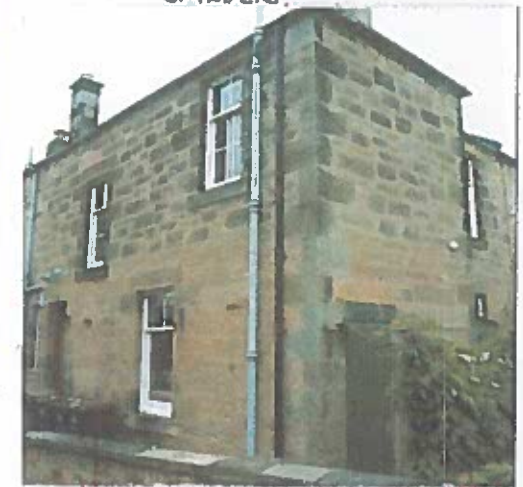


## NOTES

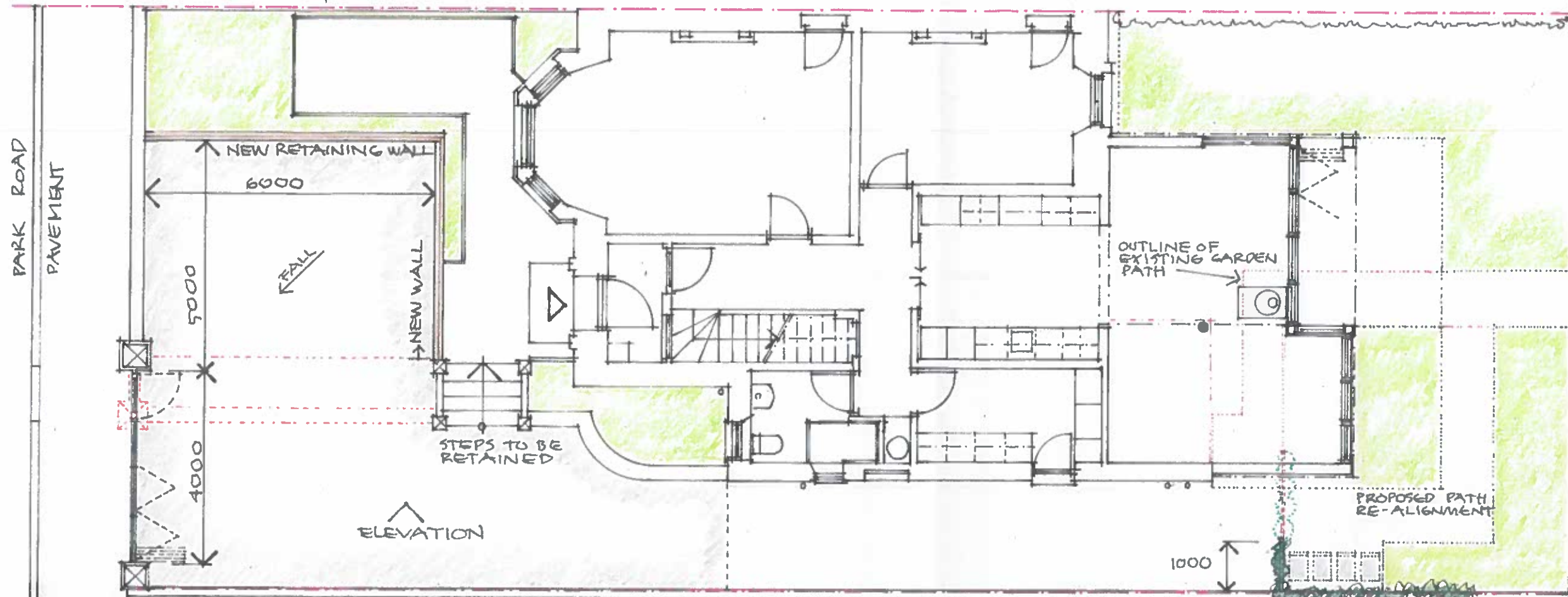
**Proposed Retaining Walls**  
New low level retaining walls forming front garden hardstanding for cars to be faced with stone in random pattern backed with structural blockwork. Stones to be used from down takings of existing walls and the rear of existing building.



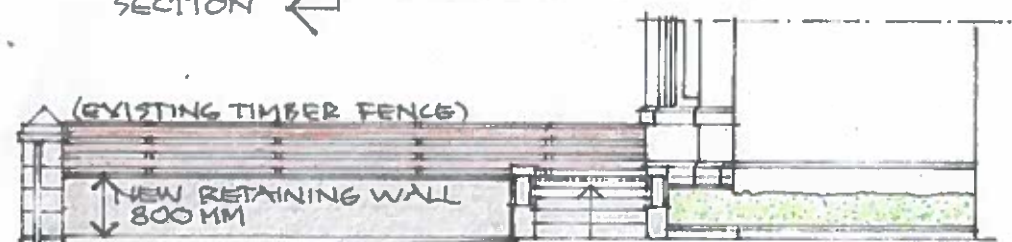
TRELLIS SEEN FROM GARDEN



BIN SHELTER BEHIND TRELLIS



PROPOSED NEW FRONT GARDEN LAYOUT - SCALE 1:100



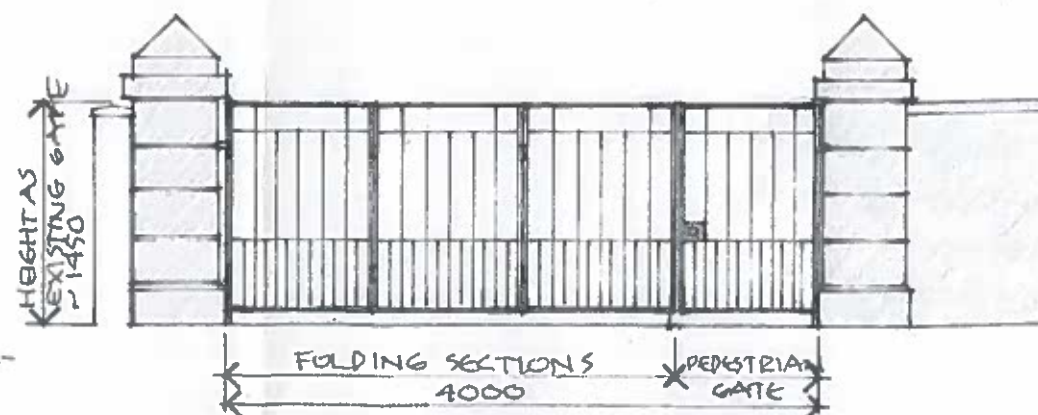
ELEVATION SCALE 1:100

250 APPROX. EXISTING STONE STEPS RETAINED

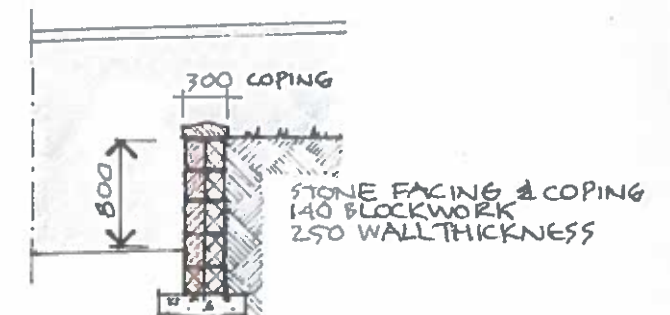


SECTION SCALE 1:100

DETAIL OF NEW WALL - SEE ADJACENT



PROPOSED GARDEN GATES SCALE 1:50



DETAIL OF PROPOSED RETAINING WALL - 1:50

A3

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Revision:

Date: Project Title: 25 PARK ROAD ESKBANK EH22 3DH  
Drawing Title: LANDSCAPE DETAILS; WALLS & GATE  
Dwg No: A(PL/BW)07  
Job No: 20 004 Drawn By: BE  
AUG 2020

Revision:  
Checked:  
Scale: 1:100, 1:50 @A3

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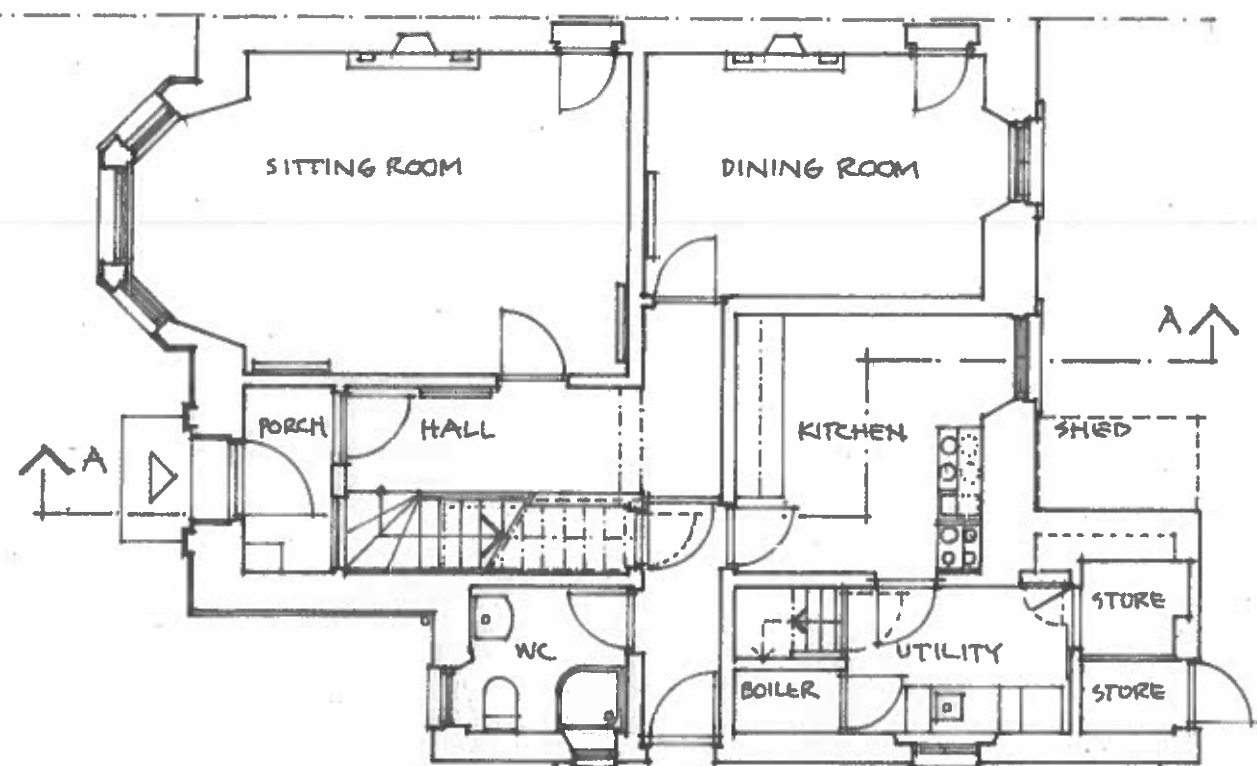
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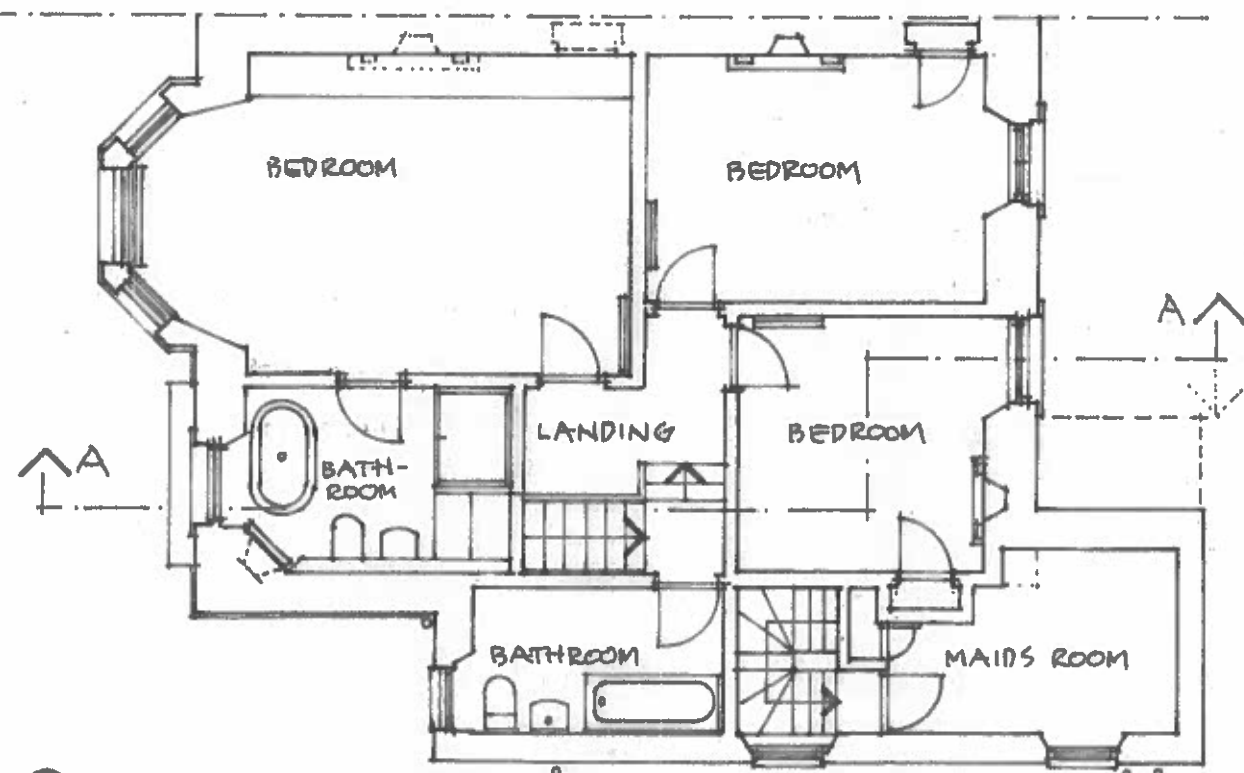
NOTES



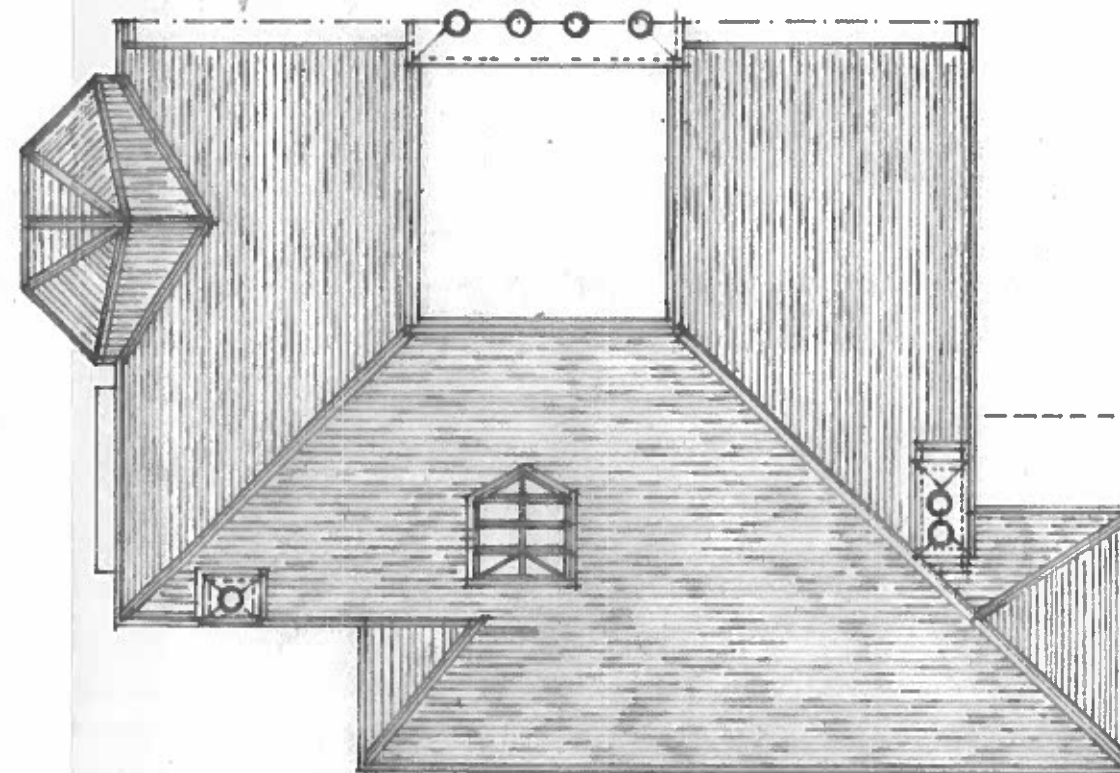
EXISTING GROUND FLOOR



SECTION A-A



EXISTING FIRST FLOOR



EXISTING ROOF PLAN (ASSUMED FROM PHOTOGRAPHS)

A3

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Revision:	Date:

Project Title:	25 PARK ROAD, ESKBANK EH22 3DH
Drawing Title:	EXISTING FLOOR PLANS, ROOF, SECTION
Dwg No:	A(PL/BW)03
Job No:	20-004
Date:	AUG 2020
Drawn By:	BE
Checked:	
Scale:	1:100

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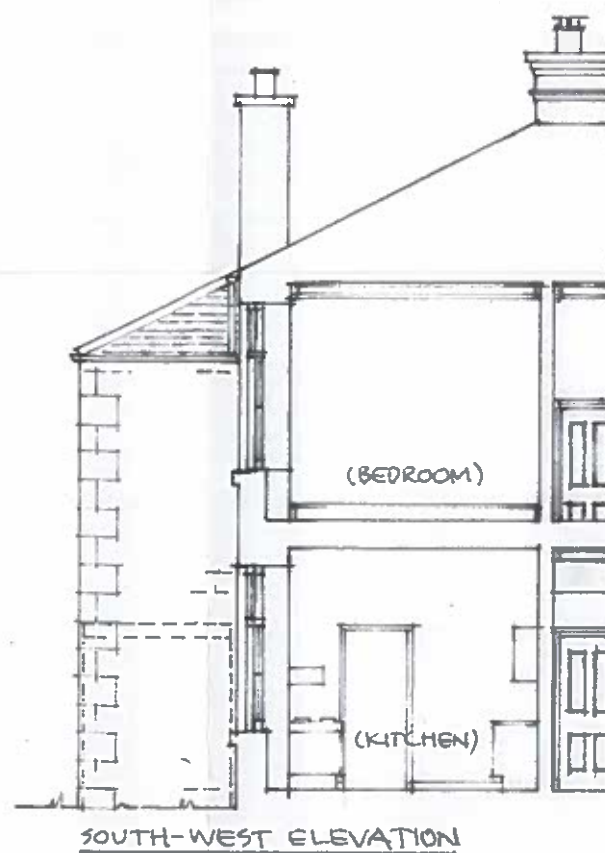
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Revision:	Date:

Project Title: 25 PARK ROAD ESKBANK EH22 3DH  
Drawing Title: EXISTING ELEVATIONS  
Dwg No: A(PL/BW)04  
Job No: 20-004  
Date: AUG 2020  
Revision:  
Checked:  
Scale: 1:100 A3

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NORTH-WEST ELEVATION

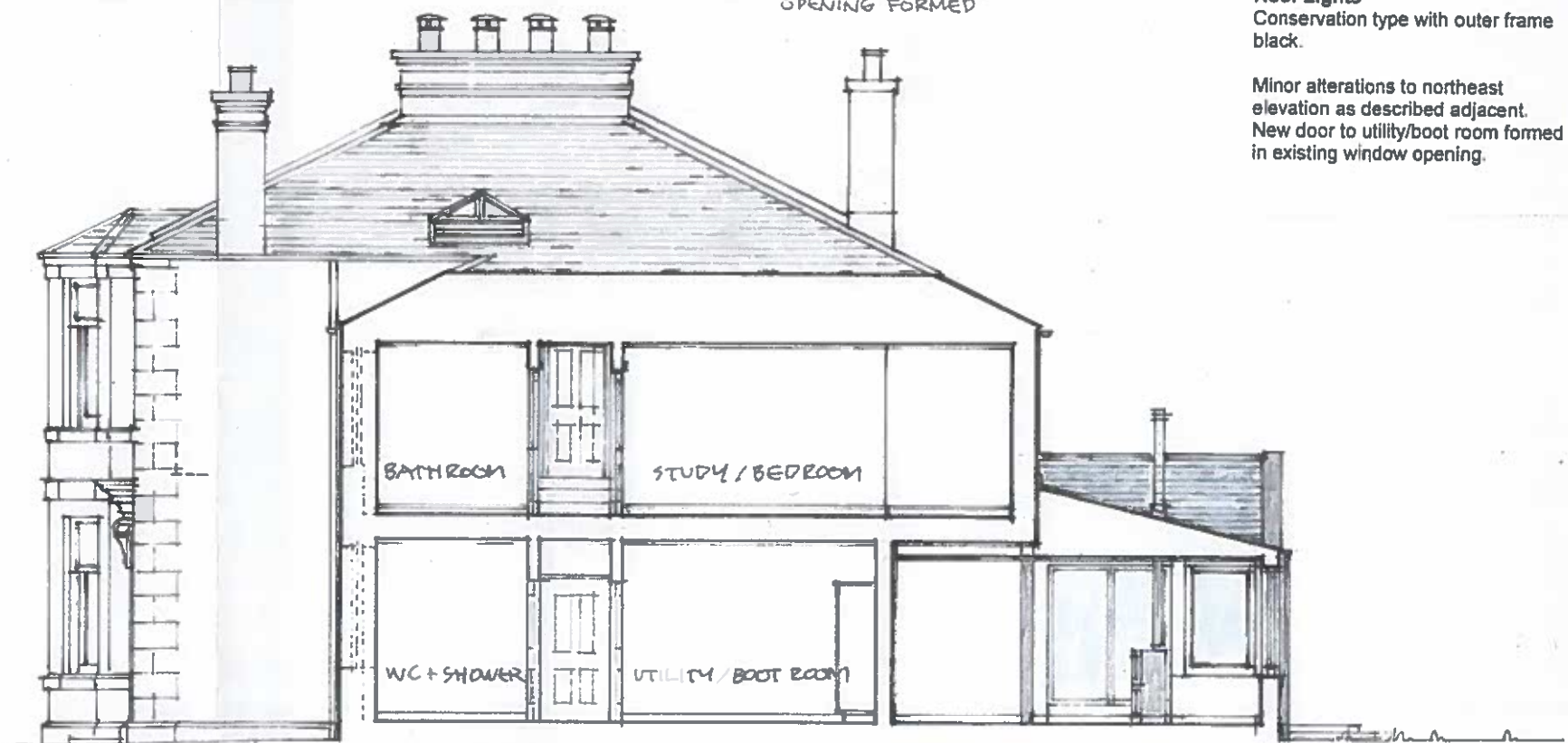


NORTH-EAST ELEVATION

EXISTING WINDOW  
REMOVED. NEW DOOR  
OPENING FORMED



SOUTH-WEST ELEVATION



(PART ELEVATION)

SECTION D-D, DRAWING A (PL/BW) 05

## NOTES

### Proposed materials, Extension

**Roof**  
Pitched roof: Natural slates in colour to match existing slated roof.  
Lean-to roof: Single ply membrane with standing seam profiles. Colour slate grey.

**Walls**  
Timber frame with outer leaf blockwork or brick. Finish to blockwork render. Colour to be advised.  
Timber walls under windows stained or painted finish, colour to be advised.

**Windows/Doors**  
Timber or timber/aluminium windows and folding or sliding glazed doors. Colour to be advised with the overall external colour scheme.

**Roof Lights**  
Conservation type with outer frame black.

Minor alterations to northeast elevation as described adjacent.  
New door to utility/boot room formed in existing window opening.

0 0.5 1 2 3 4 5m

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Revision	Date

Project Title: 25 PARK ROAD ESKBANK EH22 3DH  
Drawing Title: PROPOSED ELEVATIONS SECTION D-D  
Dwg No: A(PL/BW) 06  
Job No: 20-004 Drawn By: BE  
Date: AUG 2020  
Revision:    
Checked:    
Scale: 1:100 ©A3

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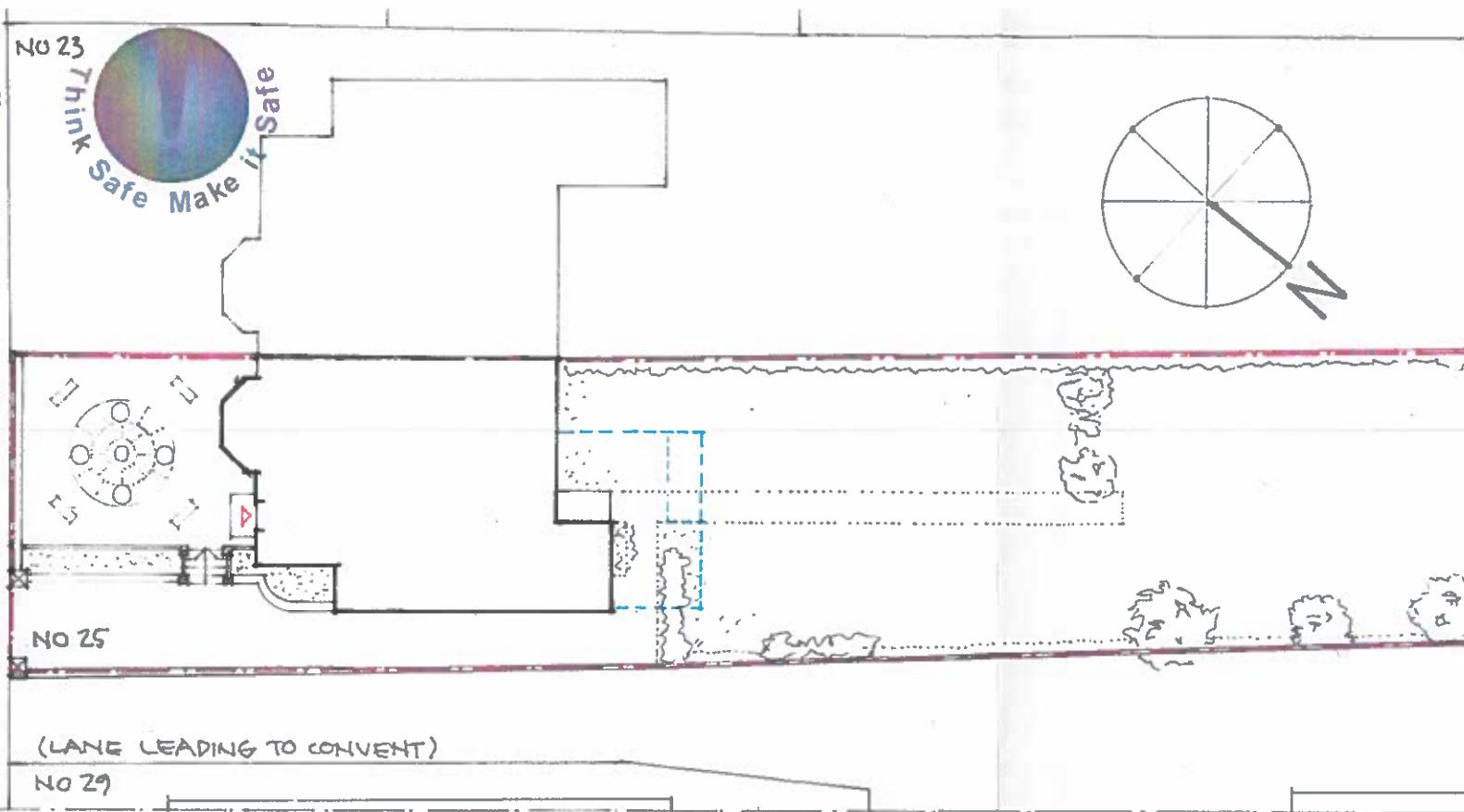
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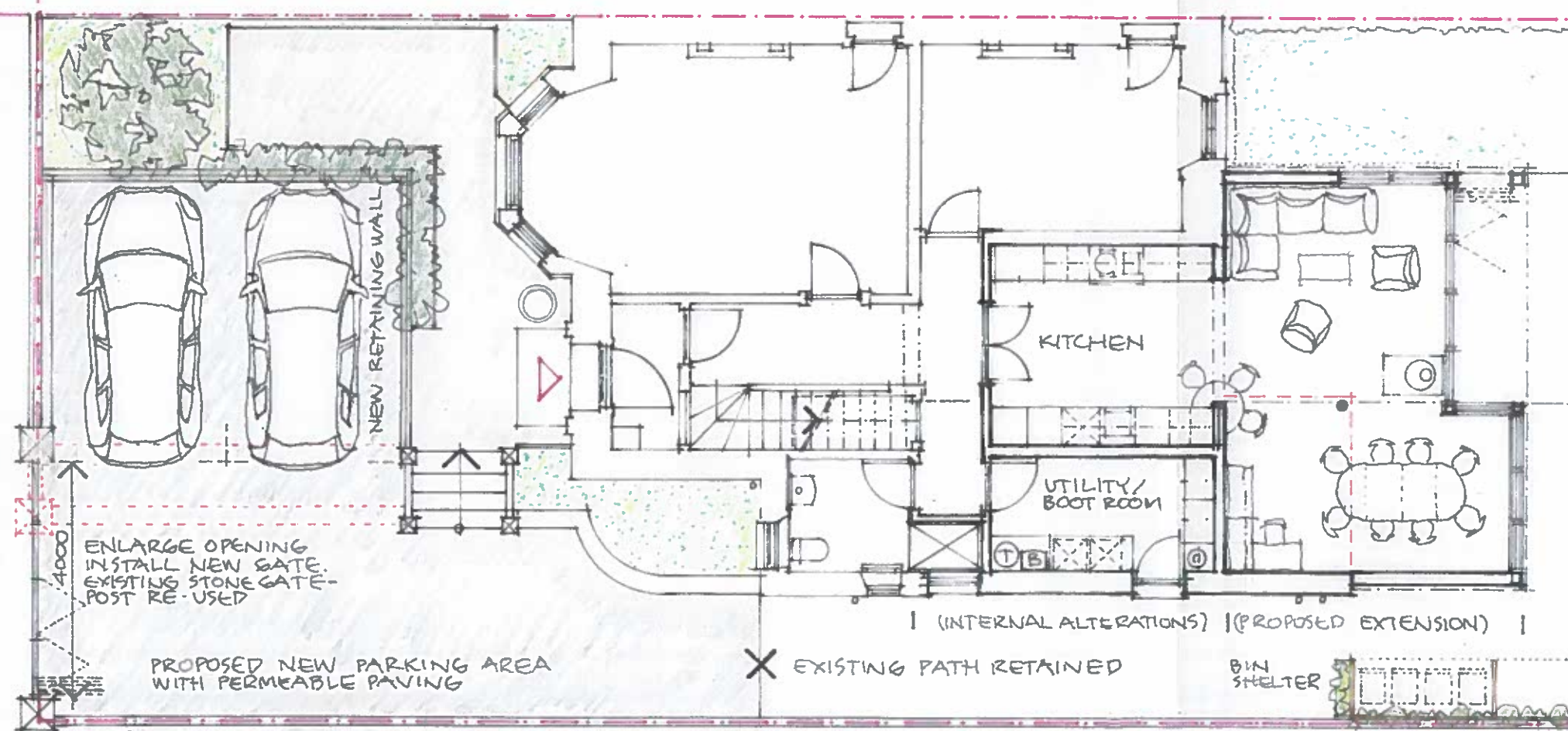
Health & Safety must be taken into account when designing, manufacturing, installing, maintaining and disposing of all equipment and shopfitting.



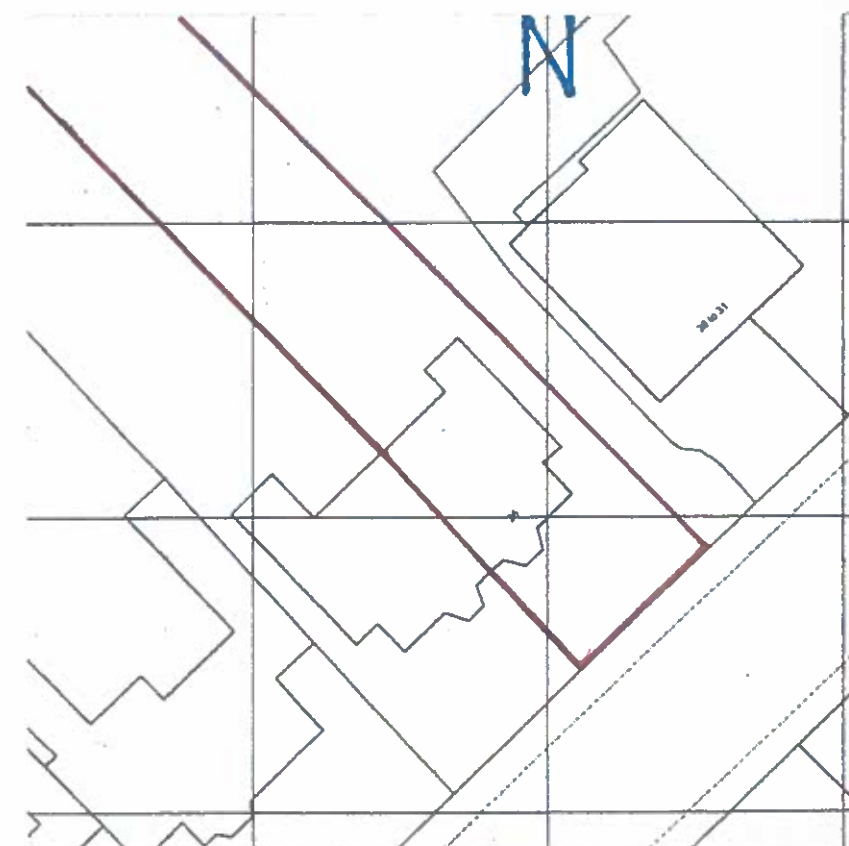
EXISTING FRONT AND (PART) REAR GARDEN LAYOUT, SCALE 1:250  
 - - - - - OUTLINE OF PROPOSED EXTENSION



LOCATION PLAN 1:1250



PROPOSED NEW FRONT GARDEN LAYOUT - SCALE 1:100



BLOCK PLAN 1:500



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Revision	Date

Project Title: 25 PARK ROAD ESKBANK EH22 3DH  
 Drawing Title: LOCATION & BLOCK PLANS, GARDEN & FRONT  
 Dwg No: A (PL/BW) 02  
 Job No: 20.004  
 Date: AUG 2020  
 Revision:    
 Drawn By: BE  
 Checked:    
 Scale: AS SHOWN @ A3

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