

Notice of Review: 75 Castlelaw Crescent, Bilston

Determination Report

Report by Ian Johnson, Head of Communities and Economy

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of an extension at 75 Castlelaw Crescent, Bilston.

2 Background

- 2.1 Planning application 17/00828/DPP for the erection of an extension at 75 Castlelaw Crescent, Bilston was refused planning permission on 18 December 2017; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, issued on 18 December 2017 (Appendix D); and
 - A copy of the relevant drawings/plans (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk.

4 Procedures

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:
- Have scheduled an unaccompanied site visit for Monday 9 April 2018; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that there were no consultations required and no representations received.

- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 It is considered that no conditions would be required if the LRB is minded to grant planning permission. The reasons for refusing the application relate to its potential impact on amenity and it is considered that this cannot be mitigated by conditions if the LRB are minded to support the review on the basis that the proposed development is acceptable.

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

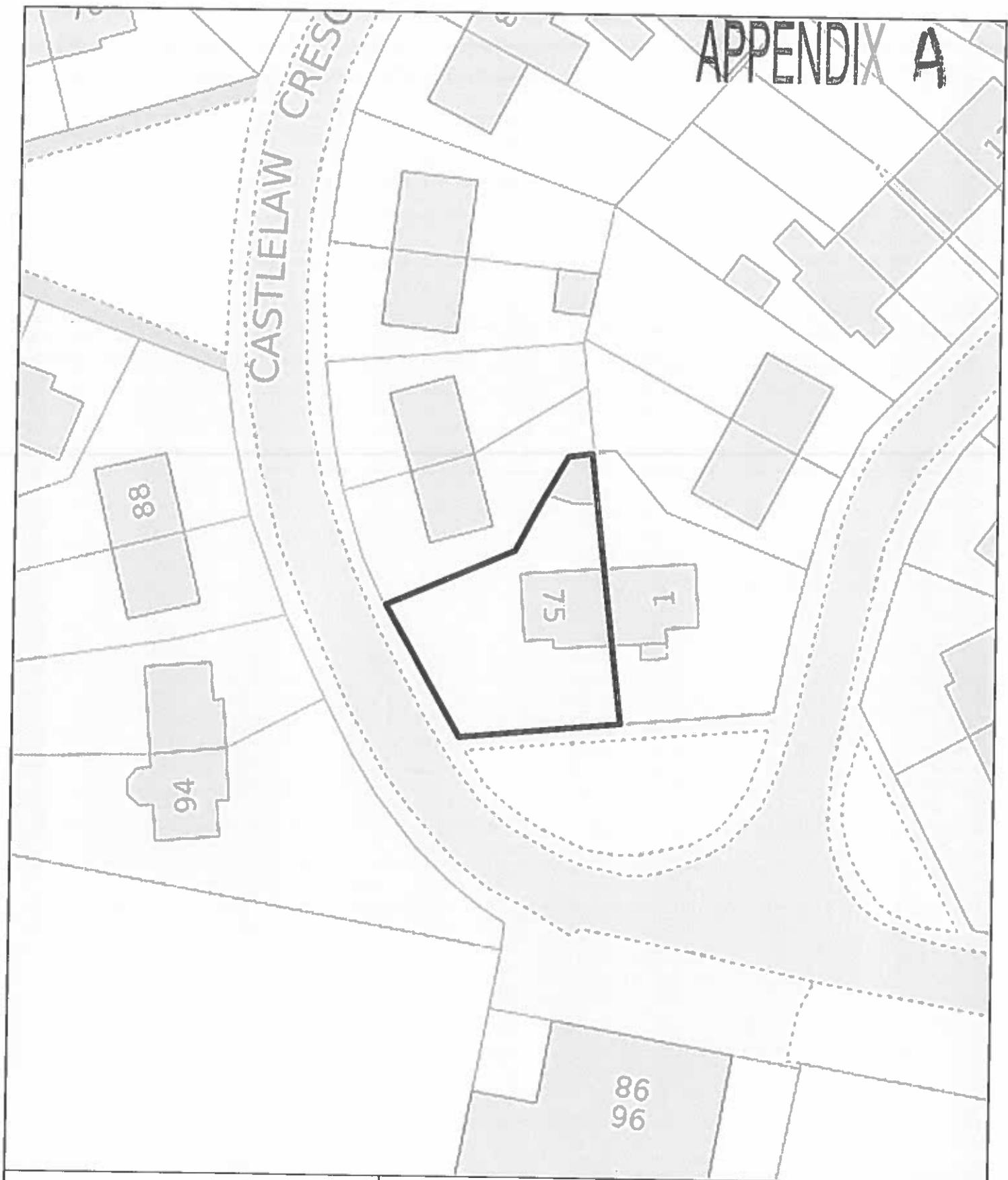
Date: 3 April 2018

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

Tel No: 0131 271 3310

Background Papers: Planning application 17/00828/DPP available for inspection online.

APPENDIX A



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

Extension to dwellinghouse at 75 Castlelaw Crescent, Bilston

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File No. 18/00828/DPP

Scale: 1:500

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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	MR	Ref No.	
Forename	JAMES	Forename	LES
Surname	MURPHY	Surname	Mc CASKEY
Company Name		Company Name	
Building No./Name	75	Building No./Name	18A
Address Line 1	CASTLELAW	Address Line 1	ROTHESAY PLACE
Address Line 2	CRESCENT	Address Line 2	
Town/City	BILSTON	Town/City	EDINBURGH
Postcode	EH 25 9SR	Postcode	EH 3 7SQ
Telephone	-	Telephone	-
Mobile		Mobile	07817 809 327
Fax	-	Fax	-
Email		Email	lesmccaskeyaciob@gmail.com
3. Application Details			
Planning authority		MIDLOTHIAN COUNCIL	
Planning authority's application reference number		17/00 828/DPP	
Site address		<div style="border: 1px solid black; padding: 5px;"> CORPORATE RESOURCES FILE: RECEIVED 06 FEB 2018 </div>	
75 CASTLELAW CRESCENT BILSTON EH 25 9SR			
Description of proposed development			
EXTENSION TO DWELLING HOUSE			

Date of application

19-10-17

Date of decision (if any)

18-12-17

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

4. Nature of Application

Application for planning permission (including householder application)



Application for planning permission in principle



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



Application for approval of matters specified in conditions



5. Reasons for seeking review

Refusal of application by appointed officer



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



Conditions imposed on consent by appointed officer



6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

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

Further written submissions



One or more hearing sessions



Site inspection



Assessment of review documents only, with no further procedure



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

7. Site inspection

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

Can the site be viewed entirely from public land?



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



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

8. Statement

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

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

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

REFER TO SUPPORTING STATEMENT
ENCLOSURE

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 you 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

APPLICATION FORM
REFUSE NOTICE
SUPPORTING STATEMENT
PLANS 01, 02, 03, 04, 05, 06 + 07

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:

[Redacted Signature]

Name:

L. M. CASAREY

Date:

5/2/18

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

Notice of Review / Supporting Statement

The applicant acknowledges the planning authorities findings, but would disagree with the reasons given in respect of refusal of the said application.

The applicant would question the planning authorities comments that the proposed footprint of new extension would be an over development of the site, dominant in scale and would not be in keeping with the general appearance and character of the neighbourhood.

The area in general area / streetscape comprises a mix of numerous different shapes and sizes of house types, with the proposed extension adding favourably to the variety.

The applicant would state that the introduction of said extension would sit comfortably against side of the property, within the large overall property plot, whilst maintaining adequate amenity / garden area.

It would certainly not have a detrimental impact on either the property itself, the street scene in general, or the overall character of the surrounding area.

The idea in respect of the 60 degree roof was to have the front and rear elevations of the extension reflecting the main house, resulting in an obvious extension in appearance but with a lower flat roof area, which would be sympathetic to the main house in style and finish. Consideration has been taken to ensure that the proposed extension shall appear to have been there for some time and not just a box like addition bolted to side of the property.

The valley at the front would provide a better look visually with gutters to provide continuity. The external wall finishes and window arrangement would reflect the existing house

The applicant is of the firm opinion that the proposals as submitted would not impinge on the overall amenity of the said property.

The applicant is of the opinion that the proposed location and design of new extension results in the best use of space within the property and provides the required additional accessible ground floor living accommodation required by the applicant.

The proposed extension is designed as granny flat accommodation ancillary to the main house, comprising fully accessible / compliant ground floor layout, allowing maximum mobility throughout for use by elderly family member.

The scale, design and materials proposed in respect of new extension reflect generally what is currently in place and in adjacent properties in respect of material, style and design and would not have a detrimental impact or look out of place in general.

The applicant is aware that no objections have been raised by neighbouring properties.

It is hoped that the review board shall look favourably in respect of this appeal and take into consideration the points raised by the applicant in support of his appeal.

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

Planning Application Reference: 17/00828/DPP

Site Address: 75 Castlelaw Crescent, Bilston

Site Description:

The application site comprises of a two storey semi-detached dwellinghouse situated within a primarily residential area. The application dwellinghouse is located on the corner of Castlelaw Crescent and is attached to no.1 Castlelaw Crescent. There is a small area of open space to the front of the application dwelling.

The application dwellinghouse is finished in an off-white dry dash render with a slate roof and white uPVC fenestration. The attached neighbouring dwellinghouse is finished in a brown dry dash render.

Proposed Development: Extension to dwellinghouse

Proposed Development Details:

Planning permission is sought for the erection of a single storey extension to the gable end of the application dwelling. The proposed extension is offset at an angle which brings the proposed extension forwards of the front elevation. The rear elevation of the proposed extension extends 9m from the side elevation and the front elevation of the proposed extension extends 7m from the side elevation.

The roof design of the proposed extension is a combination of a mansard style roof with an exaggerated slope to the front. The overall height of the proposed extension is 6m from ground level. The height of the eaves of the proposed extension are 5.3m to the rear elevation and 3.1m to the front elevation.

It is noted on the submitted plans that the proposed extension is to be finished in a painted render with a slate and felt roof and white uPVC fenestration to match the main dwelling.

Background (Previous Applications, Supporting Documents, Development Briefs): Planning history sheet checked.

No relevant planning history.

Consultations: No consultations undertaken.

Representations: No representations received.

Relevant Planning Policies:

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

Policy DEV2: Development within the Built-up Area states that development will not be permitted within existing and future built-up areas where it is likely to detract materially from the existing character or amenity of the area.

Planning Issues:

The main planning issue to be considered is whether or not the proposal complies with the development plan policies and, if not, whether there are any material planning considerations which would otherwise justify approval.

The proposed extension is open to public views and is located to the gable end of the semi-detached dwellinghouse at an offset angle from the main dwelling that brings the extension forward of the front elevation. The rear of the proposed extension protrudes some 9m from the gable end, and the front elevation of the proposed extension protrudes some 7m from the gable end. To the north-west of the application site are neighbouring dwellinghouses at no.s 71 & 73 Castlelaw Crescent. The scale of the proposed extension results in it projecting beyond the defined building line and impacting the streetscape.

The proposed extension has a footprint of 52.5m². The proposed extension almost doubles the footprint of the existing dwellinghouse. Although the proposed extension is set down from the main dwellinghouse, the overall all scale and prominent siting results in the proposed extension dominating the main dwellinghouse and detracting from the character and appearance of the dwellinghouse and streetscape.

Whilst the proposed material finishes of the proposed extension are noted to match the existing dwellinghouse so as to reflect the character of the application dwelling, the form and appearance of the proposed extension including the roof design do not draw from the character of the dwelling resulting in the proposed extension visually appearing as an alien addition. The proposed extension does not complement the character of the original building. An alternative, smaller, scheme, with an alternative roof design would more successfully reflect the character of the dwelling and not result in an adverse visual impact upon the character or appearance of the dwelling or streetscape.

It is noted that the proposed extension does not include any internal connections. The agent advised that the proposed extension is not to be utilised as a separate dwelling and it is proposed to be used as a granny flat accommodation ancillary to the main dwelling. A condition could be used to ensure that the proposed extension remains ancillary to the application dwelling.

There are no significant adverse amenity implications as a consequence of the development proposal.

Overall, all relevant matters have been taken into consideration in determining this application. It is considered that the proposal does not accord with the principles and policies of Midlothian Local Development Plan and is not acceptable in terms of all other applicable material considerations. Therefore, it is recommended that the application is refused.

Recommendation: Refuse planning permission.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 17/00828/DPP

Les McCaskey
18A Rothesay Place
Edinburgh
EH3 7SQ

Midlothian Council, as Planning Authority, having considered the application by Mr James Murphy, 75 Castlelaw Crescent, Bilston, EH25 9SR, which was registered on 19 October 2017 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Extension to dwellinghouse at 75 Castlelaw Crescent, Bilston, EH25 9SR

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

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

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

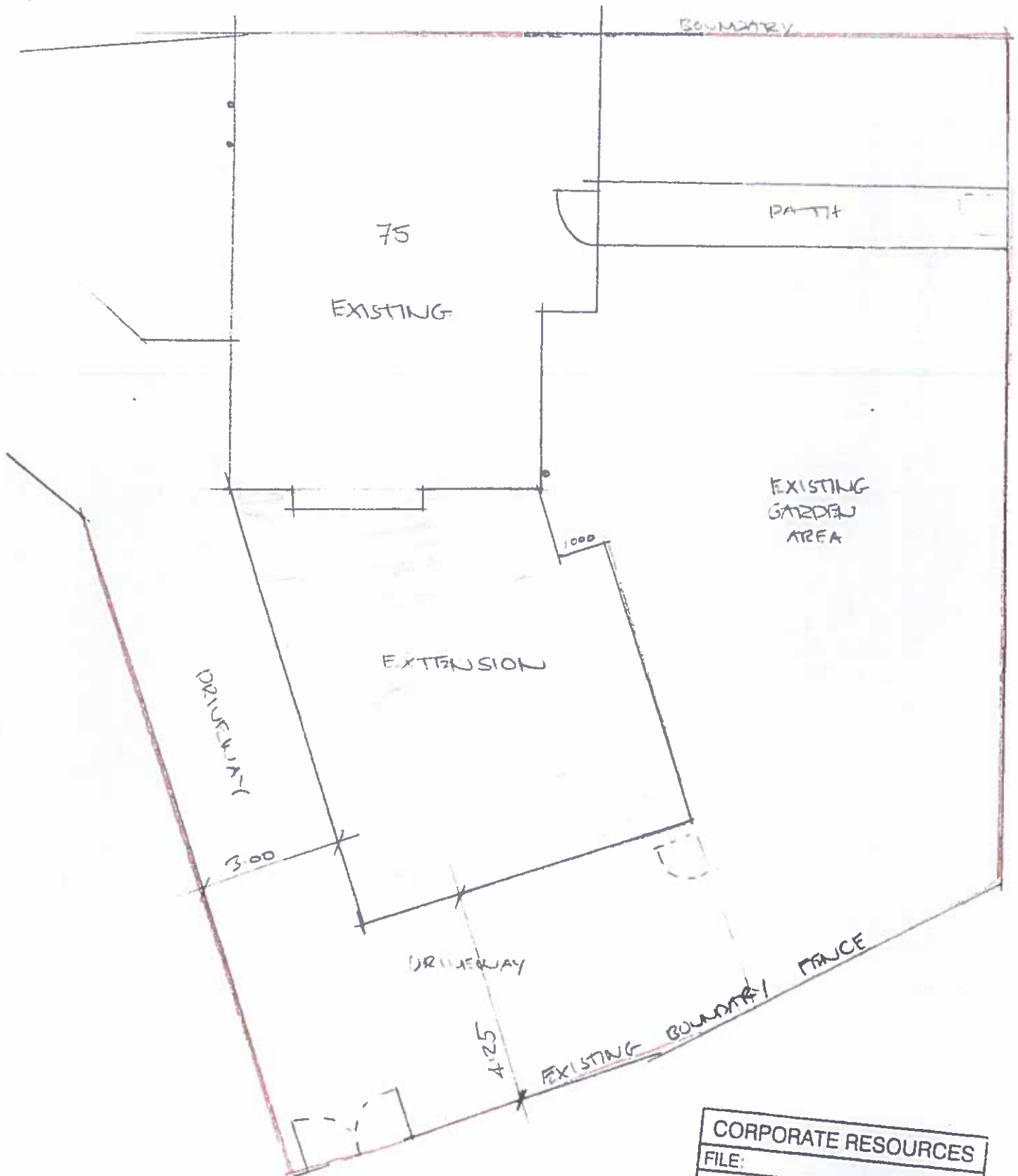
1. *The proposed extension does not reflect the roof design, form or character of the existing dwellinghouse and would result in a significant adverse impact upon the character and appearance of the dwellinghouse and streetscape.*
2. *The prominent siting and excessive scale of the extension detracts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

Dated 18 / 12 / 2017

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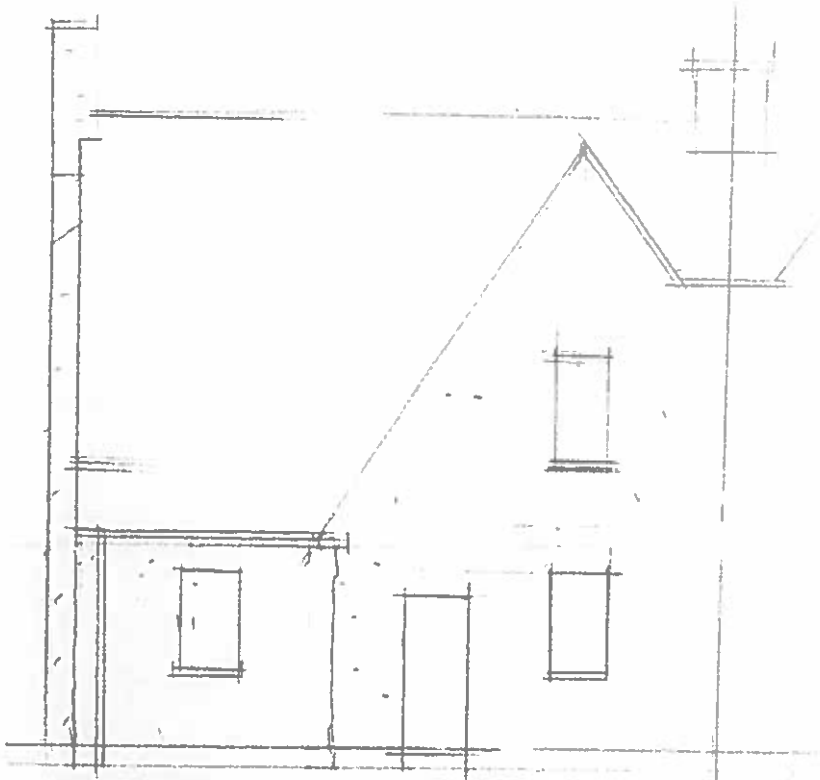
.....
Duncan Robertson
Lead Officer – Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

APPENDIX E

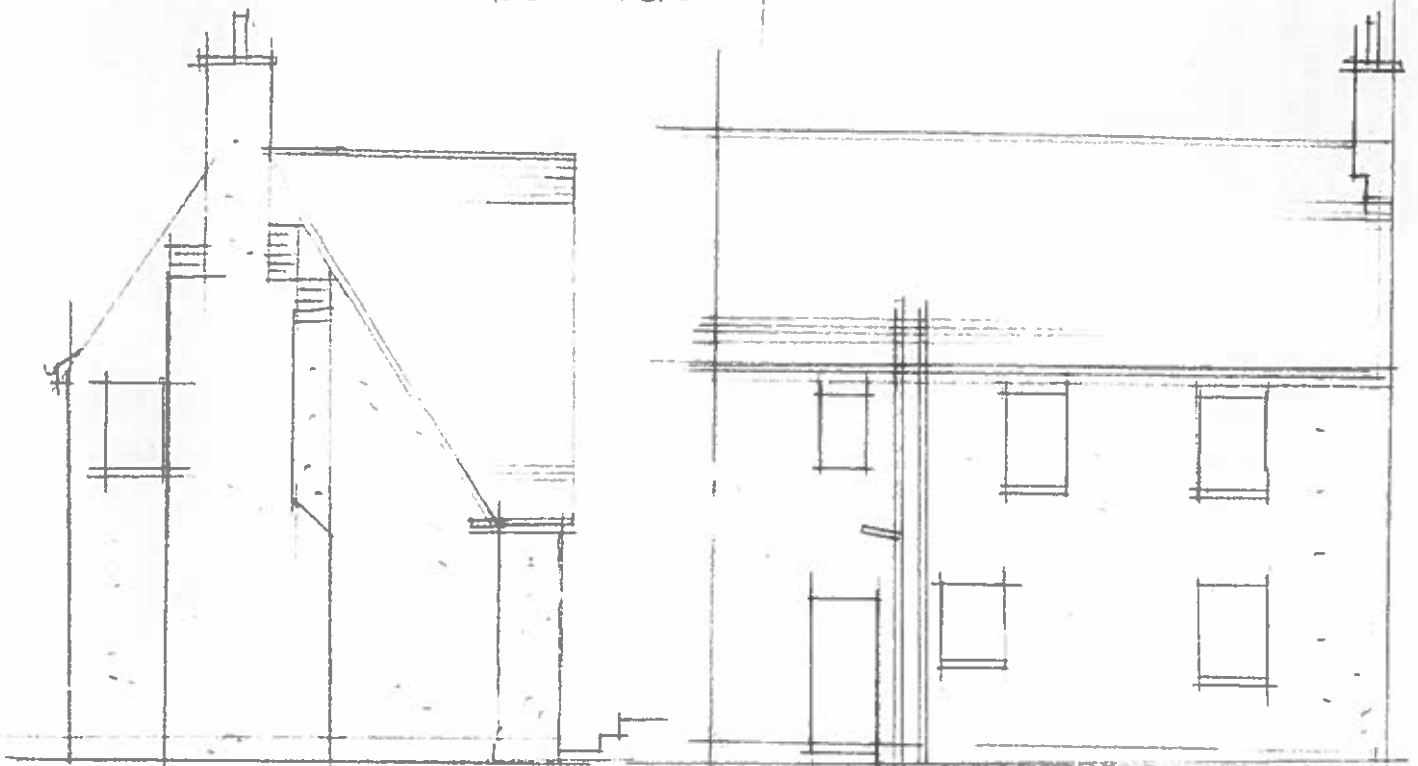


SITE LAYOUT 1:100

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02	



SOUTH FRONT ELEVATION



WEST GABLE ELEVATION

NORTH REAR ELEVATION

EXISTING ELEVATIONS 1:100

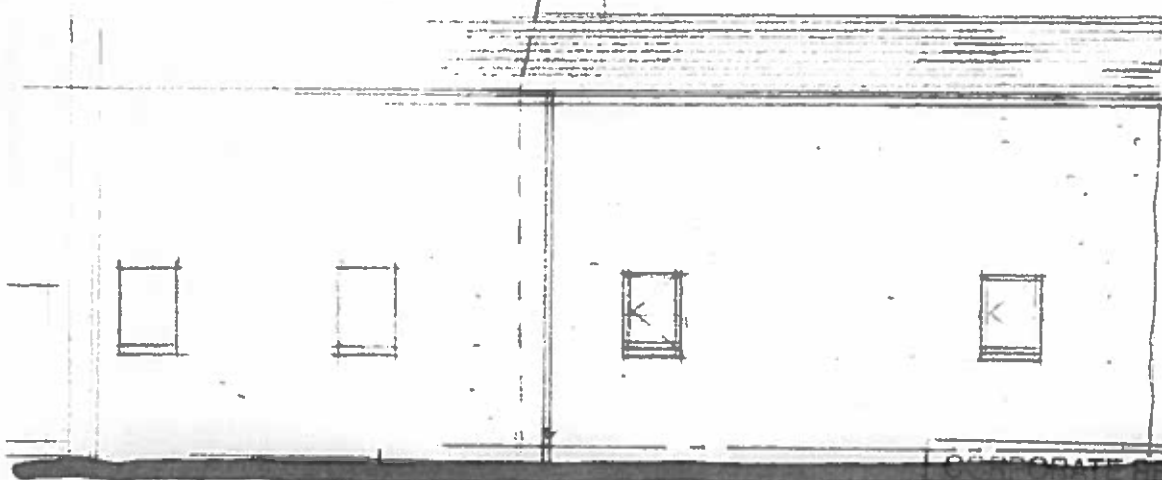
CORPORATE RESOURCES	
FILE:	
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- * WALLS - PAINTED SIMILAR AS MAIN HOUSE
- * ROOF - SHALE / FEET
- * WINDOWS / DOORS - WHITE PVC DOUBLE GLAZED



FRONT ELEVATION 'SOUTH'

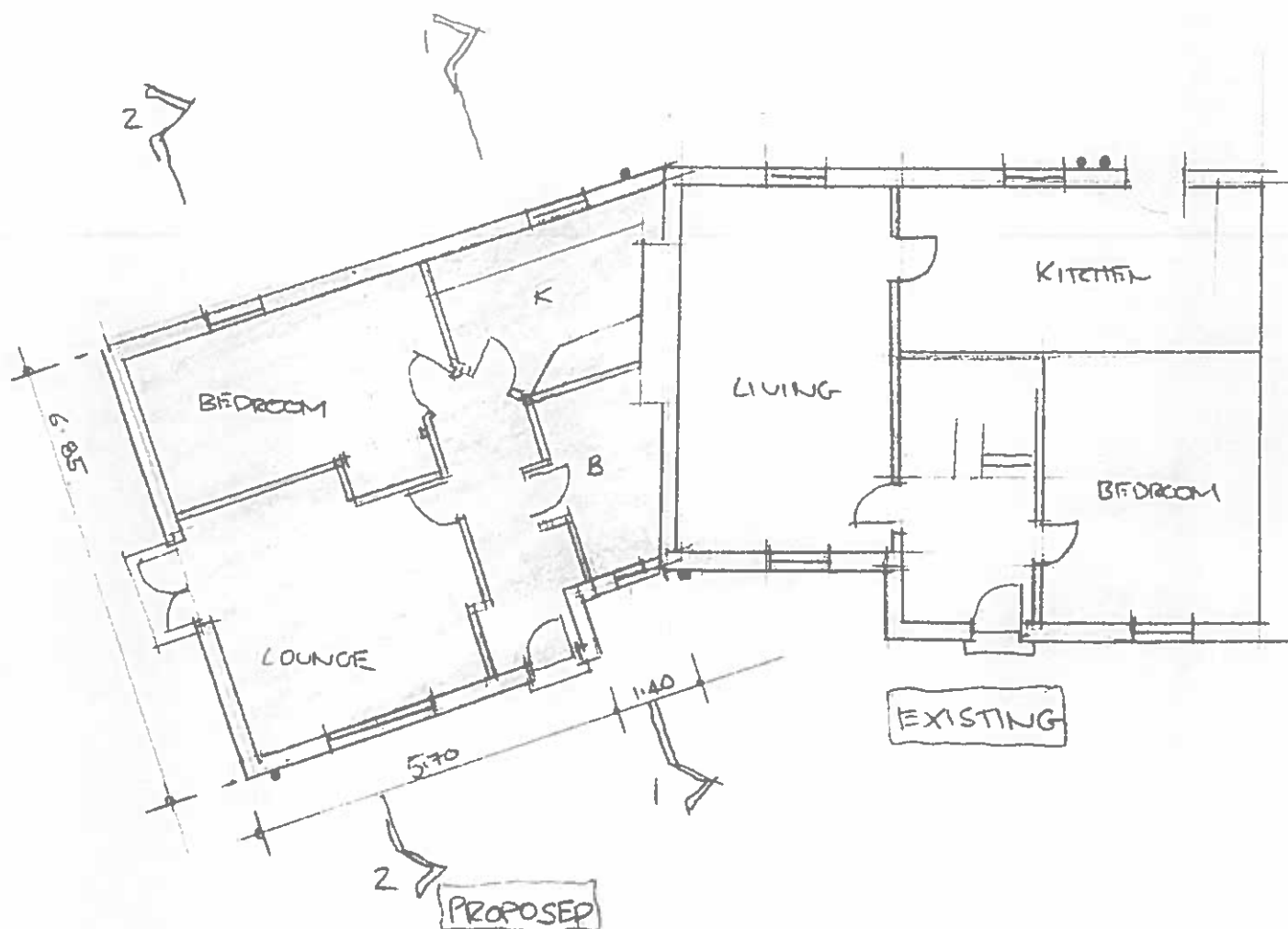
GABLE ELEVATION '1100 WEST'



REAR ELEVATION '1100 NORTH'

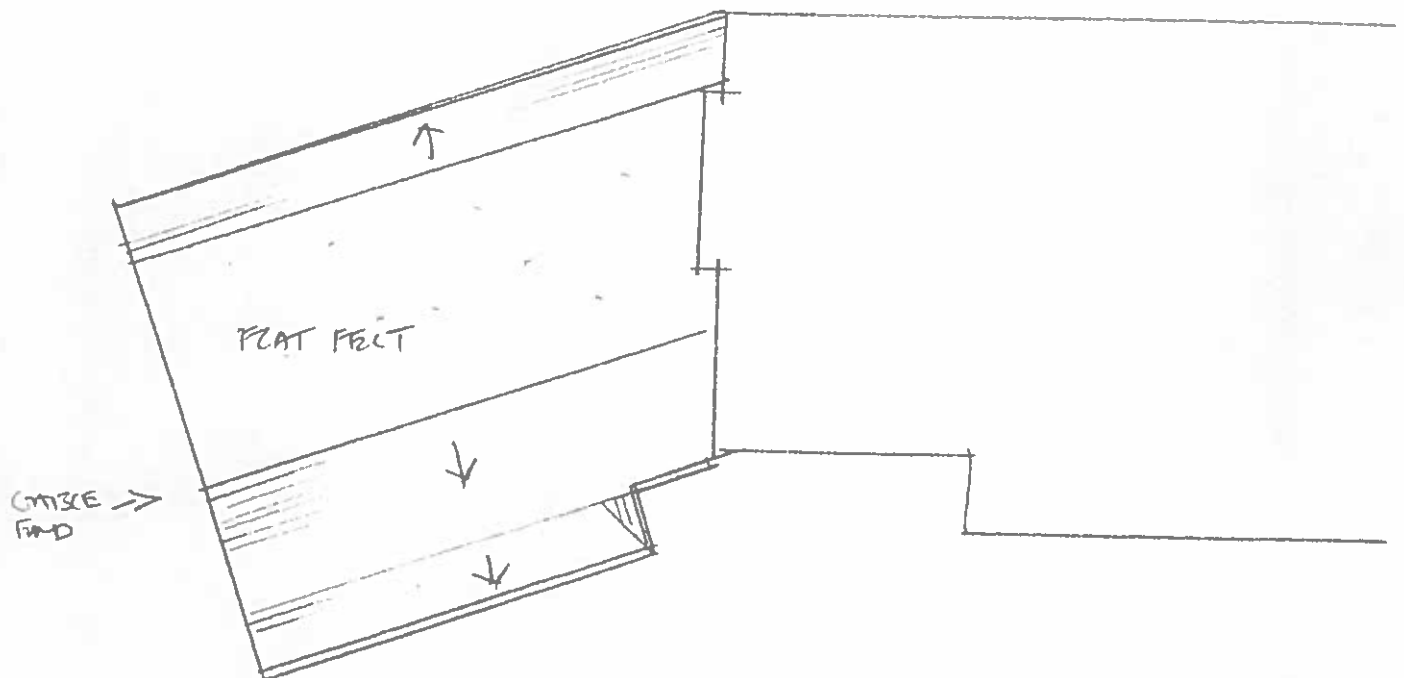
PROPOSED ELEVATIONS (EXTENSION)

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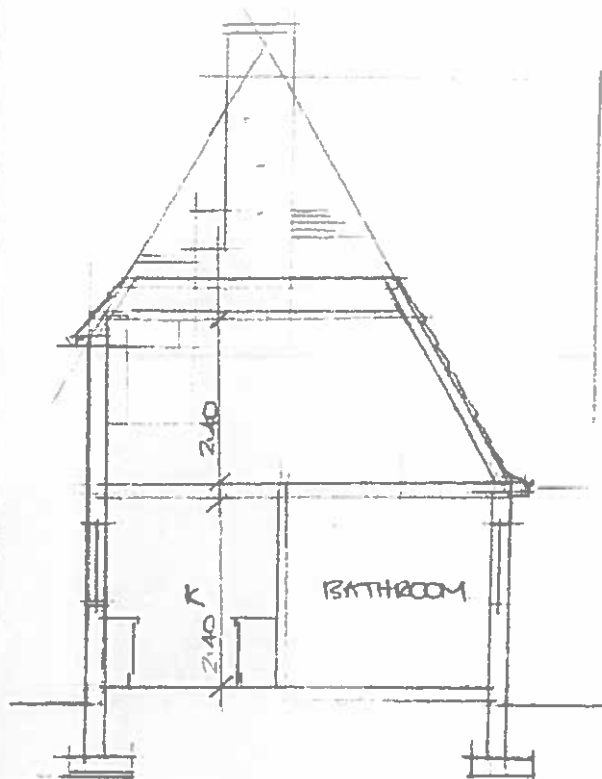
GROUND FLOOR PLAN 1:100
 * FLOOR AREA 48m²



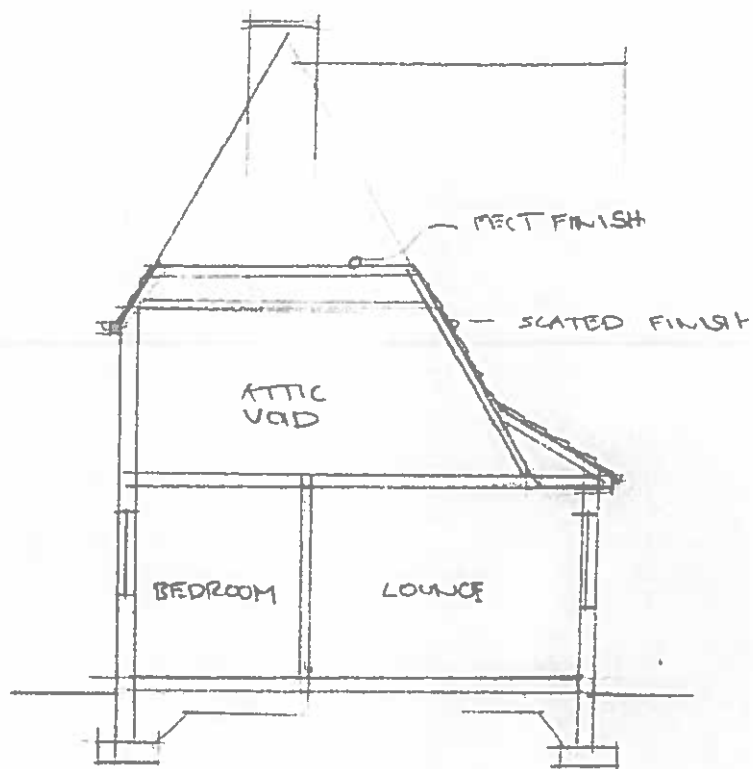
ROOF PLAN 1:100

06

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SECTION 1-1 1:100



SECTION 2-2

60° DECREE ROOF PITCH AS MAIN HOUSE

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