

Notice of Review: 40 Charlton Grove, Roslin 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 erection of an extension to dwellinghouse (part retrospective) at 40 Charlton Grove, Roslin.

2 Background

- 2.1 Planning application 23/00684/DPP for the erection of an extension to dwellinghouse (part retrospective) at 40 Charlton Grove, Roslin was refused planning permission on 11 December 2023; 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 11 December 2023 (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 <u>www.midlothian.gov.uk</u>.

4 Procedures

4.1 In accordance with agreed procedures, the LRB:

- Have determined to undertake a site visit (only elected members attending the site visit can participate in the determination of the review); and
- Have determined to progress the review by written submissions.
- 4.2 The case officer's report identified that there were no consultations 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 back to the 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/Enforcement

- 5.1 The nature of the proposal is such that it is considered that no conditions would be required if the LRB is minded to grant planning permission.
- 5.2 If the LRB dismisses the review, the unauthorised works will be required to be removed/modified. In this case the applicant will be asked to comply with this requirement within three months of the LRB decision. However, the failure to remove/modify the works will result in the Council having to consider issuing an enforcement notice to resolve the breach of planning control.

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

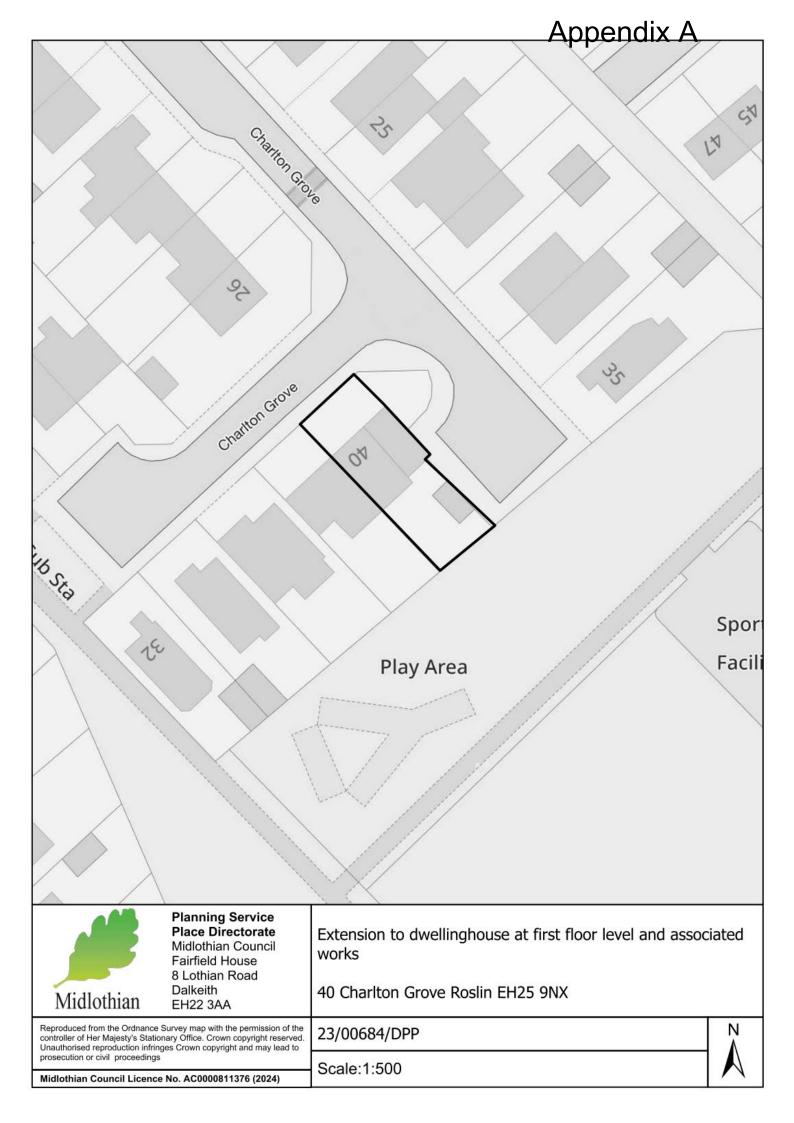
Peter Arnsdorf Planning, Sustainable Growth and Investment Manager

 Date:
 15 March 2024

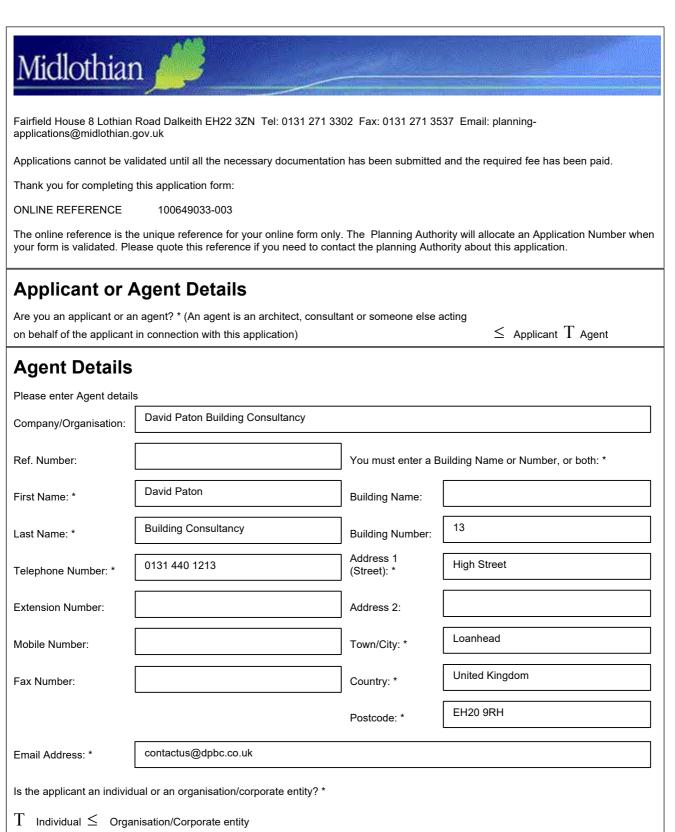
 Report Contact:
 Ingrid Forteath, Planning Officer

 Ingrid.Forteath@midlothian.gov.uk

Background Papers: Planning application 23/00684/DPP available for inspection online.



Appendix B



Applicant Det	ails			
Please enter Applicant de	ətails			
Title:	Ms	You must enter a Bu	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:		
First Name: *	Yolanda	Building Number:	40	
Last Name: *	Martinez-Pereira	Address 1 (Street): *	Charlton Grove	
Company/Organisation	David Paton Building Consultancy	Address 2:		
Telephone Number: *		Town/City: *	Roslin	
Extension Number:		Country: *	United Kingdom	
Mobile Number:		Postcode: *	EH25 9NX	
Fax Number:				
Email Address: *				
Site Address	Details			
Planning Authority:	Midlothian Council			
Full postal address of the	e site (including postcode where available)):		
Address 1:	40 CHARLTON GROVE			
Address 2:				
Address 3:				
Address 4:				
Address 5:				
Town/City/Settlement:	ROSLIN			
Post Code:	EH25 9NX			
Please identify/describe t	the location of the site or sites			
			1	

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)

Extend semi-detached dwelling house by addition of upper floor to existing previous extension; to contain additional bedroom and en-suite. The previous extension is to be re-clad with waterproof cladding.

Type of Application

What type of application did you submit to the planning authority? *

- ${
 m T}$ Application for planning permission (including householder application but excluding application to work minerals).
- \leq Application for planning permission in principle.
- \leq Further application.
- \leq Application for approval of matters specified in conditions.

What does your review relate to? *

- T Refusal Notice.
- \leq Grant of permission with Conditions imposed.
- Solution 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 a 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.

See separate document in supporting documents.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

 \leq Yes T 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)

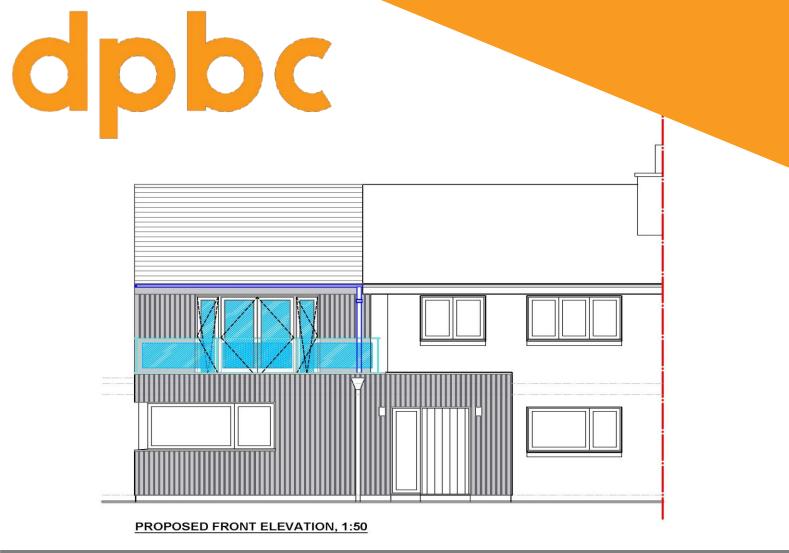
Please provide a list of all supporting documents, materials and evidence which you wish to to rely on in support of your review. You can attach these documents electronically later in the					
Please see document attached in supporting documents.					
Application Details					
Please provide the application reference no. given to you by your planning authority for your previous application.	23/00684/DPP				
What date was the application submitted to the planning authority? *	23/10/2023				
What date was the decision issued by the planning authority? *	11/12/2023				
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. * T Yes \leq No					
In the event that the Local Review Body appointed to consider your application decides to in	spect the site, in your opinion:				
Can the site be clearly seen from a road or public land? *	T Yes \leq No				
Is it possible for the site to be accessed safely and without barriers to entry? *	T Yes \leq 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?. *	T Yes \leq No				
Have you provided the date and reference number of the application which is the subject of treview? *	this T Yes \leq No				
If you are the agent, acting on behalf of the applicant, have you provided details of your nam and address and indicated whether any notice or correspondence required in connection wit review should be sent to you or the applicant? *					
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? *	T Yes \leq 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 *	T Yes \leq 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:
 Mr David Paton Building Consultancy

 Declaration Date:
 13/02/2024



David Paton Building Consultancy Local Review Body Appeal 40 Charlton Grove. Roslin February 2024

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PLANNING APPLICATION

Planning Application for an Extension to Dwelling house at first floor level and associated works at

40 CHARLTON GROVE, ROSLIN. EH25 9NX

For Ms Yolanda Martinez-Pereira

Planning Application No. 23/00684/DPP - REFUSED 11 December 2023

INTRODUCTION

This application was to rectify the issues caused by the builder not following the approved drawings in application approval 19/00839/dpp and also the need to improve on the design and the issues created within the previous design for the building including water ingress.

Planning Permission was refused under powers delegated to the officer for the following reasons.

- 1. Due to the external materials and finishes proposed on the extension it will appear out of character with the existing house and the surrounding area. As a result of the unsatisfactory relationship of the extension with the existing building it will detract from the visual amenity of the surrounding area.
- 2. For the above reasons the proposed extension is contrary to the aims of policies 14 and 16 of NPF4 and DEV2 of the adopted Midlothian Local Development Plan 2017 which seeks to improve the quality of an area, resist poorly designed development and protect the character or environmental quality of the home and the surrounding area.



REASON FOR REVIEW

The Officer has made it clear in email correspondence that there are no issues with the shape and form of the extension it is only the quality of the materials that is the issue.

Indeed, it is only the use of Hardie plank instead of the timber cladding that was approved under the previous application that seems to be the issue. It is stated within the Officers report that she suggested that either having the extension finished in materials to match the existing house or to have a metal roof and natural timber to the walls would be acceptable to the officer. This really comes across as designing to the officer's personal preference rather than trying to comply with Planning Policy.

So the assumption from all this, is that Hardie plank according to the planning officer is not a high quality product, and is only used as a feature detail picking out Architectural detailing, however in Midlothian Council own new housing on Clerk Street Loanhead (see photo below), Hardie plank has been used as a dominant material to its front elevations.

The use of a material like Hardie Plank also means that we will comply to a greater extent with the councils NPF4 policy. The material is maintenance free, has a 15 year guarantee all of which means that any future tradesman trips can be minimised, saving on vehicle movements and the environment.





CONCLUSION

We are asking for the Local Review Body to overturn the refusal notice and approve Planning Permission for the following reasons;

- The Planning Officer has stated that she is happy with the form of the extension
- The Planning officer would prefer the use of different materials which is her personal preference and has nothing to do with Policy
- Hardie plank is a quality material, and is used widely including on Council properties
- The use of Hardie Plank will mean less maintenance is required to the property over time (qs apposed to timber) and will mean greater compliance with the councils NPF4 policy



Appendix C

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference:23/00684/dpp

Site Address: 40 Charlton Grove, Roslin

Site Description:

The application property comprises a semi-detached two storey dwellinghouse located within a residential area with open space to the rear of the site with a school beyond. The house is finished externally in beige coloured drydash on the front with grey coloured drydash render on the side with white plastic framed windows and brown contoured concrete roof tiles.

There is an unfinished flat roof extension, part timber clad with grey upvc window frames, at the front and side of the house.

Proposed Development:

Extension to dwellinghouse at first floor level and associated works

Proposed Development Details:

It is proposed to extend above the existing ground floor extension with a 4.4m wide pitched roof extension at first floor level continuing the form of the existing house with a 1.2m deep roof terrace at the front above the existing flat roof extension. It is proposed to reduce the height of the remaining part of the flat roof extension with a 0.8m high glass balustrade along the edge of the roof terrace. The timber cladding on the existing extension is to be replaced with light grey Hardieplank (fibre cement comprising mix of cellulose fibre, sourced from FSC, plantation grown trees, Portland cement, sand, and water) cladding to be continued at first floor level on the front and on part of the side and on the rear elevations of the extension with the remainder of the walls finished in white smooth render with the roof tiles to match those on the existing house and grey upvc window frames.

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

History sheet checked.

19/00839/dpp - Extension to dwellinghouse and formation of roof terrace at 40 Charlton Grove, Roslin – pp 13.11.19 - single storey flat roof extension measuring 4.5m wide and 9.9m deep at the side of the house with a 0.9m high balustrade at roof level around a roof terrace. The extension also wrapped round part of the front of the house by 2.6m to form a 1.5m deep flat roof porch. The extension was to be finished in a mix of timber cladding and smooth render with grey upvc framed windows.

The agent has advised the following in relation to policy 1 of NPF4: the extension will comply with building standards and improve the overall energy efficiency of the house; a local contractor will be used: materials will be sourced locally where

possible; materials will be reused and salvaged where possible; Hardieplank is quicker to install than natural timber meaning less trips to the site and is guaranteed for 15 years reducing trips to the site for maintenance.

Consultations:

None required.

Representations:

None received.

Relevant Planning Policies:

Planning policy currently comprises National Planning Framework 4 and the adopted Midlothian Local Development Plan 2017. The following policies are relevant to the proposal:

NPF4

Policy 1 Tackling the climate and nature crises

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy 14 Design, quality and place

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy 16 Quality homes

g) Householder development proposals will be supported where they:
i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

The relevant policy of the Midlothian Local Development Plan 2017 is;

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

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.

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.

Given that recently published building regulations require increased insulation in house extensions, which helps reduce heat loss and can reduce energy consumption in the home, the proposed development will contribute to addressing the global climate crises. The proposed development will not exacerbate the global nature crises. Therefore the proposed development complies with the aims of policy 1 of NPF4.

On visiting the site the case officer noted that the single storey extension which has been built is not as shown on the submitted plan and also does not accord with the approved plans in terms of planning permission ref: 19/00839/dpp and as such is unauthorised. The agent has advised that the builder did not comply with the approved plans.

It is the usual practice of the Council to require matching materials on extensions so that they appear integral to the existing house rather than being stuck on. Exceptions to this may be where the extension is of a high quality contemporary design concept adding to the architectural interest of the house.

The previously approved scheme included timber cladding which along with the smooth white render, grey window frames and form of the extension, whilst in sharp contrast to the existing house, gave it a more contemporary appearance adding to the architectural interest of the house. The currently proposed extension is of a more conventional form however with Hardieplank fibre cement cladding, white smooth render and grey upvc window frames proposed. Whist Hardieplank has been used on some new build houses in general it is used as a feature detail picking out architectural detailing rather than as the predominant external finish and forms part of an overall coherent design approach. This is not the case in this instance where the whole of the front elevation of the extension is to be finished externally in Hardieplank which along with the proposed smooth white render and grey upvc window frames is in contrast to and uncharacteristic of the external materials of the existing building. If a more contemporary appearance for the extension is the desired effect the cladding should revert to timber as per the previously approved scheme, rather than a timber substitute, in order to appear as a clear and honest new high guality contemporary extension adding to the architectural interest of the house with a more contemporary roof covering such as a standing seam metal roof. The proposed use of Hardie plank waters this down along with the proposed matching roof tiles with the materials on the extension neither matching those on the existing house nor appearing as high quality contemporary design concept. The agent was advised of the suggested changes to the external materials.

The agent has responded that he considers the suggested metal standing seam roof to be alien and that it won't fit in with the existing house and that Hardieplank complies with the aims of NPF4 and is fire resistant.

The agents' comments regarding the use of Hardieplank as opposed to timber does not automatically justify approval of this material. Responsibly sourced timber is sustainable in terms of carbon storage, being renewable and dependent on the quality and type of timber used can be long lasting when properly installed requiring little maintenance.

The alternative option would be for a more conventional approach with the external materials for the walls, windows and roof matching existing. The agent was advised of this option.

The agent has confirmed that the client wishes the application to be considered in its originally submitted form with no changes to the proposed materials.

As stated above the suggested timber and standing seam roof materials were in order that the extension reads as an honest new high quality contemporary extension adding to the architectural interest of the house. The currently proposed materials will not achieve this. As currently proposed, due to the proposed use of Hardieplank, smooth white render and grey upvc window frames, the extension will appear out of character with the existing house and the surrounding area and is not of such a high quality design as to warrant approval of planning permission.

The roof terrace and first floor window at the front of the extension will have views of the properties on the opposite sides of the road. Policy DP2 – Development Guidelines of the now superseded 2008 Midlothian Local Plan specified a distance of 22m between front elevations. There would be a minimum of 21m between the extension and the front elevation of the properties at nos 31 and 33 and approximately 19m between the extension and the gable at no. 26 which are directly opposite the application site. Whilst short of the standards the impact on privacy will not be to such an extent as to warrant refusal of planning permission taking into account the more publicly visible nature of front elevations.

The proposal will not have a significant impact on the outlook from or daylight and sunlight to neighbouring properties.

Recommendation:

Refuse planning permission

Refusal of Planning Permission



Town and Country Planning (Scotland) Act 1997

Reg. No. 23/00684/DPP

David Paton Building Consultancy 13 High Street Loanhead EH20 9RH

Midlothian Council, as Planning Authority, having considered the application by Ms Yolanda Martinez-Pereira, 40 Charlton Grove, Roslin, Midlothian, EH25 9NX, which was registered on 23 October 2023 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Extension to dwellinghouse at first floor level and associated works at 40 Charlton Grove, Roslin, EH25 9NX

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

Document/Drawing.	Drawing No/Scale	<u>Dated</u>
Location, Elevations and Floor Plan	Pn1 1:1250 1:500 1:50	23.10.2023

The reason(s) for the Council's decision are set out below:

- 1. Due to the external materials and finishes proposed on the extension it will appear out of character with the existing house and the surrounding area. As a result of the unsatisfactory relationship of the extension with the existing building it will detract from the visual amenity of the surrounding area.
- 2. For the above reasons the proposed extension is contrary to the aims of policies 14 and 16 of NPF4 and DEV2 of the adopted Midlothian Local Development Plan 2017 which seek to improve the quality of an area, resist poorly designed development and protect the character or environmental quality of the home and the surrounding area.

Dated 11 / 12 / 2023

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

Any Planning Enquiries should be directed to:



 The Coal Authority
 Direct Telephone: 01623 637 119

 Email:
 planningconsultation@g

 Website:
 www.gov.uk/coalauthor

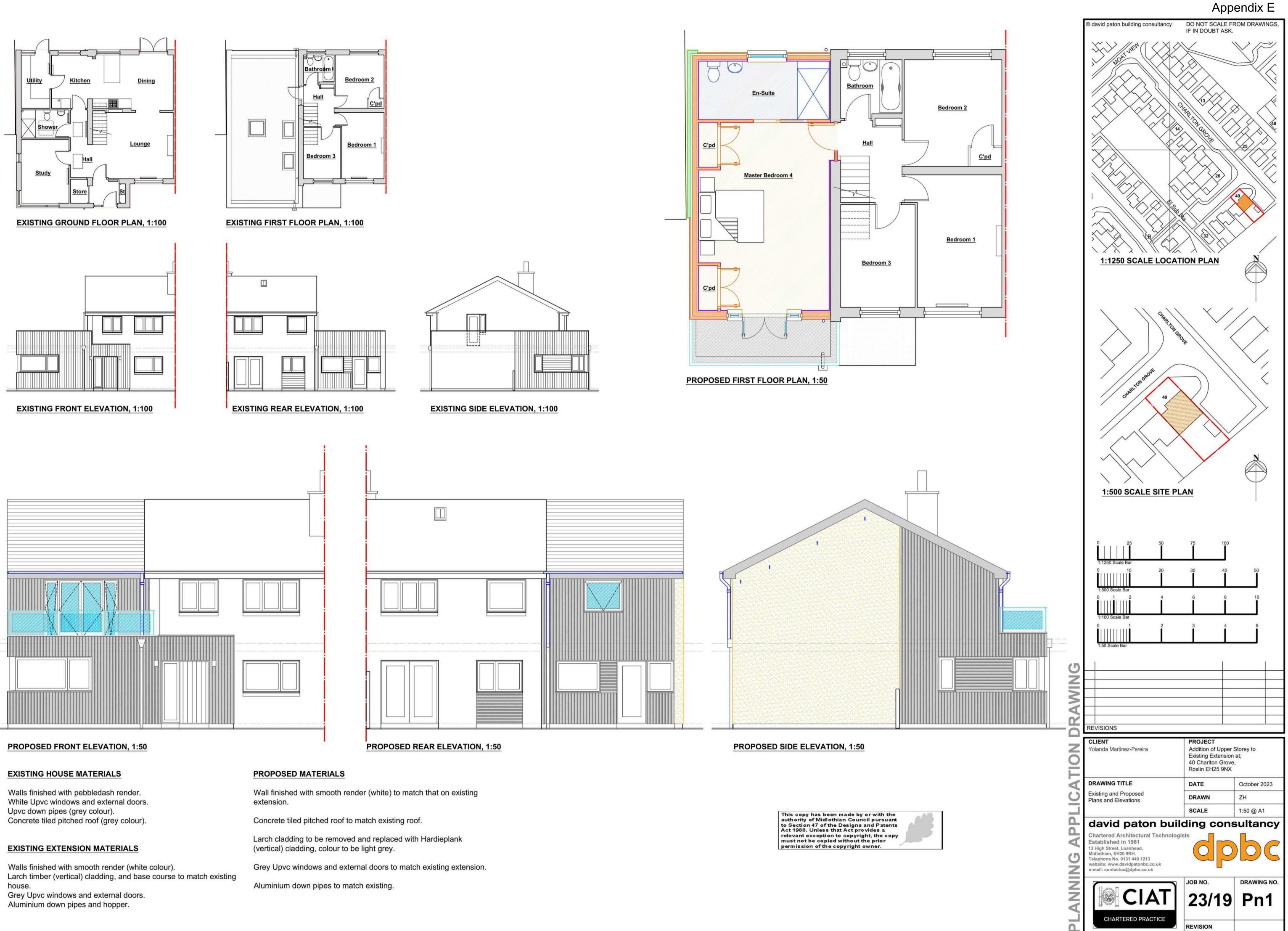
 Planning and Local Authority Liaison planningconsultation@coal.gov.uk www.gov.uk/coalauthority

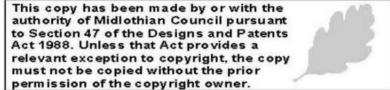
Development Low Risk Area- STANDING ADVICE

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

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

Standing Advice valid from 1st January 2023 until 31st December 2024







EXISTING HOUSE MATERIALS

Walls finished with pebbledash render. White Upvc windows and external doors. Upvc down pipes (grey colour). Concrete tiled pitched roof (grey colour).

EXISTING EXTENSION MATERIALS

Walls finished with smooth render (white colour). Larch timber (vertical) cladding, and base course to match existing house.

Grey Upvc windows and external doors. Aluminium down pipes and hopper.

PROPOSED MATERIALS

Wall finished with smooth render (white) to match that on existing extension.

Concrete tiled pitched roof to match existing roof.

Larch cladding to be removed and replaced with Hardieplank (vertical) cladding, colour to be light grey.

Grey Upvc windows and external doors to match existing extension.

Aluminium down pipes to match existing.

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