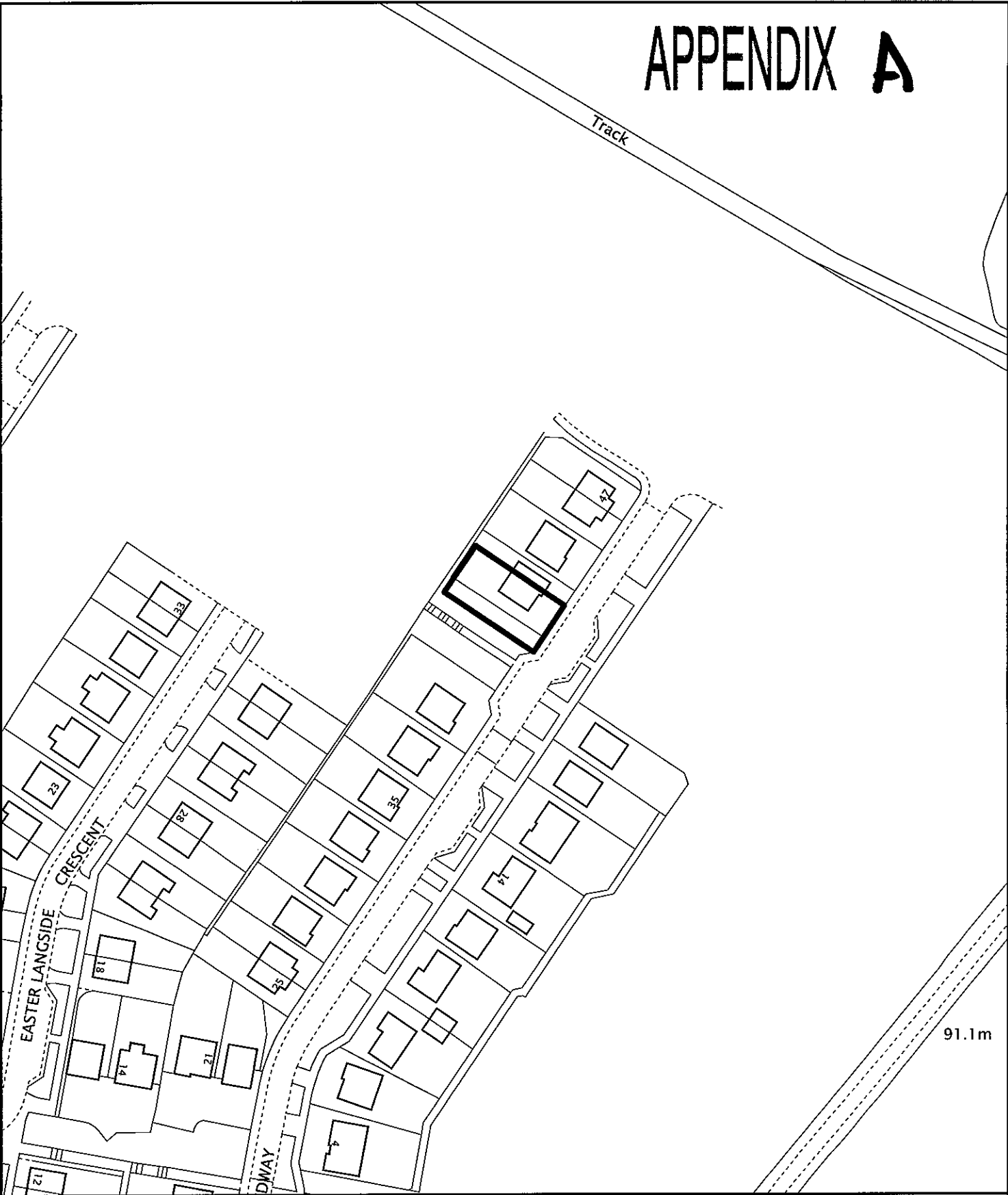


APPENDIX A



Corporate Resources
Midlothian Council
Fairfield House
8 Lothian Road
Midlothian Dalkeith EH22 3ZQ

Extension to dwellinghouse at 41 Easter langside Medway

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File No. 13/00002/DPP

Scale: 1:1,250



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 Delegation and Local Review Procedure) (SCOTLAND) Regulations 2008
 The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2008

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://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	Richard	Forename	
Surname	Fryatt	Surname	
Company Name		Company Name	
Building No./Name	41	Building No./Name	
Address Line 1	Easter Langside Medway	Address Line 1	
Address Line 2		Address Line 2	
Town/City	Dalkeith	Town/City	
Postcode	EH22 2FJ	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Application Details	
Planning authority	Midlothian Council
Planning authority's application reference number	12/00486/DPP and 13/00002/DPP
Site address	<div style="border: 1px solid black; padding: 5px;"> 41 Easter Langside Medway, Dalkeith EH22 2FJ. </div> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <div style="display: flex; justify-content: space-between;"> COSE SOURCES </div> <div style="display: flex; justify-content: space-between;"> FILE: 13/00002/DPP </div> <div style="display: flex; justify-content: center; align-items: center;"> RECEIVED - 2 MAY 2013 </div> </div>
Description of proposed development	<div style="border: 1px solid black; padding: 5px; min-height: 40px;"> Erect Single Storey Extension to rear of Two Storey House. </div>

Date of application

Date of decision (if any)

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

4. Nature of Application

- Application for planning permission (including householder application)
- Application for planning permission in principle
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)
- Application for approval of matters specified in conditions

5. Reasons for seeking review

- Refusal of application by appointed officer
- Failure by appointed officer to determine the application within the period allowed for determination of the application
- Conditions imposed on consent by appointed officer

6. Review procedure

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

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

- Further written submissions
- One or more hearing sessions
- Site inspection
- Assessment of review documents only, with no further procedure

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

7. Site inspection

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

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

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

8. Statement

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

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

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

See separate sheet

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

Statement in Support of Review

Planning Application Drawing - 13/00002/DPP

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

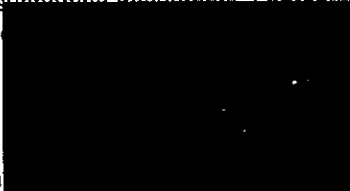
All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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.

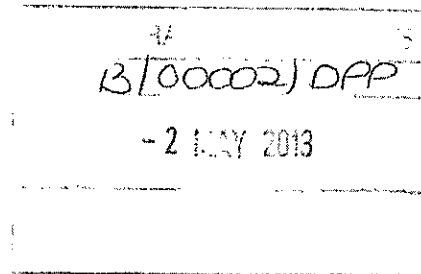
Signature:



Name: Richard Fryatt

Date: 2/5/13

Any person who provides information to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.



8. Statement in support of Review.

General:

The extension has been designed as far as is practicable to comply with the guidance set down in the permitted development rights document. The extension does not extend more than 4m from the rear face of the building, it does not occupy more than 50% of the rear curtilage and the height of the roof is less than 4m. The only criteria the extension fails to meet is the height of the eaves above ground level, my proposed eaves will be more than 3m high but by dressing the soil against the rear face of the extension the aim was to reduce the visual impact of the underbuilding raised in the original refusal notice and bring the eaves below the 3m requirement.

I have read the permitted development rights document and believe I could grade the soil in my back garden to achieve the necessary reduction in height of the eaves without the need for planning permission. If I was to grade just enough soil now to achieve this I could then build the extension as proposed under permitted development rights in a few weeks time. I cannot see any time limit in the guidance to prevent this from being the case i.e. there is nothing to state the existing ground level must have been in place for any period of time prior to building (e.g. 1year).

The house to the rear on Plot 215 has yet to be constructed and this has presented difficulties to both my Designer and to the Planning Officer in accurately plotting both the position and the difference in height between the proposed house and my house. Despite contacting the developer I have been unable to confirm accurately distances or floor levels. The large scale site development drawing from Application 09/00286 has been used to get basic distances but there are no floor levels marked to allow heights to be judged. I believe the house will be built lower than both the Planning Officer and my Designer have assumed which can only improve the amenity of the house behind, the lower the house sits the less will be visible from my plot.

Overlooking:

It is stated that the minimum acceptable distance between rear facing windows is 25m as per Policy DP2 as per Page 144 Paragraph 5c. Having read the Policy DP2 it appears that this particular guidance refers to Housing Developments in their design stage i.e. guidelines that are for the benefit of the site developer "Taylor Wimpey" rather than individual householders. The Policy refers to setting out housing plots, acceptable amounts of garden ground for different properties and other overall housing development criteria. As I am planning an extension to the rear of my house I unsure how this Policy is applicable.

The Policy DP2 also refers to utilising split-level homes as a means of reducing the visual impact and allowing a reduction in the distances between rear walls of houses at the design stage. If I use this guidance then the extension I am proposing has had the floor level lowered to meet this split-level criteria. By reducing the floor level as per the Policy this should allow the distance between the rear walls of the houses to be reduced below the 23m already deemed acceptable by Midlothian Council in the design stage of this development.

It is proposed as part of the revised application that a 2m fence will be erected along the rear boundary to eliminate overlooking from the extension to the rear garden area and the ground floor windows. The fence will reduce the overlooking below the levels already deemed acceptable by Midlothian Council in the development stage of the Scheme and will improve amenity for the adjacent house in Plot 215 by making their rear garden ground and ground floor areas more private.

It is generally accepted that first floor windows are bedrooms, as is the case here, it is also accepted that most people fit blinds and curtains to their bedroom windows and do not spend a vast amount of time during daylight hours in their bedrooms, nor do people spend a significant amount of time each day in bedrooms with the blinds/curtains wide open. In other developments my Designer has dealt with in other Council areas the Scottish Government guidance for distances between rear facing windows has been around 18m, which if permitted development rights were used by both properties could reduce this distance to 10m (2 extensions of 4m each) The distance between facing windows with the extension is 19.5m which exceeds the guidance set down nationally and would not in the opinion of my Designer be deemed unreasonable.

The only policy relating to overlooking of first floor windows that can be found on the Planning Guidance page of Midlothian Council website relates specifically to Terraced and Semi-detached houses in the Newtongrange, Rosewell, Easthouses and also Bonnyrigg areas. It would appear that it relates to specific housing styles none of which are present in the area surrounding my proposal.

A Conservatory has recently been erected at No. 20 Easter Langside Medway which is directly overlooked by a house to the rear, this Conservatory has been erected under permitted Development rights. It appears to me unreasonable and unfair to allow the Conservatory to be erected without any permission yet refuse my extension. The issues for refusal given to me are no less relevant to the Conservatory in the adjacent house, indeed due to the type of construction the issues will most likely be exacerbated in the Conservatory.

Overly dominant:

The original proposal has been amended to lower the floor level of the extension by 510mm (the minimum required by Building Regulations) to reduce the visual impact on the house to the rear. The extension will sit wholly within the outline of the existing house and will not cast any more of a shadow than that cast by the existing house.

By closely matching the new materials the extension will not be obvious or prominent to the house behind. As the house is so new there will be no problem sourcing materials that are a direct match for all of the existing materials.

The soil excavated from the foundations would also be dressed up against the underbuilding on the rear face of the extension to reduce the visual impact of the underbuilding.

By erecting a 2m fence on the rear boundary this underbuilding will not be visible from the adjacent house at Plot 215.

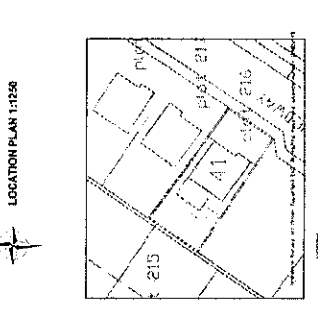
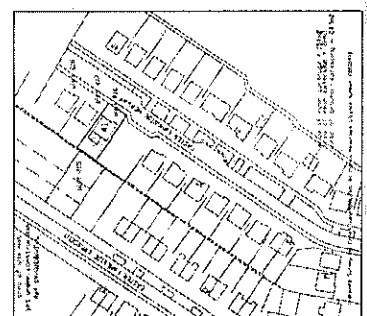
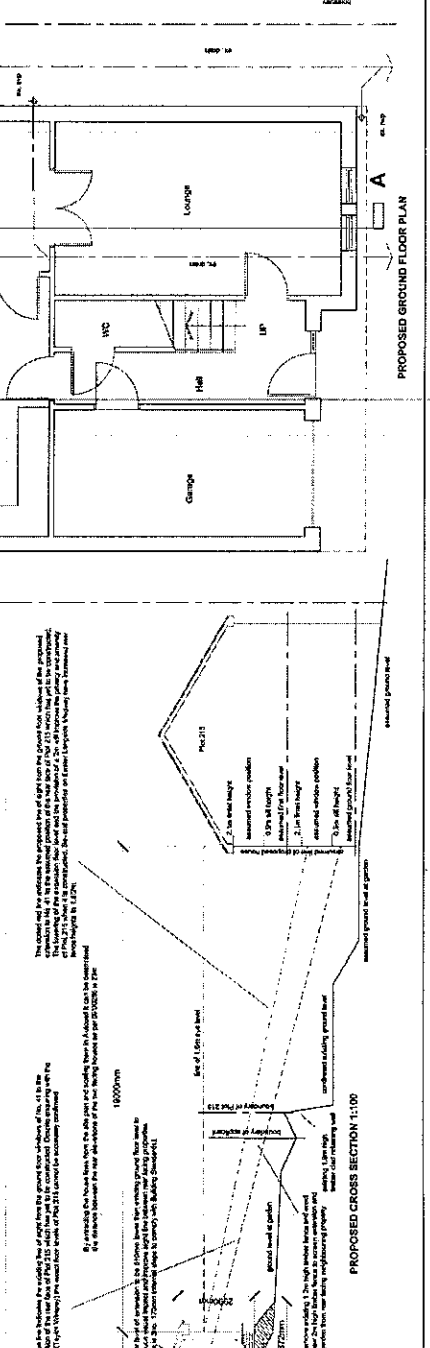
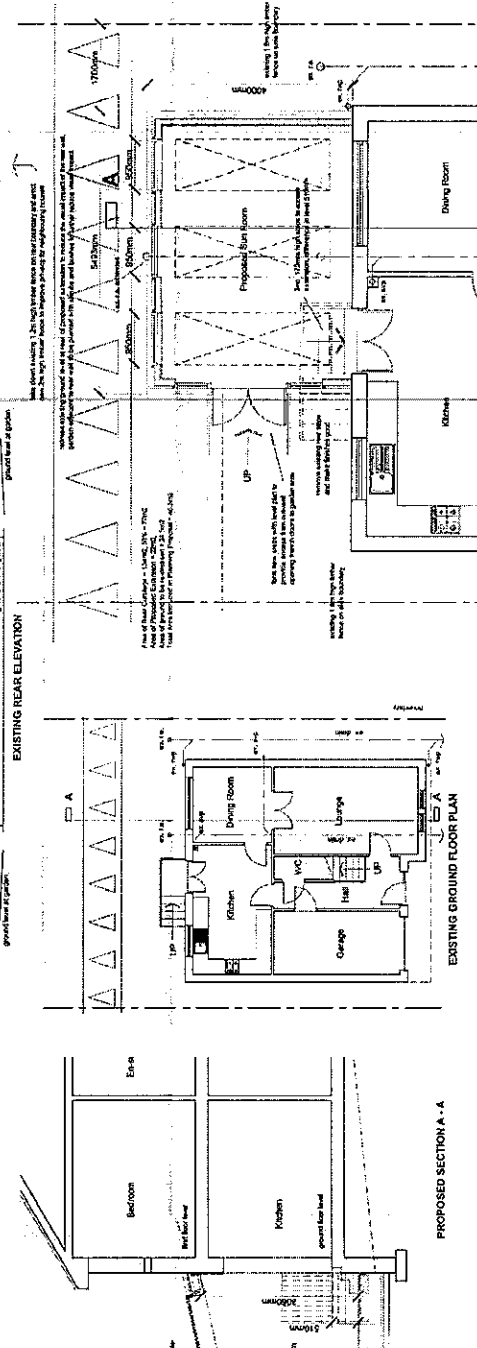
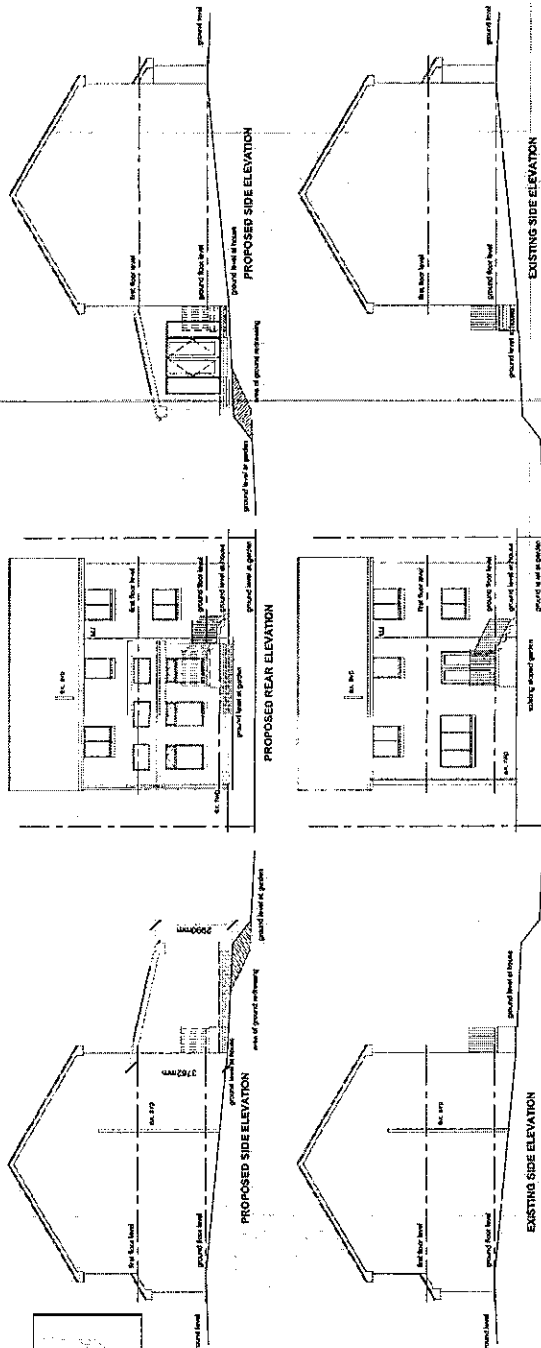
In my opinion all of these actions will reduce the visual impact of the extension on the house to the rear on Plot 215.

Summary:

I feel the proposal I have put before the Council is not unreasonable and also feel that I have made every effort to revise and amend my proposals between the original application 12/00483/DPP and the subsequent application 13/00002/DPP to mitigate the reasons for refusal of the Planning Permission. Both my Designer and I had also made concerted efforts to engage with the Planning Officer by e-mail, telephone and by trying to arrange a meeting with the Officer. The Officer was extremely reluctant to agree to a meeting and as a result I was left with no option but to submit a revised proposal without the guidance I was hoping for from the Officer.

This application would appear to be the first in this new estate, I have no doubt that other householders in the estate will look to extend their homes as time goes on. In my opinion the scheme has been designed appropriately by the Council to allow this type of extension without any loss of amenity. Surely that is the whole point of having Policy DP2? To ensure sufficient scope is built in to the development at the design stage to ensure extensions like my proposal can be built without any loss of amenity or privacy.

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DESIGNER: GARDNER & THEOBALD
 11th Avenue, Edinburgh, Midlothian, Scotland
 TEL: 0131 271 1111
 FAX: 0131 271 1112
 PROJECT NO: 100/150/1500/1250

THIS PLAN HAS BEEN PREPARED BY THE DESIGNER IN ACCORDANCE WITH THE REQUIREMENTS OF THE BUILDING REGULATIONS 2006. THE DESIGNER HAS CONDUCTED VISUAL IMPACT ASSESSMENT AND HAS CONSIDERED THE EFFECTS OF THE PROPOSED DEVELOPMENT ON THE SURROUNDING ENVIRONMENT. THE DESIGNER HAS CONSIDERED THE EFFECTS OF THE PROPOSED DEVELOPMENT ON THE SURROUNDING ENVIRONMENT AND HAS CONSIDERED THE EFFECTS OF THE PROPOSED DEVELOPMENT ON THE SURROUNDING ENVIRONMENT.

PROPOSED SINGLE-STORY ELEVATION IN VIEW OF HOUSE - Ref: 100/150/1500/1250

100/150/1500/1250
 A. 14/15/16

MIDLOTHIAN COUNCIL

**DEVELOPMENT MANAGEMENT
PLANNING APPLICATION DELEGATED WORKSHEET:**

Planning Application Reference: 13/00002/dpp

Site Address:

41 Easter Langside Medway, Dalkeith

Site Description:

The application property comprises a detached two storey house finished externally in drydash render with a reconstituted stone basecourse, white plastic windows and red pantiles. (Small plain tile on porch.) There is 0.85m high underbuilding at the rear of the property. The garden ground level drops by approximately 1.5m towards the north west boundary along which is a 1.2m fence with a 2m drop in ground levels on the other side of the fence.

Proposed Development:

Extension to dwellinghouse

Proposed Development Details:

It is proposed to erect a single storey extension at the rear of the house measuring 4m deep and 5.5m wide. Window and wall materials are to match existing. The roof of the extension is to be covered with brown concrete roof tiles. It is proposed to raise the ground level of the garden at the north west end of the extension by a maximum of approximately 0.8m with 0.5m underbuilding on the extension. The floor level of the extension is proposed to be 0.5m lower than the floor level of the house.

A 2m high fence is proposed along the rear boundary of the site. This is permitted development in terms of class 3E of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992.

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

History sheet checked.

06/00708/RES – Erection of 108 dwelling houses and flats with associated works (application for the approval of reserved matters relating to planning permission 01/00608/OUT) at site M3 Wester Cowden

12/00483/dpp - Extension to dwellinghouse at 41 Easter Langside Medway – Refused.

Consultations:

None required.

Representations:

One representation has been received from the occupier of the neighbouring property at 43 Eater Langside Medway objecting to the proposal. She is concerned regarding loss of sunlight to her property.

Relevant Planning Policies:

The relevant policies of the **2008 Midlothian Local Plan** are;

RP20 – Development within the built-up area - seeks to protect the character and amenity of the built-up area.

DP6 – House Extensions - requires that extensions are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines also relate to size of extensions, materials, impact on neighbours and remaining garden area.

Planning Issues:

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

Subsequent to refusal of the previous scheme the applicant's architect submitted a similar scheme to the current proposal for comment. He was advised that there was still concern regarding the amended scheme and that it did not satisfactorily address the issues raised in the reasons for refusal. He was also advised that planning permission was required for the proposal and that as such the proposal needs to be assessed in terms of development plan policies.

The design of the extension is acceptable. Sufficient garden area would remain.

The main issue is the impact of the proposal on the amenity of neighbouring properties.

It would not have a significant impact on the amenity of the neighbouring property to the north east of the site. There would be increased overshadowing of part of no 43's rear garden from approximately 1pm onwards as a result of the proposed extension. However the extent of overshadowing is not sufficient to warrant refusal of planning permission.

The layout for the housing at site M3 indicates houses to the rear of the application property. As a result of the significant drop in levels between the ground level at the existing house at the application site and the land to the rear the house will be a prominent feature as viewed from the proposed houses and their associated gardens.

As mentioned above planning permission was previously refused at the application site for a single storey extension on the grounds of its overbearing impact and overlooking to the proposed properties at the rear of the site. Notwithstanding that the height of the extension has been reduced by approximately 0.5m and a proposed 2m high fence along the rear boundary of the application site it would bring the built form closer to the residential properties at the rear and would appear very prominent.

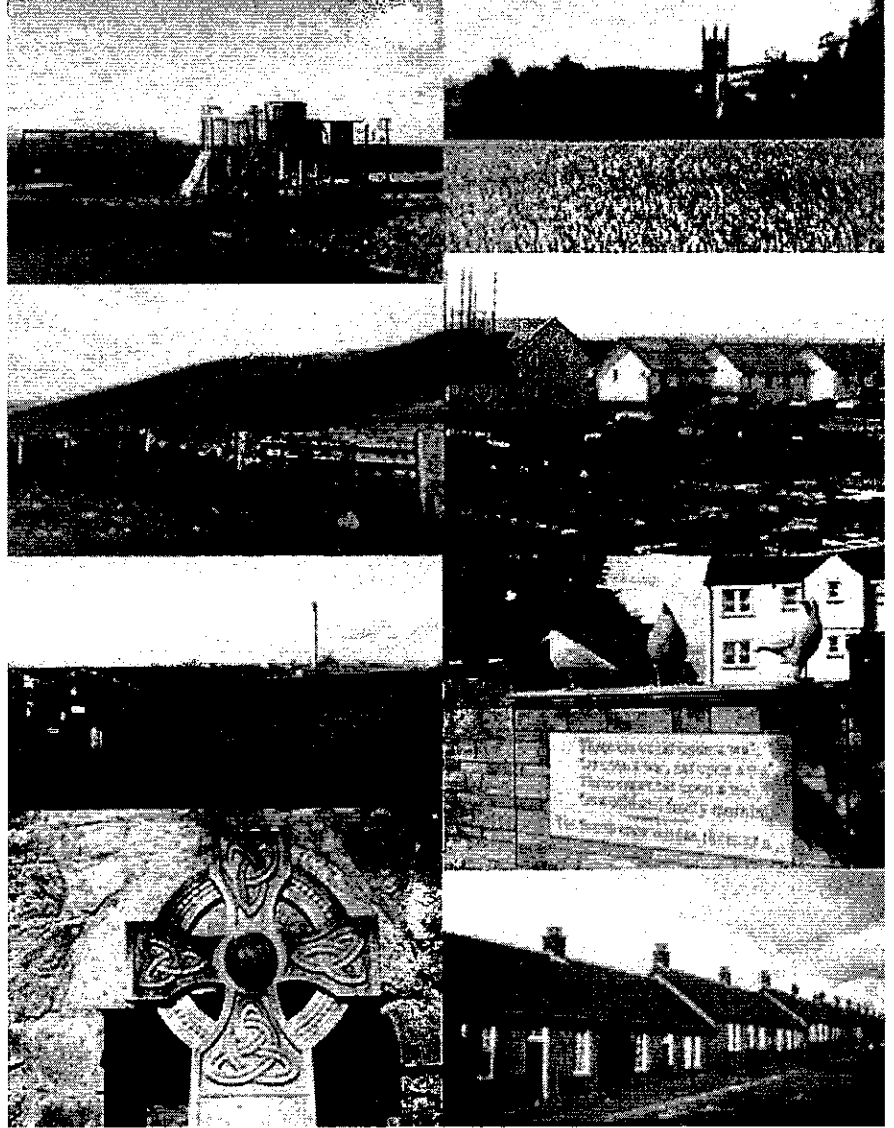
Also whilst the existing house at the application property will overlook the residential properties proposed at the rear, the proposed extension projecting further in to the garden would make the situation worse. As mentioned above the current plans indicate a proposed 2m high fence along the rear boundary of the application site. Also the floor level of the extension has been lowered by 0.5m compared to the previously refused scheme. This will help to reduce overlooking to in particular the garden and ground floor windows of the properties to the rear. However there would still be overlooking to the first floor windows.

The proposed extension would have an overbearing impact on the outlook from and have a detrimental impact on the privacy of the proposed residential properties to the rear of the site. In relation to this the applicant's architect raised the issue of back to back distances stating that the Council guidance suggested that 18m is acceptable. Policy DP2 – Development Guidelines of the adopted Midlothian Local Plan states that the minimum back to back distance between houses should be 25m. It also states that where housing is built across steeply sloping ground the distance between the buildings will require to be extended to avoid the higher properties being over dominant. The back to back distances of the houses will be approximately 23.5m, already below this standard. With the extension this would be reduced to 19.5m.

Overshadowing to the properties to the rear will not be significant as compared to that from the existing house.

**Recommendation:
Refuse planning permission**

Midlothian Local Plan



Midlothian



Midlothian Local Plan

ADOPTED BY RESOLUTION OF
MIDLOTHIAN COUNCIL
ON 23 DECEMBER 2008

This Plan has been produced by the
Planning Unit Strategic Services

Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
Midlothian
EH22 3ZN

2.2 The Built Heritage

Policy Title

RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

2.2.1 National Planning Policy National policy as set out in SPP 1 *The Planning System* states that one of the three general objectives of development plans and development control is “to maintain and enhance the quality of the natural heritage and built environment”. In addition, the importance of good design is highlighted as a priority for the planning system, given that “mistakes cannot be easily or cheaply rectified”.

2.2.2 SPP 3 *Planning for Housing* (now replaced by SPP 3 *Planning for Homes* – see para. 3.2.6) encourages the full and effective use of land within existing built areas, giving priority to reusing derelict and vacant land. However, it also requires that “infill development respects the scale, form and density of its surroundings and enhances rather than detracts from the character and amenity of existing residential areas”. It indicates that this should be an important consideration for planning authorities when preparing development plans and in determining applications, and for developers when preparing proposals.

2.2.3 Structure Plan Policy The ELSP 2015 recognises the importance of protecting and

enhancing the amenity of all urban areas to safeguard and improve the quality of life of residents of the Lothians. Policy ENV1G requires local plans, in encouraging the development of infill sites, the redevelopment of brownfield land and the conversion of existing buildings, to promote a high quality of design in all new development.

2.2.4 Local Plan Policy Midlothian is not characterised by large areas of brownfield land ripe for redevelopment. It follows therefore that the main areas of new development will be on greenfield sites on the edge of the built-up areas. There will, however, be opportunities for new development within the existing urban areas, including conversion, intensification, infill or redevelopment.

2.2.5 Policy RP20 applies to the existing built-up area of all towns and villages, and the areas of new housing allocations. The Local Plan Proposals Map defines the urban boundaries of the main settlements and also identifies village envelopes. The purpose of the policy is to ensure that new development does not damage or blight land uses which are already established in the neighbourhood, particularly where residential amenity will be affected. Sections 3.7 and 4 contain guidance with regards to wind turbines (policies NRG1 and NRG2), energy for buildings (policy NRG3), the form and layout of development on greenfield sites (policy DP2), extensions to existing housing (policy DP6) and control over advertising (policy DP8), which may be relevant to proposals for development within the built-up area.

RP20 DEVELOPMENT WITHIN THE BUILT-UP AREA

Development will not be permitted within existing and future built-up areas, and in particular within residential areas, where it is likely to detract materially from the existing character or amenity of the area.

4.6 House Extensions

DP6 HOUSE EXTENSIONS

1 Background

While increasing the accommodation of a house, extensions can also add to their architectural interest. It is important that they do not detract from the appearance of the property or that of neighbouring houses. Extensions that reflect the style of the original are most likely to be successful. Novel architectural solutions can also be acceptable.

In providing additional space for the existing building, there should be no material loss of amenity for adjoining houses.

2 Detailed Requirements

Extensions to existing houses must be well designed and must maintain or enhance the appearance of the house and the locality. The design of extensions should take account of the guidelines summarised below:

- a) the size of the extension should be clearly subservient to the original property;
- b) matching or complementary external wall and roof materials should be used;
- c) use of facing brick for an extension to a stone building and use of concrete tiles where the existing roof is slate or clay tiles should be avoided;
- d) the roof pitches should match those of the existing roof;
- e) architectural detailing, scale and proportion should be similar to the existing;
- f) when extending in the same plane, especially if changes in external materials are to be used or if it is likely to be difficult to obtain a close match, a break or step from the main building should be pointed;
- g) extensions must not block, to a material extent, sunlight from reaching adjoining gardens;
- h) extensions must not result in loss of privacy for neighbouring property;
- i) an adequate garden area must remain after the house has been extended; and
- j) extensions which are two or more storeys high must incorporate a pitched roof unless the existing roof is flat.

3 Front Porches

Front porches to detached or semi-detached houses are usually acceptable where their design follows the principles described above, provided they project less than two metres out from the front of the house.

4 Dormer Extensions

Dormer extensions should incorporate dormer "windows" rather than a "box" dormer. The dormers should not extend other than to a limited extent beyond the glazed area. Windows should line up with any existing ones below. Dormers should not rise off the wall head, nor rise above the existing ridge level, nor occupy a predominant proportion of the existing roof area.

Large dormers to the front of a house can be an incongruous feature, especially in a street with no other roof level extensions. In such cases, use of velux roof lights may be an acceptable alternative.

Note: Supplementary planning guidance is available on Dormer Extensions and on Rear Extensions to Single Storey Semi-Detached and Terraced Houses.

4.2 Development Guidelines

DP2 DEVELOPMENT GUIDELINES

Note: Reference should also be made to Appendix 2C for the design principles and Appendix 2D for landscaping and open space requirements which apply specifically to the Shawfair new community, and expansion of Danderhall. The Shawfair Masterplan and Design Guide provide detailed supplementary planning guidance.

These policies apply to all proposals for development within this Local Plan area. They will form the basis for any briefs to be prepared for sites to be released for development through the Local Plan.

Developers will normally be expected to submit a statement with applications for major sites explaining their approach to the site with regards to the issue of design, sustainability, landscape and open space. The statement shall explain the way in which the Council's design criteria have been observed. If the criteria have been departed from this should be noted, together with an explanation of the circumstances requiring this.

Irrespective of support for the principle of development in this Local Plan, all proposed developments which fall within the remit of the Environmental Impact Assessment (Scotland) Regulations 1999 (Schedules 1 and 2), will require the submission of an Environmental Statement in conjunction with the planning application.

A case for modification of the private open space standards may be accepted by the Council within the Local Plan area where the sites proposed to be developed are brownfield, infill, involve less than three houses, lie within Conservation Areas, or windfall. In such cases, a determining factor will be the existing character of the area surrounding the site. This may not necessarily dictate lower space standards. For example, in some Conservation Areas, the density of housing is very low. Such existing character may dictate very generous gardens in new housing development.

1 Design

The release of extensive areas of land, through the development sites in this Local Plan, offers an opportunity to create new, interesting and attractive environments.

The Council recognises that good design can:

- a) promote sustainable development;
- b) improve the quality of the environment;
- c) attract business and investment;
- d) reinforce civic pride and a sense of place; and
- e) secure public acceptance of the need for new development.

For these reasons:

The Council will require good design in both the overall layout of sites and their constituent parts and a high quality of architecture in both the overall layout of sites and their constituent parts.

2 Sustainability

The Council will expect development proposals to have regard to the following principles of sustainability:

- a) building in harmony with the site including optimising on orientation and relationships to contours, provision of shelter, and utilising natural features;
- b) fostering and maintaining biodiversity;
- c) treating and conserving water on site in line with best practice and guidance on sustainable drainage;
- d) reducing consumption of energy;
- e) recycling of construction materials and minimising the use of non-renewable resources (refer also to policy WAST4 – waste minimisation);
- f) facilitating accessibility and adaptability; and
- g) providing for waste recycling in accordance with standards which will be set out in supplementary planning guidance on waste separation, collection and recycling requirements for new developments.

3 Landscaping

All development proposals must be accompanied by a comprehensive scheme of landscaping. This will be designed to provide shelter, help create spaces, add colour and add to the interest and appearance of the development.

New tree planting will be used to define the edge of development areas within sites. The Forest Habitat Network (Forestry Commission Scotland) provides guidance in planning greenspace within new developments.

Where development sites abut the countryside, tree belts of an average of 30 metres wide will be required except where a development brief indicates a lesser figure will be acceptable. This width is required to ensure the effect of the planting is maintained as the trees mature.

Where distributor and access roads are to be tree lined as a landscape feature of the development site, space sufficient to provide for the span of the trees as they mature must be provided to each side of the road to be planted. The space to be provided will be influenced by the selection of tree species and design concept being followed.

A high standard of landscaping is required throughout sites. Tree and shrub species should be selected primarily for their good appearance, hardiness, low maintenance and suitability to the character of the site and layout design.

Indigenous species should form the basis for landscape schemes.

Finishing materials, surface textures and street furniture, together with the design of walls and fencing should combine with the landscaping to establish a theme for the development as a whole.

When submitted to the Council, detailed applications for planning permission must be accompanied by proposals indicating the character and scale of the landscaping to accompany the new development.

Landscaped areas adjoining roads will be adopted by the Council on the same basis as other landscaped and open space areas provided as a result of development.

Where possible, topsoil should be left *in situ* on development sites. Where it would be sterilised by development, topsoil should be stored in a manner which preserves its intrinsic environmental value and reused in connection with the landscaping of the development site or, if not possible, elsewhere in site restoration, landscape enhancement and/or the creation of public open space.

4 Open Space

Open space is an essential part of the built environment. It provides amenity to those whose property adjoins or is close to it. It can provide pedestrian or cycle routes. Open space allows opportunities for play and exercise whether of a formal or informal character. It gives the opportunity within settlements for the creation of natural habitats and shelter for flora and fauna. It can create the setting to important private and civic buildings and be an integral part of the character of settlements. Policies RP29 and 30 provide for the protection of open spaces. The proposed growth of Midlothian's settlements as a result of this Local Plan must be accompanied by open space provision on a scale and in a manner commensurate with its importance to the lives of future communities in these areas.

The following standards do not take account of the need for informal amenity open space, infrastructure tree planting and passive recreation areas such as parks, open spaces and footpath networks. In determining the need for such additional open space the Council will take account of the area surrounding the site. Major development sites will be subject to a brief that will identify such needs.

Open spaces designed for children's play should be large enough to absorb such activity with minimum disturbance to local residents or undue damage to grass and planted areas. Similarly, the location of pitches for older sections of the population within open spaces should take account of the potentially adverse effect on amenity if situated too close to housing.

4a Open Space required for Sport

Unless otherwise determined within development briefs for housing sites proposed in this Plan, provision for outdoor sport will be made in accordance with the National Playing Field Association's (NPFA) minimum standards and the Council's open space strategy, once approved.

4b Children's Play Space

The design and location of play spaces should be convenient to their users. They should be subject to passive supervision and open sunlight during the majority of the day. They should be fenced in order to avoid children running out of the play area and to discourage dogs making their way in.

In general terms, their design and location should accord with the advice provided in SPP 11 *Open Space and Physical Activity* and PAN 46 *Designing Out Crime*.

Provision for children's play space will normally be provided within new housing areas in accordance with the NPFA's recommendations.

This standard is currently set at 0.6 - 0.8 hectares per 1000 population. In assessing the area requirement, the potential population of a housing development will be used for the basis of calculation.

The NPFA recommends that a hierarchy of open spaces be available for children's play, the largest spaces providing for the most extensive range of equipment and facilities and combined with land used for other formal recreational use. Smaller open spaces, recommended by the NPFA at the bottom of the hierarchy perform an important visual amenity function. These spaces will normally be no less than 0.04 hectares in extent. Whether such small spaces will require any equipment placed within them is dependent on the character of housing surrounding the space and the distance to the nearest play area. In small, medium to low density developments, no equipment is likely to be required. Site and distance criteria for such spaces should be as recommended by the NPFA's *The Six Acre Standard*. Larger equipped play areas serving neighbourhoods should be provided as recommended by the NPFA. It may not always be appropriate to provide spaces to the minimum

recommended size. However, an area of open space accommodating play equipment within a housing area should not be less than 0.1 hectares.

4c Maintenance of Play Equipment and Open Spaces

Arrangements for the long-term maintenance of open spaces shall be agreed with the Council prior to consent being issued. Maintenance arrangements can be through adoption by the Council or through alternative measures, either being subject to agreement with the Council.

Acceptable provision, including long-term funding for the maintenance of open spaces, landscaping and play equipment will be a prerequisite of planning permission for new residential and other developments.

For the purposes of this section, "long-term" will typically be a period of at least 15 years.

4d Retention of Open Spaces

Public open spaces provided in association with new development will be subject to conditions and, where appropriate, agreements requiring that they continue in use as communal open space.

4e Provision of Play Facilities for Children

Equipment for communal play will be required in association with all new residential development, with the exception of housing specifically designed for the elderly.

Acceptable levels of provision are currently found to be established where the developer provides equipment to a value based on the sum of £250 per child bed space (as at 2006 price, subject to price index adjustment). The cost per child bed space figure may be subject to negotiation for larger developments where the economies of scale can be brought into effect.

Child bed spaces are the number of bedrooms in a house less the principal bedroom. In the case of houses having secondary bedrooms of exceptionally large size, it may be considered necessary to take the

view that these could be occupied by more than one child.

Where the number of houses or the application site is too small to satisfactorily accommodate children's play, an amount of equipment based on the above standard must still be provided, for installation in an existing park accessible to the new housing.

5 Housing: General Considerations

The detailed planning, layout and appearance of new housing developments must reflect national planning advice and guidance. In accordance with the encouragement therein of imaginative and innovative design, proposals showing exceptional ingenuity may be exempted from the usual space requirements, provided that the quality of public and residential amenity is demonstrably not compromised.

Many large companies use standard house types in the interests of efficiency and economy for their particular organisation. Such an approach may not always provide an acceptable design. Developers will be expected to be flexible in their use of house types and if necessary modify their range to meet the Council's requirements for specific sites.

The main aims are to achieve comfortable, safe, well-designed living environments with a distinct sense of place, and a high quality of design and finish.



5a Housing: Detailed Considerations

Care is required in grouping of buildings. The houses forming a group must relate well in terms of scale, angle and alignment of roof pitch, choice of finishing materials and detailing.

A good level of security for the residents of a scheme must be provided and in this respect attention should be paid to linking buildings together by means of walls or garages. Open spaces should be designed as features to be looked onto from the front and sides of houses as should pedestrian routes and roads. Houses should not, as a general rule, be designed to back onto such features.

Housing layouts should be designed to be convenient for pedestrians, with special attention being paid to the provision of direct footpath / cycleway links between houses, schools, shops and community facilities.

The housing layout and house types should be designed to provide for a high standard of passive energy gain; in this respect buildings should be arranged as to avoid unduly overshadowing one another.

5b Housing: Private Outdoor Space

Detached, semi-detached and terraced dwellings should each be provided with a private outdoor space that is free from direct overlooking from public areas and neighbouring property as far as possible. Permanent overshadowing of these areas should be avoided and, wherever possible, such spaces should enjoy good access to sunlight. Where flats are proposed, such spaces should enjoy good access to sunlight and additional provision of amenity open space should be made, including sunlit areas convenient for residents to enjoy.

Private open space attached to the dwelling is required for all non-flatted properties. While recognising that individual preferences may vary, houses suitable for families should be provided with adequate usable private gardens. Such spaces serve a multitude of different household purposes and should be of sufficient size to perform such functions satisfactorily. It is also important to allow for the reasonable extension of a new house without reducing the availability of private open space to an unacceptable level. The usable garden area is defined as that part of the rear garden not occupied by a garage, or garage space, driveway or parking space.

For detached and semi-detached houses, private open space should be provided, as a minimum standard, on the following basis:

- a) houses of 3 apartments should have usable garden areas no less than 110m²;
- b) houses of 4 apartments or more should have usable garden areas no less than 130m²;

Terraced houses of 3 or more apartments should be provided with a minimum usable garden area of 100m².

Where, particularly in the case of terraced houses because of the floor plan design, these criteria result in garden lengths in excess of the Council's requirements, smaller garden areas will be acceptable. In such cases the amount of communal open space will normally require to be increased to compensate for the reduction in private open space. In exceptional cases, this principle may also apply to other types of houses.

Garden areas referred to above should be so designed and located so that a usable part of the garden area will enjoy at least three hours of any available sunlight on 1 March.

5c Space between Houses

Spaces between houses may vary depending on the types of houses and the nature of the sites. Certain minimum standards must be observed. These are as follows:

- a) back to back distance, whether between single storey or two storey houses, of 25 metres;
- b) between gable and rear of such property 16 metres; and
- c) between the front elevations 22 metres.

Where housing is built across steeply sloping ground, the distance between buildings will require to be extended to avoid the higher properties being over-

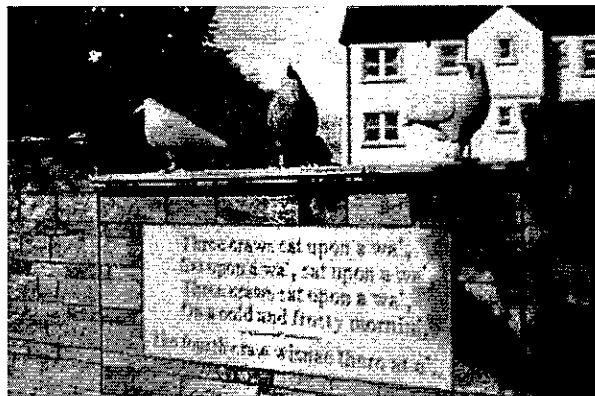
dominant. In such situations, split-level housing should be considered as a means of reducing the distance houses are set apart.

Reduction in the distance between front elevations will be possible where there are positive reasons relating to the design of the layout and where the house design ensures no material loss of privacy as a result of overlooking from windows.

The length of individual rear gardens will vary but will normally be anticipated to be at least half the minimum back-to-back distance. Exceptions to this may be acceptable where distance standards are met, minimum garden size is achieved or where the houses back onto an open aspect.

Flatted properties should be provided with a communal private open space conveniently located for the residents. The area of land supplied for this purpose should be provided to half the standard used for terraced housing.

If essential to secure an appropriate attractive and well designed development, the above space standards may be relaxed. Such relaxation is expected to be confined to sites that have some unusual characteristic.



5d House Design

The Council wishes to encourage a high standard of design. Novel architectural solutions including those which meet the need for energy conservation and sustainability will be encouraged.

Conventionally designed housing should observe the following criteria:

- a) roofs should be conventionally pitched and be symmetrical;
- b) roof pitches should be not less than 35° and not greater than 45°;
- c) there should be a dominant roof and ridge line where the floor plan is not a single rectangle as in 'L' or 'T' or other more irregularly shaped floor plans;
- d) the dominant ridge line should normally run parallel to the road;
- e) the colours of wall finishes and roof materials should be sympathetic to one another;
- f) windows should have a vertical emphasis;
- g) a variety of wall finishes on single buildings should be avoided;
- h) variety of finishes on groups of buildings should generally be avoided, interest should be achieved by the use of different architectural detailing; and
- i) underbuilding should be kept to a minimum and base courses should not be obvious if built from a different material from that of the rest of the wall.

5e Areas of Improved Quality

Within HOU51, HOU52 and HOU53 sites of 15 units or more, it is desirable to seek, within limited parts of each site, an added emphasis on quality in design. This is to apply to individual buildings or groups of buildings, and in the use of materials both in finishes to dwellings (for example, slate and wet dash render, stone detailing, rosemary and clay pantiles) and also in walls and ground surfaces.

In this way development is likely to have the elements necessary to produce a 'future' conservation area. The Council expects such treatment will be applied to a minimum of 20% of the dwellings on the site and should be focused on prominent landmark groups or key individual homes.

6 Accessibility and Parking Provision

Proposals for new development will be required to:

- a) incorporate measures to enable / encourage the use of alternative transport modes to the private car;
- b) make provision for roads, lighting and parking to satisfy the Council's standards (refer to *Standards for Development Roads: A Guide to the Design and Construction of Roads for Adoption*).

Detailed layout designs for developments, or phases thereof, will be accompanied by statements of the design measures taken, and on-site and off-site infrastructure to be provided, in the interests of enabling and encouraging residents and visitors to use alternatives to the private car.

7 Notifiable Installations

Proposed developments should take the presence of notifiable installations into account, and planning applications for development within the consultation distances of these installations will be referred to the Health and Safety Executive (HSE), and account taken of their response, in accordance with SOEnvD Circular 5/93. Similarly, proposals to site new notifiable installations in the vicinity of existing urban development will require consultation with the HSE.

8 Edinburgh Airport Safeguarding Zone

Planning applications for certain types of development within the consultation zone* for Edinburgh Airport will be referred to the British Airports Authority (BAA) for their interest, and account taken of their response, in accordance with The Town and Country Planning (Safeguarding Aerodromes, Technical Sites and Military Explosives Storage Areas)(Scotland) Direction 2003 (see Circular 2/2003).

*For details of types of development and extent of area, refer to Edinburgh Airport Aerodrome Safeguarding Map, available for inspection in the Council's offices.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997


APPENDIX E

Reg. No. 13/00002/DPP

Mr Richard Fryatt
41 Easter Langside Medway
Dalkeith
EH22 2FJ

Midlothian Council, as Planning Authority, having considered the application by Mr Richard Fryatt, 41 Easter Langside Medway, Dalkeith, EH22 2FJ, which was registered on 24 December 2012 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Extension to dwellinghouse at 41 Easter Langside Medway, Dalkeith, EH22 2FJ

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site plan, location plan and elevations	1 1:1250 1:500 1:100 1:50	24.12.2012

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

1. The extension would be an overly dominant feature when viewed from the proposed residential properties at the rear, with an overbearing impact on their amenity.
2. The extension would result in increased overlooking of the residential properties to the rear with a detrimental impact on privacy.
3. For the above reasons the proposal is contrary to policies RP20 and DP6 of the Midlothian Local Plan which seek to protect the amenity of residential areas and require that in providing additional space for the existing building there should be no material loss of amenity for adjoining houses. If the proposal were approved it would undermine the consistent implementation of these policies.

Dated 6 / 2 / 2013



.....
Duncan Robertson
Senior Planning Officer; Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

PLEASE NOTE

If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town & Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to The Development Manager, Development Management Section, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith EH22 3ZN. A notice of review form is available from the same address and will also be made available online at www.midlothian.gov.uk

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

Prior to Commencement (Notice of Initiation of Development)

Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing. Failure to do so would be a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006). A copy of the Notice of Initiation of Development is available on the Council's web site www.midlothian.gov.uk

IMPORTANT NOTE REGARDING PUBLIC ACCESS TO INFORMATION

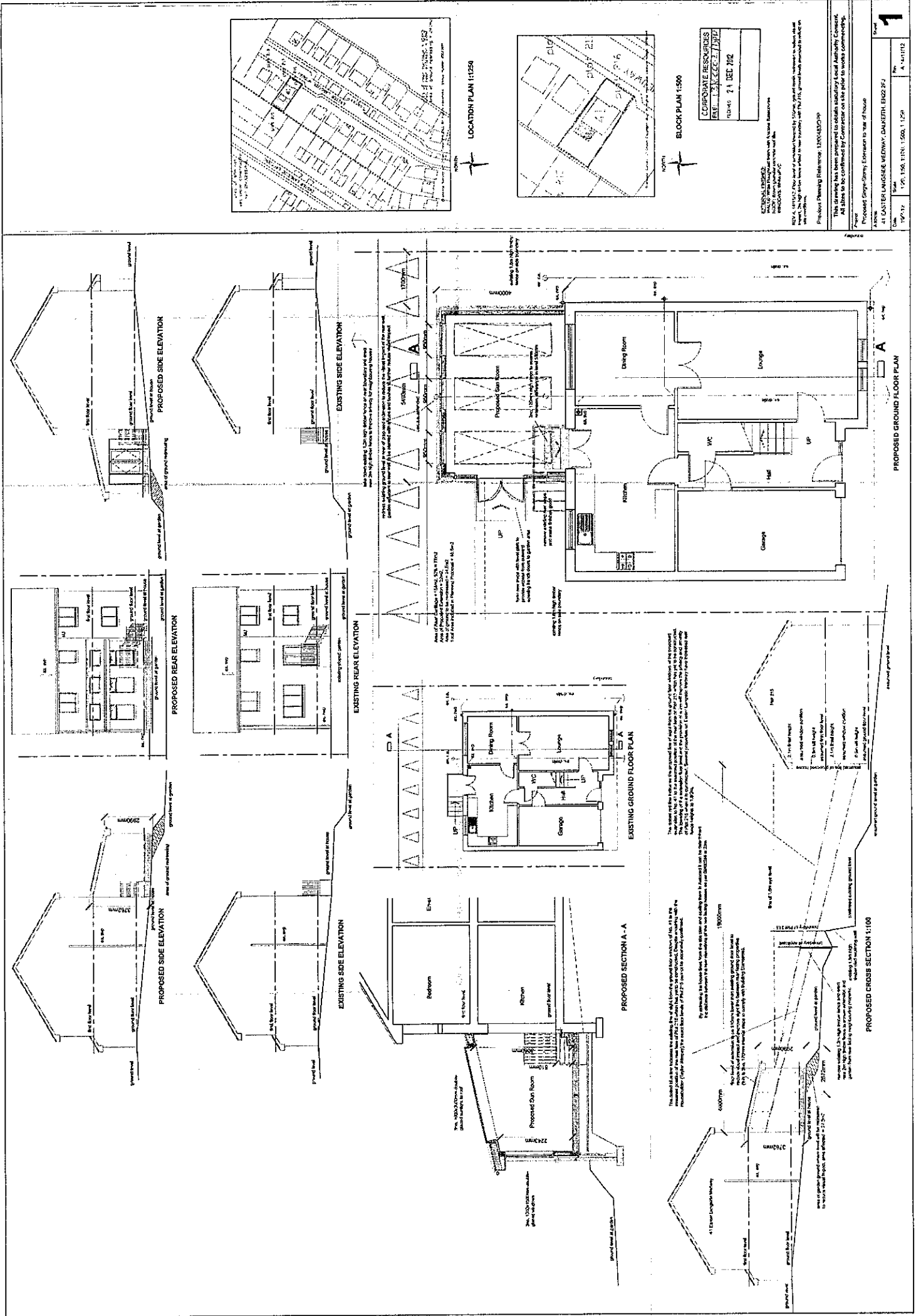
Making an application

Please note that when you submit a planning application, the information will appear on the Planning Register and the completed forms and any associated documentation will also be published on the Council's website.

Making comment on an application

Please note that any information, consultation response, objection or supporting letters submit in relation to a planning application, will be published on the Council's website.

The planning authority will redact personal information in accordance with its redaction policy and use its discretion to redact any comments or information it considers to be derogatory or offensive. However, it is important to note that the publishing of comments and views expressed in letters and reports submitted by applicants, consultees and representors on the Council's website, does not mean that the planning authority agrees or endorses these views, or confirms any statements of fact to be correct.



Client	Proposed Single Storey Extension to rear of house
Address	41 EASTERN LINGUISTIC MEDWAY, DAUNTON, BRISTOL, AVON, BS22 2JZ
Date	19/12/12
Scale	1:50, 1:50, 1:100, 1:1250, 1:250
Rev	A, 1, 11, 12
Sheet	7

THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

This drawing has been prepared to obtain Statutory Local Authority Consent. All sites to be confirmed by Contractor on the prior to works commencing.

Project: Proposed Single Storey Extension to rear of house