

Local Review Body: Review of Planning Application Reg. No. 12/00208/DPP

Mr James Gardiner
8 Mayburn Walk
Loanhead
EH20 9HG

Midlothian Council, as Planning Authority, having considered the review of the application by Mr James Gardiner, 8 Mayburn Walk, Loanhead, EH20 9HG, which was registered on 10 August 2012 in pursuance of their powers under the above Acts, hereby **grant** permission to carry out the following proposed development:

Erection of balcony (retrospective) at 8 Mayburn Walk, Loanhead, Midlothian, EH20 9HG

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	10-09-BW01 1:1250, 1:200, 1:100, 1:50	30.03.2012
Proposed elevations	NTS	30.03.2012

The Local Review Body (LRB) considered the review of the planning application at its meeting of 23 October 2012. The LRB carried out an unaccompanied site visit on the 22 October 2012.

Subject to the following condition:

1. Within two months of the date of this permission a scheme of screening shall be installed along part of the site's eastern boundary. Prior to the installation, details of the scheme shall be submitted to and approved in writing by the local planning authority. The proposal shall remain in situ unless the balcony approved by this permission is removed. The screen shall be of a design which protects the privacy of the occupiers of 6 Mayburn Walk, but without being overbearing or result in an unacceptable loss of sunlight.

Reason: To protect the privacy of the occupants of 6 Mayburn Walk

In reaching its decision the LRB gave consideration to the following development plan policies and material considerations:

Development Plan Policies:

1. RP20 Midlothian Local Plan – Development in the built-up area
2. DP6 Midlothian Local Plan – House Extensions

Material Considerations:

1. The relationship between the application property and the immediate neighbouring property.

In determining the review the LRB concluded:

On the basis that a scheme of screening can be put in place, the erected balcony does not result in a level of unacceptable overlooking to the detriment of the occupiers of the neighbouring property and as such accords with policy RP20 of the Midlothian Local Plan.

Dated 23/10/2012

Councillor J Bryant
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions***Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A (8)***

1. 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. 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 reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by 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.

Advisory note:

Please note that all correspondence, plans and supporting information relating to this application and subsequent review can be viewed online via the Council's website: www.midlothian.gov.uk.

If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Development Management Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk