

Notice of Review: 13 Burnbrae Crescent, Bonnyrigg

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 a two storey extension at 13 Burnbrae Crescent, Bonnyrigg.

2 Background

- 2.1 Planning application 17/00292/DPP for the erection of a two storey extension at 13 Burnbrae Crescent, Bonnyrigg was refused planning permission on 2 June 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 2 June 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 a site visit for Monday 9 October 2017; and
 - Have determined to progress the review by way of a written submissions.
- 4.2 The case officer's report identified that one representation has been received. As part of the review process the interested party was notified of the review. No additional comments have been received. Comments can be viewed online on the electronic planning application case file via www.midlothian.gov.uk
- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, the following conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission:
1. The extension shall have a brick basecourse to match the colour and to be in line with the height of the brick basecourse on the existing building.
 2. The colour of the windows on the extension shall match those on the existing building.
 3. The cills on the windows on the front and south east elevation of the extension shall match the cill detail of the existing windows on the front elevation of the building.

4. The design of the extension shall incorporate a lintel detail above the ground floor bedroom/study window on the front and ground floor kitchen and dining area door and first floor bedroom window on the south east elevation to match the lintel detail above the existing kitchen window on the front elevation.
5. The design of the openings at ground floor and first floor level on the rear elevation of the extension shall incorporate cills and lintels to match the corresponding details on the existing openings at ground and first floor level on the rear elevation of the building.

Reason for conditions 1-5: To ensure that the extension matches the external appearance of the existing building and thereby maintains the visual quality of the area.

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: 28 September 2017

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

Tel No: 0131 271 3310

Background Papers: Planning application 17/00292/DPP available for inspection online.

APPENDIX A



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

13 Burnbrae Crescent, Bonnyrigg, EH19 3FQ

Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings

File No. 17/00292/DPP

Midlothian Council Licence No. 100023416 (2017)

Scale: 1:500



Midlothian



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

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100061393-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Shaun"/>	Building Number:	<input type="text" value="13"/>
Last Name: *	<input type="text" value="Ramsay"/>	Address 1 (Street): *	<input type="text" value="Burnbrae Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Midlothian"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH19 3FQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="13 BURNBRAE CRESCENT"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BONNYRIGG"/>
Post Code:	<input type="text" value="EH19 3FQ"/>

Please identify/describe the location of the site or sites

Northing

Easting

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)

Proposed Two Storey Gable Extension and Internal Alterations

Type of Application

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

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refusal due to the overbearing outlook and loss of amenity of the No 12 Burnbrae Crescent. Supporting documents included in this review demonstrate that all material concerns raised by Planning could have been addressed through discussion together with elevated evidence that the proposed extension does not block the existing Lounge window of No 12, it is noted that the existing Lounge window of No 12 Burnbrae Crescent could present an impact on the privacy of the application site.

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

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Application drawing as refused, updated drawing to demonstrate all concerns could have been addressed in so far as required, covering letter

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17_00292_DPP

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

17/04/2017

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

02/06/2017

Review Procedure

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

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

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

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Scott Allan

Declaration Date: 31/07/2017

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

Planning Application Reference: 17/00292/dpp

Site Address: 13 Burnbrae Crescent, Bonnyrigg

Site Description:

The application property comprises an end terraced two storey dwellinghouses. It is finished externally in drydash render with a brick basecourse with white upvc windows and grey plain concrete roof tiles.

Proposed Development:

Two storey extension to dwellinghouse

Proposed Development Details:

It is proposed to erect a two storey extension on the south side of the application property measuring 3.8m wide and 7.1m deep. The extension is to be rendered to match existing with roof tiles to match existing. Upvc windows and doors are proposed.

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

History sheet checked.

Consultations:

None required.

Representations:

One representation has been received in relation to the application from the occupier of 9 Burnbrae Crescent. She objects to the proposed extension on the following grounds:

- Impact on privacy of no. 9
- Design of extension
- Scale of extension resulting in odd layout with garage retained behind the extension and loss of driveway

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.

Whilst set back from the front elevation and stepped down in height from the ridge of the roof of the existing house the design of the extension is sympathetic to the character of the existing building and will not have a significant impact on the street scene. The height of the brick base course and lintol details should match existing. This could be covered by condition should planning permission be forthcoming.

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

The extension is to be built over the driveway at the application property. The remaining driveway in front of the extension would vary in length between 4.6m and 5.65m deep resulting in the possibility of parked cars overhanging the road. However the permitted development regulations allow for side extensions irrespective of the impact on off street parking. Taking this in to account refusal of planning permission is not warranted on the grounds of the impact on parking when the regulations allow for similar types of development with the same impacts. Whilst it will not be possible to use the garage to park a car, garages are not taken in to account when calculating parking provision.

Overshadowing of neighbouring properties will not be significant.

The occupants of no. 9 Burnbrae Crescent currently look on to the existing blank gable at the application property from windows serving a living room, study/spare bedroom at ground floor and two first floor bedrooms at the front of their house. The current proposal includes a kitchen window and glazed door serving a dining area at ground floor and a bedroom window at first floor on the gable of the extension facing no. 9. Whilst it is appreciated that this represents a change from the current situation the extension will be approximately 22m from the front of the house at no. 9. This accords with the Council's space standards for new houses. Whilst the perception of overlooking will be greater the impact is not considered sufficient to warrant refusal of planning permission on these grounds. (Also it should be noted that the ground floor windows are open to public view.)

The impact on the amenity of the occupiers of 18 Burnbrae Avenue to the rear of the site will not be significant as compared to existing.

There is also a first floor flat to the rear of the application property at no 12 Burnbrae Crescent. The extension will be only 13m (approx) from the front windows of this property. It will be a very prominent feature with an overbearing impact on the outlook of inparticular the living room window. Also a bedroom window proposed at first floor on the rear elevation of the extension will result in direct overlooking to this window. The impact on the amenity of this property warrants refusal of planning permission.

Recommendation:

Refuse planning permission.



Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 17/00292/DPP

Scott Allan
36 Wallace Avenue
Wallyford
East Lothian
EH21 8BZ

Midlothian Council, as Planning Authority, having considered the application by Mr Shaun Ramsay, 13 Burnbrae Crescent, Bonnyrigg, EH19 3FQ, which was registered on 18 April 2017 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Two Storey extension to dwellinghouse at 13 Burnbrae Crescent, Bonnyrigg, EH19 3FQ

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	2016-36-000 1:1250	18.04.2017
Elevations, floor plan and cross section	2016-36-001 1:1250 1:500 1:100 1:50 1:10	18.04.2017

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

1. *The proposed extension would be an overly dominant feature with an overbearing impact on the outlook of no. 12 Burnbrae Crescent, to the detriment of the amenity of the occupiers of this property.*
2. *The proposed extension would result in direct overlooking of no. 12 Burnbrae Crescent to the detriment of the amenity of the occupiers of this property.*
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 2 / 6 / 2017

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



**The Coal
Authority**

[authority](http://www.coalauthority.gov.uk)

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: [www.gov.uk/government/organisations/the-coal-](http://www.gov.uk/government/organisations/the-coal-authority)

INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

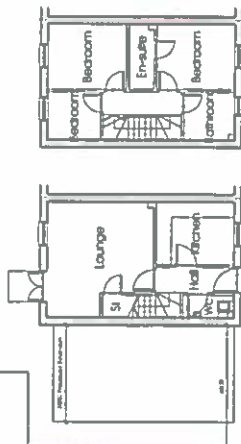
It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

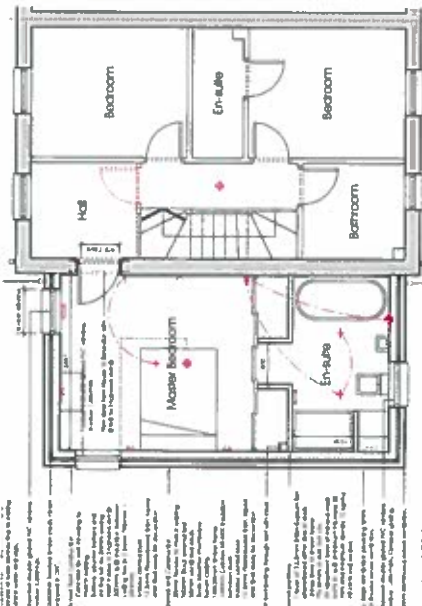
Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

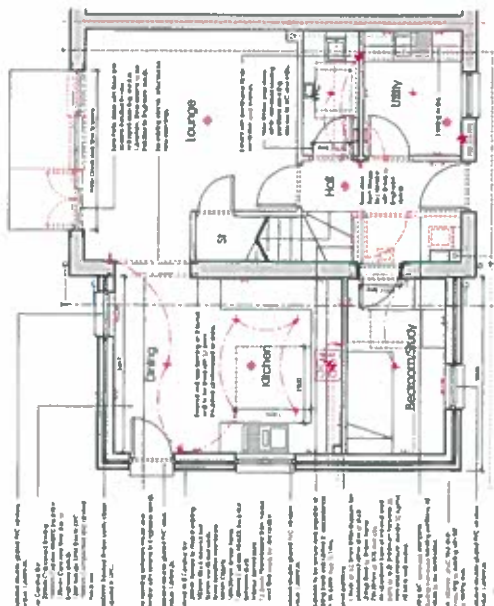
This Informative Note is valid from 1st January 2017 until 31st December 2018



Existing Ground | 1:100



Proposed First Floor Plan | 1:50



Proposed Ground Floor Plan | 1:50



Existing Front Elevation | 1:100

Proposed Front Elevation | 1:100
Proposed Rear Elevation | 1:100

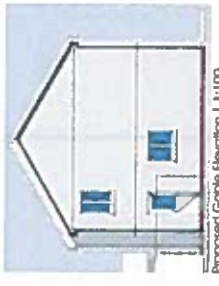
Existing Rear Elevation | 1:100



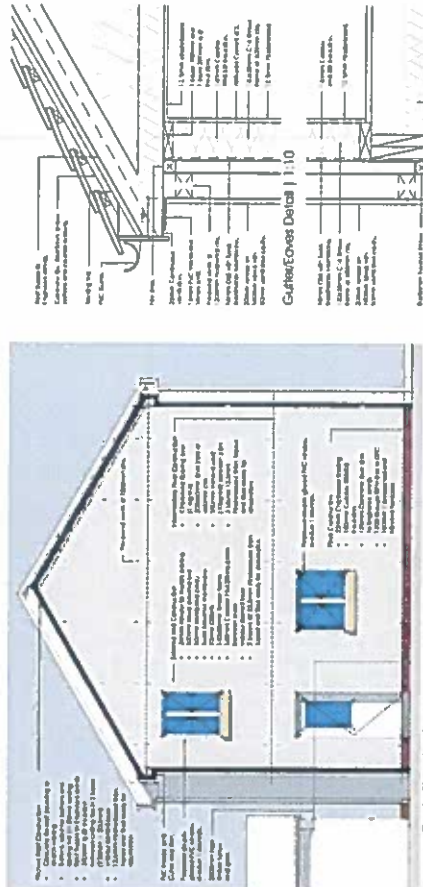
Proposed Golda Hefavon | 1:100



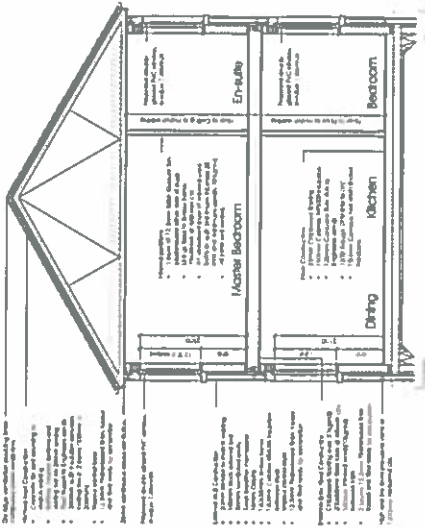
Existing Gable Elevation | 1:100



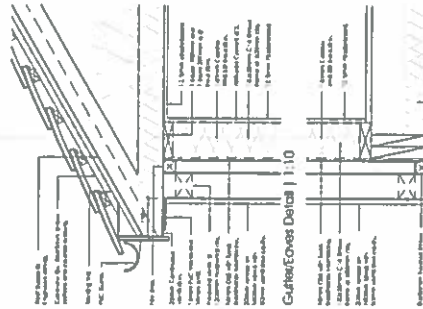
Proposed Golda Hefavon | 1:100



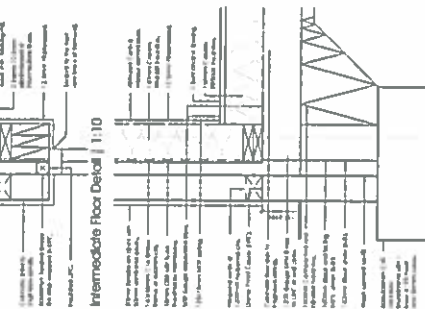
Proposed Gables Elevation | 11.50



Promoted First Section | 1.50



Gutter/Eaves Detail | 1:10



Intermediate Floor Detail 1:10

[illegible]

Existing Gable Elevation | 1:100



Proposed Golda Hovavon | 1:100



Occupation Plan 1: 1:1250



1. **What is the purpose of the study?**
 The purpose of the study is to investigate the effect of a new teaching method on student learning outcomes.

2. **What are the research objectives?**
 The research objectives are to determine the effectiveness of the new teaching method compared to traditional methods, to identify factors influencing learning outcomes, and to provide recommendations for improving teaching practices.

3. **What is the research methodology?**
 The research methodology includes a quantitative approach using a randomized controlled trial design, with data collected through standardized tests and questionnaires.

4. **What are the results of the study?**
 The results show that the new teaching method significantly improved student learning outcomes compared to traditional methods, with a statistically significant difference in test scores.

5. **What are the conclusions and recommendations?**
 The conclusion is that the new teaching method is effective in enhancing student learning outcomes. Recommendations include implementing the new method in other classrooms and further research on its long-term effects.



Window Size Detail | 1:10



Window/Door Head Detail | 1:10



—