

# Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body  
Tuesday 26 October 2021  
Item No 5.4

## Local Review Body: Review of Planning Application Reg. No. 21/00032/DPP

Brent Quinn  
Cockburn's Consultants  
1A Belford Park  
Edinburgh  
EH4 3DP

Midlothian Council, as Planning Authority, having considered the review of the application by Mr James Ewen, Ewen Property, 29 Stafford Street, Edinburgh, EH3 7BJ, which was registered on 14 January 2021 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Subdivision of existing dwellinghouse to form two flatted dwellings and associated extension and external alterations at 33 Mayburn Terrace, Loanhead, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	14.01.2021
Site Plan	20417-42A 1:200 1:50	14.01.2021
Elevations, Floor Plans	20417-40 1:50	14.01.2021
Elevations, Floor Plans	20417-41C 1:50	10.03.2021

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

1. *The development will not provide an inadequate level of amenity for future residents due to the fact that it will be overlooked by existing neighbouring residential properties and that it has not been demonstrated that there will be an adequate level of garden ground provided for each dwelling within the application site.*
2. *The development will have a detrimental impact on the amenity and privacy of the occupants of the immediately adjacent residential properties due to the close proximity of the properties and the distances between the windows on neighbouring flatted dwellings.*
3. *The proposed development in having no off-street parking provision means that it does not comply with the Council's parking standards and*

*will result in cars being parked on the street to the significant detriment of traffic and pedestrian safety on this busy public transport corridor.*

4. *For the above reasons, the proposal is contrary to policies STRAT2, DEV2 and DEV6 of the adopted Midlothian Local Development Plan 2017.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 14 September 2021.

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

Midlothian Local Development Plan Policies:

1. STRAT2: Windfall Housing Sites
2. DEV2: Protecting Amenity within the Built-Up Area
3. DEV6: Layout and Design of New Development
4. TRAN5: Electric Vehicle Charging
5. IT1: Digital Infrastructure

Material considerations:

1. The individual circumstances of the proposal and the site.
2. The consultation response received in relation to the application.
3. The representations received in relation to the planning application.

Dated: 20/09/2021



Joyce Learmonth  
Lead Officer - Major Developments and Enforcement (Advisor to the Local Review Body)  
Place Directorate  
Midlothian Council

On behalf of:

Councillor R Imrie  
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, or***

***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:*

*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, Planning Manager tel: 0131 2713310 or via [peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)*



The Coal  
Authority

**Any Planning Enquiries should be directed to:**

Planning and Local Authority Liaison  
Direct Telephone: 01623 637 119  
Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)  
Website: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

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

Standing Advice valid from 1st January 2021 until 31st December 2022