

Notice of Review: 35 Temple, Gorebridge

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 installation of replacement windows at 35 Temple, Gorebridge.

2 Background

- 2.1 Planning application 17/00275/DPP for the installation of replacement windows at 35 Temple, Gorebridge was refused planning permission on 17 May 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 17 May 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 an unaccompanied site visit for Monday 28 August 2017; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that there were no consultations required and no representations received.

- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported 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 condition has been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.

1. The proposed cross section drawing no GA/170 rev H is not approved.

Reason: For the avoidance of doubt regarding the approved design of the windows: the design of the window on this drawing does not correspond with the design of the windows shown on the proposed elevations drawing no. 3018471 1/1.

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

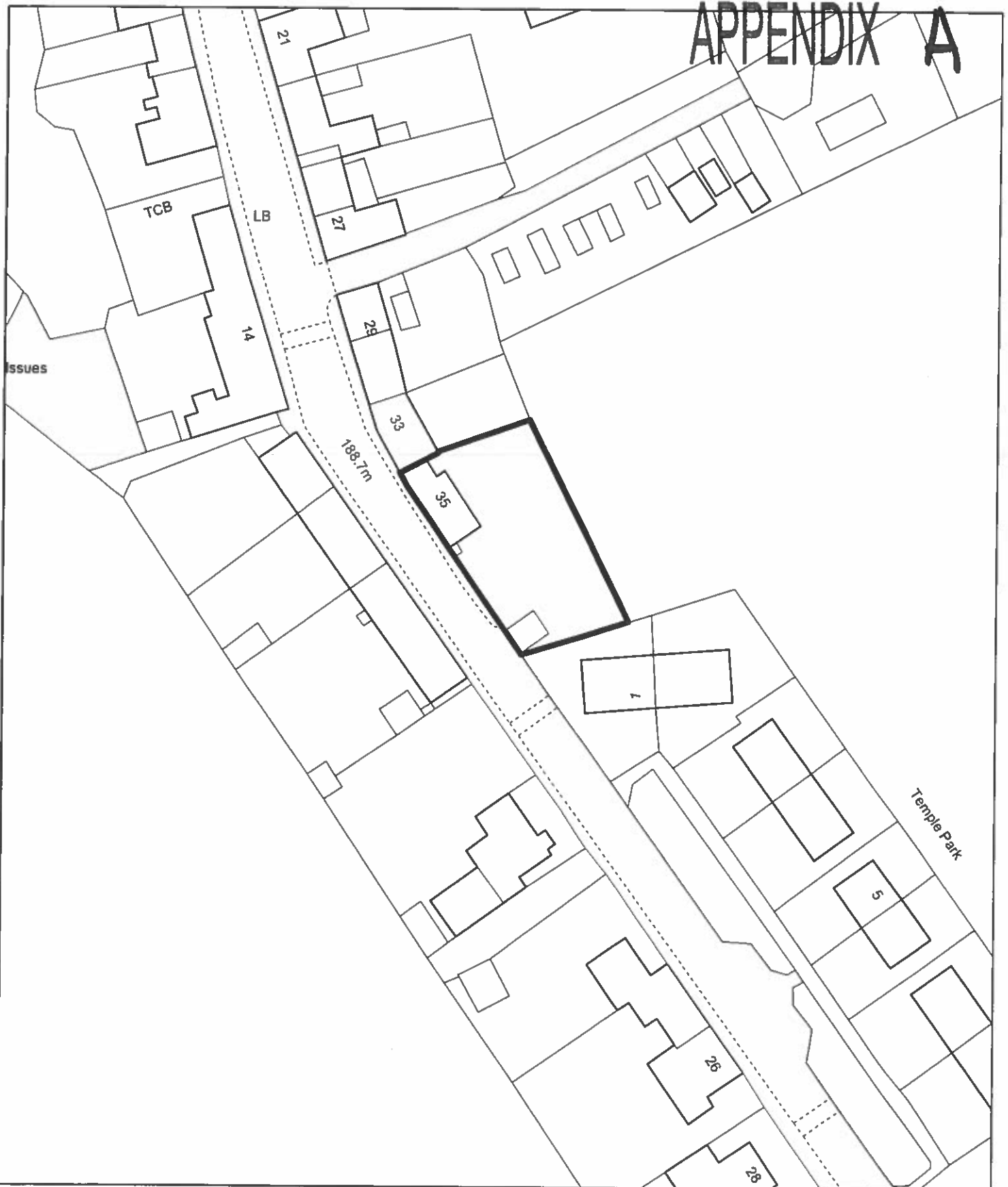
Date: 15 August 2017

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

Tel No: 0131 271 3310

Background Papers: Planning application 17/00275/DPP available for inspection online.

APPENDIX A



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

35 Temple, EH23 4SQ, Gorebridge

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File No. 17/00275/DPP

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Scale: 1:750



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 100047975-002

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:	John Gordon Associates Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	
Last Name: *	Gordon	Building Number:	3
Telephone Number: *	01383850134	Address 1 (Street): *	Dean Acres
Extension Number:		Address 2:	Comrie
Mobile Number:		Town/City: *	Dunfermline
Fax Number:		Country: *	Scotland
		Postcode: *	KY12 9XS
Email Address: *	gordonassociates@sky.com		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	A	Building Number:	35
Last Name: *	Matthews	Address 1 (Street): *	Temple
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Gorebridge
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	EH23 4SQ
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:	Midlothian Council
Full postal address of the site (including postcode where available):	
Address 1:	35 TEMPLE VILLAGE
Address 2:	
Address 3:	
Address 4:	
Address 5:	
Town/City/Settlement:	GOREBRIDGE
Post Code:	EH23 4SQ

Please identify/describe the location of the site or sites

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Northings	658520	Easting	331721
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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)

INSTALLATION OF REPLACEMENT WINDOWS

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.

We have a picture of the property from the early 70s with white casement windows. The proposed windows are "timber effect" PVCu windows. We have been informed the council themselves have not applied for planning permission to install brown double glazed casement windows (they were white sash and case) and PVCu doors in the properties owned by them in Temple park next door to us. This sounds like double standards and besides this sets a precedent.

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 Drawings Application form Refusal Notice Historic Photograph

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00275/DPP

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

07/04/2017

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

17/05/2017

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

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

SITE VISIT REQUESTED SO PVCU WINDOWS ALREADY IN SITU CAN BE OBSERVED

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 John Gordon

Declaration Date: 06/06/2017

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

Planning Application Reference: 17/00275/DPP

Site Address:

35 Temple, Gorebridge

Site Description:

The application property comprises a two storey traditional stone dwellinghouse with a slate roof and brown painted timber framed slim double glazed casement windows. There is a light oak upvc conservatory attached to the south east gable of the house.

The application site is located within the Temple and Arniston Conservation Area.

Proposed Development:

Installation of replacement windows

Proposed Development Details:

It is proposed to replace the existing timber framed windows on the front, a first floor window on the north west gable and two windows on the south east gable with white upvc double glazed (24mm) windows the glazing pattern of which is to match existing apart from the ground floor window on the south east gable.

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

History sheet checked.

Consultations:

None required.

Representations:

None received.

Relevant Planning Policies:

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Historic Environment Scotland's Managing Change in the Historic Environment Guidance Notes on windows recognises that windows make a substantial contribution to the character and interest of historic buildings, streets and places. Changes in framing materials, the adoption of different opening methods or the use of planted-on or sandwiched astragals should be avoided.

Midlothian Local Plan 2008

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

RP22 – Conservation Areas - seeks to preserve or enhance the character and appearance of conservation areas. It requires the use of traditional natural materials and that particular care in the design of replacement windows and doors will be required on the public frontage of buildings.

Particular care is required in terms of materials used, design and method of opening of replacement windows within conservation areas.

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.

The majority of the windows on the traditional buildings in this part of Temple are timber framed including sash and case (with and without astragals) and quite a few casement windows. The use of timber contributes to the traditional character of the area. Nos 4 (false transom) and 22 (sash and case) have upvc framed windows. There is no record of planning permission having been granted for these.

The majority of the traditional houses in this part of Temple are single storey or 1 1/s storey. At two storeys the application property is quite prominent in the street scene.

In 2002 a planning application was received for replacement windows at no. 11 Temple seeking permission for upvc windows. The applicant was advised that upvc was not acceptable on the grounds of upvc not exhibiting the same characteristics as timber and that upvc does not provide a historically or architecturally correct solution and that it would set an undesirable precedent to the detriment of the conservation area. The scheme was subsequently amended to timber.

The draft conservation area appraisal for the Temple and Arniston Conservation Area states that "To maintain the character of the conservation area, careful consideration should be given to the sensitive use of materials, design, proportions and detail in any development proposals." And that "Temple has retained much of its historic and architectural character.

The use of upvc, a non-traditional material which can appear heavy and clumsy is inappropriate for the conservation area particularly taking in to account its preserved character referred to above. Ideally the windows should be replaced with timber framed sash and case windows in keeping with the age and character of the building. Slim double glazing may be acceptable.

The proposed replacement windows would be out of keeping with the character of the traditional properties in the area and would detract from the character and appearance of the conservation area, contrary to policy. Also, if allowed, it would set an undesirable precedent for similar proposals, which would erode the special character of the Temple and Arniston Conservation Area.

Recommendation:

Refuse planning permission



Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 17/00275/DPP

John Gordon Associates Ltd
3 Dean Acres
Comrie
Dunfermline
KY12 9XS

Midlothian Council, as Planning Authority, having considered the application by Mr A Matthews, 35 Temple, Gorebridge, EH23 4SQ, which was registered on 10 April 2017 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Installation of replacement windows at 35 Temple, Gorebridge, EH23 4SQ

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	10.04.2017
Proposed Elevations	30184711/1 1:20	10.04.2017
Proposed Cross Section	GA/070 1:1	10.04.2017

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

1. *The proposed replacement windows due to the use of inappropriate modern materials would detract from the character and appearance of the Temple and Arniston Conservation Area.*
2. *For the above reason, the proposal is contrary to the provisions of policy RP22 of the adopted Midlothian Local Plan which seeks to safeguard the character and appearance of conservation areas.*
3. *The proposal is also contrary to advice from Historic Environment Scotland contained in the Managing Change in the Historic Environment Guidance Notes.*
4. *If the proposals were approved it would set an undesirable precedent for other similar types of alterations, which would be to the detriment of the character and appearance of the Temple and Arniston Conservation Area.*

Dated 17 / 5 / 2017

A handwritten signature in black ink, appearing to be 'DR' with a stylized flourish.

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



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Mr. A. Matthews.

3.5 Temple.

Proposed Replacement W
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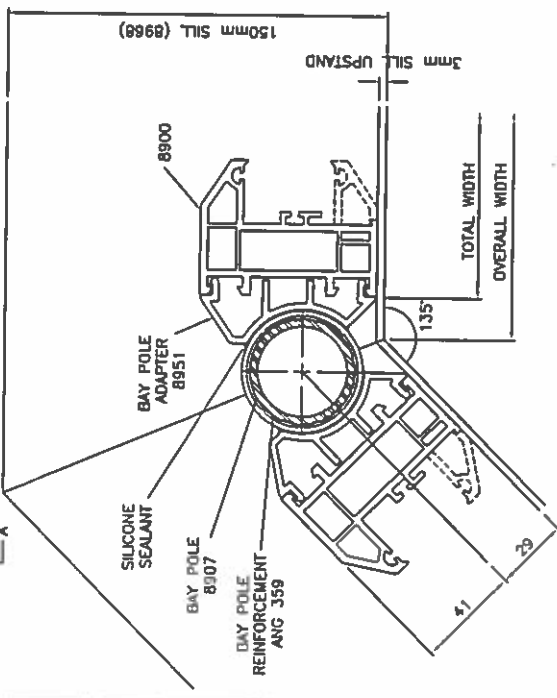
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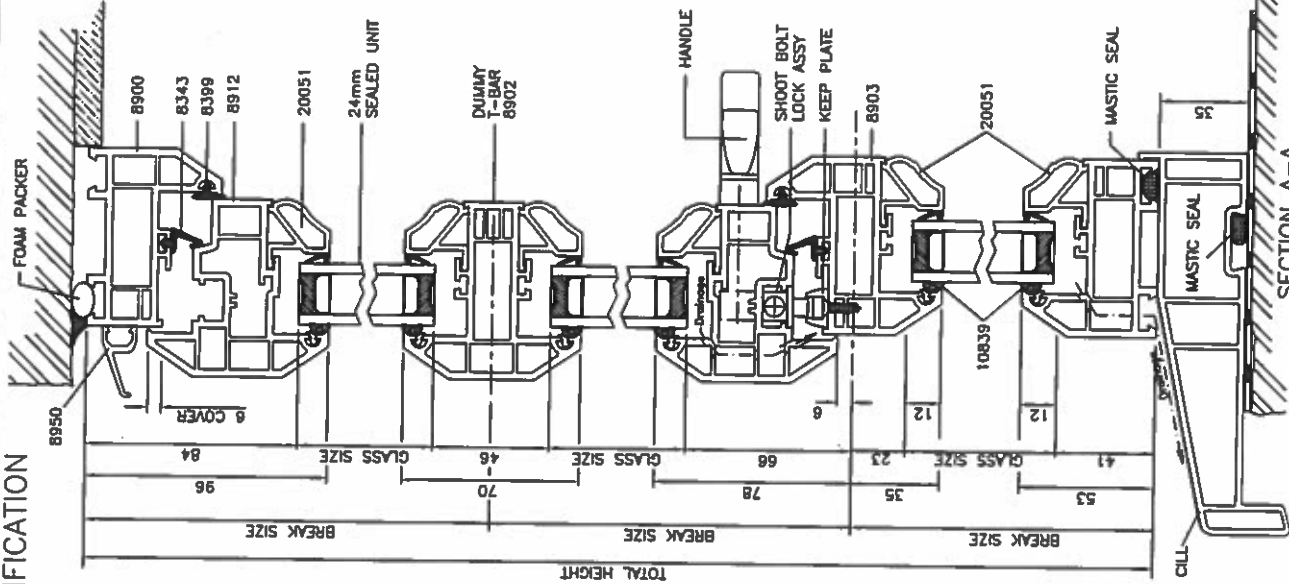
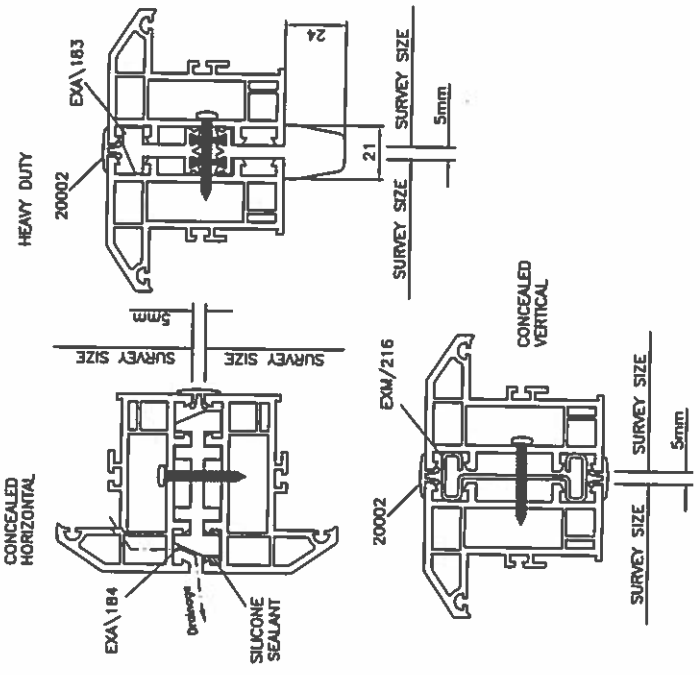
NOTE: REFER TO REINFORCEMENT RULES FOR REINFORCEMENT SPECIFICATION

VIEWED FROM INSIDE

TYPICAL BAY ARRANGEMENT

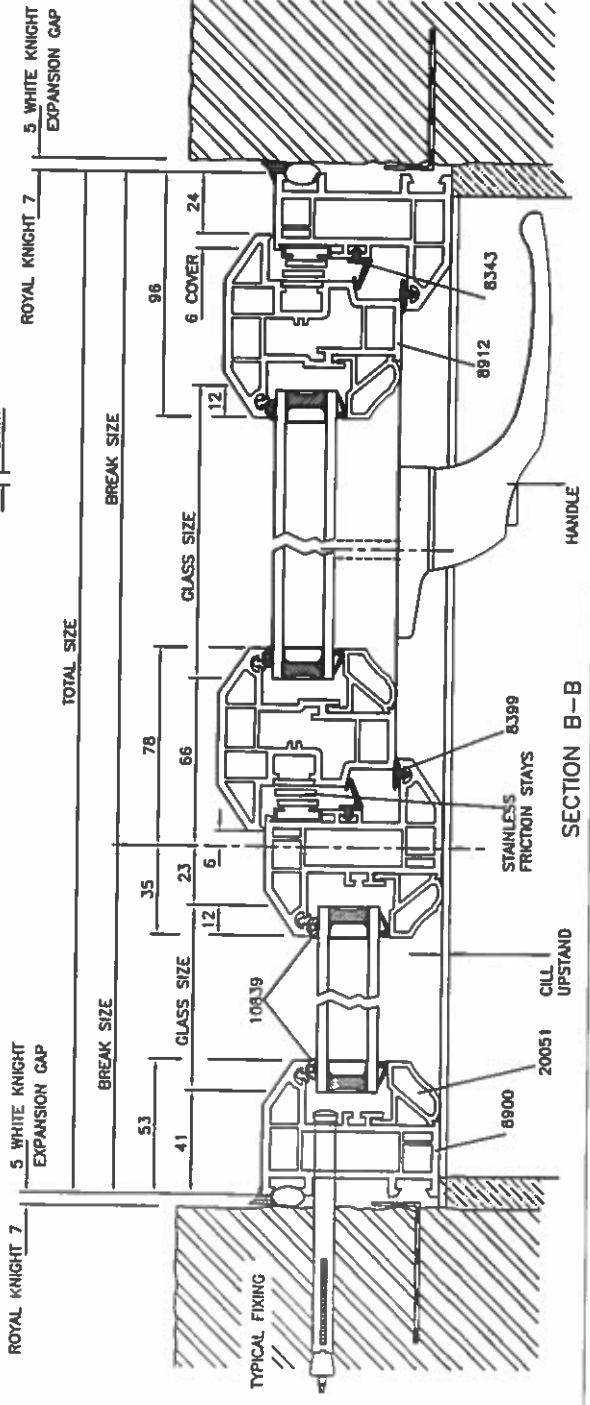


TYPICAL COUPLING DETAILS



SECTION A-A

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SECTION B-B