

# Notice of Meeting and Agenda



## Local Review Body

**Venue:** Council Chambers,  
Midlothian House, Dalkeith, EH22 1DN

**Date:** Tuesday, 27 November 2018

**Time:** 14:00

### Director, Resources

#### Contact:

Clerk Name: Mike Broadway

Clerk Telephone: 0131 271 3160

Clerk Email: [mike.broadway@midlothian.gov.uk](mailto:mike.broadway@midlothian.gov.uk)

#### Further Information:

This is a meeting which is open to members of the public.

**Recording Notice:** Please note that this meeting will be recorded. The recording will be publicly available following the meeting. The Council will comply with its statutory obligations under the Data Protection Act 1998 and the Freedom of Information (Scotland) Act 2002.

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**1 Welcome, Introductions and Apologies**

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**2 Order of Business**

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Including notice of new business submitted as urgent for consideration at the end of the meeting.

**3 Declaration of Interest**

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Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

**4 Minute of Previous Meeting**

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| <b>4.1</b> | Minute of Meeting held on 16 October 2018 - For Approval | 3 - 10 |
|------------|--|--------|

**5 Public Reports**

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Decision Notices: -

- |            |  |         |
|------------|--|---------|
| <b>5.1</b> | Unit 1, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith 18/00369/DPP. | 11 - 14 |
|------------|--|---------|

- |            |   |         |
|------------|---|---------|
| <b>5.2</b> | Units 7 and 8 Hardengreen Business Park, Dalhousie Road, Dalkeith 18/00402/DPP. | 15 - 18 |
|------------|---|---------|

Notice of Review Requests Considered for the First Time –  
Determination Reports by Director, Education, Communities and  
Economy:-

- |            |   |         |
|------------|---|---------|
| <b>5.3</b> | Land adjoining Meyerling, Howgate, Penicuik 18/00218/DPP. | 19 - 52 |
|------------|---|---------|

- |            |   |         |
|------------|---|---------|
| <b>5.4</b> | 20 Pendreich Terrace, Bonnyrigg 18/00566/DPP. | 53 - 78 |
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**6 Private Reports**

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No private reports to be discussed at this meeting.

**7 Date of Next Meeting**

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The next meeting will be held on Monday 14 January 2018 at 1.00 pm.

Plans and papers relating to the applications on this agenda can also be viewed online at [www.midlothian.gov.uk](http://www.midlothian.gov.uk).

# Minute of Meeting

Local Review Body  
Tuesday 27 November 2018  
Item No 4.1



## Local Review Body

Date	Time	Venue
16 October 2018	2.00pm	Council Chambers, Midlothian House, Buccleuch Street, Dalkeith

### Present:

Councillor Imrie (Chair)	Councillor Alexander
Councillor Baird	Councillor Cassidy
Councillor Curran	Councillor Lay-Douglas
Councillor Milligan	Councillor Munro
Councillor Smail	

## 1 Apologies

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Apologies for absence were received from Councillor Muirhead

## 2 Order of Business

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The order of business was confirmed as outlined in the agenda that had been previously circulated.

## 3 Declarations of interest

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No declarations of interest were received.

## 4 Minutes of Previous Meetings

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The Minutes of Meeting of 4 September 2018 was submitted and approved as a correct record.

## 5 Reports

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Agenda No	Report Title	Presented by:
5.1	Decision Notice – Land South East of the Old School House, Lasswade [18/00180/DPP].	Peter Arnsdorf
<b>Executive Summary of Report</b>		
With reference to paragraph 5.6 of the Minutes of 4 September 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr Stuart Armstrong, 19 Polton Terrace, Lasswade seeking a review of the decision of the Planning Authority to refuse planning permission (18/00180/DPP, refused on 24 May 2018) for the erection of dwellinghouse; erection of fencing and retaining walls; formation of access and associated works on land south east of the Old School House, School Green, Lasswade and granting planning permission subject to conditions.		
<b>Decision</b>		
To note the LRB decision notice.		

Agenda No	Report Title	Presented by:
5.2	Decision Notice – 15 Pendreich Terrace, Bonnyrigg [18/00312/DPP].	Peter Arnsdorf



## Executive Summary of Report

With reference to paragraph 5.7 of the Minutes of 4 September 2018, there was submitted a copy of the Local Review Body decision notice upholding a review request from Mr and Mrs J Millar, Bowling Green Cottage, Murderdean Road, Newtongrange seeking a review of the decision of the Planning Authority to refuse planning permission (18/00312/DPP, refused on 26 June 2018) for the erection of a two storey extension at 15 Pendreich Terrace, Bonnyrigg and granting planning permission.

## Decision

To note the LRB decision notice.

## Eligibility to Participate in Debate

In considering the following items of business, only those LRB Members who had attended the site visits on Monday 15 October 2018 participated in the review process, namely Councillors Imrie, Alexander, Baird, Cassidy, Lay-Douglas, Milligan, Munro and Smail.

Councillor Curran whilst present during the respective debates had been unable to attend the site visits and accordingly did not actively participate in the proceedings.

## Order of Business

At the invitation of the Chair, the Planning Advisor explained that whilst there were two review requests before today's LRB meeting relating to two different planning applications, they were both by the same applicant, related to properties that were geographically very close to each other and dealt with similar issues relating to change of use. Under the circumstances it might be that in conducting the Hearing for the first Review, Members may find that the similarity in issues meant that rather than go through the process of hearing the same arguments twice, they might wish to dispense with the formality of a second Hearing.

The Chair thanked the Planning Advisor for clarifying the position and suggested that the Committee might want to come to a view on this once they had dealt with the first review.

Agenda No	Report Title	Presented by:
5.3	Notice of Review Request Considered for the First Time – Unit 1, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith [18/00369/DPP] – Determination Report by Head of Communities and Economy	Peter Arnsdorf

## Executive Summary of Report

There was submitted report dated 9 October 2018 by the Head of Communities and Economy regarding an application from Mrs Janice Paterson, Premier Pilates and Fitness Studio Ltd, 40/1 Hardengreen Industrial Estate, Dalhousie Road, Eskbank seeking a review of the decision of the Planning Authority to refuse planning permission (18/00369/DPP, refused on 25 July 2018) for the change of use from office/light industry (class 4) to a fitness studio (class 11) at Unit 1, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith

Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon.

The Local Review Body had made an accompanied visit to the site on Monday 15 October 2018.

## Summary of Discussion

In accordance with the procedures for the Local Review Body, the Planning Advisor gave a brief overview of the review hearing procedures and outlined the background to the case.

Thereafter, oral representations were received firstly from the applicant Janice Paterson, and then from Duncan Robertson, the local authority Planning Officer; following which they both responded to Members' questions/comments.

The LRB, in giving consideration to the merits of the case based on all of the information provided both in writing and in person at the Hearing, discussed the proposed change of use, in particular the potential impact it would have in terms of the loss of an office/light industry (class 4) unit. Whilst it was acknowledged that there were already a wide range of differing uses evident within the Business Park, concerns were expressed regarding the loss of an office/light industry (class 4) unit, given the current levels of demand for such units and also regarding issues of precedent, with the difficulties this could potentially create if other applications for similar changes of use were received. Notwithstanding these issues, this was an established local business that was looking to remain in the area and to expand.

After further discussion, Councillor Baird, seconded by Councillor Cassidy, moved that on balance given the particular circumstance involved in this case, to uphold the review request, and grant planning permission subject to the proposed conditions contained in the Head of Communities and Economy's report.

As an amendment, Councillor Milligan, seconded by Councillor Imrie, moved to dismiss the review request, and uphold the decision to refuse planning permission for the reasons detailed in the case officer's report.

On a vote being taken, two Members voted for the amendment and six for the motion, which accordingly became the decision of the meeting.

## Decision

The LRB agreed to grant planning permission for the following reason:

*The proposed Class 11 use is compatible with the existing business park and will not be detrimental to the neighbouring Class 4 business uses and nearby residential properties. Furthermore, the LRB wish to support a local business which is servicing the growing interest and demand for fitness and wellbeing activities and provides employment. For these reasons the material considerations of the application outweigh any policy objection to the development. In general terms Class 11 uses are considered to be appropriate at Hardengreen Business Park.*

subject to the following conditions:

1. No amplified music or sound reproduction equipment used in association with the unit hereby permitted shall be audible at the boundary of any noise sensitive property (residential dwellinghouse) during the hours of 9.00pm to 7.00am.

**Reason:** *To ensure a satisfactory standard of amenity in nearby residential properties.*

2. The use of the site shall be as a fitness studio and beauty salon only and for no other purpose unless otherwise agreed in writing by the Planning Authority. This grant of planning permission does not permit any other use within Class 11: Assembly and Leisure or Class 2: Financial, Professional or Other Services respectively of The Town and Country Planning (Use Classes) (Scotland) Order 1997 or any subsequent amending or replacement order.

**Reason:** *To enable the Planning Authority to retain effective control over the future use of the site and to ensure that it is able to assess any such proposals in terms of their traffic generation, parking requirements and overall impact on the amenity of the area; the application has been assessed for this specific use only and no other uses within Classes 11 or 2 of the above mentioned legislation.*

Agenda No	Report Title	Presented by:
5.4	Notice of Review Request Considered for the First Time – Units 7 and 8, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith [18/00402/DPP] – Determination Report by Head of Communities and Economy	Peter Arnsdorf
<b>Executive Summary of Report</b>		
There was submitted report dated 9 October 2018 by the Head of Communities and Economy regarding an application from Mrs Janice Paterson, Mind Body and Beauty Ltd, Hardengreen Business Park, 7 Dalhousie Road, Eskbank seeking a review of the decision of the Planning Authority to refuse planning permission (18/00402/DPP, refused on 25 July 2018) for the change of use from office (class 4) to a mixed use of fitness studio (class 11) and beauty salon (class 2) at Units 7 and 8, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith.		

Accompanying the Notice of Review Form and supporting statement, which were appended to the report, was a copy of the report of handling thereon.

The Local Review Body had made an accompanied visit to the site on Monday 15 October 2018.

### Summary of Discussion

In accordance with the procedures for the Local Review Body, consideration was given to advice received from the Planning Advisor earlier, it being agreed that in view of the similarities between this and the previous Review to dispense with the need for a Hearing and move straight to a decision.

Thereafter, Councillor Baird, seconded by Councillor Cassidy, moved that on balance given the particular circumstance involved in this case, to uphold the review request, and grant planning permission subject to the proposed conditions contained in the Head of Communities and Economy's report.

As an amendment, Councillor Milligan, seconded by Councillor Imrie, moved to dismiss the review request, and uphold the decision to refuse planning permission for the reasons detailed in the case officer's report.

On a vote being taken, two Members voted for the amendment and six for the motion, which accordingly became the decision of the meeting.

### Decision

The LRB agreed to grant planning permission for the following reason:

*The proposed mixed use (Class 11 and Class 2) is compatible with the existing business park and will not be detrimental to the neighbouring Class 4 business uses and nearby residential properties. Furthermore, the LRB wish to support a local business which is servicing the growing interest and demand for fitness and wellbeing activities and provides employment. For these reasons the material considerations of the application outweigh any policy objection to the development. In general terms Class 11 uses are considered to be appropriate at Hardengreen Business Park.*

subject to the following conditions:

1. No amplified music or sound reproduction equipment used in association with the unit hereby permitted shall be audible at the boundary of any noise sensitive property (residential dwellinghouse) during the hours of 9.00pm to 7.00am.

**Reason:** *To ensure a satisfactory standard of amenity in nearby residential properties.*

2. The use of the site shall be as a fitness studio and beauty salon only and for no other purpose unless otherwise agreed in writing by the Planning Authority. This grant of planning permission does not permit any other use within Class 11: Assembly and Leisure or Class 2: Financial, Professional or Other Services respectively of The Town and Country Planning (Use

Classes) (Scotland) Order 1997 or any subsequent amending or replacement order.

***Reason:*** *To enable the Planning Authority to retain effective control over the future use of the site and to ensure that it is able to assess any such proposals in terms of their traffic generation, parking requirements and overall impact on the amenity of the area; the application has been assessed for this specific use only and no other uses within Classes 11 or 2 of the above mentioned legislation.*

The meeting terminated at 2.27 pm.



## Local Review Body: Review of Planning Application Reg. No. 18/00369/DPP

Mrs Janice Paterson  
Premier Pilates and Fitness Studio Limited  
40/1 Hardengreen Industrial Estate  
Dalhousie Road  
Eskbank  
EH22 3NU

Midlothian Council, as Planning Authority, having considered the review of the application by Mrs Janice Paterson, 40/1 Hardengreen Industrial Estate, Dalhousie Road, Eskbank, EH22 3NU which was registered on 9 August 2018 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

**Change of use from office/light industry (class 4) to fitness studio (class 11) (retrospective) at Unit 1, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan, Site Plan		01.06.2018

Subject to the following conditions:

1. No amplified music or sound reproduction equipment used in association with the unit hereby permitted shall be audible at the boundary of any noise sensitive property (residential dwellinghouse) during the hours of 9.00pm to 7.00am.

***Reason:*** To ensure a satisfactory standard of amenity in nearby residential properties.

2. The use of the site shall be as a fitness studio only and for no other purpose unless otherwise agreed in writing by the Planning Authority. This grant of planning permission does not permit any other use within Class 11: Assembly and Leisure or Class 2: Financial, Professional or Other Services respectively of The Town and Country Planning (Use Classes) (Scotland) Order 1997 or any subsequent amending or replacement order.

**Reason:** *To enable the Planning Authority to retain effective control over the future use of the site and to ensure that it is able to assess any such proposals in terms of their traffic generation, parking requirements and overall impact on the amenity of the area; the application has been assessed for this specific use only and no other uses within Classes 11 or 2 of the above mentioned legislation.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 16 October 2018. The LRB carried out a site visit on the 15 October 2018.

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

Development Plan Policies:

1. STRAT1 Midlothian Local Development Plan – Committed development
2. DEV2 Midlothian Local Development Plan – Protecting amenity within the built-up area
3. ECON1 Midlothian Local Development Plan – Existing employment locations
4. ECON3 Midlothian Local Development Plan – Ancillary development on business parks

Material considerations:

1. The individual circumstances of the site and the application;
2. The need for the business to relocate; and
3. Supporting a local business.

In determining the review the LRB concluded:

The proposed Class 11 use is compatible with the existing business park and will not be detrimental to the neighbouring Class 4 business uses and nearby residential properties. Furthermore, the LRB wish to support a local business which is servicing the growing interest and demand for fitness and wellbeing activities and provides employment. For these reasons the material considerations of the application outweigh any policy objection to the development. In general terms Class 11 uses are considered to be appropriate at Hardengreen Business Park.



Dated: 16/10/2018

A handwritten signature in dark ink, appearing to read 'Peter Arnsdorf', with a large, stylized initial 'P'.

Peter Arnsdorf  
Planning Manager (Advisor to the Local Review Body)  
Communities and Economy  
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)*

## Local Review Body: Review of Planning Application Reg. No. 18/00402/DPP

Mrs Janice Paterson  
Mind, body and Beauty Limited  
40/7 Hardengreen Industrial Estate  
Dalhousie Road  
Eskbank  
EH22 3NU

Midlothian Council, as Planning Authority, having considered the review of the application by Mrs Janice Paterson, 40/7 Hardengreen Industrial Estate, Dalhousie Road, Eskbank, EH22 3NU which was registered on 9 August 2018 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

**Change of use from office (class 4) to mixed use of fitness studio (class 11) and beauty salon (class 2) at Units 7 and 8, 40 Hardengreen Business Park, Dalhousie Road, Dalkeith**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan, Site Plan		11.06.2018

Subject to the following conditions:

1. No amplified music or sound reproduction equipment used in association with the unit hereby permitted shall be audible at the boundary of any noise sensitive property (residential dwellinghouse) during the hours of 9.00pm to 7.00am.

***Reason:*** To ensure a satisfactory standard of amenity in nearby residential properties.

2. The use of the site shall be as a fitness studio and beauty salon only and for no other purpose unless otherwise agreed in writing by the Planning Authority. This grant of planning permission does not permit any other use within Class 11: Assembly and Leisure or Class 2: Financial, Professional or Other Services respectively of The Town and Country Planning (Use Classes) (Scotland) Order 1997 or any subsequent amending or replacement order.

**Reason:** *To enable the Planning Authority to retain effective control over the future use of the site and to ensure that it is able to assess any such proposals in terms of their traffic generation, parking requirements and overall impact on the amenity of the area; the application has been assessed for this specific use only and no other uses within Classes 11 or 2 of the above mentioned legislation.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 16 October 2018. The LRB carried out a site visit on the 15 October 2018.

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

Development Plan Policies:

1. STRAT1 Midlothian Local Development Plan – Committed development
2. DEV2 Midlothian Local Development Plan – Protecting amenity within the built-up area
3. ECON1 Midlothian Local Development Plan – Existing employment locations
4. ECON3 Midlothian Local Development Plan – Ancillary development on business parks

Material considerations:

1. The individual circumstances of the site and the application;
2. The need for the business to relocate; and
3. Supporting a local business.

In determining the review the LRB concluded:

The proposed mixed use (Class 11 and Class 2) is compatible with the existing business park and will not be detrimental to the neighbouring Class 4 business uses and nearby residential properties. Furthermore, the LRB wish to support a local business which is servicing the growing interest and demand for fitness and wellbeing activities and provides employment. For these reasons the material considerations of the application outweigh any policy objection to the development. In general terms Class 11 uses are considered to be appropriate at Hardengreen Business Park.

Dated: 16/10/2018

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Peter Arnsdorf  
Planning Manager (Advisor to the Local Review Body)  
Communities and Economy  
Midlothian Council

On behalf of:

Councillor R Imrie  
Chair of the Local Review Body  
Midlothian Council

## NOTICE TO ACCOMPANY REFUSAL ETC.

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***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)*

## **Notice of Review: Land Adjoining Meyerling, Howgate, Penicuik**

### **Determination Report**

Report by Dr Mary Smith Director, Education, 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 four dwellinghouses; formation of access road and associated works at land adjoining Meyerling, Howgate, Penicuik.

#### **2 Background**

- 2.1 Planning application 18/00218/DPP for the erection of four dwellinghouses; formation of access road and associated works at land adjoining Meyerling, Howgate, Penicuik was refused planning permission on 1 June 2018; 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 1 June 2018 (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](http://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 accompanied site visit for Monday 26 November 2018; and
  - Have determined to progress the review by way of a hearing.
- 4.2 The case officer's report identified that there was one consultation response and five representations received. As part of the review process the interested parties were notified of the review. No additional comments have been received. All the comments can be viewed online on the electronic planning application case file.
- 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. Development shall not begin until a revised scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
    - i existing and finished ground levels and floor levels for all buildings and roads in relation to a fixed datum;
    - ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
    - iii proposed new planting including trees, shrubs, hedging and grassed areas;



- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of all soft and hard landscaping. The landscaping shall be completed prior to the house is occupied; and
- vii drainage details and sustainable urban drainage systems to manage water runoff.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird nesting season (March-August) and bat roosting period (April – September).

**Reason:** *To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies DEV6, DEV7, RD1, EN7 and ENV11 of the Midlothian Local Development Plan 2017 and national planning guidance and advice.*

2. Development shall not begin until samples of materials to be used on external surfaces of the buildings (natural stone and wet dash render); hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

**Reason:** *In the interest of protecting the character and appearance of the countryside so as to comply with DEV6 and RD1 of the Midlothian Local Development Plan 2017.*

3. The buildings permitted shall not be occupied or brought into use until vehicular access details have been constructed in accordance with plans to be submitted and approved in writing. The plans shall include details of construction, visibility, traffic calming measures, lighting and signage

**Reason:** *To ensure the future users of the buildings have safe and convenient access to and from the site.*

4. Development shall not begin until details, including a timetable of implementation, of high speed fibre broadband have been submitted to and approved in writing by the Planning Authority. The details shall include delivery of high speed fibre broadband prior to the occupation of each dwellinghouse. The delivery of high speed fibre broadband shall be implemented as per the approved details.

**Reason:** To ensure the quality of the development is enhanced by the provision of appropriate digital infrastructure in accordance with the requirements of policy IT1 of the Midlothian Local Development Plan 2017.

5. Development shall not begin until details of the provision and use of electric vehicle charging stations throughout the development have been submitted to and approved in writing by the Planning Authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing by the Planning Authority.

**Reason:** To ensure the development accords with the requirements of policy TRAN5 of the Midlothian Local Development Plan 2017.

6. Development shall not begin until details of a sustainability/biodiversity scheme for the site, including the provision of house bricks and boxes for bats and swifts throughout the development has been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out in accordance with the approved details or such alternatives as may be approved in writing with the planning authority.

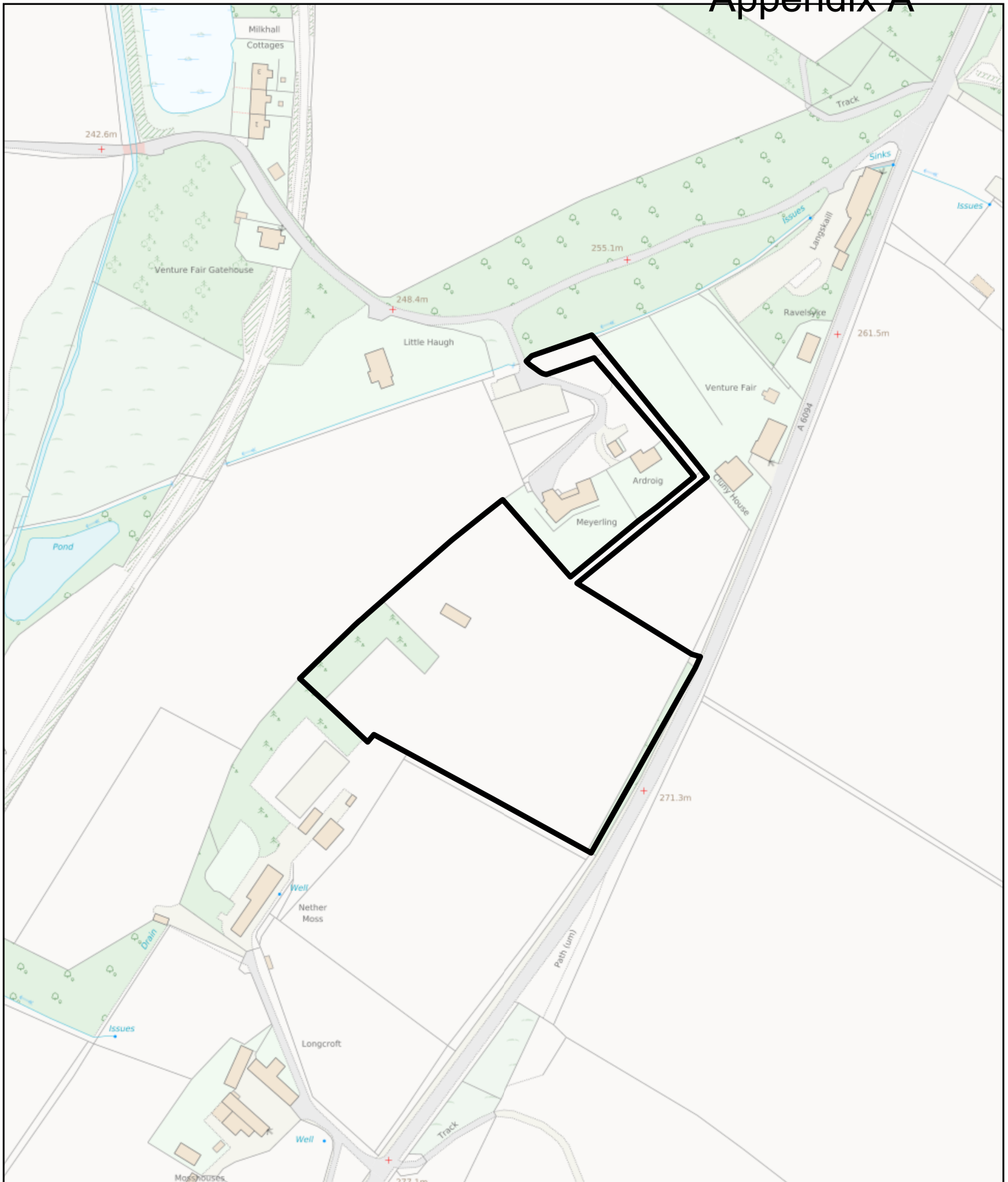
**Reason:** To ensure the development accords with the requirements of policy DEV5 of the Midlothian Local Development Plan 2017.

- 5.2 If the LRB is minded to uphold the review and grant planning permission for the proposed development it shall be subject to a legal agreement to secure developer contributions towards education provision, children's play provision and public transport ('ring and go'). The legal agreement shall be concluded prior to the issuing of the LRB decision. The legal agreement shall be concluded within 6 months of the resolution to grant planning permission, if the agreement is not concluded the review will be reported back to the LRB for reconsideration.

## **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 November 2018  
**Report Contact:** Peter Arnsdorf, Planning Manager (LRB Advisor)  
peter.arnsdorf@midlothian.gov.uk  
**Tel No:** 0131 271 3310  
**Background Papers:**



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

Erection of 4 dwellinghouses; formation of access road and associated works at Land Adjoining Meyerling, Penicuik

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File No. 18/00218/DPP

Scale: 1:2,500  
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Midlothian



Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: [planning-applications@midlothian.gov.uk](mailto: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 100129559-001

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:	Format Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Shona	Building Name:	
Last Name: *	Mackay	Building Number:	146
Telephone Number: *	01316617666	Address 1 (Street): *	Duddingston Road West
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH16 4AP
Email Address: *	formatdesign@aol.com		

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" value="Format Design"/>
First Name: *	<input type="text" value="V"/>	Building Number:	<input type="text" value="146"/>
Last Name: *	<input type="text" value="Crolla"/>	Address 1 (Street): *	<input type="text" value="Holyrood Business Park"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Duddingston Road West"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="EDINBURGH"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH16 4AP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="formatdesign@aol.com"/>		

## 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"/>
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"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land Adjoining Meyerling, Penicuik"/>
---

Northing	<input type="text"/>	Easting	<input type="text"/>
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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)

Erection of 4 dwellinghouses; formation of access road and associated works at Land Adjoining Meyerling, Penicuik

## 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.

Please see attached appeal statement

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)

Appeal Statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/00218/DPP

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

04/04/2018

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

01/06/2018

## 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 \*

Holding one or more hearing sessions on specific matters

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)

To allow us to present our client's case to the Local Review Body

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)

To allow the Local Review Body to view the application site and its environs

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: Mrs Shona Mackay

Declaration Date: 25/07/2018



APPEAL TO LOCAL REVIEW BOARD REGARDING THE REFUSAL OF  
PLANNING PERMISSION 8/00218/DPP  
FOR  
THE ERECTION OF 4 DWELLINGHOUSES; FORMATION OF ACCESS  
ROAD AND ASSOCIATED WORKS  
AT  
LAND NORTH OF NETHER MOSS, HOWGATE, MIDLOTHIAN



25 JULY 2018

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## 1 Introduction

The proposal is for four dwellinghouses, two semi-detached and two detached. They are linked by a wall around a central courtyard. The site will be set amidst a common wildflower meadow with walkway and with indigenous hedge and tree planting to the south, east and west boundaries. A right of way would be permitted around the access to the north towards Milkhall Pond.

It should be noted that some of the boundary planting referred to in the planning statement was omitted from the submitted site plan.

## 2 The refusal

The proposal was refused on 01 June 2018 for the following reasons:

- 1. The proposal for four dwellinghouses does not comply with the housing group policy where only one house per five units may be supported.*
- 2. The proposed site does not comply with the establish principles and criteria for accommodating a new house in a housing group as it is not on a gap site within the housing group nor is it adjoining two other boundaries of the group.*
- 3. It has not been demonstrated that the proposed dwellinghouses are required in connection with an established countryside activity and it has not been justified in connection with policy RD1.*
- 4. For the above reasons the proposed development does not comply with the terms of policy RD1 of the adopted Midlothian Local Development Plan 2017.*
- 5. The layout of the proposal has a suburban character and is not reflective of the character of the rural surroundings. Therefore the proposed development is contrary to policy ENV7 of the adopted Midlothian Local Development Plan 2017.*
- 6. The proposed two storey house is positioned on an elevated area which is particularly prominent in views from the west and it has not been demonstrated that the position and design of this proposed house could successfully fit into the landscape without having a significant adverse impact on the character or appearance of the area, nor would it enhance the character and appearance of the existing group of buildings. Therefore the proposed development is contrary to policy ENV7 of the adopted Midlothian Local Development Plan 2017.*
- 7. The proposed vehicular access, and subsequent potential intensification in use, would have a significant adverse impact on the safety of road users on the A6094 by way of its below standard visibility for all vehicles existing the site and the forward visibility of vehicles travelling behind those turning into the site, particularly from the southbound carriageway. These concerns have not been sufficiently allayed by the proposals.*



*8. It has not been demonstrated to the satisfaction of the Planning Authority that the proposed access can be constructed without having a significant adverse impact on the character and appearance of the surrounding area and therefore the proposed access is contrary to policies RD1 and ENV7 of the adopted Midlothian Local Development Plan 2017.*

### Summary of Objections

- Public Access/right of way
- Noise and loss of privacy from access way
- Privately owned at north end
- Low water supply pressure
- Possible run-off issues from field into neighbouring garden
- Concerns about suitability for a soak-away
- Poor internet service, bandwidth may be adversely affected
- Access is over third party land
- Height of 900 feet leads to adverse weather which may hamper access
- Would there be further applications for ancillary buildings
- Visibility distances appear incorrect
- History of planning refusals and current proposal remains contrary to policy.
- Leadburn junction is 1800 metres not 800 metres.
- Sewer connection at Wellington not likely to be practical due to distance, topography and obstacles
- PAN 66 requirements are not achievable
- Loss of trees
- Sight lines below standards
- Unreasonable to impose speed limits on motorists
- Ribbon development and visual coalescence
- Pedestrian access to main bus route is neither good nor safe.

### 3 Case in support of approval

#### A. Response to the reasons for refusal

The refusal notice provided 8 reasons in total that the authority considered that this application failed to comply with the local development plan. These are listed in section 2 and they are responded to in order here.

Reason 1: Suggests that the proposal does not comply with the supplementary guidance on housing groups. The applicant has taken a more holistic view of the local environment and the need to provide a good sustainable rural housing stock. Planning policies can never be written to fit every circumstance with which an authority is presented, and they are at best a guide. More critical to the acceptability of a development is its impacts upon the local environment, the amenity of neighbours, public safety and use of resources (sustainability). If these can be achieved then the failure to comply with an overly prescriptive policy should not be seen as reason enough for refusing a planning application.

**Reason 2:** This again relates to an overly prescriptive guideline which should allow for the opportunity for a proposal to be considered on its own merits and the objectives set out above.

**Reason 3:** The applicant is not proposing that these houses are required in connection with a countryside activity in particular. However the simple provision of housing within the countryside makes it directly available to those who need to live in the countryside. The only way to enhance access to rural housing is to provide more rural housing in the right places. As with any housing in the countryside, old or new, it is open to be used for those not employed in countryside business or activity, however we need to provide choice and we need to increase and improve our rural housing stock as well as our urban housing stock.

**Reason 4:** Summarises 1 to 3 above.

**Reason 5:** The layout is not considered to be suburban. In fact it was designed specifically not to be suburban in character. Materials for walls roofs and boundaries are not suburban. The removal of kerbs to road edges is not suburban. It has been the aim to achieve a miniature village green feel and it was hoped that this would be appreciated in the assessment of the proposal. It is argued that this should be taken as a very subjective view.

**Reason 6:** The two storey house is in a similar position to the single house previously refused, however it was accepted in principle at a previous LRB, which was refused on separate grounds relating to the access. The supporting statement (for the present application) at pages 20 and 21 (figures 15 to 18) considered this aspect carefully and it was concluded that the site was not overly visible, but that it could be seen and this would be greatly mitigated by enhancing the planting on the north west boundary. This would form part of the proposal, as clearly presented in the statement. It is unfortunate that this was overlooked on the site plan; however this is very easily remedied.

**Reason 7:** The access to the site has always been an issue and this can never be completely remedied due to topographical limitations. It does however seem to be entirely appropriate to extend the speed limit to a point close to Mosshouses or even Roseview given the changing nature of the area. The distance from Roseview to the current edge of the Howgate 30mph restriction is 1.75 km. If this was reduced to 40 mph it would add 33 seconds at the most to this part of any journey. At 30 mph it would add 65 seconds. Furthermore, as the speeds along here are more likely to be below 60 due to the road layout, the difference is likely to be significantly less than these figures. It is therefore very unclear as to why such a move would be resisted.

**Reason 8:** The design of the access would have little impact upon the character of the area. The critical hedgerow trees have been previously removed and have been replanted at a distance behind the former hedgerow, thereby greatly enhancing site exit visibility. The extra width of the road at the entrance will have little impact visually and this would be principally to ease the process of refuse collection without blocking the access road. A situation that already persists at Cluny House/Venture Fair.

## B. Responses to significant statements within the Report of Handling:

[The quotes are in italics and the responses have been indented.]

*"This (refusal) has been supported by LRB where previous reviews have been dismissed."*

The last full application that was appealed to the LRB was actually supported in principal. The issue that the LRB had was with regards to potential noise from vehicles using the proposed access road to the Milkhall Pond Road. This was considered to be an unacceptable reason for refusal by the applicant but the appeal decision was final.

*"The planning authority has restrictive policies for proposals for new housing developments within the countryside. These aim to prevent the creeping suburbanisation of the countryside which are under significant pressure due to the convenient commuting distance to Edinburgh."*

This proposal is not creeping suburbanisation but a carefully considered layout of four houses within an enclosed site within a small rural settlement. There would be no coalescence, it would not be linking settlements, and it is not suburban in character.

*"...Therefore there are only six houses within the existing group meaning there may policy support for one house provided this complies with the related criteria."*

This policy is overly prescriptive and it does not allow for the consideration of larger schemes where these may be of benefit to the local housing supply, or where the site conditions can physically accommodate more units.

*"The position of the two storey house is similar to the house refused in the most recent application".*

This house has been pulled further into the site. It is disputed that it would be so visible as to raise significant concerns. The applicant is well aware of the residential development at Roseview where the exposed nature of the rear of the site has created a very obvious intrusion to the landscape, however the current application site has a completely different set of characteristics.

*"...the distances between the properties, appears too large to provide this courtyard character and would likely result in the appearance of three separate unrelated buildings positioned at some distance, especially the two storey unit."*

The idea was not to create a steading, more a linked group with some sense of enclosure set about a small green. The use of metal roofs on the ancillary buildings and the lack of kerbs on roads were all intended to give a small village-green feel, not an agricultural setting. It does not



have the “*sprawling suburban*” style which can more readily be viewed in Howgate itself.

*“...highly visible from the west and northwest.”*

It is disputed that it would be highly visible. Visible perhaps, but not to an extent that would draw your attention significantly. Other neighbouring houses are already partially visible from the Penicuik road (A701) but they are not intrusive and are part of the rural landscape. The supplementary planting to the north west boundary is indeed proposed but has unfortunately not appeared on the site plan, however this can be easily remedied. A fully detailed landscape plan would be an expected requirement.

*“...there are some trees in the area, a number have been removed”*

This had been proposed as part of the existing site access improvements a few years ago, with the intention of replanting a short distance to the rear of the former hedgerow. If one were to inspect the site it would be noticed that this replacement planting has been carried out. These trees will take time to fully mature and should be replaced and maintained as is necessary.

*“The required minimum splays to meet the minimum level of visibility required for a new junction onto a 60mph road have not been met.”*

This site is in the unfortunate position of being set between two obstacles to long distance site access visibility. To the south the road bends at a distance of around 120 metres and to the north there is a dip in the road meaning that vehicles lose visibility at around 140 metres. These features cannot be changed. It seems reasonable that with the increasing number of dwellings in the area that an extension to the speed limit zone should be seriously considered. The formation of a small roundabout would be the only other option, however it is agreed that this would be out of keeping with the character of the area.

*“...public walkway and a right of way”.*

This appears to have been taken to mean that there will be a pedestrian highway in place here. It would in fact be an informal route and an alternative, quieter path, and one which would not see heavy use. General access rights would ensure that people could pass from the end of the private section and onto the public road without harm to the amenity or privacy of affected landowners.

*“...residential development of the site has been consistently resisted by the Council for over 15 years.”*

It is a fact that previous refusals are not a material consideration in the consideration of a new planning application. The site's history is relevant, but not previous planning decisions.

*"The LRB detailed, in its determination of the Review of application 08/00383/OUT, that should the principle of a house at the proposed site be established, it would require to be of a particularly high quality design and be accompanied with a substantial landscaping scheme to soften its impact on the surrounding landscape. It is considered that this proposal does not meet these points, related policies or provide sufficient justification to depart from policy."*

The criticism of the design is a very subjective matter. The applicant has tried to come up with a design which respects the rural character of the area and if it has failed then perhaps there has been a misunderstanding of the rural character that would be acceptable, and in this respect further advice would be appreciated and heeded. A strong landscaping scheme has been proposed, albeit not yet drawn to the required detail and specification that will be achieved once a landscape architect has been appointed. It appears that the north west boundary planting has been omitted from the outline plan and this is a genuine error.

#### **C. Response to public comment on other issues:**

With regards to facts and figures first, it is confirmed that the distance from the access road to Leadburn Junction is around 1750 metres. The height of the site is around 270 metres.

With regards to access, the path to the Milkhall Pond road, this is not expected to be a busy route. It would be an option. Walkers would be highly unlikely to create disturbance, and access to the countryside should not be seen as an appropriate reason for refusal or a reason to remove that aspect of the proposal.

With regards to water and drainage issues, these are matters that can be resolved through detail, and in discussion with the relevant authorities. An enhanced water supply will be required. Surface water management proposals will need to be incorporated into the development. This may incorporate a surface water feature or storage beneath the access road and/or proposed hard surfaces. It is likely that the surface water management could in fact be improved, and it would become the responsibility of the developer. Foul water treatment would be designed into this and would involve a private waste treatment plant and not a simple septic tank draining to soak-away.

Site visibility distances have been checked and are correct. As this has been done using desktop methods then a physical onsite survey may be carried out if deemed necessary.

#### **4 Summary**

The proposed development maintains the character of the surrounding area which contains low density housing within a landscape of improved pasture

with shelterbelts. It is not prime agricultural land and is not within a special landscape character area.

The design of the buildings has carefully considered the setting and has incorporated appropriate architecture layout and materials.

The houses will provide a valuable contribution to the rural housing stock providing opportunities for rural tenants and permitting the sustainable increase in the rural population.

With a reduced speed limit through this section of the A6094 the site will have good visibility in both directions and will also lead to significant improvement to existing properties and to the public road junction adjacent to the former Howgate Restaurant.

The houses can all be readily serviced in terms of power, communications drainage and water supply.

It is not a location that could be deemed to be remote, and it is within a definable cluster of buildings with a public transport service available within a reasonable distance from the site.

Whilst the countryside policies do not directly support the proposal, when taken in the context of the site, and the critical issues of the environmental impacts are considered, the proposal would have no greater impact in this location than it would in an urban environment. It will enhance the rural housing supply and enhance the opportunities for living and working in the countryside.

The development will contribute towards a sustainable, economically active rural area, which is more likely to attract investment and which will encourage vibrant, growing communities. It achieves this whilst maintaining local landscape character.

## **5 Conclusion**

The proposed development conflicts with certain local development plan policies, however it is in principle in keeping with national planning policy objectives of ensuring that Scotland is a successful sustainable place; a low carbon place; a natural resilient place; and a connected place.

The benefits of the development are not outweighed by its impacts. It is a well contained site and subject to landscaping and traffic proposals the site can make a very useful contribution to community and local housing.

It is therefore presented to the Local Review Body that the development be supported in principle.



## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:** 18/00218/DPP

**Site Address:** Land adjoining Meyerling.

**Site Description:** The application site comprises part of a field used for grazing horses and an overgrown strip of land running along the side and rear of a dwellinghouse (Ardroig) and the rear of another house (Meyerling). The site sits on a ridge making it highly visible from views from the west and northwest. There are some trees along the northern boundary. There is a stable to the west and open fields to the other boundaries with the above-mentioned houses to the northeast. The site lies to the south of Howgate, with the A6094 along the eastern boundary.

**Proposed Development:** Erection of 4 dwellinghouses; formation of access road and associated works.

**Proposed Development Details:** Two semi-detached and two detached houses are proposed. The semi-detached houses are single storey with accommodation in the roofspace served by rooflights and dormer windows, with one detached house matching this design. The other detached house is two storey. All have porches, and garages connected by glazed links. The two storey house has stone walls and the others wet dash render with stone copes with timber framed windows and doors. All roofs are slate with the garage roofs corrugated metal.

The existing field access is to be improved to provide vehicular access to the A6094 with six parking spaces proposed. The land to the rear of the houses to the north will be a pedestrian access and public right of way/walkway. The areas around the proposed gardens are to be a wildflower meadow and pathway. The stable will be retained. A stone wall will link all properties. The application form states the houses will connect to the public drainage and water supply, however the supporting statement notes a private sewerage treatment system will likely be required.

There is a discrepancy between the plans. The site plan states the semi-detached properties are housetype C but the detailed plans show these as housetype B. The application is assessed as per the detailed plans as these appear more accurate.

The agent has submitted a supporting statement, stating the houses will benefit the local community through the provision of smaller, more affordable housing for people who wish to live in the countryside without a link to a proposed rural business or conversions of non-residential buildings. The speed limit on the A60894 will be dropped from 60mph to either 30 or 40mph, the road will be widened to allow a layby for bin collection and ensure that vehicles waiting to enter the site from the north would not obstruct traffic travelling south, as well as the potential for a small roundabout. Each property would retain a portion of the land, separate from their garden, which could be used for keeping horses or livestock. No further details of

this has been submitted. They state the MLDP and related Supplementary Guidance for Development in the Countryside and Green Belt is less prescriptive than the previous SPG and consider that as there are 17 houses in the area, there could be support for an additional 3 or 4 houses within this group.

**Background (Previous Applications, Supporting Documents, Development Briefs):** Application site

15/00291/DPP Erection of dwellinghouse and formation of access road. Refused – no justification for house; not form part of group; prominent views from west having adverse impact on the surrounding area; access result in loss of amenity for existing houses; no SUDs or sustainable building design; contrary RP1, DP1 and RP7.

15/00286/DPP Alterations to existing access and formation of hardstanding.

Refused – significant adverse impact on road safety for A6094; not demonstrated can be done without adverse landscape impact; contrary RP1 and RP7.

11/00203/DPP Planning permission in principle for the erection of dwellinghouse and formation of access road. Refused – access safety concerns; impact of loss of trees and landscaping to form visibility splays. Subsequent review dismissed by LRB – for the same reasons.

08/00383/OUT Outline application for erection of dwellinghouse including new access road. Refused – prominent views from west having adverse impact on the surrounding area; does not fit with group; access issues having impact on residential amenity; no potable water. Subsequent review dismissed by LRB – access issues having impact on residential amenity.

07/00417/OUT Outline application for the erection of dwellinghouse, offices, seven stables, tack room and creation of two paddocks. Withdrawn.

04/00890/OUT Outline application for the construction of an equestrian centre/riding school and associated dwellinghouse. Refused – inadequate justification; sporadic residential development in rural area; access issues; prominent views from west having adverse impact on the surrounding area; and potential impact on residential amenity.

03/00188/OUT Outline application for the erection of one dwellinghouse. Refused – contrary to Local Plan and National policies; sporadic residential development in rural area; access issues having impact on residential amenity; prominent views from west having adverse impact on the surrounding area.

02/00395/OUT Outline application for the erection of one dwellinghouse. Refused – contrary to Local Plan and National policies; sporadic residential development in rural area; access issues; prominent views from west having adverse impact on the surrounding area.

**Consultations:**

The **Policy and Road Safety Manager** recommends refusal as the applicant is unable to meet the minimum level of visibility required for a new junction onto a 60mph road. The proposal is reliant on the existing speed limit of the A6094 being reduced to 30 or 40mph to meet the achievable level of visibility. This section of the A6094 is an unlit 60mph rural road with a narrow footpath along one side. The road has sections of limited forward visibility with overtaking manoeuvres restricted by solid centre lines. The road operates as a rural 60mph road with very little urban frontage to indicate to drivers that they should be driving at a lower, more urban speed. This section of road would not be a suitable candidate for a reduction in the

current 60mph speed limit and it is highly unlikely that the erection of warning or speed limit signs would result in any meaningful change in driver behaviour.

**Representations:** Five letters of objection have been received on the following grounds:

- The proposal is contrary to policy ENV3 of the Edinburgh and Lothian Structure Plan 2015 and policies RP1 and DP1 of the Midlothian Local Plan;
- The proposal is ribbon development creating visual coalescence;
- The two storey house will be prominent in the area and spoil the rural character of the skyline;
- Impact on privacy of the adjoining properties as a result of the proposed houses and the right of way;
- Planning permission has been approved for a house within the group as per the related policies so there is no support through this policy;
- Numerous similar proposals have been refused at the site with no significant changes to date with the exception of tree felling;
- Road safety concerns due to poor visibility at the site entrance;
- Although some trees have been removed to improve driver visibility, the replacement planting will be a problem in the future;
- The proposed road widening can only be achieved on the south of the access;
- The visibility splays are not accurate;
- The applicant does not own the land to the north within the visibility splay;
- Poor visibility for approaching cars if vehicles are waiting to turn right into the site due to the topography of the area;
- Reducing the speed limit will have little effect as cars will still speed;
- The proposed roundabout to accommodate the increased numbers of vehicles would not work as it is too close to a blind bend and summit of a hill;
- The suggestion that it is possible to walk to regular public transport services is debatable as this is along a narrow twisting road which is not illuminated and would be dangerous to use in the dark or in poor weather;
- The access could be affected by bad weather which could affect access by emergency vehicles;
- The proposed access road is owned by a third party who is unlikely to sell the land to permit the creation of the access road;
- The access strip should not become a right of way as other properties pay for the maintenance of this area and do not wish for further footfall on their properties. This will also have a detrimental impact on the riverbank, wildlife and serenity of the woodland as well as potential for litter;
- The applicant does not own the field adjacent to the site so how can this access be a right of way;
- The waste and drainage works are vague and could impact on the neighbouring property and there is concern over the location of a soakaway as there have been issues with water run off from the site affecting neighbouring properties. It is debatable if a SUDs system will address these drainage issues;
- A sewer connection is not possible at the site and the related pipe work would need to be either through the road or on land owned by other residents which would have to accommodate a steep gradient;



- The mains water supply is inadequate for the surrounding properties and four additional homes will diminish this further where there is no private usable water supply in the area;
- Internet reception in the area is poor and there is a concern that more houses would detrimentally affect this;
- Queries over where the allocated paddocks are to be located and if there be subsequent applications for stables and livestock shelters?; and
- The location of the Leadburn junction is 1800 metres, not 800 metres.

**Relevant Planning Policies:** The relevant policies of the **2017 Midlothian Local Development Plan** are;

**DEV5 Sustainability in New Development** states it will be expected that development proposals will have regard to the following principles of sustainability: building in harmony with the site including optimising on orientation and relationships to contours, provision of shelter and utilising natural features; fostering and maintaining biodiversity; treating and conserving water on site in line with best practice and guidance on sustainable urban drainage; addressing sustainable energy in line with other MLDP policies; recycling of construction materials and minimising the use of non-renewable resources; facilitating accessibility and adaptability; providing for waste recycling in accordance with standards which will be set out in guidance on waste separation, collection and recycling requirements for new developments; and incorporating high speed broadband connections and other digital technologies in line with MLDP policy;

**DEV6 Layout and Design of New Development** states good design and high quality architecture are required in the overall layout of development proposals. This provides guidance on design principles for development, materials, access, passive energy gain, positioning of buildings, open and private amenity space provision and parking;

**DEV7 Landscaping in New Development** states development proposals will be required to be accompanied by a comprehensive scheme of landscaping. This should: complement the existing landscape within and in the vicinity of the site; create landmarks in the development layout and use the landscape to emphasise these;

**TRAN5 Electric Vehicle Charging** states that the Council will support and promote the development of a network of electric vehicle charging stations by requiring provision to be considered as an integral part of any new development or redevelopment proposals;

**IT1 Digital Infrastructure** supports the incorporation of high speed broadband connections and other digital technologies into new homes;

**RD1 Development in the Countryside** states development in the countryside will only be permitted if: it is required for the furtherance of agriculture, including farm related diversification, horticulture, forestry, countryside recreation or tourism; it accords with other named policies; or it accords with the Council's Supplementary Guidance on Development in the Countryside and Green Belt. All such development will need to be: of a scale and character appropriate to the rural area and well integrated into the rural landscape; capable of being serviced with an adequate and appropriate access; capable of being provided with drainage and a public water supply at reasonable cost, or an acceptable private water supply, avoiding unacceptable discharge to watercourses; and accessible by public transport and services to a prescribed level.

In the case of businesses, these should not be primarily of a retail nature and not harm the amenity of nearby residents through unacceptable levels of noise, light or traffic;

**ENV7 Landscape Character** states development will not be permitted where it may significantly and adversely affect local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design;

**ENV11 Woodland, Trees and Hedges** states development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees and hedges which have particular amenity, nature conservation, biodiversity, recreation, landscape, shelter or historical value or other importance;

**NRG6 Community Heating** seeks to ensure developments deliver, contribute towards or enable the provision of community heating schemes;

**IMP1 New Development** advises that planning conditions will be applied and, where appropriate, legal agreements sought to ensure that, where new development gives rise to a need, appropriate provision is made for necessary infrastructure, community facilities and services (see list in local development plan); and

**IMP2 Essential Infrastructure Required to Enable New Development to Take Place** aims to ensure that development does not proceed until adequate provision (related to the scale and impact of the proposed development) has been agreed for the infrastructure, environmental and community facility requirements identified in the Local Development Plan and other relevant policies.

**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.

As detailed in the Background section, numerous planning applications for housing at this site have been refused since 2002. The planning authority has consistently considered that the development of the site for housing is contrary to planning policy and cannot be supported. Recent applications have been submitted with the agent stating these comply with the housing group section of the related policy. However the planning authority does not consider that this site meets the criteria of this policy or forms an acceptable plot for development within this housing group. This has been supported by LRB where previous reviews have been dismissed.

The planning authority has restrictive policies for proposals for new housing developments within the countryside. These aim to prevent the creeping suburbanisation of the countryside which are under significant pressure due to the convenient commuting distance to Edinburgh. However, there are enabling policies, within the adopted Midlothian Local Plan, which support residential developments within the countryside. Policy RD1 of the local plan contains several sections where houses could be acceptable in the countryside.

The proposed houses are not required for the furtherance of an established countryside activity. The proposal is not for a replacement house or for the conversion or redevelopment of existing redundant farm buildings or other non-residential buildings. The proposal is not an enabling development where it is clearly shown that this is the only means of preventing the loss of a heritage asset and securing its long term future.

Policy RD1 provides some support for houses in groups where 1 new dwelling is permitted during the plan period where there are 5 existing units. Although the

applicant states houses to the west and south are within the group bringing the number of houses within the group to 17, the planning authority considers it is clear the group extends to the houses to the north of the site only. The other houses are visually separate from the group and so do not form part of a larger group within this policy. Therefore there are only six houses within the existing group meaning there may policy support for one house provided this complies with the related criteria.

The position of the two storey house is similar to the house refused in the most recent application. It was considered that the site did not form part of the group as it was not a gap site or adjoin two other boundaries within the group, nor did it comply with the detailed criteria relating to the design and scale of the house in respect of the group. Although the MLDP is not as prescriptive as the previous plan, the ethos of this remains meaning that the site is still not considered to meet the criteria of a suitable plot for a house within this group.

It is clear that there is no policy support for housing at this site. However, the agent states that the related policies are too restrictive to allow smaller more affordable houses in the countryside for people who wish to live in these areas without a link to proposed businesses or conversions of non-residential buildings. As detailed above, the policies aim to protect the character of rural areas from sporadic developments which result in suburbanisation of the countryside, but there are a number of criteria which can be met where housing in the countryside is appropriate and acceptable. These criteria do not dictate that these houses have to be large or unaffordable, thereby providing opportunities for a range of houstypes provided they meet policy requirements. The agent's justification for four houses in this area is not materially significant to result in a decision which would depart from the adopted policy.

Notwithstanding the lack of policy support, the details of the proposed scheme must also be considered.

The design and layout of the proposal is for largely traditional buildings facing into a central courtyard area. These houses are connected by a wall to create a courtyard, which is an approach which can work successfully in the countryside to replicate a farm steading arrangement, where the buildings are interlinked. However, in this instance the site, and the distances between the properties, appears too large to provide this courtyard character and would likely result in the appearance of three separate unrelated buildings positioned at some distance, especially the two storey unit which is some 40 metres from the linked house. In addition, the design of the garages, appearing detached from the houses and linked by a glazed link set back from the building line, further weakens the courtyard design approach. The layout appears more of a sprawling suburban development rather than a considered design solution for this rural location.

The design and materials of the houses are generally traditional with modern detailing in the links to the garages. These houstypes appear generally acceptable.

Adequate garden ground is provided for the houses. There is to be a large area of meadow and a path around the house plots. The agent states that each house will be provided with a small paddock area, however there are no details of where these areas are within the site and to what extent. Should permission be granted, further



details of this and any proposed structures in these areas would be required to assess the impact on the area.

The two storey house is the only proposed house which may have an adverse impact on the privacy of the existing houses. However the layout means the garage would be approximately 15 metres from the boundary which is sufficient distance from a boundary to limit overlooking. There are no windows on this elevation and so it is considered that there will not be a significant adverse impact on the privacy on the occupants of the existing property.

The site is close to the top of a slope down to the west, making it highly visible from the west and northwest. By virtue of their position and their height the proposed single storey buildings are unlikely to be visible despite this elevated site and therefore will not have a significant detrimental impact on the area. However, the two storey house is positioned close to the western and elevated area. There is a broken line of trees along this boundary which may screen part of this house and the agent makes reference to tree planting and hedgerow, however there are no landscaping details showing how this would help integrate this house in to the site and surrounding landscape. As such this house would be a very prominent feature in the landscape to the significant detriment of the surrounding area.

The existing access is recessed slightly from the A6094 with a gate. Although there are some trees in the area, a number have been removed. Although this did not require planning permission, their loss has had a detrimental impact on the landscape character of the area. This removal appears to be connected to providing adequate visibility and accommodation for the required visibility splays for the vehicular access. It is regrettable that these have been removed as these enhanced the landscape of the area, however as these were not protected the planning authority had no control over these works.

The required minimum splays to meet the minimum level of visibility required for a new junction onto a 60mph road have not been met. The land to the north of the access is not under the control of the applicant. The agent has suggested a number of mitigation measures to address this, including the existing speed limit of the A6094 being reduced to 30 or 40mph to meet the achievable level of visibility, as well as the potential for a small roundabout and the increase in the width of the road to allow a separate lane for cars turning right into the site.

This section of the A6094 is an unlit 60mph rural road with a narrow footpath along one side and the road has sections of limited forward visibility with overtaking manoeuvres restricted by solid centre lines. The road operates as a rural 60mph road with very little urban frontage to indicate to drivers that they should be driving at a lower, more urban speed. This section of road would not be suitable for a reduction in the current 60mph speed limit and it is highly unlikely that the erection of warning or speed limit signs would result in any meaningful change in driver behaviour. The formation of a roundabout at this area would not appear to address the road safety concerns and would be out of keeping with the surrounding rural area with very little development surrounding.

Although the agent has suggested a number of ways in an attempt to provide the access to the site, these do not appear to address the significant road safety concerns to a standard where this could be considered acceptable. Road safety issues have been included in the reasons for refusing previous applications here and are applicable in this application.

The strip of land from the site to the rear of the existing properties to the north to access onto Milkhall Road is to be used as a public walkway and a right of way. From the comments made by objectors, it appears that they do not have right of access to connect to Milkhall Road. This would be a private legal matter between the landowners. If the land were currently kept in better condition this could provide access by members of the public which would be no different than the proposed situation. Should planning permission be granted, adequate boundary treatments could be in place along this area to protect the amenity of the existing and proposed residents. It is not clear how this path would have a detrimental impact on the riverbank, wildlife and the woodland. Any litter issues are not a material planning consideration in this case.

No details of the private sewage treatment system and site drainage have been submitted as yet but if permission is granted these would be required. The objectors' comments about potential impact on their amenity and flooding would be addressed at this stage. Scottish Water have no objection to the proposal but highlights potential issues and recommends the applicant contact them to ensure deliverability.

Should planning permission be granted, developer contributions would be required, including education.

Any issues of ownership of land are not a material planning consideration but would be a private legal matter between the relevant parties. Should planning permission be granted, a condition would be attached to ensure the properties supplied with broadband and electric vehicle charging points.

In summary it appears that the argument presented along with this proposal is the latest attempt in a long line for housing at this site, where residential development of the site has been consistently resisted by the Council for over 15 years. If refused permission this will be the seventh time that planning permission has been refused for housing on this site since 2002. The Local Review Body has also dismissed requests for reviews on two occasions. The proposal to develop housing here is not supported by current planning policy; the site does not have an adequate access which could serve dwellings; development of this scale on the site will have a significant adverse impact on the appearance of the area; the design and scale of the proposed houses is not appropriate in this location; and, this development will adversely impact on the amenity of neighbouring residents. The applicant is strongly advised to give serious consideration to these points before submitting any further application.

The LRB detailed, in its determination of the Review of application 08/00383/OUT, that should the principle of a house at the proposed site be established, it would require to be of a particularly high quality design and be accompanied with a substantial landscaping scheme to soften its impact on the surrounding landscape.



It is considered that this proposal does not meet these points, related policies or provide sufficient justification to depart from policy.

**Recommendation:** Refuse planning permission.



## Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

**Reg. No. 18/00218/DPP**

Format Design  
146 Duddingston Road West  
Edinburgh  
EH16 4AP

Midlothian Council, as Planning Authority, having considered the application by Mr V Crolla, Format Design, Holyrood Business Park, 146 Duddingston Road West, Edinburgh, EH16 4AP, which was registered on 4 April 2018 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

### **Erection of 4 dwellinghouses; formation of access road and associated works at Land Adjoining Meyerling, Penicuik**

In accordance with the application and the following documents/drawings:

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	10141-03-05 1:2500	04.04.2018
Site Plan	10141-03-04 1:500	04.04.2018
Floor Plan, Elevation and Cross Sections	10141 03 01 1:100	04.04.2018
Floor Plan, Elevation and Cross Sections	10141 03 02 1:100	04.04.2018
Floor Plan, Elevation and Cross Sections	10141 03 03 1:100	04.04.2018

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

- 1. The proposal for four dwellinghouses does not comply with the housing group policy where only one house per five units may be supported.*
- 2. The proposed site does not comply with the establish principles and criteria for accommodating a new house in a housing group as it is not on a gap site within the housing group nor is it adjoining two other boundaries of the group.*
- 3. It has not been demonstrated that the proposed dwellinghouses are required in connection with an established countryside activity and it has not been justified in connection with policy RD1.*
- 4. For the above reasons the proposed development does not comply with the terms of policy RD1 of the adopted Midlothian Local Development Plan 2017.*
- 5. The layout of the proposal has a suburban character and is not reflective of the character of the rural surroundings. Therefore the proposed development is contrary to policy ENV7 of the adopted Midlothian Local Development Plan 2017.*

6. *The proposed two storey house is positioned on an elevated area which is particularly prominent in views from the west and it has not been demonstrated that the position and design of this proposed house could successfully fit into the landscape without having a significant adverse impact on the character or appearance of the area, nor would it enhance the character and appearance of the existing group of buildings. Therefore the proposed development is contrary to policy ENV7 of the adopted Midlothian Local Development Plan 2017.*
7. *The proposed vehicular access, and subsequent potential intensification in use, would have a significant adverse impact on the safety of road users on the A6094 by way of its below standard visibility for all vehicles existing the site and the forward visibility of vehicles travelling behind those turning into the site, particularly from the southbound carriageway. These concerns have not been sufficiently allayed by the proposals.*
8. *It has not been demonstrated to the satisfaction of the Planning Authority that the proposed access can be constructed without having a significant adverse impact on the character and appearance of the surrounding area and therefore the proposed access is contrary to policies RD1 and ENV7 of the adopted Midlothian Local Development Plan 2017.*

Dated 1 / 6 / 2018



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



rev	date	describe	by	rev	date	describe	by
<p>THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.</p> <p>THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DECISION FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.</p> <p>THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.</p> <p>CONTRACTOR NOT TO DEViate FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.</p> <p>ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MAINS AUTHORITY.</p>							
<p><b>SERVICES OFFERED:</b></p> <p>MEASURED SURVEYS PLANNING CONSULTANTS FEASIBILITY STUDIES NEW BUILDINGS</p> <p>PLANNING APPLICATIONS LISTED BUILDING APPLICATIONS ARCHITECTURAL DRAWINGS LIGNOR LICENSING DRAWINGS DEED PLANS</p>							
<p>Drawing title: Proposed Site Plan</p> <p>job title: Hongkong, Peninsula Metropolitan</p> <p>client: Vicer Controls</p> <p>sketch: Planning</p> <p>drawn: MJ</p> <p>scale: @A2</p> <p>drawing no: 110041-02-04</p> <p>date: 27.02.18</p> <p>Tel: 0131 681 7666 Email: formatdesign@outlook.com Web: www.formatdesign.co.uk FACADS Limited Haywood Business Park 146 Duddingston Road West Edinburgh EH16 4AP</p> <p><b>format design</b></p>							



**LEGEND**

- SANDSTONE COPINGS, QUOINS & WINDOW SURROUNDS
- GLAZING
- NATURAL STONE
- CORRUGATED METAL ROOF
- CUPA PIZARRAS NATURAL SLATE

FLOOR AREA OF PROPOSED 2 STOREY FARMHOUSE = APPROX 210m²

Proposed First Floor  
Scale 1/100

Proposed Ground Floor  
Scale 1/100

Proposed Side Elevation  
Scale 1/100

Proposed Rear Elevation  
Scale 1/100

Proposed Front Elevation  
Scale 1/100

Graded Image With Natural Stone Material Sample Photo

Natural Stone With Sandstone Quoins & Cupa Pizarra Natural Slate Material Sample Photo

rev	date	drawn	checked	by

**SERVICES OFFERED:**

- MEASURED SURVEYS
- PLANNING CONSULTANTS
- FEASIBILITY STUDIES
- NEW BUILDERS

PLANNING APPLICATIONS  
LIMITED BUILDING APPLICATIONS  
BUILDING WARRANT APPLICATIONS  
LOCAL AUTHORITY DRAWINGS  
DEED PLANS

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drawing title: Proposed Floor Plans, elevations - house type A

job title: Hengate, Fenwick Midstream

client: Vose Crude

status: Planning

scale: 8A1

drawing no: 10161 (03.01)

date: 22.02.18

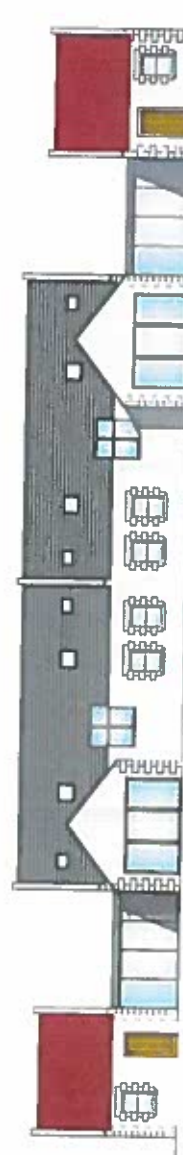
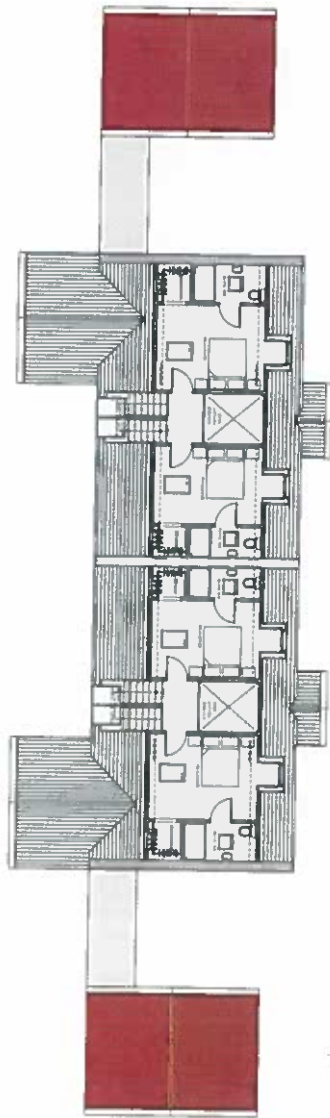
drawn: MJ

check: MJ

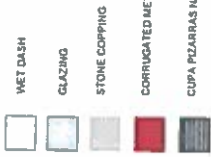
format design

format design Ltd  
148 Duddingston Road West Edinburgh EH16 4AP  
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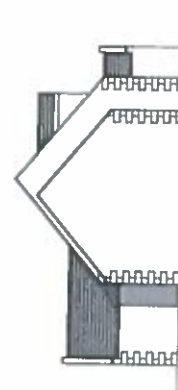
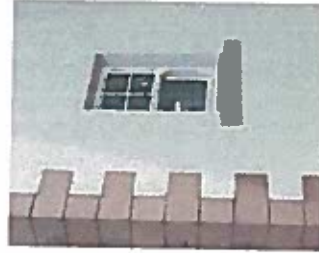
Page 49 of 78



# LEGEND



FLOOR AREA OF PROPOSED DETACHED COTTAGE = APPROX 148m<sup>2</sup>

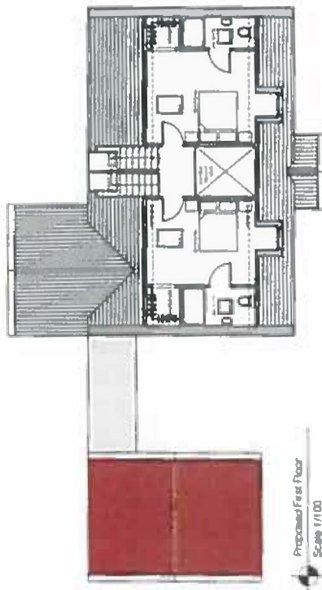
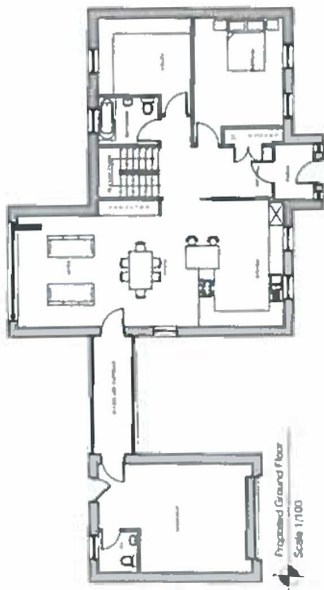


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## SERVICES OFFERED:

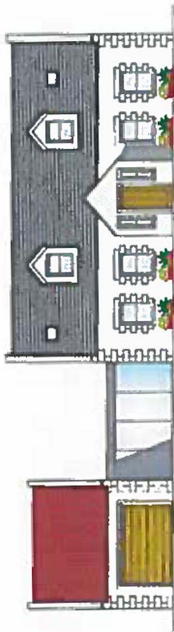
MEASURED SURVEYS  
PLANNING CONSULTANTS  
FEASIBILITY STUDIES  
NEW BUILDS  
PLANNING APPLICATIONS  
LISTED BUILDING APPLICATIONS  
BUILDING WAREHOUSE APPLICATIONS  
PLANNING DRAWINGS  
DEED PLANS

Drawing No: Proposed Rear Plans elevations - House Type B	Scale: @A1
Job No: Houghton, Penrith, Madchester	Drawing No: 10141 03 02
Client: Vince Creds	Date: 22.02.18
Author: Planning	Drawn: MJ
<p><b>format design</b></p> <p>format design ltd 145 Duddingston Road, West Edinburgh EH16 4AP Tel: 0131 681 7026 Fax: 0131 658 0023 Email: enquiries@formatdesign.co.uk Web: www.formatdesign.co.uk</p>	

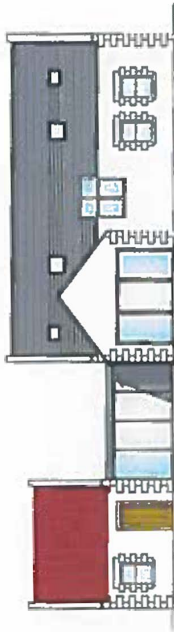


- LEGEND:
- WET DASH
  - GLAZING
  - STONE COPING
  - CORRUGATED METAL ROOF
  - CUPA PIZARRA'S NATURAL SLATE

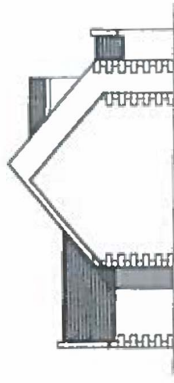
FLOOR AREA OF PROPOSED DETACHED COTTAGE = APPROX 145sqm



Proposed Front Elevation  
Scale 1/100



Proposed Rear Elevation  
Scale 1/100



Proposed Side Elevation  
Scale 1/100



Proposed Side Elevation  
Scale 1/100



Glazed Brk  
Materials Sample Photo



Wet Dash with Stone Quoins  
Materials Sample Photo

rev	date	by	rev	date	by

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**33301033 OFFER:**

MEASURED SURVEY  
PLANNING PERMISSIONS  
BUILDING WARRANT APPLICATIONS  
FLOOR LECTING DRAWINGS  
DEED PLANS

PLANNING APPLICATIONS  
BUILDING WARRANT APPLICATIONS  
FLOOR LECTING DRAWINGS  
DEED PLANS

drawn by: Proposed Floor Plans, Elevations - House Type C  
job no: Housplan, Private Malthouse  
client: Vince O'Leary  
date: 22.02.16  
scale: 1/100  
sheet: 01/1

**format design**

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## **Notice of Review: 20 Pendreich Terrace, Bonnyrigg**

### **Determination Report**

Report by Dr Mary Smith Director, Education, 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 single storey extension and front and rear dormer extensions at 20 Pendreich Terrace, Bonnyrigg.

#### **2 Background**

- 2.1 Planning application 18/00566/DPP for the erection of single storey extension and front and rear dormer extensions at 20 Pendreich Terrace, Bonnyrigg was refused planning permission on 10 September 2018; 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 10 September 2018 (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](http://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 26 November 2018; 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 conditions have been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.
1. The colour of the tiles on the dormers shall match the colour of the roof tiles on the existing building.  
  
***Reason:** To help integrate the dormers with the existing building in order to reduce their impact on the character of the house and visual amenity of the surrounding area.*
  2. The window on the west elevation of the extension shall be glazed with obscure glass which thereafter shall not be replaced with clear glass.  
  
***Reason:** In order to minimise overlooking and protect the privacy of the occupants of the adjoining property.*

## **6 Recommendations**

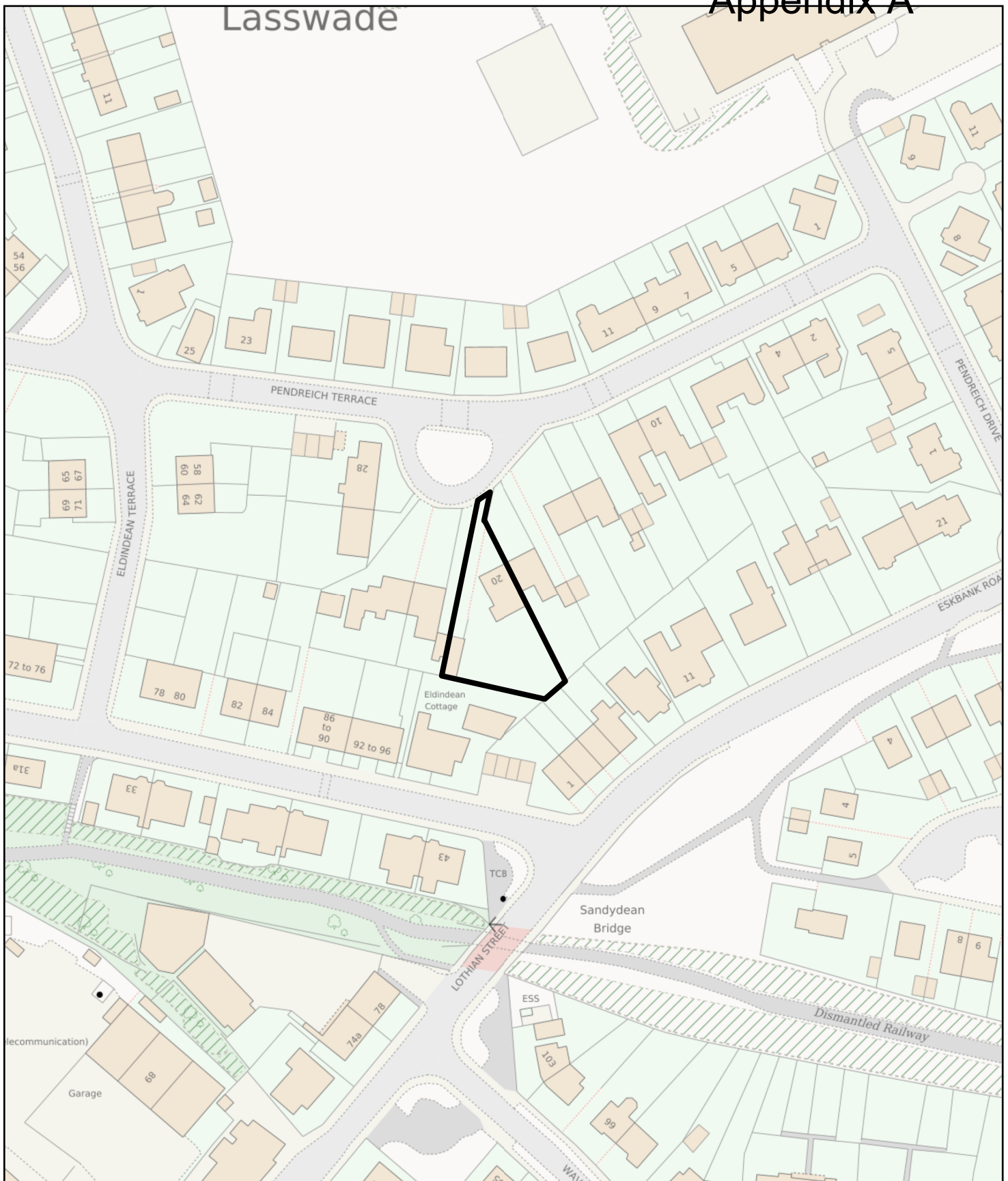
- 6.1 It is recommended that the LRB:
- a) determine the review; and
  - b) the planning advisor draft and issue the decision of the LRB through the Chair

**Date:** 15 November 2018

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

**Tel No:** 0131 271 3310

**Background Papers:**



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

Single storey extension to dwellinghouse and construction of front and rear dormers at 20 Pendreich Terrace, Bonnyrigg

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File No. 18/00566/DPP

Scale: 1:1,250  
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Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: [planning-applications@midlothian.gov.uk](mailto: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 100130672-002

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:	F.E.M Building Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Douglas	Building Name:	
Last Name: *	Mack	Building Number:	8
Telephone Number: *	07966201299	Address 1 (Street): *	Plantain Grove
Extension Number:		Address 2:	Lenzie
Mobile Number:		Town/City: *	Glasgow
Fax Number:		Country: *	Scotland
		Postcode: *	G66 3NE
Email Address: *	douglas@femdesign.co.uk		

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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr &amp; Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Keith &amp; Nicola"/>	Building Number:	<input type="text" value="20"/>
Last Name: *	<input type="text" value="Toles"/>	Address 1 (Street): *	<input type="text" value="Pendreich Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Bonnyrigg"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH19 2DS"/>
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="20 PENDREICH TERRACE"/>
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 2DS"/>

Please identify/describe the location of the site or sites

Nothing	<input type="text" value="665635"/>	Eastings	<input type="text" value="331260"/>
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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)

Single storey extension to dwellinghouse and construction of front and rear dormers

## 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 are seeking a review of the Planning Authority's decision to refuse Planning as it is our opinion that a precedence has been set by similar developments in the immediate surrounding area and that the development will not detract from the character or amenity of the built up area.

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)

We have now undertaken an assessment of the developments carried out in the immediate vicinity and this is not something that we would normally do as part of a Planning application.



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)

Appeal Statement, Photos 1,2,3,4,5,6,7, 2no. Drawings, Overshadowing drawing, Appeal Statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

18/00566DPP

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

08/08/2018

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

10/09/2018

## 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 Douglas Mack

Declaration Date: 04/10/2018

The reason we are seeking a review of the refusal of Planning Permission at 20 Pendreich Terrace, Bonnyrigg, is that the reasons for refusal, are in our opinion unsubstantiated. Numerous extremely large rear extensions to properties have been approved both in the immediate Bonnyrigg locale, and of course, the town of Bonnyrigg and Midlothian as a whole. We would also suggest that a precedence has been set with numerous front and rear dormer roof extensions in the immediate vicinity of 20 Pendreich Terrace. We would therefore request that the Local Review Body share the opinion that our proposals will not have a detrimental effect on the property or its surrounding environment.

The reasoning that the proposed extension is *'out of character with and unsympathetic to the character of the existing building'* would seem to contradict recent Planning approvals which have been issued in the immediate area. The property at 24 Pendreich Terrace, two doors from our property has recently completed a very large extension which was, in fact an addition to a substantial previous extension. This has created an extremely large flat roof extension to the rear and side of the semi detached dwelling which is clearly visible from the street (see photographs 4 & 5 provided). The property on the opposite side of the street at 13 Pendreich Terrace has a recently completed large rear extension, wrapping around the side of the house forming a new entrance. This extension is a substantial size, connecting onto the existing garage and is of a contemporary design with a 'gull wing' zinc roof to the rear and a timber clad frontage which can be clearly seen from the street (see photograph 2 provided). The properties at 10 Pendreich Terrace and 12 Pendreich Terrace both have had extremely large extensions to the rear, both visible from the street.

The four aforementioned properties I have indicated in the previous paragraph are all within 40 yards of our property at 20 Pendreich Terrace, clearly indicating that large rear and side extension to the properties in the immediate vicinity have been approved previously by Midlothian Council Planning Authority. We would also suggest that the extension proposed will not dominate or seriously detract from the character and appearance of the original house any more than those previously completed, two of which (numbers 13 & 24) were approved only recently. Therefore a recent precedence has been set.

I have included as part of this appeal a rear elevation drawing indicating a 45degree angle from the highest part of our proposed extension roof and its relationship with the window in the rear elevation of the adjoining semi detached house. You will see that the 45degree line does not pass through the central point of the neighbours rear window.

The comment that the *'rear dormer extension, on account of its size and design would appear overly bulky and would be an unduly dominant feature at roof level'* would appear to be irrelevant due to the property at 11 Pendreich Terrace (see photo1 provided), directly across the street from no. 20 having a full length dormer to the rear elevation. This dormer is very similar to the one which we propose, both in its shape and form and most importantly in the fact that its roof level is at the same level as the ridge line of the original house. The top part of this rear dormer can be partly seen from the street whereas the one we propose will not be able to be viewed in any part from the street. We are therefore of the opinion that the comment that the *'rear dormer will detract from the visual amenity of the surrounding area'* is not a relevant comment in these particular case. Again, we would strongly suggest that a precedence has been set in the same street. We acknowledge that the proposed rear dormer may be capable of being designed in a more sympathetic manner and are looking to provide more windows to the rear elevation to accommodate this.

We would disagree that the proposed front dormers '*on account of their size and design would appear overly bulky and would be unduly dominant features at roof level*'. Also, we would refute that the proposal will '*detract from character and appearance of the principal elevation of the property*'. There are numerous front elevation roof dormers in Pendreich Terrace and also Pendreich Drive, the road providing access to Pendreich Terrace (see photo 7). These front dormers range in design and scale but are a prominent feature of the properties of this period and in the surrounding area. An example of a large front dormer taken to existing ridge level to a semi detached bungalow in the immediate vicinity is that indicated in Photo 6 (provided), a property in Golf Course Road, Bonnyrigg. We would suggest that the proposed front dormers are of a scale and design that will not detract from the character of the existing house or area. The fact that the property to which this application relates is a semi-detached house should not have any influence on any proposed development to it as it does not appear to have had any influence on the previous extensions and attic conversions carried out within the streets around Pendreich Terrace, Bonnyrigg.

20 Pendreich Terrace is not a Listed Building or within a conservation area and therefore the proposed extension would not have any detrimental effect on the surrounding area or buildings. The fact that Planning Permission for various extensions and alterations have previously been approved would also suggest that there are limited restrictions on development in the immediate vicinity. The property is restricted at present to a 2 bedroom house and does not lend itself to a house for modern family living. The desirable area of Bonnyrigg with its excellent amenities, schools and location is always going to attract families to live in this area and we believe the proposed extension and attic conversion will create a comfortable family home for both my client and future occupants.

To summarise, it is our opinion that our proposed rear extension and dormer attic conversion would cause no greater impact on the character or amenity of 20 Pendreich Terrace and the immediate surrounding area than that which is existing. This is due to both the properties relatively secluded location within Pendreich Terrace and also to the previous developments which have been undertaken to numerous dwellinghouses within the immediate location. We would request that you consider our appeal in a manner which lends to a favourable outcome for my client.



























## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:**18/00566 /dpp

**Site Address:** 20 Pendreich Terrace, Bonnyrigg

**Site Description:**

The application property comprises a semi-detached single story dwellinghouse. It is finished externally in drydash render with brick and reconstituted stone feature panels at the front with white upvc framed windows and brown/grey weathered contoured concrete roof tiles. There is an existing 3.4m deep flat roof extension at the rear of the house and a garage within the back garden.

**Proposed Development:**

Single storey extension to dwellinghouse and construction of front and rear dormers

**Proposed Development Details:**

It is proposed to take down the existing rear extension and erect a 10m wide and 6m deep single storey extension with a very shallow pitched roof at the rear of the house and a pitched roof extension measuring 2.4m wide and 4.8m deep at the side of the house. Apart from the roof of the rear extension external materials are to match existing.

It is also proposed to form a 6m wide dormer window at the rear of the house and two 2.7m wide dormers at the front of the house. The dormers are to be clad in rosemary tiles with white upvc framed windows.

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

History sheet checked.

**Consultations:**

None required.

**Representations:**

None received.

**Relevant Planning Policies:**

The relevant policy of the **Midlothian Local Development Plan 2017** is;

DEV2 – Protecting amenity within the built-up area - seeks to protect the character and amenity of the built-up area.

It is noted that policy DP6 House Extensions, from the now superseded 2008 Midlothian Local Plan, set out design guidance for new extensions requiring that they are well designed in order to maintain or enhance the appearance of the house and

the locality. The policy guidelines contained in DP6 also relate to size of extensions, materials, impact on neighbours and remaining garden area. It also states that front porches to detached or semi-detached houses are usually acceptable provided they project less than two metres out from the front of the house. Policy DP6 also provides specific guidance with respect to dormer extensions. In particular, dormers should not extend, other than to a limited extent beyond the glazed area, i.e. they should be dormer windows rather than box dormers, and should not occupy a predominant proportion of the existing roof area. It also allowed for novel architectural solutions. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

**Supplementary Planning Guidance – Dormer Extensions** - This was prepared in part due to a growing concern regarding the increasing size of dormers and the impact of large box dormer extensions on the character of the original building and on the visual amenity of the surrounding 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.

It is acknowledged that there is an existing flat roof extension at the rear of the house however at 6m deep the proposed extension will be a more prominent feature and dominate the rear elevation. The essentially flat roof design of the rear extension is out of character with the conventional pitched roof form of the existing building. The design of the rear extension is unsympathetic to the character of the existing building and neither does it constitute a high quality example of contemporary design. The extension is not well designed and neither maintains or enhances but will detract from the character of the original house.

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

There are single dormers at the fronts of nos 15, 19 and 21 Pendriech Terrace nearby. According to Council records these predate 1975 since which time there has been increased emphasis on good design. The dormers at nos 15 and 21 are predominantly glazed at the front with a larger area of solid wall underneath the window at no. 19.

Extending from ridge level over their full width the proposed dormers would weaken the ridge line detracting from the form of the roof of the existing building.

At 6m wide and 2.2m high the proposed dormer at the rear would occupy a large proportion of the roof area and appear as a bulky dominant feature at roof level exacerbated by the area of solid wall. The large box-like design is out of keeping and unsympathetic to and would detract from the conventional pitched roof form of the original building.

Whilst narrower in width the front dormers will also appear as bulky dominant features at roof level again exacerbated by the area of solid wall surrounding the windows. The large box-like design is out of keeping and unsympathetic to and would detract from the conventional pitched roof form of the original building and the principal elevation of the house and the semi-detached pair of houses of which it forms one half.

The dormers do not relate satisfactorily to the design of the original building and would have a detrimental effect on the visual amenity of the surrounding residential environment.

The proposals will not have a significant impact on the amenity of the properties to the rear of the application site.

No 18 next door has a 5m deep flat roof extension, however not covering the full width of the house. It has a large garden. The proposals at no 20 will not be overbearing to the garden of no. 18. The nearest window on the rear elevation of no. 18 serves a bedroom. On balance the proposed extension will not have a significant impact on the outlook from this window. The rear extension will not have a significant impact on daylight or sunlight to this window – satisfies vertical sky component daylight and sunlight availability tests.

No. 22 has a monopitch roof extension at the rear of the house, however not covering the full width of the house. The extension will not have a significant impact on the amenity of the rear garden of no.22. There is a window on the side of no. 22 facing the side of no. 20 which serves a kitchen. The proposals will not be overbearing to the outlook of this window as compared to existing. The proposals will not have a significant impact on daylight or sunlight to this window –satisfies vertical sky component and sunlight availability tests. The window on the side of the extension will look towards the kitchen window of no 22. Any impact of overlooking could be reduced by the installation of obscure glazing to this window.

Overshadowing of neighbouring properties will not be significant.

**Recommendation:**

Refuse planning permission

## Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997



**Reg. No. 18/00566/DPP**

F.E.M Building Design  
8 Plantain Grove  
Lenzie  
G66 3NE

Midlothian Council, as Planning Authority, having considered the application by Mr Keith and Mrs Nicola Toles, 20 Pendreich Terrace, Bonnyrigg, EH19 2DS, which was registered on 8 August 2018 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Single storey extension to dwellinghouse and construction of front and rear dormers at 20 Pendreich Terrace, Bonnyrigg, EH19 2DS**

In accordance with the application and the following documents/drawings:

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	08.08.2018
Elevations, Floor Plan and Cross Sections	18/Toles/BWP/001 (-) 1:1250 1:100 1:50	08.08.2018
Elevations, Floor Plan and Cross Sections	18/Toles/BWP/002 (-) 1:50	08.08.2018
Site Plan	18/Toles/BWP/004 (-) 1:200	08.08.2018

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

- The design of the extension is out of character with and unsympathetic to the character and form of the existing building. It will dominate and seriously detract from the character and appearance of the original house.*
- The proposed rear dormer extension, on account of its size and design, would appear overly bulky and would be an unduly dominant feature at roof level.*
- The design of the rear dormer is unsympathetic to, and would detract from the form of the roof of the existing building and would detract from the character and appearance of the property and the visual amenity of the surrounding area.*
- The proposed front dormer extensions, on account of their size and design, would appear overly bulky and would be unduly dominant features at roof level.*
- The design of the front dormers is unsympathetic to, and would detract from the form of the roof of the existing building, the character and appearance of the principal elevation of the application property and the semi-detached pair of houses of which it forms one half and the visual amenity of the surrounding area.*
- For the above reasons the proposal is contrary to policy DEV 2 of the adopted Midlothian Local Development Plan 2017 which seeks to protect the character and amenity of the built-up area.*

Dated 10/9/2018

A handwritten signature in black ink, consisting of a stylized 'D' and 'R'.

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



