

Local Review Body Tuesday 6 September 2016 Item No 5.6

Notice of Review: 47 Arthur View Terrace, Danderhall Determination Report

Report by Ian Johnson, Head of Communities and Economy

1 Purpose of Report

1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of a two storey and a single storey extension at 47 Arthur View Terrace, Danderhall.

2 Background

- 2.1 Planning application 16/00213/DPP for the erection of a two storey and a single storey extension at 47 Arthur View Terrace, Danderhall was refused planning permission on 27 April 2016; 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 27 April 2016 (Appendix D); and
 - A copy of the relevant drawings/plans (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk

4 Procedures

4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:

- Have scheduled an accompanied site visit for Monday 5 September 2016; and
- Have determined to progress the review by way of a hearing.
- 4.2 The case officer's report identified that no consultations were required and no representations have been 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 19 June 2012 and 26 November 2013, 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.
 - Unless otherwise approved in writing by the Planning Authority the 1.8m high fence indicated by a broken black line on the approved site plan, drawing no. SP 002, shall comprise a close boarded timber fence and shall be erected within three months of the rear extension being completed or brought in to use whichever is the earlier date and thereafter shall not be removed.

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:

30 August 2016

Report Contact:

Peter Arnsdorf, Planning Manager (LRB Advisor)

peter.arnsdorf@midlothian.gov.uk

Tel No:

0131 271 3310

Background Papers: Planning application 16/00213/DPP available for inspection online.



APPENDIX A



Midlothian					
Fairtield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: planning- applications@midlothian.gov.uk					
Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.					
Thank you for completing this application form:					
ONLINE REFERENCE	100013086-001				
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 A	Agent Details				
	n agent? • (An agent is an architect, consult in connection with this application)	ant or someone else	acting Applicant XAgent		
Agent Details					
Please enter Agent detail	5				
Company/Organisation:					
Ref. Number:		You must enter a 8	uilding Name or Number, or both: *		
First Name; *	Alan	Building Name:			
Last Name: *	Anderson	Building Number:	62		
Telephone Number: *	07967969534	Address 1 (Street): *	Donibristie Gardens		
Extension Number:		Address 2:			
Mobile Number: Town/City: * Dalgety Bay					
Fax Number:		Country: *	Scotland		
		Postcode:*	KY11 9NO		
Email Address: * alananderson88@googlemail.com					
Is the applicant an individual or an organisation/corporate entity? *					
Individual Organisation/Corporate entity					

A AUVERA

	tails		
Please enter Applicant d	letails	v '	
Title:	Mr	You must enter a Be	uliding Name or Number, or both: *
Other Title:		Building Name:	
First Name: *	James	Building Number:	47
Last Name: *	Raeburn	Address 1 (Streel): *	Arthur View Terrace
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Danderhall
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH22 1NS
Fax Number:			
Email Address: *			
Site Address	Details		
Planning Authority: Full postal address of the	Midlothian Council e site (including postcode where av		
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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)
Two storey and single storey extension to dwellinghouse
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 a 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.
It is felt that refusal of the proposals as per the original Planning Application should be reversed as it is still felt that the proposals are not overbearing in nature and no adverse impact on daylight to the Kitchen window of the property at No 49 will occur (please note that there were no objections to the Planning Application from any neighbouring properties)
Have you raised any matters which were not before the appointed officer at the time the Pes No Determination on your application was made? *
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)

	ily later in the process: * (Max 500 cha	racters)
Supporting Information Document 1 Existing Elevations Existing Floor Plans C Floor Plans Site Plan AV49_SK001_Possible amendment of scheme design E Householder Guidance	OS Location Plan Proposed Elevations Extract of City of Edinburgh Council Pla	Proposed unning
Application Details	we constant	
Please provide details of the application and decision.		
What is the application reference number? *	16/00213/DPP	
What date was the application submitted to the planning authority? *	23/03/2016	1211
What date was the decision issued by the planning authority? *	27/04/2016	
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Checklist A	application for Notice of Review	
Please complete the foli to submit all this inform	owing checklist to make sure you have provided all the necessary informa ation may result in your appeal being deemed invalid,	lion in support of your appeal. Failure
Have you provided the r	name and address of the applicant?. *	⊠ Yes □ No
Have you provided the or review?	late and reference number of the application which is the subject of this	⊠ Yes □ No
If you are the agent, act and address and Indicat review should be sent to	ing on behalf of the applicant, have you provided details of your name ed whether any notice or correspondence required in connection with the you or the applicant? *	⊠ Yes □ No □ N/A
Have you provided a sta procedure (or combinate	element setting out your reasons for requiring a review and by what on of procedures) you wish the review to be conducted?	⊠ Yes □ No
require to be taken into : at a later date, it is there	full, why you are seeking a review on your application. Your statement musaccount in determining your review. You may not have a further opportunity fore essential that you submit with your notice of review, all necessary inforeview. Body to consider as part of your review.	to add to your statement of review
Please attach a copy of a (e.g. plans and Drawings	all documents, material and evidence which you intend to rely on s) which are now the subject of this review *	X Yes No
planning condition or wh	relates to a further application e.g. renewat of planning permission or modifiers it relates to an application for approvat of matters specified in conditions to the cartier consent.	ication, variation or removal of a s, it is advisable to provide the
Declare - No	tice of Review	
I/We the applicant/agent	cartify that this is an application for review on the grounds stated.	
Declaration Name:	Mr Alan Anderson	
Declaration Date:	31/05/2016	

Two Storey and Single Storey Extension 47 Arthur View Terrace, Danderhall Midlothian, EH 22 1NS
Planning Reference 16/00213/DPP

Notice of Review Application Supporting Information Ref: 100013086 001

Application History

A Pre Application Enquiry was submitted on 23 February as no on line Planning guidance was available for Terraced properties, a response was received on 16 March 2016, Ref 16/00138/preapp referring to RP20 and DP6 (see below)

A Planning Application was made and registered on 23 March 2016 and a decision notice stating refusal was issued on 24 April 2016

Reason for refusal were given as: the two storey extension to the side being dominant and have an overbearing impact on the outlook and also daylight to kitchen window of No 49. Policies RP20 and DP6 were quoted in the refusal notice, these seek to protect the amenity of existing residential properties and that there should be no material loss of amenity also to adjoining properties

In support of the Application for Notice of Review and the Local Review Body I state the following:

The proposed single storey extension to the rear was deemed acceptable as stated in the Planning Report

The two storey extension's design was carefully considered and was deliberately not taken beyond the front of rear of the existing building line, a similar extension was granted in 2004 for No. 61 Arthur View Terrace Ref 04/00093/FUL

Factors to consider in the Notice of Review

- Scale, size and use of materials in the proposed two storey part of the
 extension match the existing property and are not deemed overbearing and
 naturally merge in to maintain the prevalent area's character
- No loss of privacy to No 49 occurs
- No loss of sunlight occurs to No 49's existing garden ground
- No loss of amenity to No 47 garden ground due to existing garden size
- Daylight is still maintained the existing Kitchen Window to No 49
 Considering one of the Policies in City of Edinburgh Council side windows are not actually protected (Page 9 of Planning Guidance for Householders (published February 2016, see extract attached). This does not say however I have tried to prevent daylight getting to the above said Kitchen window to No 49, far from it, a measurement of 3.6 meters has been maintained between the proposed gable wall of the Application property and the existing gable wall to No 49 where the said kitchen window resides

In conclusion any impact to the existing Property at No 49 has been minimised and the proposals are sympathetic to the surrounding area's character

It should also be pointed out that there were no objections at the time of the Planning Application

Amending the Scheme

It may be possible to amend the rear roof design without affecting the streetscape and that this could form part of the Notice of Review

This may also alleviate any concerns that Midlothian Council Planning Department had daylight being affected to No 49's Kitchen, see attached supporting sketch AV47 SK001

The proposed rear section of the roof could potentially be hipped which would alleviate any potential loss of daylight to the Kitchen window on the gable wall to No. 49, the proposed front section of roof facing the street to Arthur View Terrace would be maintained as was originally proposed, pitched from the ridge to eaves following same profile as the existing roof

This would not be deemed as a significant amendment to the scheme

List of Supporting Information

- Statement above
- Drawings as submitted for Planning being:
- Existing Floor Plans
- Existing Elevations
- Proposed Floor Plans
- Proposed Elevations
- Site Plan
- Location Plan
- AV49_SK001 (potential change to scheme to rear roof design)

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line are not generally allowed unless this fits in with Extensions that project beyond the front building the local character of the street. Corner plots can present a particular problem where the majority of the house's garden space is in front of the building lines.

Where they contribute to the character of the area, their openness will be protected by resisting any significant intrusion into the corner ground.

not detract from the design of the original bullding or Modest porches may be acceptable where they do the character of the street.

Side Extensions

extension should be set behind the front line of the existing dwelling to give a clear definition between original building and respect its neighbours, the In achieving an extension that will fit in with the the new design and the existing building.

continuous terrace, planning permission will only be Where a side extension could visually connect permitted if that is characteristic of the area. separate houses so that they appear like a

Rear extensions

Rear extensions should not occupy more than one third of the applicant's original rear garden area. for flats, including 4 in a block and maisonettes, the opportunity for extending, if any, will be limited.

Conservatories

appropriately designed conservatories where this is conservatory on a principal, or other conspicuous, part of the traditional character of the area. Consent will not normally be granted for a elevation. Exceptions may be justified for

achieve an appropriate height. Original abutting walls permitted, except where underbuilding is required to dwarf walls are proposed they should be constructed should be kept and form part of the structure. Where in general, only ground floor conservatories will be with the same materials and finish as the house.

conservatory remains unpainted, and that the colous (Daylight to existing buildings) Proposals for a new conservatory on a listed building should ensure that the original stonework inside a

Daylight and sunlight

depression (SAD), and sunlight helps synthesise and well being. Lack of daylight contributes to Vitamin D which is important for bone health. Daylight and sunlight are important to health

requirements of development through lessening the (see Side Windows, page,11) Adequate daylight can also reduce the energy need for electric lighting.

ensure adequate daylighting, privacy and sunlight All extensions and alterations will be required to both for themselves and to their neighbours.

be used to check whether a proposed development there are some simple "rules of thumb" which can Calculating daylight and sunlight is complex, but is likely to conform. These are set out here.

All new development should ensure that:

- daylight, sunlight or immediate outlook from main not be adversely affected by impact on privacy, the amenity of neighbouring development will (i.e. front and rear) windows; and,
- occupiers will have adequate daylight, sunlight, privacy and immediate outlook

for Daylight and Sunlight - A Guide to Good Practice. Research Establishment guide Site Layout Planning be required. Guidance can be found in the Building historic area), then more detailed calculations will there are good townscape reasons for looking at If the proposal does not meet these criteria, and other solutions (for instance, the character of an

Reasonable levels of daylight to existing bulldings will where new development is kept below a 25° line from be maintained where the measure of daylight falling on the wall (the Vertical Sky Component - VSC), does not fall below 27%. This standard can be achieved the mid point of an existing window. Onylighting to side or gable windows is not protected



Neighbouring Property

Extension sits below 25° line and will not affect neighbour's daylight adversiey





MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 16/00213/dpp

Site Address: 47 Arthur View Terrace, Danderhall

Site Description:

The application property comprises an end terraced two storey dwellinghouse finished externally in drydash render with brown timber framed windows and grey/brown contoured roof tiles. There is an existing shed in the back garden.

Proposed Development:

Two storey and single storey extension to dwellinghouse

Proposed Development Details:

It is proposed to erect a two storey extension on the north side of the house measuring 3.1m wide and 6.8m deep continuing the form of the existing house. A single storey extension with a monopitch roof is proposed at the rear. This extension measures 4.1m deep by 6.25m. The walls of the extensions are to be rendered to match the house. Windows are to be brown upvc. The roof finish on the two storey extension is to match existing with a felt roof on the single storey extension.

The rear garden of the application property is at a higher level than the house. The proposal includes a new path and patio area surrounding the rear extension surrounded by a new 1.1m high brick retaining wall.

The submitted plans indicate the formation of a drive way in the front garden. Subject to the drive way surface being permeable or draining to a permeable surface within the curtilage of the application property and the new gates not exceeding 1m in height these works constitute permitted development.

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

History sheet checked.

The applicant's agent submitted a pre-application enquiry for extensions at the application property. The single storey extension had a steeper roof pitch and did not project along the boundary with no. 45 as far as the current proposal. The agent was advised that the design of the extensions appeared acceptable. However some concern was expressed regarding the impact of the two storey extension on the amenity of no.49 in terms of daylight, sunlight, outlook and overlooking.

Consultations:

None required.

Representations:

None received.

Relevant Planning Policies:

The relevant policies of the 2008 Midiothian Local Plan are; RP20 – Development within the built-up area - seeks to protect the character and amenity of the built-up area.

DP6 – House Extensions - requires that extensions are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines also relate to size of extensions, materials, impact on neighbours and remaining garden area.

Planning Issues:

The main planning issue to be considered is whether or not the proposal complies with the development plan policies and, if not, whether there are any material planning considerations which would otherwise justify approval.

The design of the two storey extension is in keeping with the character of the existing building. The roof of the single storey extension has a very shallow pitch and for all intents and purposes will appear as a flat roof. Whilst this does not reflect the form of the roof of the main part of the building the extension will appear subservient to, and located at the rear will not have a significant impact on, the overall character of the existing building or the visual amenity of the surrounding area.

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

The rear extension would not be overbearing to the outlook of the house or garden at no. 45. Satisfies standard 45⁰ daylight test to nearest window at no. 45. The extension will not have a significant impact on sunlight to no. 45.

Neither the side or rear extension would be overbearing to the garden at no. 49. The patio doors on the side of the rear extension would permit views to no. 49. This can be overcome by the erection of a fence on the boundary. The two storey extension would result in increased overshadowing of no. 49's rear garden in the morning although not to such an extent as to warrant refusal of planning permission. There is a window on the gable of no. 49 which serves the kitchen. Albeit there is a part glazed door and narrow glazed panel on the rear elevation also serving the kitchen this window is the main source of light and outlook to this room. The extension will not have a significant impact on sunlight to this room. However it would have an adverse impact on daylight to this window detrimental to the amenity of the occupier of no. 49. Also the proposed two storey extension would be very prominent with an overbearing impact on the outlook of this room. The single storey extension would not be overbearing to the outlook.

(In the pre-application submission the agent referred to an extension at 61 Arthur View Terrace. The notes on the planning application file (03/00093/FUL) mention a window on the gable of the neighbouring property which serves a bedroom as opposed to a kitchen. It is noted in the BRE document Site Layout Planning for Daylight and Sunlight - A Guide to Good practice (PJ Littlefair) that kitchens need more daylight than bedrooms with bedroom being less important.)

Recommendation:

Refuse planning permission.





Town and Country Planning (Scotland) Act 1997



Reg. No. 16/00213/DPP

Alan Anderson 62 Donibristle Gardens Dalgety Bay Scotland KY11 9NQ

Midlothian Council, as Planning Authority, having considered the application by Mr James Raeburn, 62 Donibristle Gardens, Dalgety Bay, Scotland, KY11 9NQ, which was registered on 23 March 2016 in pursuance of their powers under the above Acts, hereby refuse permission to carry out the following proposed development:

Two storey and single storey extension to dwellinghouse at 47 Arthur View Terrace, Danderhall, EH22 1NS

in accordance with the application and the following plans:

Drawing Description.	Drawing No/Scale	<u>Dated</u>
Location Plan	SP 001 1:1000	23.03.2016
Site Plan	SP 002 1:100	23.03.2016
Existing floor plan	1:50	23.03.2016
Existing elevations	1:100	23.03.2016
Proposed floor plan	Rev A 1:50	23.03.2016
Proposed elevations	1:100	23.03.2016

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

- 1. The proposed extension would have a detrimental impact on the amenity of the neighbouring property at no. 49 Arthur View Terrace by virtue of the following:
 - (a) it would be an overly dominant feature with an overbearing impact on the outlook from the kitchen window of no. 49; and
 - (b) it would result in an adverse Impact on daylight to the kitchen window of no. 49.
- 2. For the above reasons the proposal is contrary to policies RP20 and DP6 of the Midlothian Local Plan which seeks to protect the amenity of existing residential areas and require that in providing additional space for the existing building there should be no material loss of amenity for adjoining houses. If the proposal were approved it would undermine the consistent implementation of these policies.

Dated 27 / 4 / 2016

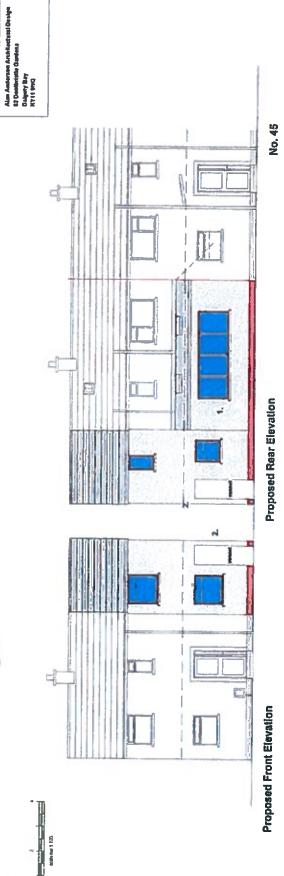


Duncan Robertson Lead Officer – Local Developments Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

APPENDIX E

Proposed Elevations 1:100@A3

Proposed Abertime of Arber Vers Terram Denderhal, Midbellias February 2018



Proposed Gable Elevation (looking from No. 45)

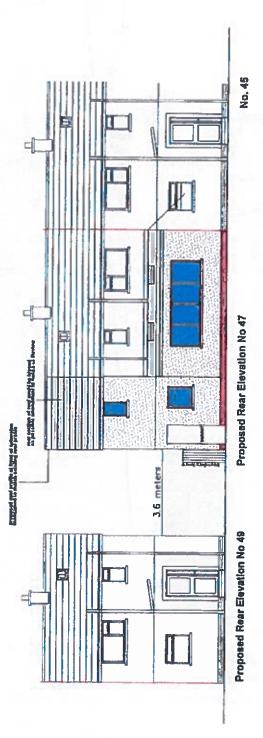
Materials:

Modes:

Proposed Gable Elevation

Form single storey extension to rear of property
 Form two storey extension to side/ gable of property

Roof Two Storey-grey roof tiles to match Single Storey-grey felt finish Windows-brown upre to match Wilde-rougheast to metch Brick Bree Course-reditionen fechig brick to metch Ralmwater goods-grey upvc to match



AV 49_SK001

