

# Grant of Planning Permission (Amendment to Conditions)

Town and Country Planning (Scotland) Act 1997

## Local Review Body: Review of Planning Application

Reg. No. 11/00864/DPP

Mr Hugh Macdonald  
74 Newbattle Abbey Crescent  
Dalkeith  
EH22 3LW

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Hugh Macdonald, 74 Newbattle Abbey Crescent, Dalkeith, EH22 3LW, which was registered on 30 May 2012 in pursuance of their powers under the above Acts, hereby **grant** permission to carry out the following proposed development:

### **Erection of fence and decking area at 74 Newbattle Abbey Crescent, Eskbank, Dalkeith, Midlothian, EH22 3LW**

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	04.01.2012
Location Plan	1:1250	27.02.2012
Other Statements		04.01.2012

Subject to the following conditions:

1. The fence identified in purple on the approved location plan dated 27 February 2012 shall be erected to a height of no more than 1.8 metres.

**Reason:** *This section of proposed fence would be detrimental to the visual amenity of this part of the conservation area which is characterised by open plan front gardens.*

2. The fence identified in green on the approved location plan dated 27 February 2012 shall be erected to a height of no more than 2.0 metres.

**Reason:** *To safeguard the character of the surrounding area which is within the conservation area.*

3. The development to which this permission relates shall be begun not later than

the expiration of three years beginning with the date of this permission.

***Reason:*** *To accord with the provisions of Section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc (Scotland) Act 2006.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 31 July 2012. The LRB carried out an unaccompanied site visit on the 30 July 2012.

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

Development Plan Policies:

1. RP1 Midlothian Local Plan – Protection of the Countryside
2. RP9 Midlothian Local Plan – Protection of River Valleys
3. RP22 Midlothian Local Plan – Conservation Areas
4. RP25 Midlothian Local Plan – Nationally Important Gardens and Designed Landscapes

Material Considerations:

1. The individual circumstances of the sites location.

In determining the review the LRB concluded:

The erection of a fence, to the rear of the property, to a height of up to 2 metres will not have a detrimental impact on the street scene or local area and as such the LRB considered it reasonable to amend condition 2.

The LRB also considerate that the enclosure of part of the front garden by a 1.8 metre high fence would be compatible to the adjoining boundary fence and would not set a precedent that would undermine the 'open plan' form to the residential estate. As such condition 1 has been amended.

Dated 31/07/2012

Councillor J Bryant  
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***

## NOTICE TO ACCOMPANY REFUSAL ETC.

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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