

## 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

### 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.

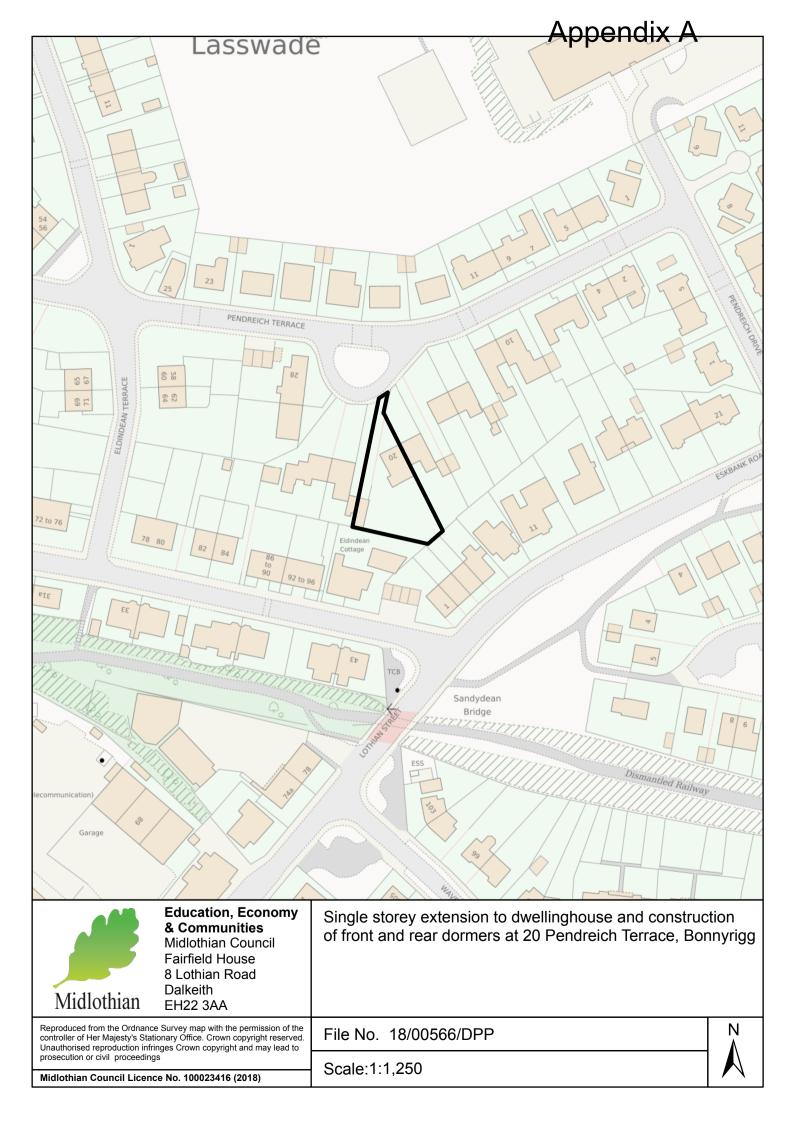
2. The window on the west elevation of the extension shall be glazed with obscure glass which thereafter shall not be replaced with clear glass.

**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: Report Contact:	15 November 2018 Peter Arnsdorf, Planning Manager (LRB Advisor) peter.arnsdorf@midlothian.gov.uk
Tel No:	0131 271 3310
Background Pape	<b>rs:</b>



# Appendix B

Midlothian					
Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: planning- applications@midlothian.gov.uk					
Applications cannot be va	lidated until all the necessary documentation	on has been submittee	I and the required fee has been paid.		
Thank you for completing	this application form				
ONLINE REFERENCE	100130672-002				
The online reference is the your form is validated. Ple	e unique reference for your online form only ease quote this reference if you need to con	y. The Planning Authors tact the planning Authors	ority will allocate an Application Number when ority about this application.		
Applicant or A	Agent Details n agent? * (An agent is an architect, consult	ant or someone else a			
on behalf of the applicant	in connection with this application)		Applicant XAgent		
Agent Details					
Please enter Agent detail					
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 detaits						
Title:	Other	You must enter a B	uilding Name or Number, or both: *			
Other Title:	Mr & Mrs	Building Name:				
First Name: *	Keith & Nicola	Building Number:	20			
Last Name: *	Toles	Address 1 (Street): *	Pendreich Terrace			
Company/Organisation		Address 2:				
Telephone Number: *		Town/City: *	Bonnyrigg			
Extension Number:		Country: *	Scotland			
Mobile Number:		Postcode: *	EH19 2DS			
Fax Number:	1					
Email Address: *						
Site Address	s Details					
Planning Authority:	Midlothian Council	· · · · · · · · · · · · · · · · · · ·				
Full postal address of t	ne site (including postcode where availabl	e):				
Address 1:	20 PENDREICH TERRACE					
Address 2:						
Address 3:						
Address 4:						
Address 5:						
Town/City/Settlement:	BONNYRIGG					
Post Code:	EH19 2DS					
Please identify/describe the location of the site or sites						
Northing	665635	Easting	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 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.
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 Yes 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)
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 to rely on in support of your review. You can attach these documents electronically later in the	submit with your notice of review and in ne process: * (Max 500 characters)	ntend		
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 in parties only, without any further procedures? For example, written submission, hearing sess X Yes No	nformation provided by yourself and oth ion, site inspection. *	her		
In the event that the Local Review Body appointed to consider your application decides to ins	spect the site, in your opinion:			
Can the site be clearly seen from a road or public land? *	X 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 in to submit all this information may result in your appeal being deemed invalid.	formation in support of your appeal. Fai	ilure		
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 the review? *	his 🛛 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 review should be sent to you or the applicant? *	e X 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? *	X 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 *	X Yes No			
Note: Where the review relates to a further application e.g. renewal of planning permission or planning condition or where it relates to an application for approval of matters specified in cor application reference number, approved plans and decision notice (if any) from the earlier co	ditions, it is advisable to provide the			

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## **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 is 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.

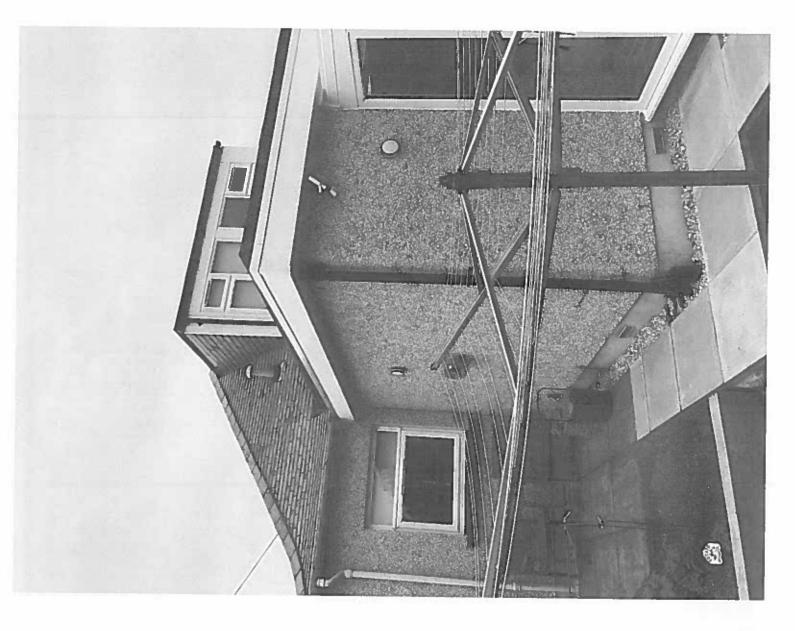
The four aforementioned properties I have indicated in the previous paragraph are all within 40 yards of our property at 20 Pendreich Terrace, clearly indicating that large rear and side extension to the properties in the immediate vicinity have been approved previously by Midlothian Council Planning 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.

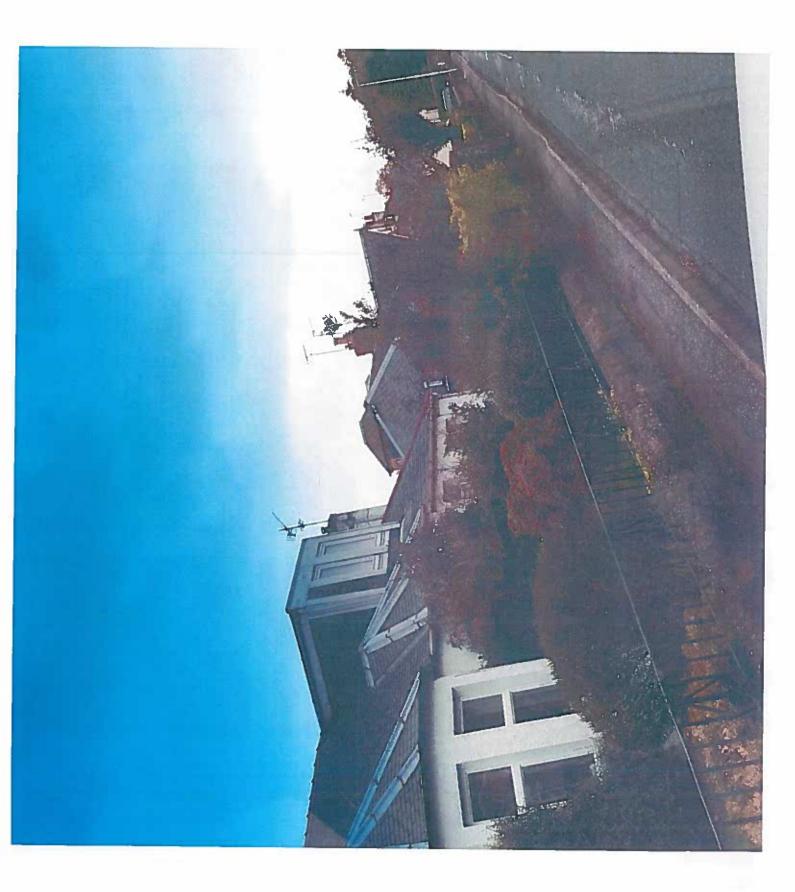
To summarise, it is our opinion that our proposed rear extension and dormer attic conversion would cause no greater impact on the character or amenity of 20 Pendreich Terrace and the immediate surrounding area than that which is existing. This is due to both the properties relatively secluded location 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.

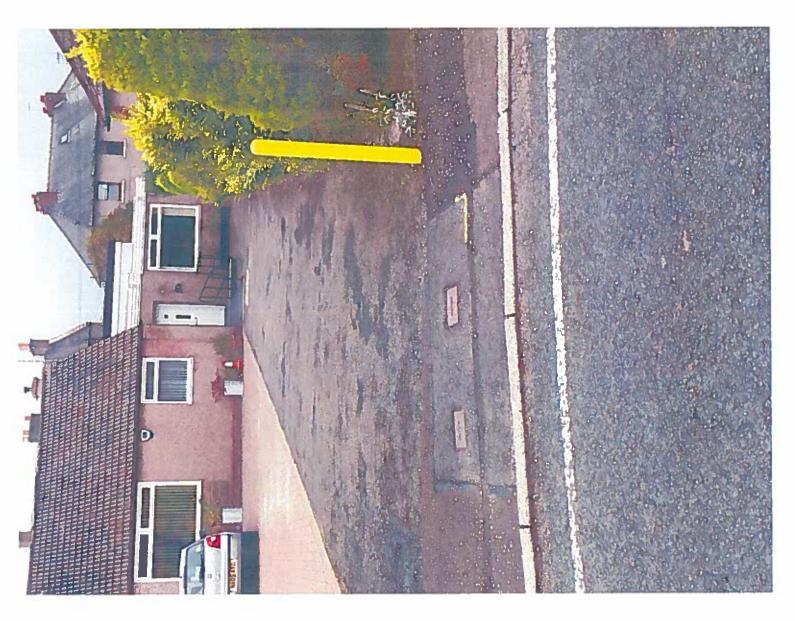




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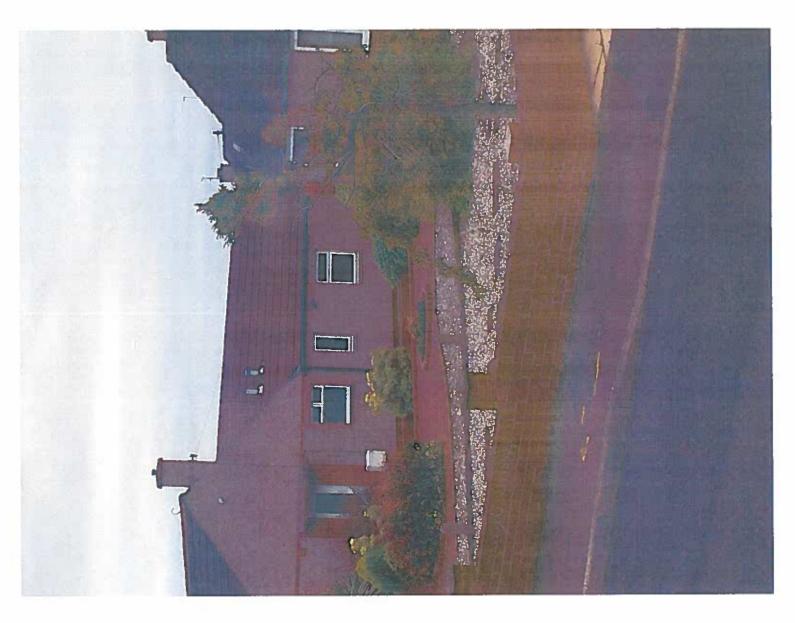
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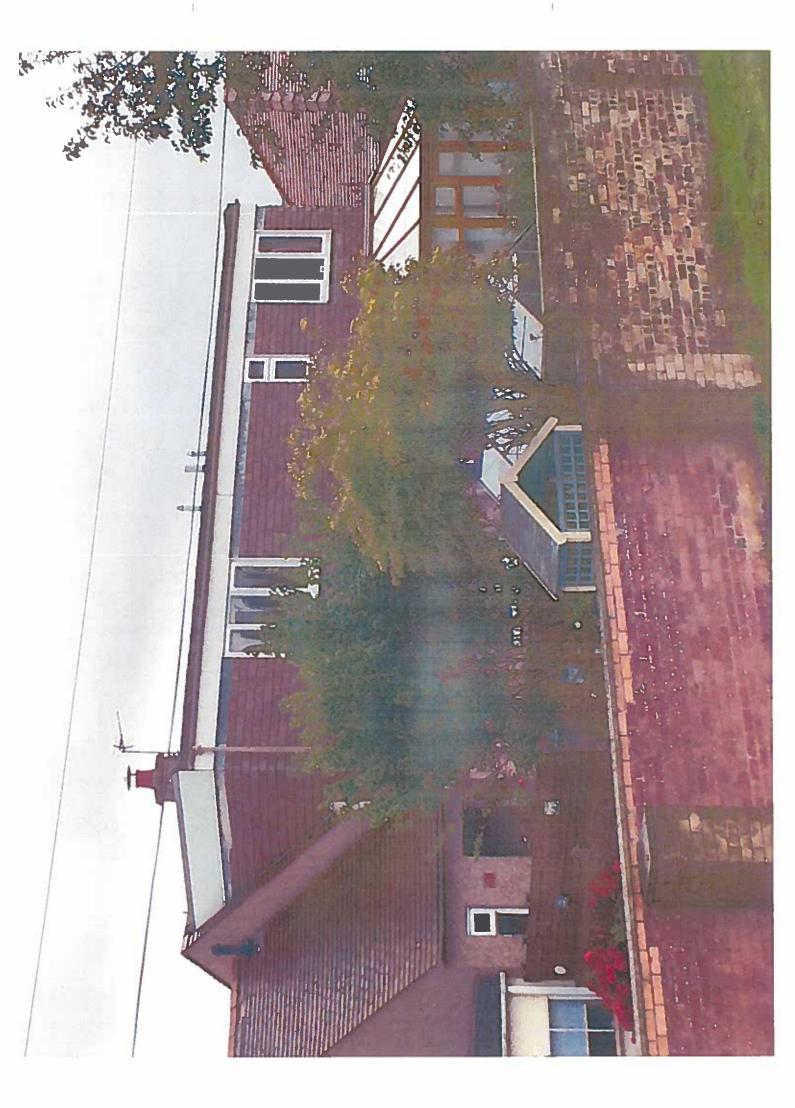


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## Appendix C

#### **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 dwelligthouse. 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

## Appendix D

## **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:

Document/Drawing.	Drawing No/Scale	<b>Dated</b>
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 Site Plan	18/Toles/BWP/002 (-) 1:50 18/Toles/BWP/004 (-) 1:200	08.08.2018 08.08.2018

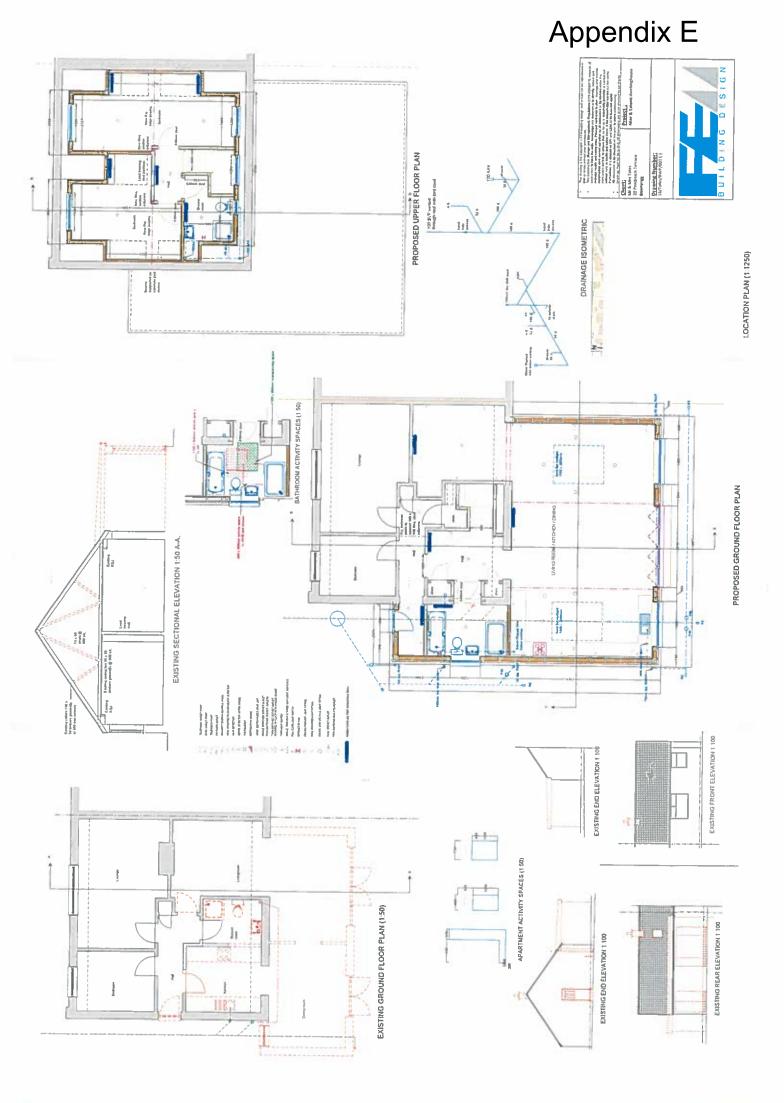
The reasons for the Council's decision are set out below:

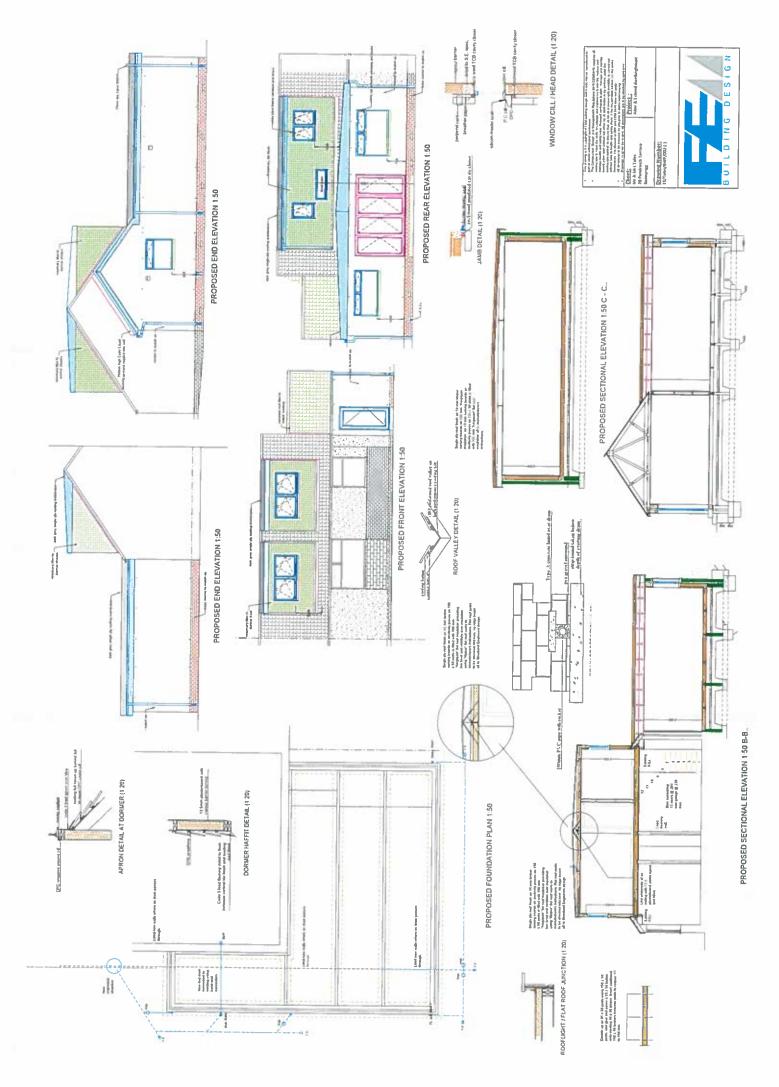
- 1. The design of the extension is out of character with and unsympathetic to the character and form of the existing building. It will dominate and seriously detract from the character and appearance of the original house.
- 2. The proposed rear dormer extension, on account of its size and design, would appear overly bulky and would be an unduly dominant feature at roof level.
- 3. 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.
- 4. 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.
- 5. 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.
- 6. 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

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

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