

Local Review Body: Review of Planning Application Reg. No. 17/00734/DPP

Bryant and Cairns Ltd
2/3 Borthwick View
Pentland Industrial Estate
Loanhead
EH20 9QH

Midlothian Council, as Planning Authority, having considered the review of the application by Mr W Hall, 3 Bankmill View, Penicuik, EH26 8NZ, which was registered on 9 February 2018 in pursuance of their powers under the above Act, hereby **grant** permission to carry out the following proposed development:

Installation of replacement windows and door at 3 Bankmill View, Penicuik, EH26 8NZ, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Existing Elevations	W7582/02 Rev A	18.09.2017
Proposed Elevations	W7582/03	18.09.2017
Location Plan/Inc Neighbours Notified	W7582/01	18.09.2017
Supporting Statement	Sample	31.10.2017

Subject to the following conditions:

1. Notwithstanding the plans hereby approved, the replacement windows within the front and side elevations are hereby not approved.

Reason: *The introduction of uPVC within the front and side elevation will result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area, which is contrary to policy ENV19 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.*

2. Notwithstanding the plans hereby approved, the replacement door within the front elevation is hereby not approved.

Reason: *The introduction of a red uPVC door within the front elevation will result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area, which is contrary to policy ENV19 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.*

3. Notwithstanding the plans hereby approved, the replacement windows within the rear elevation shall be green uPVC as per the sample provided on the 31st of October 2017.

Reason: *The installation of white uPVC fenestration within the rear elevation would result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area, which is contrary to policy ENV19 of the adopted Midlothian Local Development Plan and Historic Environment Scotland policy and guidance.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 10 April 2018. The LRB carried out a site visit on the 9 April 2018.

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

Development Plan Policies:

1. DEV2 Midlothian Local Development Plan – Protecting amenity within the built-up area
2. ENV19 Midlothian Local Development Plan – Conservation Areas

Material considerations:

1. The individual circumstances of the applicant

In determining the review the LRB concluded that because of the location of the property within a Conservation Area and because of the consistency of materials/colours used within the estate, in which the application site is situated, it is appropriate to retain the use of traditional materials (timber) for doors and windows on the front elevation of the dwellinghouse. Furthermore the colour of the doors and windows shall match those of the surrounding area to contribute the aesthetic quality of the estate.

Dated: 10/04/2018



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