

# Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body  
Tuesday 20 October 2015  
Item No 5(c)

## Local Review Body: Review of Planning Application Reg. No. 15/00185/DPP

Robbie Bennett  
Domestic Architecture Development  
97 Dryburgh Avenue  
Rutherglen  
Glasgow  
G73 3ET

Midlothian Council, as Planning Authority, having considered the review of the application by Ms Angela Bardens, Suite 102, 250 Brixton Hill, Clapham Park, London, SW2 1HF, which was registered on 25 June 2015 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

**Erection of dwellinghouse at Land At 86 Main Street, Newtongrange**, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	AL(90)001 1:10,000 1:500	05.03.2015
Site Plan	AL(90)002 1:200	05.03.2015
Existing elevations	AL(21)001 1:100	05.03.2015
Existing elevations	AL(21)002 1:100	05.03.2015
Existing elevations	AL(21)003 1:100	05.03.2015
Proposed floor plan	AL(20)001 1:100	05.03.2015
Proposed floor plan	AL(20)002 1:100	05.03.2015
Proposed elevations	AL(21)004 1:100	05.03.2015
Proposed elevations	AL(21)005 1:100	05.03.2015
Proposed elevations	AL(21)006 1:100	05.03.2015
Proposed cross section	AL(22)001 1:100	05.03.2015
Illustration/Photograph		05.03.2015

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

- The proposed development would have a significant detrimental impact on the character and appearance of the traditional miners' cottages in the surrounding area which make a significant contribution, by means of their generally unaltered appearance and layout, to the character and visual amenity of the area.*

2. *The design of the proposed house is out of keeping with, and will significantly detrimentally affect, the streetscene and layout of the surrounding area.*
3. *The proposed house would also have a detrimental impact on the provision of garden ground, parking and daylight to the existing house at 86 Main Street, as well as providing inadequate garden ground for the proposed house.*
4. *For the above reasons, the proposed development does not comply with policies RP20 and DP2 of the adopted Midlothian Local Plan.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 1 September 2015. The LRB carried out an unaccompanied site visit on the 31 August 2015.

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

Development Plan Policies:

1. RP20 Midlothian Local Plan – Development within the built up area
2. HOUS3 Midlothian Local Plan – Windfall Housing Sites
3. DP2 Midlothian Local Plan – Development Guidelines

Material Considerations:

1. The individual circumstances of the site.

Dated: 1/09/2015

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