

Notice of Review: 25 Park Road, Dalkeith

Determination Report

Report by Derek Oliver, Chief Officer Place

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 an extension to dwellinghouse; alterations to window opening to form door; formation of driveway and erection of associated retaining walls; alterations to boundary walls and erection of gates, at 25 Park Road, Dalkeith.

2 Background

- 2.1 Planning application 20/00521/DPP for the erection of an extension to dwellinghouse; alterations to window opening to form door; formation of driveway and erection of associated retaining walls; alterations to boundary walls and erection of gates, at 25 Park Road, Dalkeith was granted planning permission subject to conditions on 13 November 2020; a copy of the decision is attached to this report. Condition 1 on planning permission 20/00521/DPP subject to review is as follows:

1. The proposed width of the enlarged opening in the front boundary wall as shown on drawing nos A(PL/BW)02 and A(PL/BW)07 is not approved: the width of the proposed enlarged opening in the front boundary wall shall not exceed 3m.

Reason: *To retain as much of the front boundary wall as possible which contributes to the character and appearance of this part of the Eskbank and Ironmills Conservation Area.*

The applicant is requesting that this condition is removed from the grant of planning permission and as a consequence drawings A(PL/BW)02 and A(PL/BW)07 are approved with regard the width of the proposed enlarged opening in the front boundary wall – the opening thereby being 4m rather than 3m.

- 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, excluding the standard advisory notes, issued on 13 November 2020 (Appendix D); and
- A copy of the relevant 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 (as amended during the COVID-19 pandemic) agreed by the LRB, the LRB by agreement of the Chair:

- Have determined to consider a visual presentation of the site instead of undertaking a site visit because of the COVID-19 pandemic restrictions; and
- Have determined to progress the review by written submissions.

4.2 The case officer's report identified that there was one consultation response and one representation received. As part of the review process the interested parties were notified of the review. No additional comments have been received. All comments can be viewed online on the electronic planning application case file.

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 (conditions 1 - 4 below are on planning permission 20/00521/DPP as condition 2 – 5, which the applicant has not requested to be removed/amended).

1. Details of the material and colour of the gates to be installed at the enlarged opening in the front boundary wall shall be submitted to the Planning Authority and the gates shall not be installed until these details have been approved in writing by the Planning Authority.

Reason: To safeguard the character of this part of the Eskbank and Ironmills Conservation Area.

2. Any gates to the vehicular access shall be so designed and installed as to only open inwards.

Reason: To ensure gates do not open over the pavement: to ensure no hazard is caused to pedestrians using the footway.

3. Details of the surface material of the parking area proposed at the front of the house shall be submitted to the Planning Authority and this shall not be installed until this detail has been approved in writing by the Planning Authority.

Reason: To safeguard the character of the application property and this part of the Eskbank and Ironmills Conservation Area.

4. The following details shall be submitted to the Planning Authority and no work shall start on the extension until these details have been approved in writing by the Planning Authority:

- a) The colour and texture of the render proposed on the external walls of, the extension;
- b) The material and colour finish of the sections of wall on the gable on the north west elevation of the proposed extension;
- c) The colour of the timber cladding proposed on the external walls of the extension; and,
- d) The colour of the window and door frames on the proposed extension.

Reason: To safeguard the character of the application 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: 7 May 2022

Report Contact: Peter Arnsdorf, Planning Manager
peter.arnsdorf@midlothian.gov.uk

Background Papers: Planning application 20/00521/DPP available for inspection online.



**Planning Service
Place Directorate**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

Extension to dwellinghouse; alterations to window opening to form door; formation of driveway and erection of associated retaining walls; alterations to boundary walls and erection of gates at 25 Park Road, Dalkeith, EH22 3DH

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File No: 20/00521/DPP

Scale: 1:750

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NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

**PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>**

1. Applicant's Details		2. Agent's Details (if any)	
Title	Ms	Ref No.	20-004
Forename	Kirsty	Forename	Bengt
Surname	Grieve	Surname	Ericsson
Company Name		Company Name	Ericsson Architects
Building No./Name	25	Building No./Name	2 The Stables
Address Line 1	Park Road	Address Line 1	Newbattle Road
Address Line 2		Address Line 2	
Town/City	Eskbank	Town/City	Eskbank
Postcode	EH22 3DH	Postcode	EH22 3LJ
Telephone		Telephone	
Mobile	07769 334 437	Mobile	07768 394 948
Fax		Fax	
Email	kirstyg0110@hotmail.com	Email	bengt@ericsson-architects.co.uk
3. Application Details			
Planning authority	Midlothian Council		
Planning authority's application reference number	20/00521/DPP		
Site address	<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> 25 Park Road Eskbank EH22 3DH </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> Extension to Dwelling House; Alterations to window opening to form door; formation of driveway and erection of associated retaining walls; alterations to boundary walls and erection of gates. </div>		

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

- Application for planning permission (including householder application)
- Application for planning permission in principle
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)
- Application for approval of matters specified in conditions

5. Reasons for seeking review

- Refusal of application by appointed officer
- Failure by appointed officer to determine the application within the period allowed for determination of the application
- Conditions imposed on consent by appointed officer

6. 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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- Further written submissions
- One or more hearing sessions
- Site inspection
- Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

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. **Note:** 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

We are seeking a review of the condition 1 of the granted planning permission dated 13/11/2020 limiting the opening to only extend to 3m.

The application for planning permission requested an enlarged opening to accommodate safe manouvering of vehicles to a proposed off street parking areas in the front garden adjacent to the driveway (please refer to drawingsa(PL/BW)02 and A(PL/BW)07 attached. The proposed opening extended to 4m on the original application.

During the assessment period, the planning officer corresponded with us (email dated 21/09/2020) to reduce this with reference to the "Eskbank and Ironmill Conservation Area".

We replied to this overmarked with our Clients requirements and reasons for an enlargement in an email dated 22/09/2020.

A further email was issued to planning on 29/10/2020 with the clients proposal to be prepared to reach a compromise of a reduction in width of the opening to 3.4m.

We did not get a response to this email and the planning approval was issued without any reference to the issues we had raised, but with a condition to which we now request a review.

PS. The family moved in before Christmas and the issues highlighted above clearly justifies a review.

Have you raised any matters which were not before the appointed officer at the time your application was determined?

Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Copies of the following are attached:
Drawings A(PL/BW)02 and A(PL/BW)07.
Email dated 22/09/2020 with pertinent issues highlighted.
Email dated 29/10/2020, proposed compromise.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:  Name: Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

As regards the flue I would be grateful if you could confirm its height. Should the flue be any higher than shown on the plans it may be necessary for your client to submit a new planning application for this.

I look forward to hearing from you.

Regards, Ingrid

From: Bengt Ericsson <bengt@ericsson-architects.co.uk>
Sent: 22 September 2020 13:43
To: Ingrid Forteath <Ingrid.Forteath@midlothian.gov.uk>
Cc: 'Kirsty Grieve' <kirstyg0110@hotmail.com>; 'Gordon Lindsay' <the_lindsays@btopenworld.com>
Subject: RE: Planning application ref: 20/00521/dpp - 25 Park Road, Dalkeith

CAUTION: This email originated from outside Midlothian Council. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon Ingrid

Thank you for your email and I hope you are also keeping well and safe. I have noted my response below to your queries and if you do wish to expand on any issue, please do not hesitate to get in touch again.

All the best

Bengt

From: Ingrid Forteath [<mailto:Ingrid.Forteath@midlothian.gov.uk>]
Sent: Monday, September 21, 2020 5:21 PM
To: 'bengt@ericsson-architects.co.uk' <bengt@ericsson-architects.co.uk>
Subject: Planning application ref: 20/00521/dpp - 25 Park Road, Dalkeith

Hi Bengt,

I hope you are well I have a few queries in relation to the above application. As regards the bin store am I correct in assuming that it is proposed to remove the existing trellis apart from the small section on the south east side of the storage area or is a new trellis also proposed alongside the boundary wall adjacent to the access to no 27? **No, it is proposed to reduce the length of the existing section of the trellis perpendicular to the boundary wall only, so that the bins are not visible from the street.**

The Eskbank and Ironmills Conservation Area Appraisal mentions the boundary treatments within Eskbank stating "High stone walls predominate, bounding wide and often straight streets." and "Tall sandstone boundary walls are very characteristic of the area providing privacy and enclosure for properties." and that "Stone garden and field walls, fences and railings should be retained." Stone boundary walls along the street frontage are particularly characteristic of Park Road and the proposed increase in the width of the vehicular access will impact on this. In the main openings for vehicular access to the properties on Park Road do not exceed 3m in width. I would be grateful if your client would consider retaining the width of the vehicular access on to Park Road as existing. **The off street parking**

is important and desirable for our Client. It would be difficult to safely access the proposed car park if the current opening is maintained. Should the existing opening be maintained, the parking area would have to be extended towards the house and would impact the front garden layout in a negative way. You are right in that in the main there are existing openings around 3m. It should be noted however, that at no 19, a project we were involved in (and still are), planning permission was granted a few years ago to extend the opening to 3.6m to accommodate the off street car parking required for that property. Our proposals indicate an increase of that opening by 0.4m, which is due to enable the parking to be close to the existing stone wall along the front and, as mentioned above, reduce the impact of the front garden. I shall ask the Client for their comment and get back to you.

A representation has been received in relation to the application querying the details of the proposed flue and expressing concern that modern pipes can be very reflective and especially if combined with a rotating cowl can be extremely distracting. Please can you confirm the height of the flue will be as shown on the submitted plans and provide details of the diameter, material and colour of the flue including details of the proposed cowl for information. The height of the chimney is dictated by the Technical Standards and subject to Building Warrant. The height shown of the application drawings is approx. 1m. We confirm height once type of stove has been selected and output. The chimney would in any case be no more than approx. 150mm diameter and of twin wall construction. As for the termination, an anti-draught cap or rain cap is preferred. A rotating cowl will not be installed. The chimney system is available in a black powder coated finish, which we would recommend.

The Wildlife Information Centre have also raised the possibility of bats at the application site. Please note bats are a European Protected Species and for any wild bat species it is an offence to deliberately or recklessly:

- capture, injure or kill a bat
- harass a bat or group of bats
- disturb a bat in a roost (any structure or place it uses for shelter or protection)
- disturb a bat while it is rearing or otherwise caring for its young
- obstruct access to a bat roost or otherwise deny an animal use of a roost
- disturb a bat in a manner or in circumstances likely to significantly affect the local distribution or abundance of the species
- disturb a bat in a manner or in circumstances likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young

It's also an offence to:

- damage or destroy a breeding site or resting place of such an animal (whether or not deliberately or recklessly)
- keep, transport, sell or exchange, or offer for sale or exchange any wild bat (or any part or derivative of one) obtained after 10 June 1994

It is your client's responsibility to establish whether bats are present and to stay within the law. Should planning permission be forthcoming your client may wish to consider instructing a bat survey by a suitably qualified ecologist prior to any work starting at the site. Scottish Natural Heritage is responsible for issuing licences to permit development, including major works and minor home repairs that might affect bats or their roosts.

We are aware of this situation and on inspection of the loft, we are informed that there is no evidence of bats at the application site.

I look forward to hearing from you.

Regards, Ingrid

Ingrid Forteath
Planning Officer
Planning
Place
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
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Please note I am currently working from home and only contactable by e-mail.

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Bengt Ericsson

From: Bengt Ericsson <bengt@ericsson-architects.co.uk>
Sent: Thursday, October 29, 2020 12:39 PM
To: 'Ingrid Forteath'
Cc: 'Kirsty Grieve'; 'Gordon Lindsay'
Subject: 20/00521/DPP 25 Park Road, Eskbank

Dear Ingrid

I have discussed with my Clients the issue of the enlarged gate to accommodate their cars being off street. We are proposing a compromise, which will work with the desired layout as shown on the application drawings. Bearing in mind our previous comments regarding minimising the impact on the front garden, it is proposed that the opening can be reduced from 4m as currently shown, to 3.4m. This would still mean careful manoeuvring for the off street parking.

Park Road is busy with a lot of street parking, not necessarily by residents but by deliveries, school pick-ups, visits to the park and commuter parking etc. All this require any new openings to existing properties for off street parking to be safe and suitable for today's vehicles. The existing openings were not built for modern cars and the extent of traffic generated in residential areas.

I would again refer to the not so long ago approved enlarged opening at no 19 Park Road, which is only two houses (nos. 23 and 21) away. This was enlarged from the original 2.7m to 3.6m to accommodate more cars being off street. We feel that there is therefore a precedent set.

With best wishes

Bengt

Bengt G Ericsson
ME (Arch) STO RIAS RIBA SAR
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MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference:20/00521/dpp

Site Address: 25 Park Road, Dalkeith

Site Description:

The application property comprises a semi-detached two storey traditional stone dwellinghouse and its associated garden, located on a residential street. The house has a slate hipped roof and white painted timber sash and case windows. There is a 1.5m high (as measured from the pavement) stone wall at the front of the property with a 2.65m wide vehicular access. The area of garden immediately in front of the house is 0.6m higher than the pavement at the front of the site.

The application property is located within the Eskbank and Ironmills Conservation Area.

Proposed Development:

Extension to dwellinghouse; alterations to window opening to form door; formation of driveway and erection of associated retaining walls; alterations to boundary walls and erection of gates

Proposed Development Details:

It is proposed to erect a single storey extension at the rear of the house measuring a maximum of 7.1m wide and 5.5m deep. There is some discrepancy when scaling from some of the plans with regard to the depth of the extension being either 5.1m or 5.5m. However the proposed floor plan is annotated with the depth as being 5.5m and it is on this basis that the extension has been assessed. The design of the extension incorporates large areas of glazing and both a monopitch roof to be covered in a grey single ply membrane with standing seams and a pitched roof to be covered in slates. The walls of the extension are to be finished in a mix of render and timber cladding with timber or aluminium framed windows and doors. No details have been submitted of the colour of the render, timber cladding and window and door frames. A 1.5m high flue is proposed on the roof of the extension.

It is proposed to convert a window on the side of the house to a door opening.

At the front of the property it is proposed to reduce the ground levels in front of the house to form an enlarged parking area with 0.8m high stone clad (from down takings at the site) retaining walls. It is also proposed to increase the width of the vehicular access at the front to 4m with one of the existing stone piers relocated to the side of the widened entrance with new gates.

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

History sheet checked.

Consultations:

The Wildlife Information Centre – have raised the possibility of bats at the site and recommend that a bat survey be carried out by a suitably qualified ecologist.

Representations:

One representation has been received from the occupier of no. 23 next door who is generally supportive of the scheme. He does however seek clarification of the calibre, height, components and material (colour) of the new chimney pipe from the freestanding wood burner. He is concerned that modern pipes can be very reflective and especially if combined with a rotating cowl can be extremely distracting

Relevant Planning Policies:

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The relevant policies of the **Midlothian Local Development Plan 2017** are;

DEV2 – Protecting amenity within the built-up area - seeks to protect the character and amenity of the built-up area.

ENV 19 - Conservation Areas - seeks to preserve or enhance the character and appearance of conservation areas.

ENV 22 – Listed Buildings - This policy presumes against development which would adversely affect the character or appearance of listed buildings, its setting or any feature of special architectural or historic interest that it possesses. Development within the curtilage of a listed building or its setting will only be permitted where it complements its special architectural or historic character.

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. 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.

The Eskbank and Ironmills Conservation Area Appraisal mentions the boundary treatments within Eskbank stating "High stone walls predominate, bounding wide and often straight streets." and "Tall sandstone boundary walls are very characteristic of the area providing privacy and enclosure for properties." and that "Stone garden and field walls, fences and railings should be retained."

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 form of the extension is quite conventional however the large areas of glazing, timber cladding and single ply roof give it a more contemporary feel which whilst contrasting with the character of the existing building will add to its architectural interest. Details of the colour of some of the external finishes can be covered by condition should planning permission be forthcoming. Located at the rear of the property the extension will not have a significant impact on the character and appearance of the conservation area.

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

The proposed door on the side elevation of the house will not have a significant impact on the character of the existing building or the character and appearance of the conservation area.

The rear extension will have views towards no. 27 Park Road at the rear however there is 23m (approx.) between the rear elevation of the extension and the front of no. 27 which is also offset to one side from the application property and as such the impact on the privacy of no. 27 will not be significant. The extension will not have a significant impact on the setting of no. 27 which is a listed building.

Impact on no. 29 – There are two windows on the side of no. 29 which face the application property serving a kitchen and dining room. The dining room window looks out on to the two storey gable of the application property and the extension will not have a significant impact on the outlook from this room as compared to the existing situation. The extension will be prominent to the outlook of the kitchen window but will not have an overbearing impact. This room is also served by a glazed door on the rear elevation. The extension may impact on light to these windows. However notwithstanding the location of the application property within a conservation area and any hardstandings or other structures at the application property a material consideration in the assessment of the application is that ordinarily a similar extension could be erected as permitted development. As such the impact of the extension on the amenity of no. 29 will not be significant as compared to that arising from what could ordinarily be erected as permitted development. The extension will not have a significant impact on the amenity of the garden of no. 29 in terms of outlook, privacy or light.

Impact on no. 23 – The extension will not be overbearing to the outlook from the house or garden of no. 23. It will not have a significant impact on sunlight to or daylight (satisfies standard 45° daylight test to nearest window on rear elevation of no. 23) to no. 23. A 2.1m high hedge at no. 23 will minimise overlooking from the glazing on the side of the extension. Once the extension has been built the proposed flue (as shown on the submitted plans) could be installed as permitted development not requiring planning permission from the Council. Taking this into account it would be unreasonable to try to control the type of flue and cowl to be installed. Also the impact is unlikely to be of such significance as to warrant refusal

of planning permission. The applicant's agent has however confirmed that a rotating cowl will not be installed and that the chimney system is available in a black powder coated finish.

The extension does not break in to the roof of the existing building and the mention of bats is not specific to this property. The agent has been advised of the possibility of bats and their protected status.

Park Road is a wide road. On the opposite (south east) side of this section of Park Road it appears to be the rear of the houses which face the road with a high stone wall along the boundary with the road. The north west side of this section of Park Road is characterised by a stone wall along the frontage with the houses set back from the road. Apart from at no 5 Waverley Road where the wall is higher the boundary wall along the frontage of the other houses along this section of Park Road is relatively uniform in height. The boundary walls along the street frontage are a defining feature contributing to the character of the area. In the main openings for vehicular access to the properties on Park Road do not exceed 3m in width.

The Eskbank and Ironmills Conservation Area Appraisal mentions the boundary treatments within Eskbank stating "High stone walls predominate, bounding wide and often straight streets." and "Tall sandstone boundary walls are very characteristic of the area providing privacy and enclosure for properties." and that "Stone garden and field walls, fences and railings should be retained." The applicant's agent was originally requested to retain the existing opening. Subsequently the agent was advised that taking in to account the character of the area and looking at other driveway openings in the immediate surrounding area, including the percentage of the site frontages taken up by openings, a 3m driveway opening may be acceptable in order to retain as much of the boundary wall as possible in order to safeguard the character of this part of the conservation area.

The applicant's agent has replied that off street parking is important and desirable for his client and that it would be difficult to safely access the proposed car park if the current opening is maintained. Should the existing opening be maintained, the parking area would have to be extended towards the house and would impact the front garden layout in a negative way. He mentions that at no. 19 planning permission was granted to extend the vehicular opening to 3.6m setting a precedent and suggests that the opening at the application property could be reduced to 3.4m. He states that Park Road is busy with a lot of street parking and that this requires any new openings to existing properties for off street parking to be safe and suitable for today's vehicles. He states that the existing openings were not built for modern cars and the extent of traffic generated in residential areas.

The 3m width suggested by the case officer will readily accommodate modern cars and it would appear that it would be possible to access both parking spaces in the front garden albeit maybe with additional manoeuvres within the site. Also whilst Park Road is busy with on-street parking due to this part of Park Road being a dead end vehicle speeds are not particularly high. As regards the approved opening at no. 19 it should be noted that this property has a much longer frontage than the application property with the proposed widened access only occupying 15.7% of the frontage whilst the suggested 3m wide opening at the application property would

occupy 25% of the frontage of this property. The points put forward by the agent do not justify the piecemeal erosion of the character of this part of the conservation area. As such the width of the enlarged opening in the boundary wall at the application property should not exceed 3m. This can be covered by condition.

Recommendation:

Grant planning permission

Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 20/00521/DPP



Bengt Ericsson
2 The Stables
Newbattle Road
Eskbank
Dalkeith
EH22 3LJ

Midlothian Council, as Planning Authority, having considered the application by Ms Kirsty Greve, 25 Park Road, Dalkeith, EH22 3DH, which was registered on 19 August 2020, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

Extension to dwellinghouse; alterations to window opening to form door; formation of driveway and erection of associated retaining walls; alterations to boundary walls and erection of gates, at 25 Park Road, Dalkeith, EH22 3DH

in accordance with the application and the following documents/drawings:

<u>Document/Drawing</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site Plan	A(PL/BW)02 1:1250 1:500 1:250 1:100	19.08.2020
Elevations, Floor Plan And Cross Section	A(PL/BW)03 1:100	19.08.2020
Existing Elevations	A(PL/BW)04 1:100	19.08.2020
Elevations, Floor Plan And Cross Section	A(PL/BW)05 1:100	19.08.2020
Proposed Elevations	A(PL/BW)06 1:100	19.08.2020
Elevations, Floor Plan And Cross Section	A(PL/BW)07 1:100	19.08.2020

This permission is granted for the following reasons:

The proposals will not detract from the character of the existing building or the character and appearance of this part of the Eskbank and Ironmills Conservation Area or have a significant impact on the setting of no. 27 Park Road or the amenity of the occupiers of no. 23 Park Road and comply with the aims of policies DEV2, ENV19 and ENV22 in these respects.

The proposed extension will not have a significant impact on the amenity of the occupiers of no. 29 Park Road as compared to that arising from what could ordinarily be erected as permitted development.

Subject to the following conditions:

1. The proposed width of the enlarged opening in the front boundary wall as shown on drawing nos A(PL/BW)02 and A(PL/BW)07 is not approved: the width of the proposed enlarged opening in the front boundary wall shall not exceed 3m.

Reason: *To retain as much of the front boundary wall as possible which contributes to the character and appearance of this part of the Eskbank and Ironmills Conservation Area.*

2. Details of the material and colour of the gates to be installed at the enlarged opening in the front boundary wall shall be submitted to the Planning Authority and the gates shall not be installed until these details have been approved in writing by the Planning Authority.

Reason: *To safeguard the character of this part of the Eskbank and Ironmills Conservation Area.*

3. Any gates to the vehicular access shall be so designed and installed as to only open inwards.

Reason: *To ensure gates do not open over the pavement: to ensure no hazard is caused to pedestrians using the footway.*

4. Details of the surface material of the parking area proposed at the front of the house shall be submitted to the Planning Authority and this shall not be installed until this detail has been approved in writing by the Planning Authority.

Reason: *To safeguard the character of the application property and this part of the Eskbank and Ironmills Conservation Area.*

5. The following details shall be submitted to the Planning Authority and no work shall start on the extension until these details have been approved in writing by the Planning Authority:

- a) The colour and texture of the render proposed on the external walls of, the extension;
- b) The material and colour finish of the sections of wall on the gable on the north west elevation of the proposed extension;
- c) The colour of the timber cladding proposed on the external walls of the extension; and,
- d) The colour of the window and door frames on the proposed extension.

Reason: *To safeguard the character of the application property.*

Dated 13 / 11 / 2020

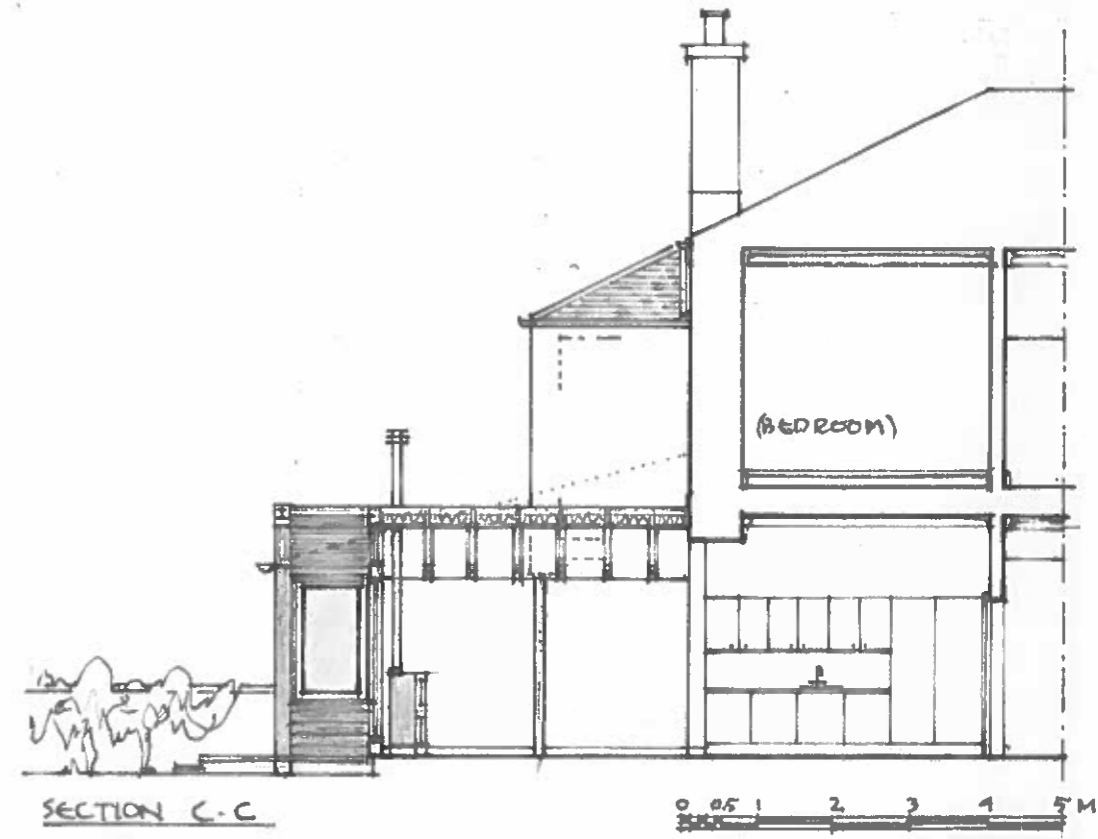
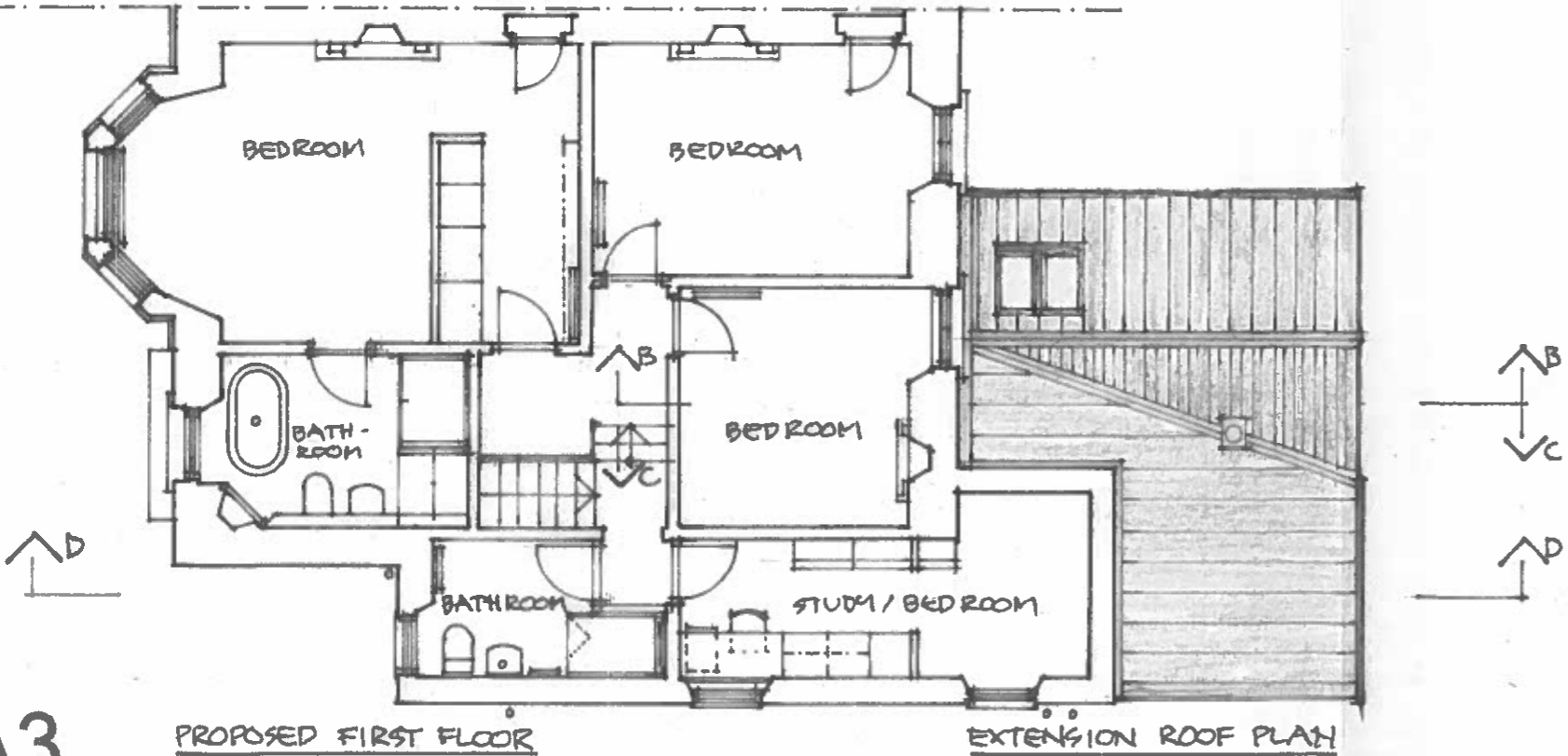
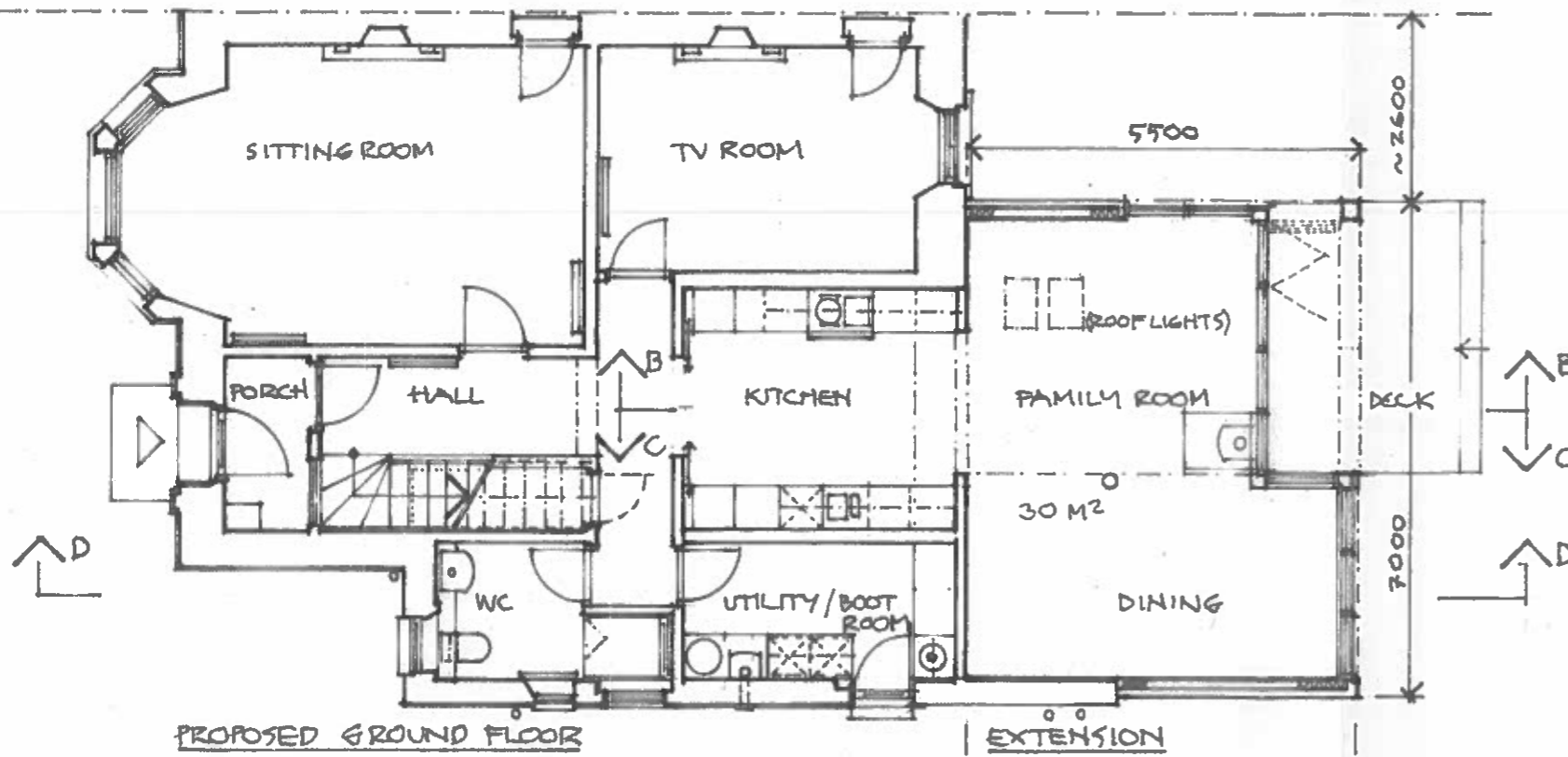


.....
Duncan Robertson
Lead Officer – Local Developments,
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

Appendix E

SECTION D-D - SEE
DRAWING A(PL/BW)06

Health & Safety must be taken into account when designing, manufacturing, installing, maintaining and disposing of all equipment and shopfitting.



A3

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Revision:	Date:

Project Title: 25 PARK ROAD, ESKBANK EH22 3DH
 Drawing Title: PROPOSED GROUND & 1ST FLOOR PLANS
 Dwg No: A(PL/BW)05
 Job No: 20.004 Drawn By: BE
 Date: JULY 2020

Revision:
 Checked:
 Scale: 1:100 @A3

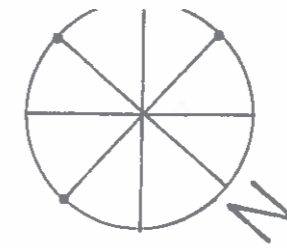
2 The Stables
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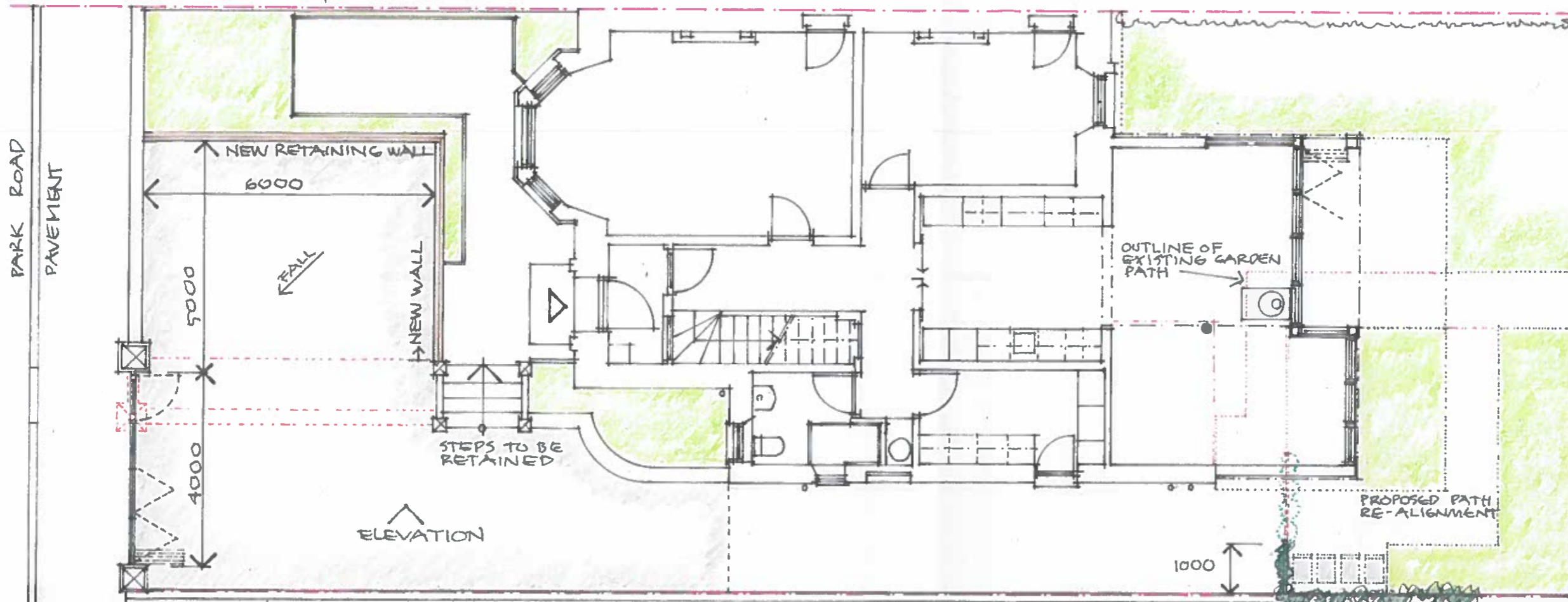
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NOTES

Proposed Retaining Walls
New low level retaining walls forming front garden hardstanding for cars to be faced with stone in random pattern backed with structural blockwork. Stones to be used from down takings of existing walls and the rear of existing building.



PROPOSED NEW FRONT GARDEN LAYOUT - SCALE 1:100



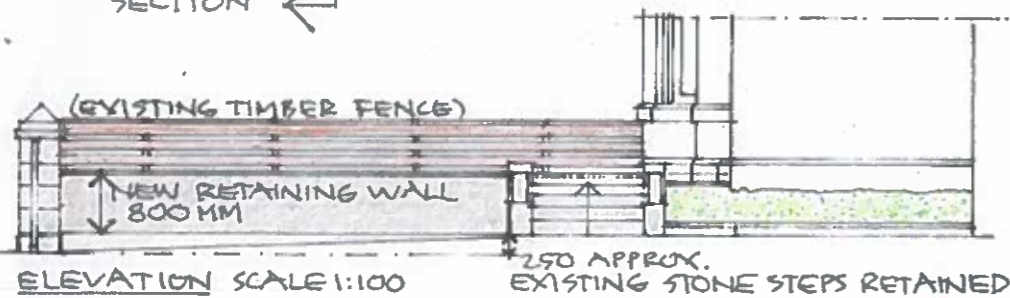
TRELLIS SEEN FROM GARDEN



BIN SHELTER BEHIND TRELLIS

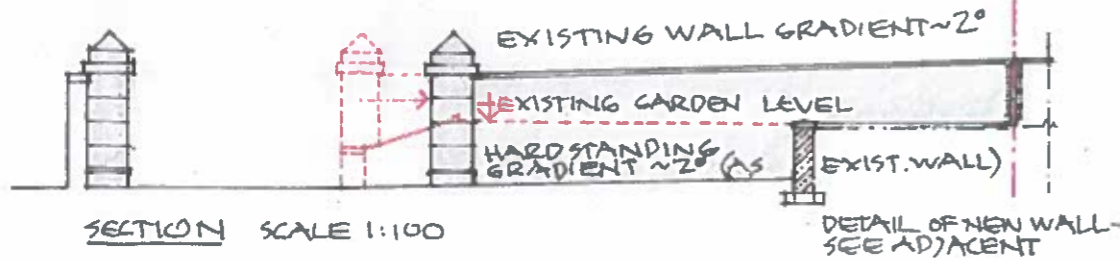
BIN SHELTER FORMED FROM EXISTING TRELLIS WITH ESTABLISHED FOLIAGE CUT BACK TO SIZE SHOWN. HEIGHT APPROX. 1800 AS EXISTING.

SECTION ←



ELEVATION SCALE 1:100

250 APPROX. EXISTING STONE STEPS RETAINED

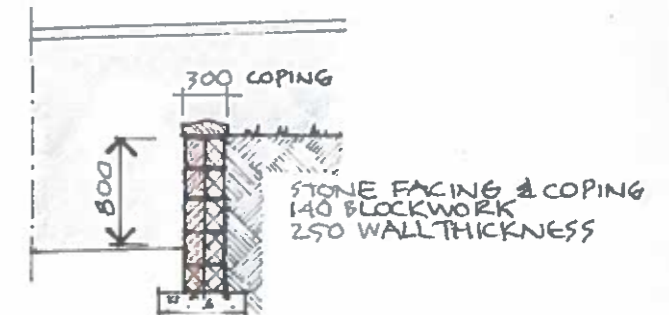


SECTION SCALE 1:100

DETAIL OF NEW WALL - SEE ADJACENT



PROPOSED GARDEN GATES SCALE 1:50



DETAIL OF PROPOSED RETAINING WALL - 1:50

A3

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Revision:

Date: Project Title: 25 PARK ROAD ESKBANK EH22 3DH
Drawing Title: LANDSCAPE DETAILS; WALLS & GATE
Dwg No: A(PL/BW)07
Job No: 20 004 Drawn By: BE
Date: AUG 2020

Revision:
Checked:
Scale: 1:100, 1:50 @A3

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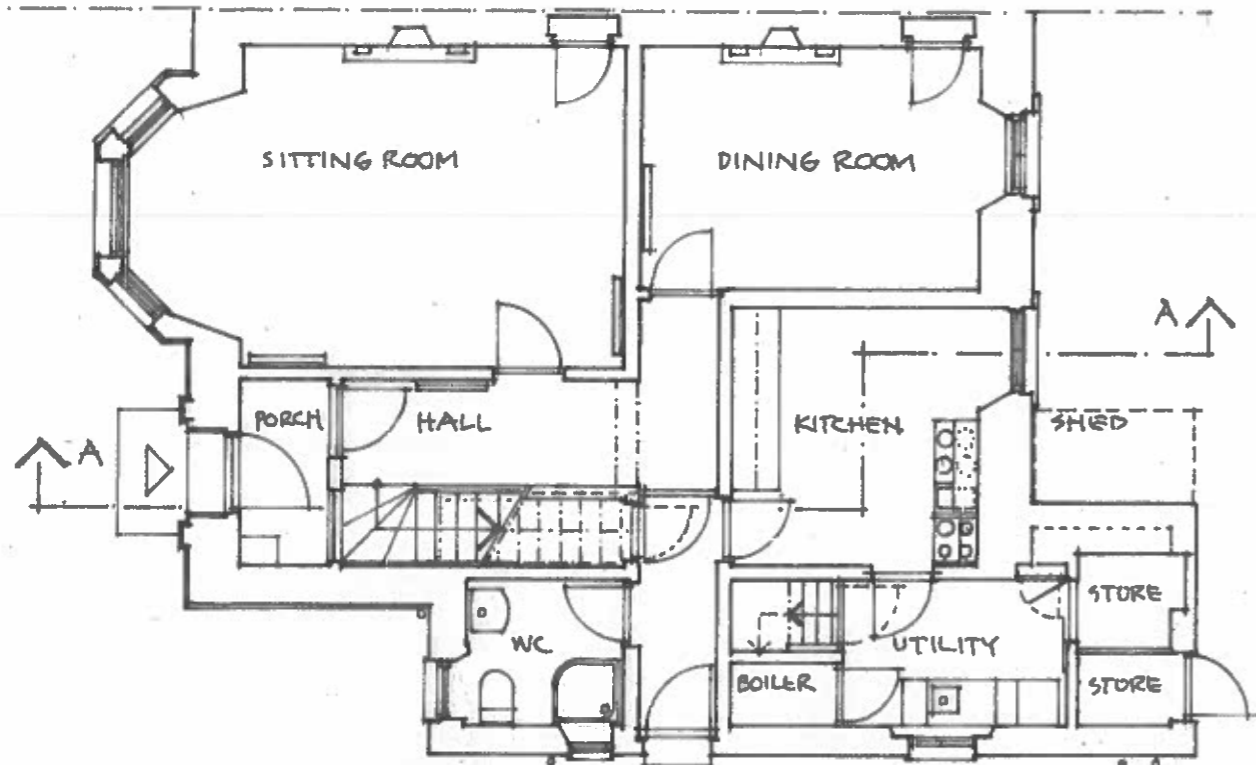
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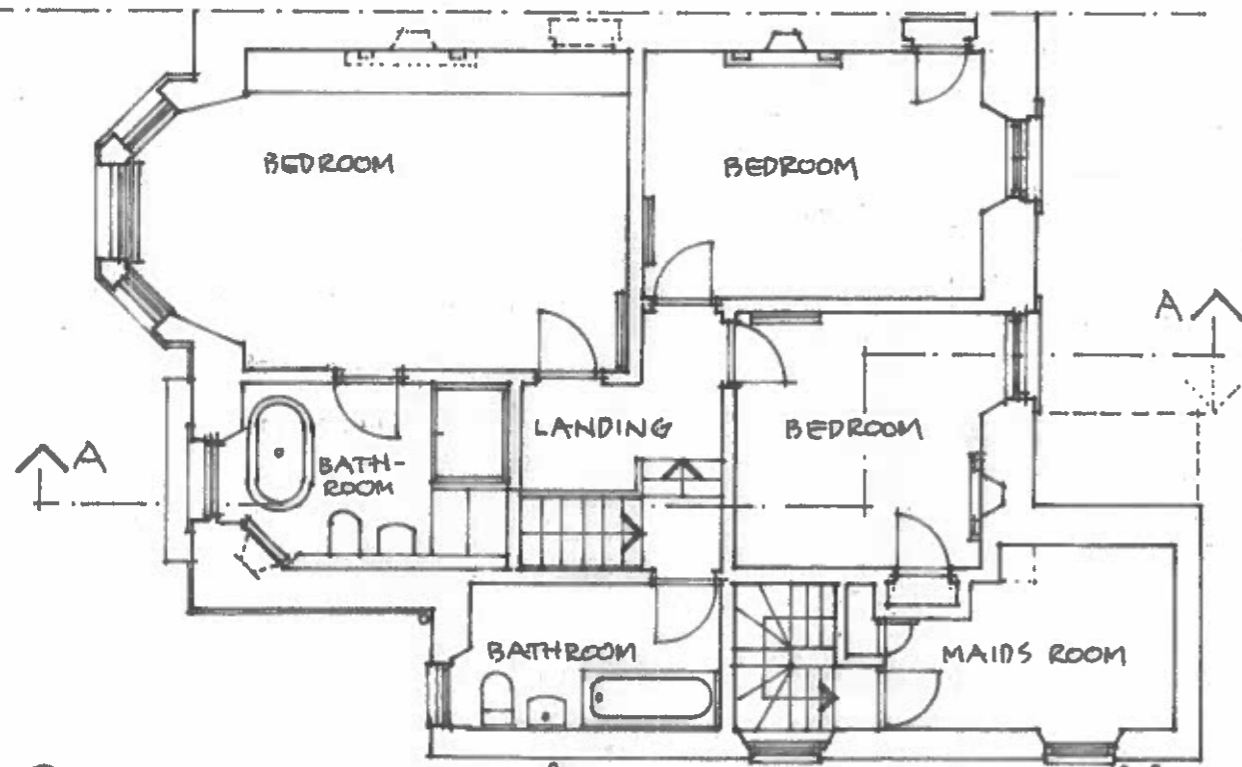
NOTES



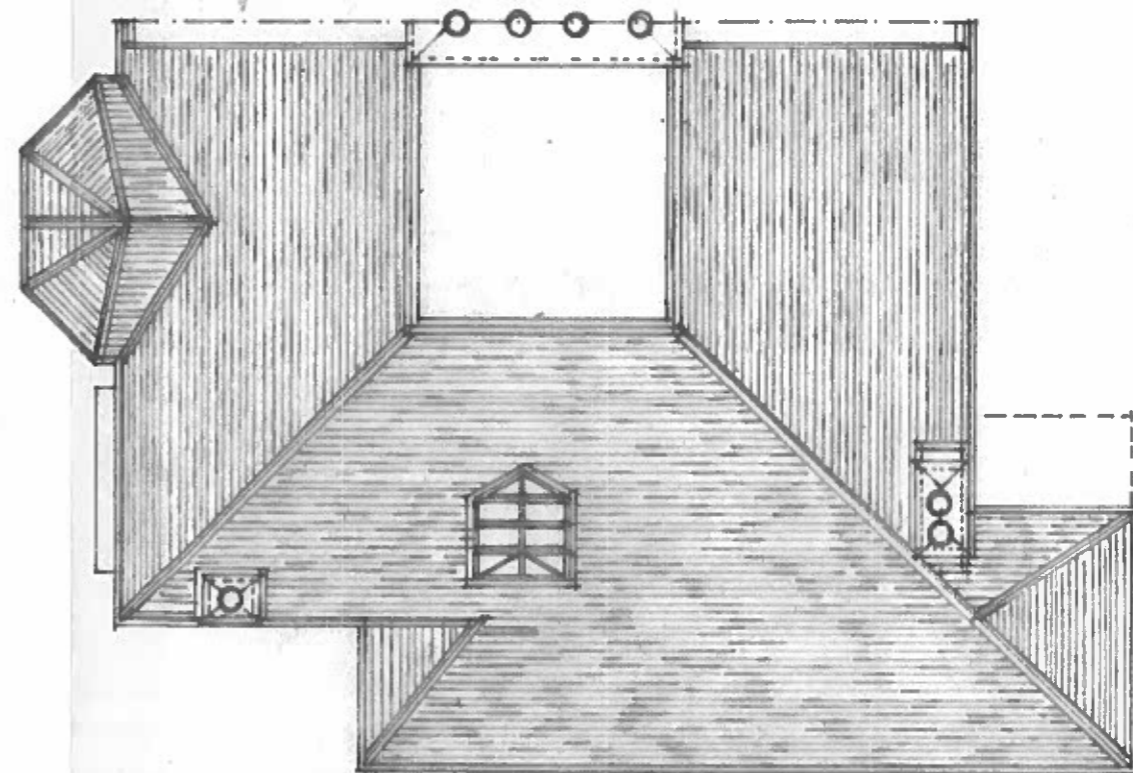
EXISTING GROUND FLOOR



SECTION A-A



EXISTING FIRST FLOOR



EXISTING ROOF PLAN (ASSUMED FROM PHOTOGRAPHS)

A3

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Revision:	Date:

Project Title:	25 PARK ROAD, ESKBANK EH22 3DH		
Drawing Title:	EXISTING FLOOR PLANS, ROOF, SECTION		
Dwg No:	A(PL/BW)03	Revision:	
Job No:	20-004	Drawn By:	BE
Date:	AUG 2020	Checked:	
		Scale:	1:100

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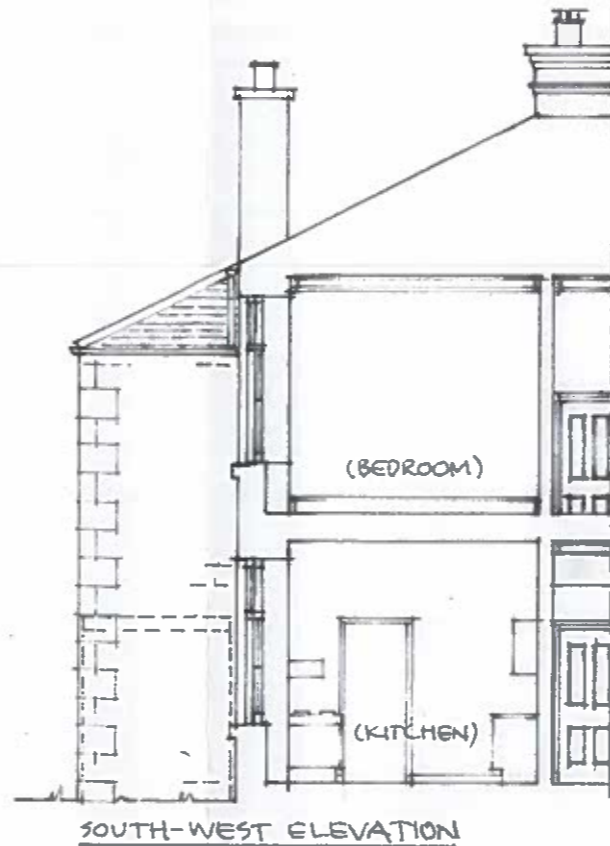
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NOTES



NORTH-WEST ELEVATION



SOUTH-WEST ELEVATION



NORTH-EAST ELEVATION



A3

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Revision:	Date:

Project Title: 25 PARK ROAD ESKBANK EH22 3DH
 Drawing Title: EXISTING ELEVATIONS
 Dwg No: A(PL/BW)04
 Job No: 20-004 Drawn By: BE
 Date: AUG 2020

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NOTES

Proposed materials, Extension

Roof
Pitched roof: Natural slates in colour to match existing slated roof.
Lean-to roof: Single ply membrane with standing seam profiles. Colour slate grey.

Walls
Timber frame with outer leaf blockwork or brick. Finish to blockwork render. Colour to be advised.
Timber walls under windows stained or painted finish, colour to be advised.

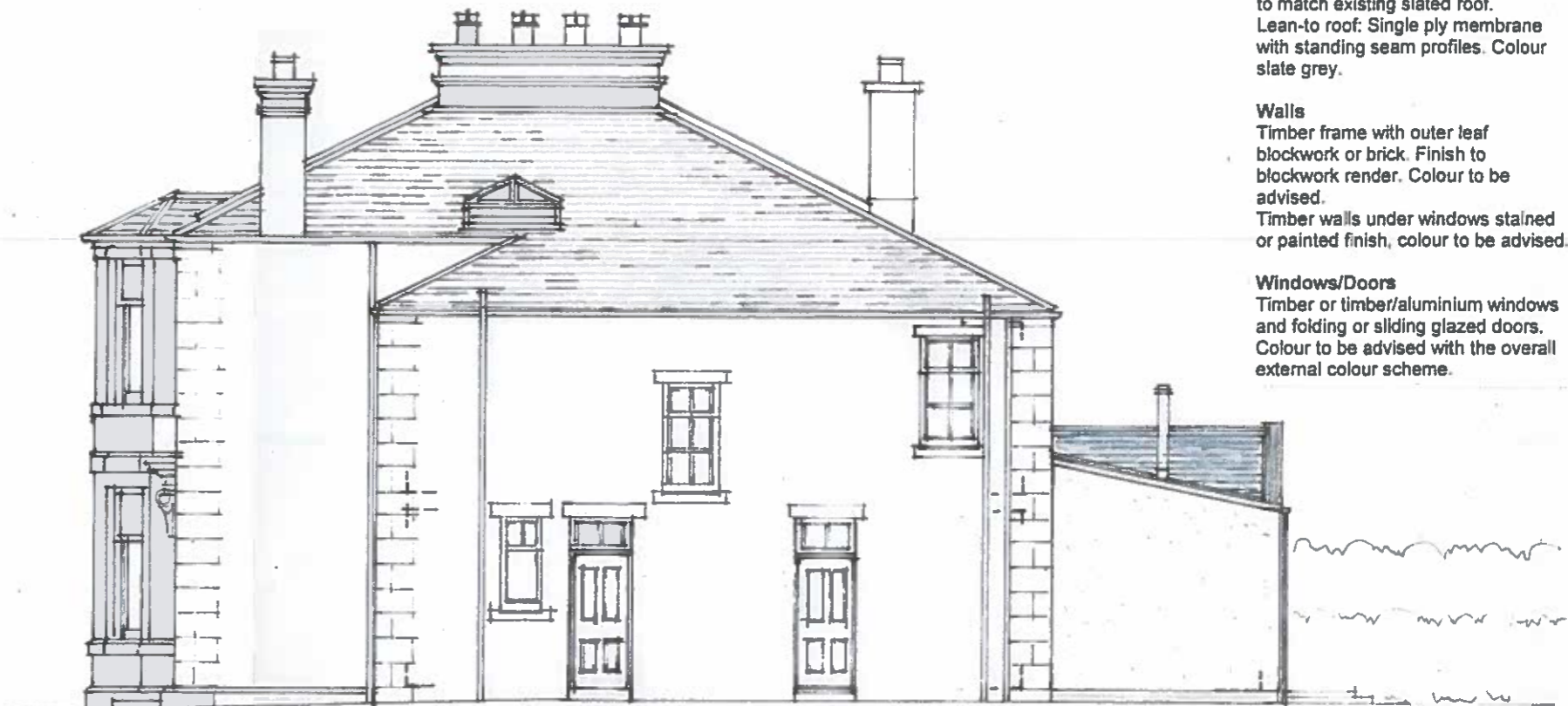
Windows/Doors
Timber or timber/aluminium windows and folding or sliding glazed doors. Colour to be advised with the overall external colour scheme.

Roof Lights
Conservation type with outer frame black.

Minor alterations to northeast elevation as described adjacent.
New door to utility/boot room formed in existing window opening.

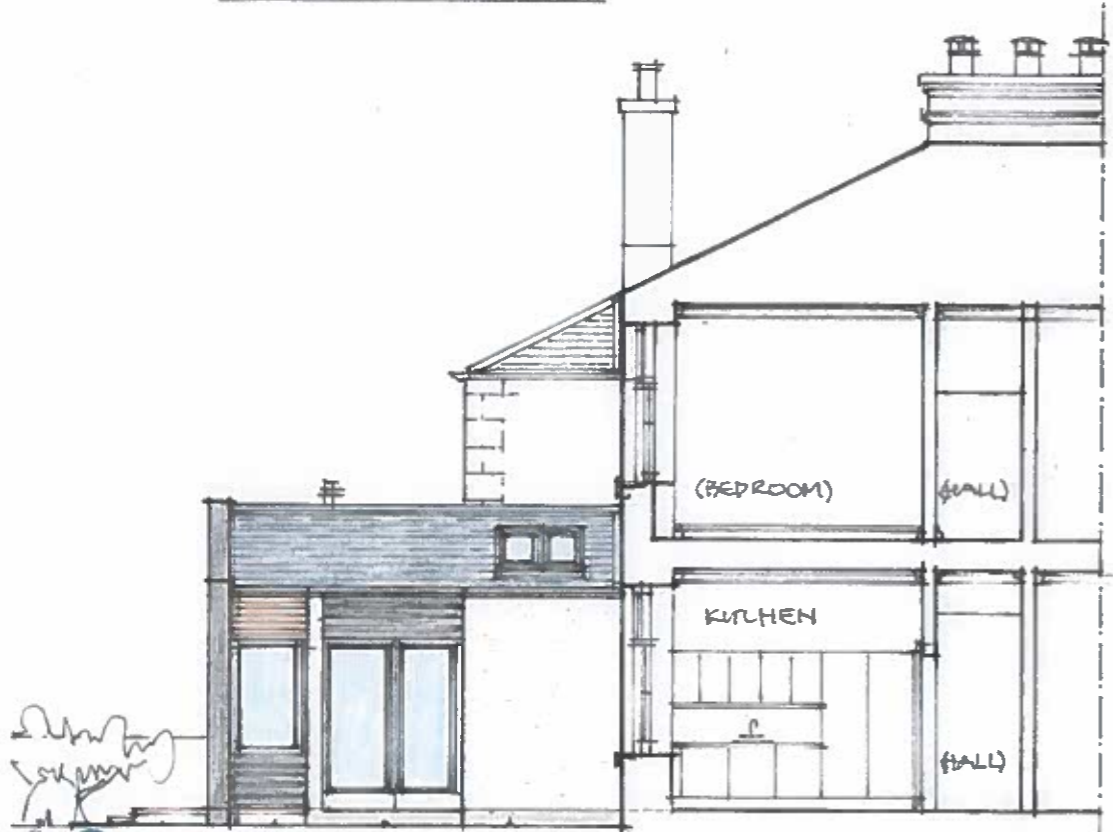


NORTH-WEST ELEVATION

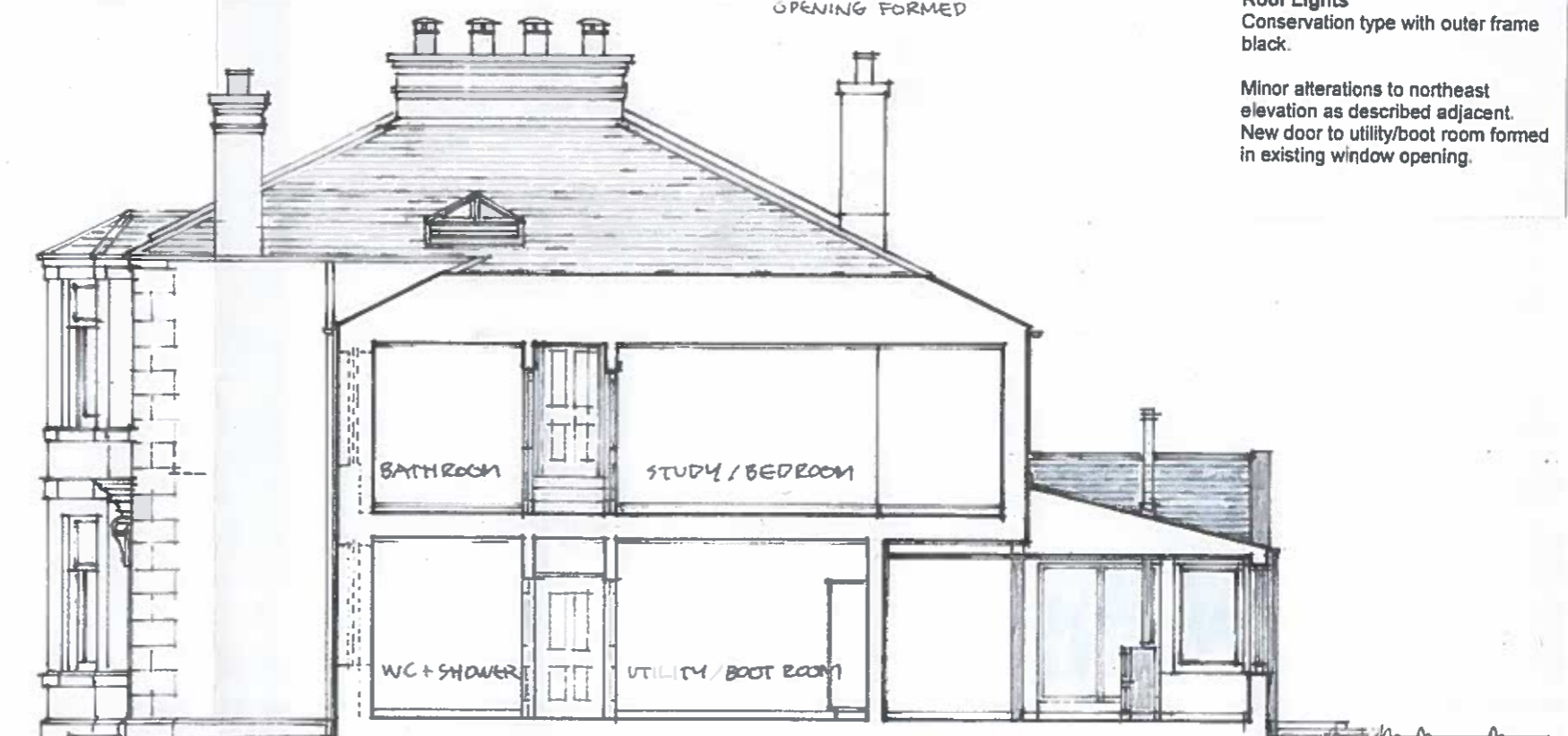


NORTH-EAST ELEVATION

EXISTING WINDOW REMOVED. NEW DOOR OPENING FORMED



SOUTH-WEST ELEVATION



(PART ELEVATION) SECTION D-D, DRAWING A (PL/BW) 05



A3

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Revision	Date

Project Title: 25 PARK ROAD ESKBANK EH22 3DH
 Drawing Title: PROSED ELEVATIONS SECTION D-D
 Dwg No: A(PL/BW) 06
 Job No: 20-004 Drawn By: BE
 Date: AUG 2020

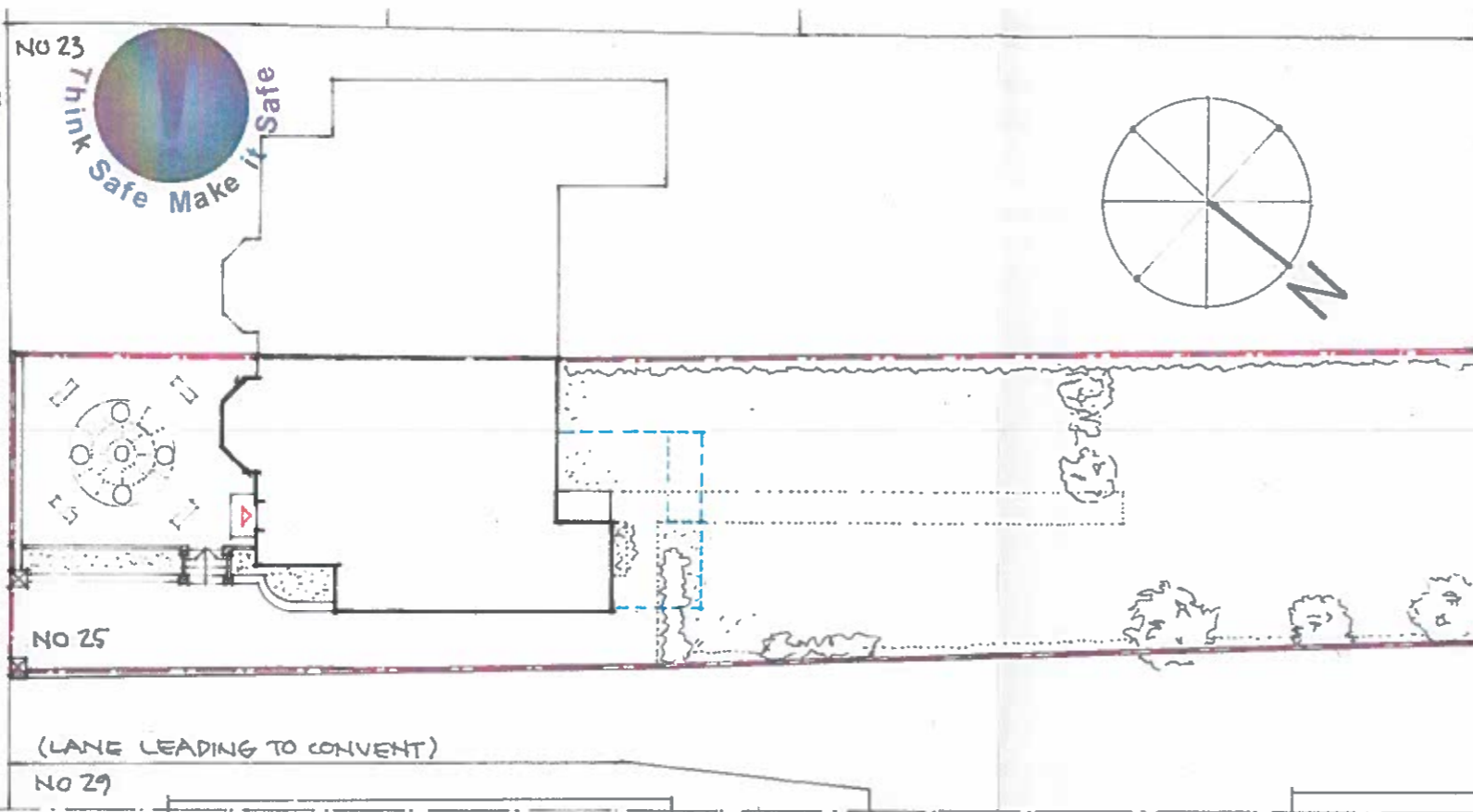
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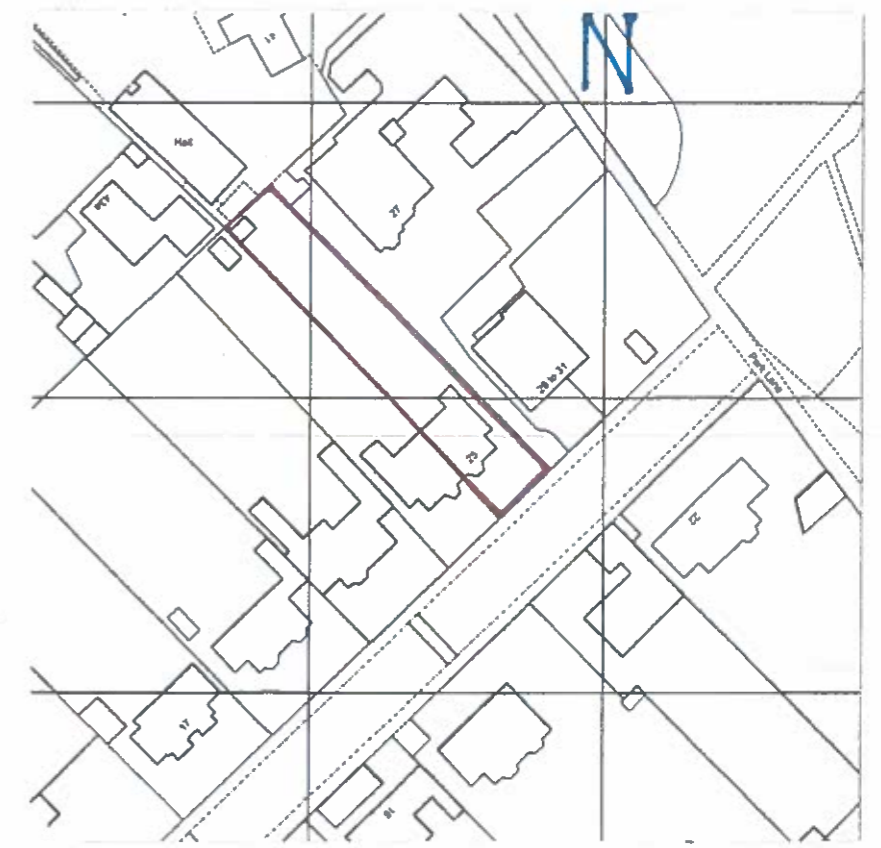
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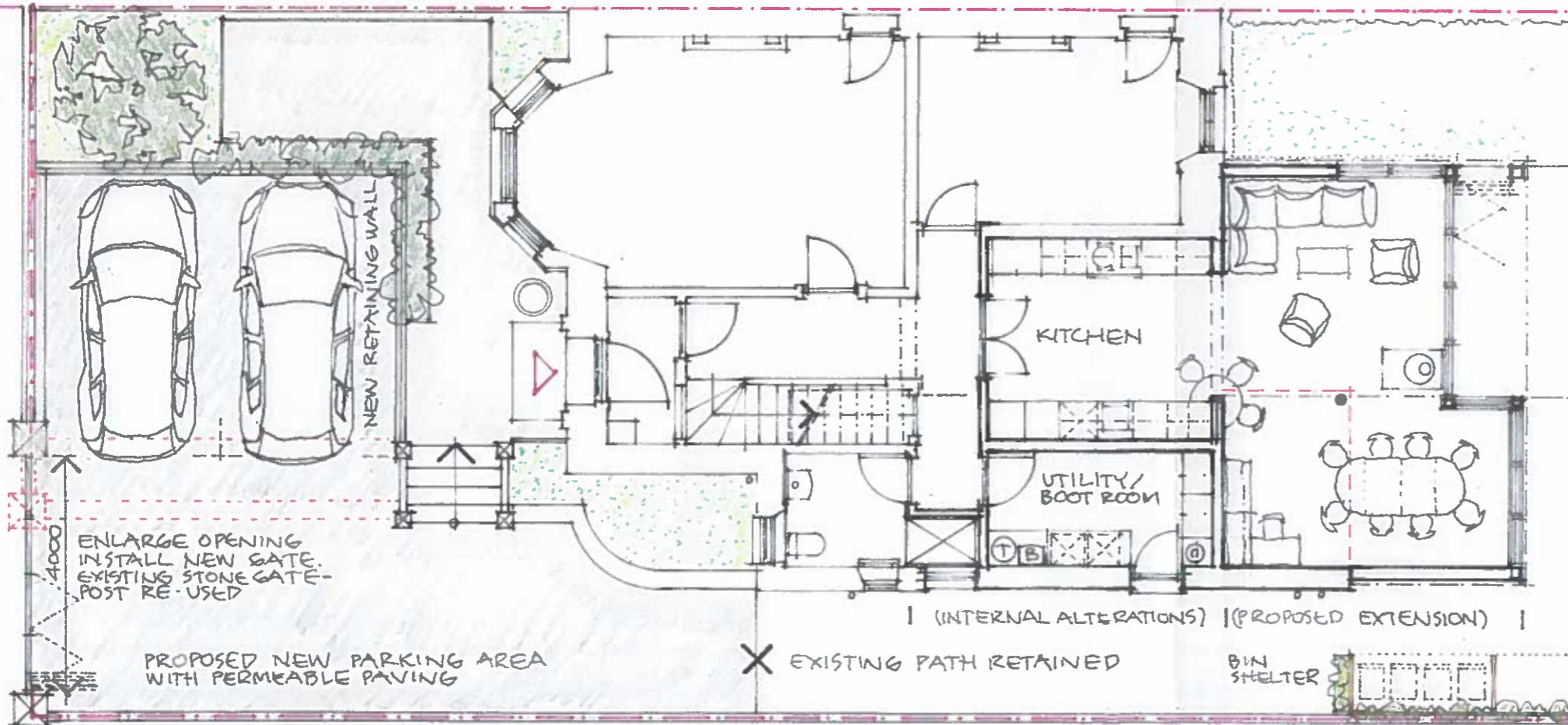
Health & Safety must be taken into account when designing, manufacturing, installing, maintaining and disposing of all equipment and shopfitting.



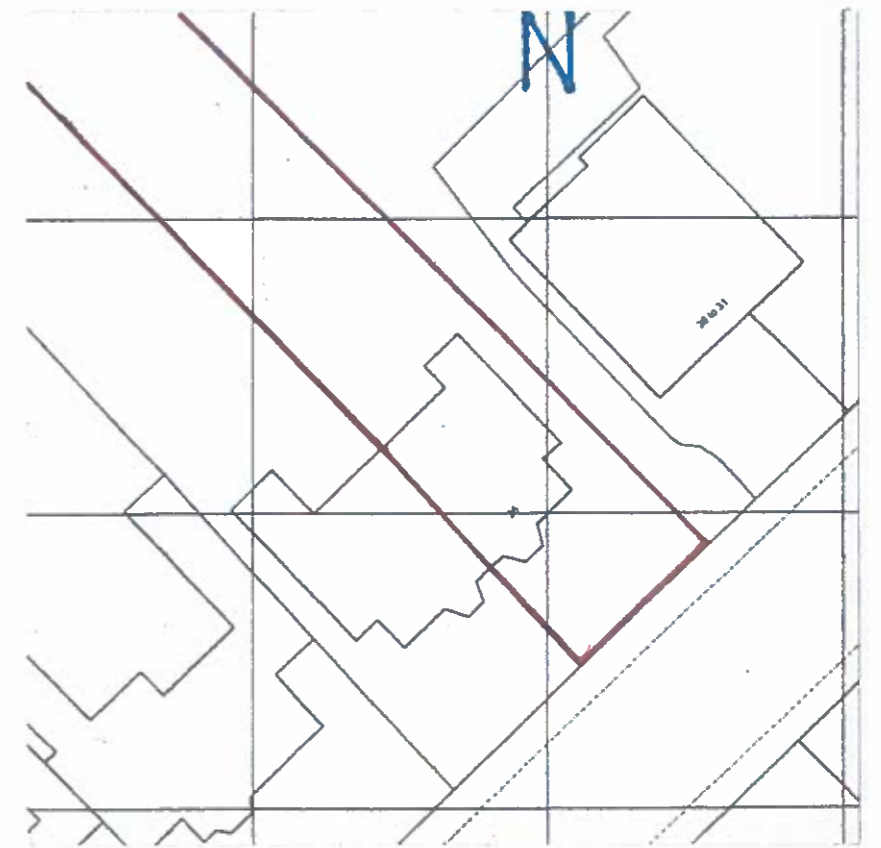
EXISTING FRONT AND (PART) REAR GARDEN LAYOUT, SCALE 1:250
 - - - - - OUTLINE OF PROPOSED EXTENSION



LOCATION PLAN 1:1250 0 5 10 20 30 40 50 60M



PROPOSED NEW FRONT GARDEN LAYOUT - SCALE 1:100



BLOCK PLAN 1:500 0 5 10 15 20 25M

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Revision	Date

Project Title: 25 PARK ROAD ESKBANK EH22 3DH
 Drawing Title: LOCATION & BLOCK PLANS, GARDEN & FRONT
 Dwg No: A (PL/BW) 02
 Job No: ZD.004 Drawn By: BE
 Date: AUG 2020
 Revision:
 Checked:
 Scale: AS SHOWN @ A3

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