

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 20 January 2015
Item No 5(a)

Local Review Body: Review of Planning Application Reg. No. 14/00402/DPP

Derek Scott
Derek Scott Planning
21 Lansdowne Crescent
Edinburgh
EH12 5EH

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Mark Caulfield, 17 Glebe Street, Dalkeith, Midlothian, EH22 1JG, which was registered on 22 October 2014 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Change of use of detached garage to form dwellinghouse (retrospective) at 12A Stobhill Road, Gowkshill, Gorebridge, EH23 4PJ in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan		19.06.2014
Site Plan 1:200		19.06.2014

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

1. The proposal would result in a development with significantly sub-standard levels of amenity for the proposed and existing dwellings as a result of overlooking between the properties and seriously deficient areas of private usable garden space.
2. For the above reason the proposed development is considered to be an overdevelopment of the site and is therefore contrary to 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 25 November 2014. The LRB carried out an unaccompanied site visit on the 24 November 2014.

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. DP2 Midlothian Local Plan – Development Guidelines

Material Considerations:

1. The individual circumstances of the site; and
2. The relationship between the adjoining properties and the application site.

Dated: 24/11/2014

Councillor J Bryant
Chair of the Local Review Body
Midlothian Council

IMPORTANT

As the application (14/00402/DPP) subject to this review was retrospective it is important that you secure the removal of the unauthorised works, including the external alterations to the building, the erection of boundary fencing and the removal of internal works including the kitchen and bathroom. The Council will contact you separately under its planning enforcement powers to agree an appropriate time scale to carry out the required works.

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