

Notice of Review: 66 Newbattle Abbey Crescent, Dalkeith

Determination Report

Report by Ian Johnson, Head of 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 store building and fence at 66 Newbattle Abbey Crescent, Dalkeith.

2 Background

- 2.1 Planning application 16/00508/DPP for the erection of store building and fence at 66 Newbattle Abbey Crescent, Dalkeith was refused planning permission on 4 October 2016; 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 4 October 2016 (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 accompanied site visit for Monday 23 January 2017; and
 - Have determined to progress the review by way of a written submissions.
- 4.2 The case officer's report identified that two consultation responses and one representation have been received. As part of the review process the interested party were notified of the review. No additional comments have been received. All the comments can be viewed online on the electronic planning application case file via www.midlothian.gov.uk
- 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 19 June 2012 and 26 November 2013, 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 replacement fence shall comprise a 1.8m high vertical boarded timber fence details of the colour finish of which shall be submitted to the Planning Authority and the fence shall not be erected until this detail is approved in writing by the Planning Authority.
 2. Details of the materials and external finishes of the store building shall be submitted to the Planning Authority and the store shall not

be erected until these details have been approved in writing by the Planning Authority.

Reason for conditions 1 and 2: *For the avoidance of doubt as to what is approved in order to safeguard the visual amenity of the surrounding area.*

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: 10 January 2017

Report Contact: Peter Arnsdorf, Planning Manager (LRB Advisor)
peter.arnsdorf@midlothian.gov.uk

Tel No: 0131 271 3310

Background Papers: Planning application 16/00508/DPP available for inspection online.

APPENDIX A



**Education, Economy
& Communities**
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3AA

**Erection of store building and fence at 66 Newbattle Abbey
Crescent, Dalkeith, EH22 3LW**

Reproduced from the Ordnance Survey map with the permission of the
controller of Her Majesty's Stationary Office. Crown copyright reserved.
Unauthorised reproduction infringes Crown copyright and may lead to
prosecution or civil proceedings

File No. 16/00508/DPP

Midlothian Council Licence No. 100023416 (2016)

Scale: 1:1,250



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 validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100031858-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:

Mrs

You must enter a Building Name or Number, or both: *

Other Title:

Building Name:

66 Newbattle Abbey Crescent

First Name: *

Leigh

Building Number:

66

Last Name: *

Seath

Address 1
(Street): *

Newbattle Abbey Crescent

Company/Organisation

Address 2:

Dalkeith

Telephone Number: *

Town/City: *

Edinburgh

Extension Number:

Country: *

Scotland

Mobile Number:

Postcode: *

EH22 3LW

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

Midlothian Council

Full postal address of the site (including postcode where available):

Address 1:

66 NEWBATTLE ABBEY CRESCENT

Address 2:

ESKBANK

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

DALKEITH

Post Code:

EH22 3LW

Please identify/describe the location of the site or sites

Northing

665544

Easting

332662

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)

It is proposed to replace the existing 1.65m high fence along the application site boundaries with a 1.8m high vertical boarded timber fence. The proposals include repositioning the fence along the southern boundary of the site set back by 0.2m from the adjacent pavement increasing the size of the rear garden. It is also proposed to erect a timber store, with a monopitch roof, measuring 2.5m wide by 5.3m deep on the south side of the house within the enlarged garden.

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 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.

Refused solely due to the proposal to relocate the fence, the proposed store is not an issue. We simply wish to relocate our boundary fence to our garden boundary. This change will only be visible to around 10 neighbours in the cul de sac. We are finding it difficult to maintain this land due to its position and as we have young kids, meaning this is unsightly, not visually appealing or adding any character to the area. A precedence has already been set in the estate by many other properties

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

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)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

- Fence and Storage Proposal 20160719 - This details the proposal and examples of other properties in the immediate surrounding area who have fences which are hard against the pavement/road side, demonstrating that a precedence has already been set in the locale. - Photos of our property and the proposed site - Photos of neighbours' properties (as mentioned above) - Drawings - Elevation and floor plan

Application Details

Please provide details of the application and decision.

What is the application reference number? *

16/00508/DPP

What date was the application submitted to the planning authority? *

21/07/2016

What date was the decision issued by the planning authority? *

04/10/2016

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 information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

I'm not sure if any further procedures are actually required, however it maybe beneficial for the site to be viewed to aide the review. As the planning authority indicies that the fence would be visable from the main road in the concluding summary, however we don't believe this to be the case (due to large shrubs in the front garden) or even relevant.

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

Can the site be clearly seen from a road or public land? *

☒ 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 information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

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 this review? *

☒ 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 the review should be sent to you or the applicant? *

☐ 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? *

☒ 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 *

☒ Yes ☐ No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Leigh Seath

Declaration Date: 13/12/2016

This document outlines proposed changes to the boundary fence and the erection of a new garden store at 66 Newbattle Abbey Crescent (NAC), Dalkeith, Midlothian, EH22 3LW.

The document will provide details of the 3 changes outlined below:

1. Replacement of the boundary fence in the back garden.
2. Repositioning of the south side of the boundary fence.
3. Erection of a new external store.

1. Replacement of the boundary fence in the back garden

The proposal is to replace all of the existing fence surrounding the back garden with a new timber of the same height (1.8m).

The existing fence is very old and appears to be rotten in a number of areas, there is a concern that the fence will not stand up to the elements and may collapse in high winds. The fence is not visually appealing in its current state and looks very dated in relation to the other fences in the cul-de-sac. The replacement of the boundary fence would bring it up to the same standard as neighbouring fences and improve the overall appearance of the area.

2. Repositioning of the south side of the boundary fence.

The proposal is to move the south side of the boundary fence out by 2.5 metres, repositioning this side of the boundary fence would mean:

- The area of garden which is currently on the outer side of the fence would become part of the back garden, including the 2 birch trees.
- The south side of the fence would meet with the kerb edging.
- The east and the west facing sides of the fence are not being proposed for relocation and would remain in the same location. .

The area of garden which is currently on the outer side of the fence resembles a piece of waste land which is not being maintained and is unsightly. Enclosing this area of the garden within the new fence will ensure it is maintained effectively and removes the unsightly contribution to the visual amenity. This would enhance the appearance of the area.

Enclosing the 2 birch trees will have minimal impact on the visual amenity of the area, as this simply means that 1.8m of the tree trunk will not be visible from the road side due to the timber fence. These trees are in excess of 40 foot tall (see 66 NAC (5), (7) and (8) attached) and will continue to add huge benefit to the visual amenity and character of the surrounding area, as do many other enclosed trees in the estate. Some examples of enclosed trees are documented below for reference.

The proposal indicates that the fence is located 90cms away from the 2 birch trees, ensuring sufficient space between the trees and fence, making sure the trees are fully protected and not effected/damaged in anyway.

Attachments 66 NAC (1), (2), (3), (4), (5), (7) and (8) are photos showing the current fence and area of the garden to the south of the property.

Drawings D01-5 and D03-4 illustrate the proposed repositioning of the fence

3. Erection a new external store

It is proposed that a new external store is erected on the south elevation of the property, this would be of timber construction and will measure 2.5 metres x 5 metres. The external store will be enclosed within the boundary fence.

The front of the external store will be set back from the west elevation of the house by 1m

Drawing *D01-5* attached provides further detail in relation to size and position of the external store.

Other information

The proposed new fence and external store would not be visible from the main road of NAC or by the neighbours directly opposite to the east, this is due to the proximity of trees and planting in the front garden of this property - See attachment *66 NAC (1)* and *66 NAC (2)*.

In order to ensure continuity in appearance of the properties and maintain the character of the estate, it is fully intended that the proposed changes at 66 NAC would be of similar structure and position of other boundary fences in near proximity. A few examples of this have been provided below for ease of comparison when considering how the above proposals will look and fit in with the surrounding area.

Examples with attachment references:

Number 75 NAC is situated in the same cul-de-sac as 66 NAC. This property approximately 40 yards to the north east directly behind the area for the proposed plans.

- The west facing side of the boundary fence in the back garden is approximately 20 cm from the kerb – attachment *75 NAC (1)*
- Trees reside on the inner side of the fence – attachment *75 NAC (1)*

Number 81 NAC is situated to the south and directly opposite the area for the proposed plans at 66 NAC. The proposed changes at 66 NAC would mirror the boundary structure and position of that at number 81 NAC providing visual symmetry at the entrance of the cul-de-sac where both 66 and 81 reside on opposite sides of the road.

- Boundary fence in the back garden meets with the kerb edge around the whole boundary – attachment *81 NAC (1)* and *81 NAC (2)*
- Trees reside on the inner side of the fence – attachment *81 NAC (2)*
- Boundary fence meets with the neighbours front garden to the south – attachment *81 NAC (3)*

Number 90 NAC is situated on the main road with the east facing side of the boundary fence running parallel with the pavement. This property is approximately 150 yards south of 66 NAC.

- The east facing side of the boundary fence in the back garden meets with the kerb edge – attachment *90 NAC (1)* and *90 NAC (3)*
- A Tree resides on the inner side of the fence – attachment *90 NAC (2)*

Number 109 NAC is situated on the main road (opposite number 90) with the east facing side of the boundary fence running parallel with the pavement. This property is approximately 160 yards south of 66 NAC.

- The east facing side of the boundary fence in the back garden meets with the kerb edge – attachment *109 NAC (1)*
- The south facing side of the boundary fence extends to the neighbours boundary running parallel with the neighbours drive way – Images *109 NAC (2)* and *(3)*.

Number 112 NAC is situated on the main road with the east facing side of the boundary fence running parallel with the pavement. This property is approximately 200 yards south of 66 NAC.

- The east facing side of the boundary fence in the back garden meets with the kerb edge – attachment *112 NAC (1)* and *(4)*
- The north facing side of the boundary fence extends to the neighbours boundary running parallel with the neighbours drive way – Images *112 NAC (2)* and *(3)*.
- Trees reside on the inner side of the fence – attachment *112 NAC (5)*

Number 149 NAC is situated on a corner plot of a cul-de-sac at the end of NAC. This property is approximately 220 yards south east of 66 NAC.

- The north and east facing sides of the boundary fence in the back garden meets with the kerb edge – attachment *149 NAC (1)*

Number 180 NAC is situated on the main road. This property is approximately 60 yards south west of 66 NAC.

- Trees reside on the inner side of the fence – attachment *180 NAC (1)*

The examples provided above are all with in close proximity of the proposed plans, this is not an exhaustive list of properties in the estate which have boundary fences of a similar structure and position.

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 16/00508/dpp

Site Address: 66 Newbattle Abbey Crescent, Dalkeith

Site Description:

The application property comprises a detached two storey dwellinghouse with a flat roof garage at the side. It is finished externally in a mix of facing brick and drydash render with white plastic framed windows and concrete roof tiles.

The application property is located within the Newbattle Conservation Area and the Newbattle Abbey Designed Landscape.

Proposed Development:

Erection of store building and fence

Proposed Development Details:

It is proposed to replace the existing 1.65m high fence along the application site boundaries with a 1.8m high vertical boarded timber fence. The proposals include repositioning the fence along the southern boundary of the site set back by 0.2m from the adjacent pavement increasing the size of the rear garden.

It is also proposed to erect a timber store, with a monopitch roof, measuring 2.5m wide by 5.3m deep on the south side of the house within the enlarged garden.

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

History sheet checked.

16/00253/dpp - Erection of two storey and single storey extension to dwellinghouse; installation of replacement windows and satellite dish and formation of patio at 66 Newbattle Abbey Crescent pp. 22.06.16.

11/00864/dpp – Erection of fence and decking at 74 Newbattle Abbey Crescent – approved at Local Review 31.07.12 on the basis that the enclosure of part of the front garden by a 1.8 metre high fence would be compatible to the adjoining boundary fence and would not set a precedent that would undermine the 'open plan' form to the residential estate.

The applicant's agent was advised at pre-application stage of the Planning Authority's concerns regarding the impact on the visual amenity of the surrounding area as a result of enclosing the strip of land along the south side of the property, including the two birch trees. In order to retain the visual benefits of the area in order to protect the character of the area it was suggested that the fence be set back with the birch trees retained on the outer side of the fence.

A supporting statement has been submitted along with the application describing the proposed works. It states that the current fence is rotten in places and that its replacement would bring it up to the same standard as neighbouring fences and improve the overall appearance of the area. Also the area of garden on the outer side of the fence resembles a piece of waste land and that enclosing it would ensure it is maintained enhancing the appearance of the area with the two birch trees being visible over the top of the fence continuing to add benefit to the visual amenity and character of the area. It states that the new fence and store will not be visible from the main road of Newbattle Abbey Crescent due to planting in the front garden. Examples of other fences at nos 74, 81, 90, 109, 113, 149 and 176 (actually no. 180) Newbattle Abbey Crescent have been cited.

Consultations:

Scotia Gas Networks –object to the planning application until such time as a detailed consultation has taken place with the developer due to the presence of a high pressure gas transmission pipeline in the vicinity of the proposed development. Objection subsequently withdrawn.

Policy and Road Safety Manager - The relocation of the boundary fence to the rear of the public footway would result in a reduction in the present level of visibility available to the adjacent driveway however as the land in question is private garden ground it does not form part of any formal visibility splay. A boundary fence at the side of a private driveway is not an unusual feature in residential developments and there are many examples of this type of situation. If the proposed fence were to be setback from the footway by a nominal distance (say 0.5m) then this would provide drivers with a slightly improved level of visibility of vehicles using the driveway however it should be remembered that the road in question is a residential cul-de-sac and the level of traffic using it will be relatively low.

Representations:

One representation has been received from the occupier of 67 Newbattle Abbey Crescent which is to the rear of the application site, objecting to the proposals. He state that the proposals breach the building line set up by planners some 50 years ago and that the proposed fence will restrict vision from his driveway raising road safety issues. He also states that the area of garden was kept neat and tidy by the previous occupier and that in the last six months it has been left in an unkempt condition.

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 **2008 Midlothian Local Plan** are;

RP1 – Protection of the countryside – seeks to restrict development in the countryside.

RP7 – Landscape Character - advises that development will not be permitted where it may adversely affect the quality of the local landscape.

RP8 - Water Environment - aims to prevent damage to water environment, including groundwater and requires compliance with SEPA's guidance on SUDs.

RP9 – Protection of River Valleys – not identified as area at risk of flooding on SEPA flood map however close to an area at risk of flooding from surface water.

RP22 – Conservation Areas – seeks to preserve or enhance the character and appearance of conservation areas.

RP25- Nationally Important Gardens and Designed Landscapes - seeks to protect the character, appearance and setting of designed landscapes.

RP30 – Open Space in Towns and Villages - does not permit development on important areas of open space within built-up areas. Development is not permitted where it would result in the loss of a visually important open space; or an attractive landscaped area; or area important for informal recreation.

DP3 - Protection of the Water Environment - sets out development guidelines regarding flooding, treatment of water courses, drainage and Sustainable Urban Drainage Systems (SUDS).

DP6 – House Extensions - requires that extensions are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines also relate to size of extensions, materials, impact on neighbours and remaining garden 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. As this is an existing house there is no objection in principle to its alteration.

The proposal does not conflict with the aims of policies RP9, RP8 and DP3 in relation to the water environment.

This part of the conservation area is characterised by a modern housing estate with open spaces and trees within a wooded setting.

The proposed store will not have a significant impact on the character of the conservation area or the designed landscape. It would result in the loss of what appears to be a self seeded sycamore tree and some shrubs. Also the replacement of the existing fence in its current position would not have a significant impact on the character of the conservation area or the designed landscape. Also the proposals will not have a significant impact on the amenity of neighbouring properties.

Of particular concern is the impact of the proposed relocated fence along the southern boundary of the fence.

As stated above notwithstanding some examples of fences hard up to the pavements – see below – the overriding character of Newbattle Abbey Crescent is

open plan with houses set back behind front gardens and in general fences are set back from the pavement with grassed/planted areas in front where the fence faces the road all of which contributes to the pleasant character of this part of the conservation area.

The application property is located at the entrance to a cul-de-sac off the main road at Newbattle Abbey Crescent with a front garden facing the main road and the fence along the south side of the property set back 2.5m from the road with a grassed area containing shrubs and trees on the outer side of the fence. The two silver birch trees in this area were shown on the original layout for the estate. This area whilst owned by the applicant contributes to the open landscaped character of the estate and along with the grass verge on the opposite side of the road creates a pleasant green entrance to this cul-de-sac. The proposed fence would be visible from both the main road when approaching from the south and on entering the cul-de-sac with the enclosure of this area detracting from this character.

The supporting statement states that the area of land has not been maintained and is unsightly. This was not the case in February or April of this year (2016) when the site was visited in relation to pre-application enquiries including in relation to the repositioning of the fence. The subsequent lack of maintenance of this area by the owner does not justify the relocation of the fence. It is acknowledged that the tops of the two birch trees would still be visible above the fence however it is both the trees and their open setting which contribute to the visual amenity of the surrounding area. Also whilst the applicant has cited examples of other fences hard up to the pavement, with trees behind, the fences present a harsher street frontage than a grassed/planted strip.

The following examples of fences/trees behind fences were cited by the applicant.

75 Newbattle Abbey Crescent – Planning permission was granted for the fence along the side of this property in 2004. Contrary to the statement made in the supporting statement it is set back 0.4m from the pavement with some planting on the outer side of the fence. Planning permission was granted subject to conditions including the requirement for landscaping along the outer side of the fence. The trees within the rear garden of this property did not form part of the original landscaping of the estate.

81 Newbattle Abbey Crescent – It is acknowledged that the fence along the north and west boundaries of no. 81 opposite to the application site is located hard up to the pavement. This was approved as part of the original layout. A grass verge between the pavement and the road helps to reduce the impact of the fence on the visual amenity of the area. This would not be the case at the application property as there is no grass verge between the pavement and the road on the south side of the application property. As such contrary to the statement made in the supporting statement the proposals would not provide visual symmetry to the entrance to this part of Newbattle Abbey Crescent. The trees within the garden of this property did not form part of the original landscaping of the estate.

90 Newbattle Abbey Crescent– The fence on the west side of this property is located hard up to the pavement. This was approved as part of the original layout

and included a silver birch tree in the back garden. A grass verge between the pavement and the road helps to reduce the impact of the fence on the visual amenity of the area. This would not be the case at the application property as there is no grass verge between the pavement and the road on the south side of the application property.

109 and 112 Newbattle Abbey Crescent - The fences on the west side of these properties are located hard up to the pavement adjacent to neighbouring driveways. This was approved as part of the original layout and included a silver birch tree in each of the back gardens – since removed from 112.

149 Newbattle Abbey Crescent – The fence on the side of this property is located hard up to the pavement. This was approved as part of the original layout.

176 Newbattle Abbey Crescent –Whilst there are trees within the garden of this property enclosed by the fence the fence along the south side of this property is located adjacent to an area of open space containing trees which makes a significant contribution to the visual amenity of the surrounding area.

There is also a fence at the front of no 74 Newbattle Abbey Crescent which is hard up to the pavement. This was approved by the Local Review Body in 2012 on the grounds that the enclosure of part of the front garden by a 1.8 metre high fence would be compatible to the adjoining boundary fence and would not set a precedent that would undermine the 'open plan' form to the residential estate. This property is located at the end of the cul-de-sac and the fence does not have a significant impact on the entrance to this part of Newbattle Abbey Crescent.

The proposed relocation of the fence along the south side of the application property would have a detrimental impact on the visual amenity of the immediate surrounding area and the overall character of Newbattle Abbey Crescent diminishing its attractive open character and as such is contrary to local plan policy.

The relocation of the fence along the southern boundary of the application site would result in the rear fence extending up to the pavement adjacent to the driveway of no. 67 resulting in a reduction in the present level of visibility available to the driveway. This is not ideal however the Council's Policy and Road Safety Manager has not objected to the proposals on road safety grounds.

Recommendation:

Refuse planning permission

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 16/00508/DPP

D2 Architectural Design Ltd
9 Eskbank Road
Dalkeith
Edinburgh
EH191HD

Midlothian Council, as Planning Authority, having considered the application by Mrs L Seath, 66 Newbattle Abbey Crescent, Dalkeith, EH22 3LW, which was registered on 21 July 2016 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of store building and fence at 66 Newbattle Abbey Crescent, Dalkeith, EH22 3LW

In accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	S01 1:2500 1:200	21.07.2016
Proposed floor plan	P01 1:50	21.07.2016
Proposed floor plan	P02 1:50	21.07.2016
Proposed elevations	PO3 1:100	21.07.2016

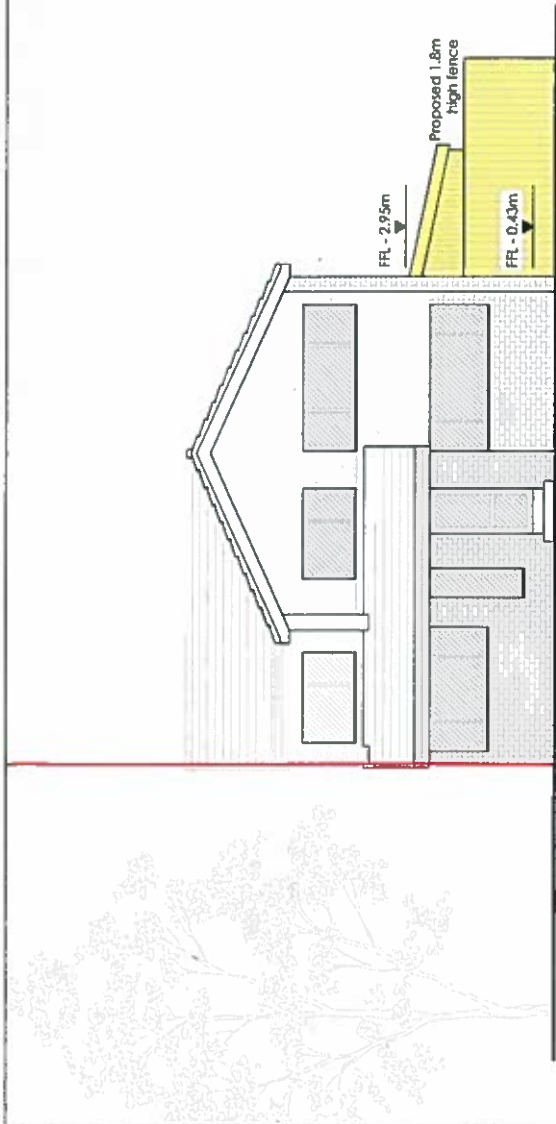
The reasons for the Council's decision are set out below:

- The proposed relocation of the fence along the south side of the application property would result in the enclosure of a grassed area containing shrubs and trees which contribute to the visual amenity and character of the area, with the fence hard up to the pavement presenting a harsh boundary treatment along the street frontage, all of which would have a detrimental impact on the visual amenity of the immediate surrounding area and the overall character of Newbattle Abbey Crescent and this part of the Newbattle Conservation Area diminishing its attractive open landscaped character.*
- For the above reasons the proposed relocation of the fence is contrary to policies RP7 and RP30 of the adopted Midlothian Local Plan which seek to protect landscape character and visually important open spaces.*
- For the above reasons the proposed relocation of the fence is contrary to policy RP22 of the adopted Midlothian Local Plan which seeks to preserve or enhance the character and appearance of conservation areas.*

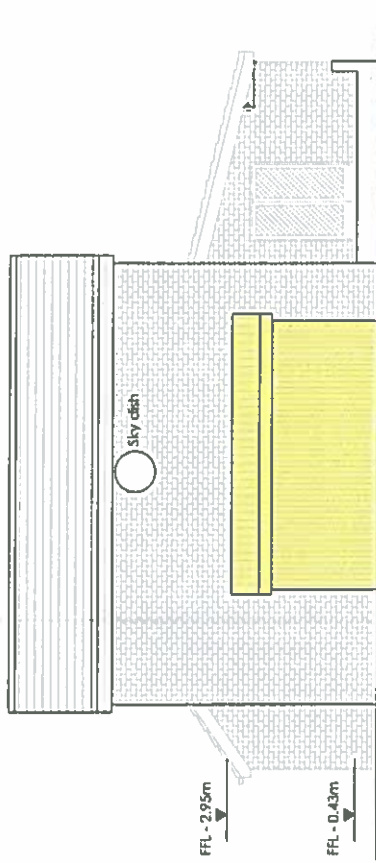
Dated 4 / 10 / 2016

A handwritten signature in black ink, consisting of a stylized 'D' and 'R'.

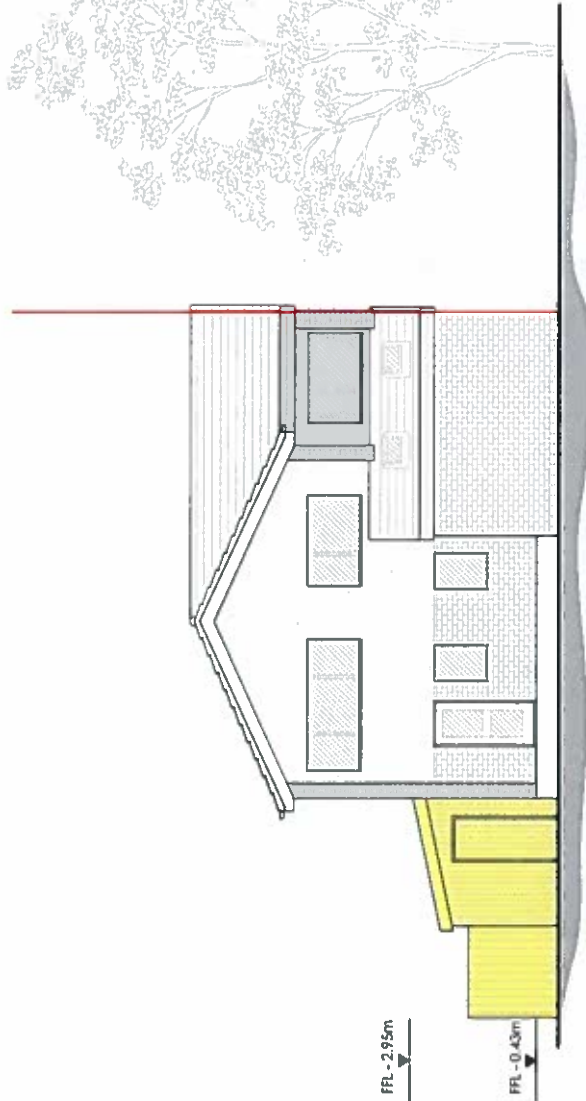
.....
Duncan Robertson
Lead Officer – Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN



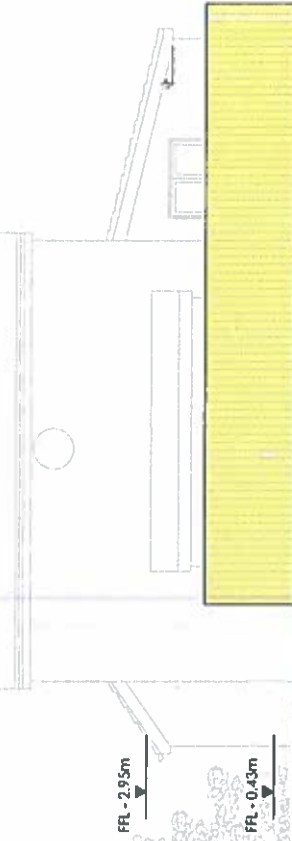
South Elevation - As Proposed
Scale 1:100 @ A3



West Elevation - As Proposed
Scale 1:100 @ A3

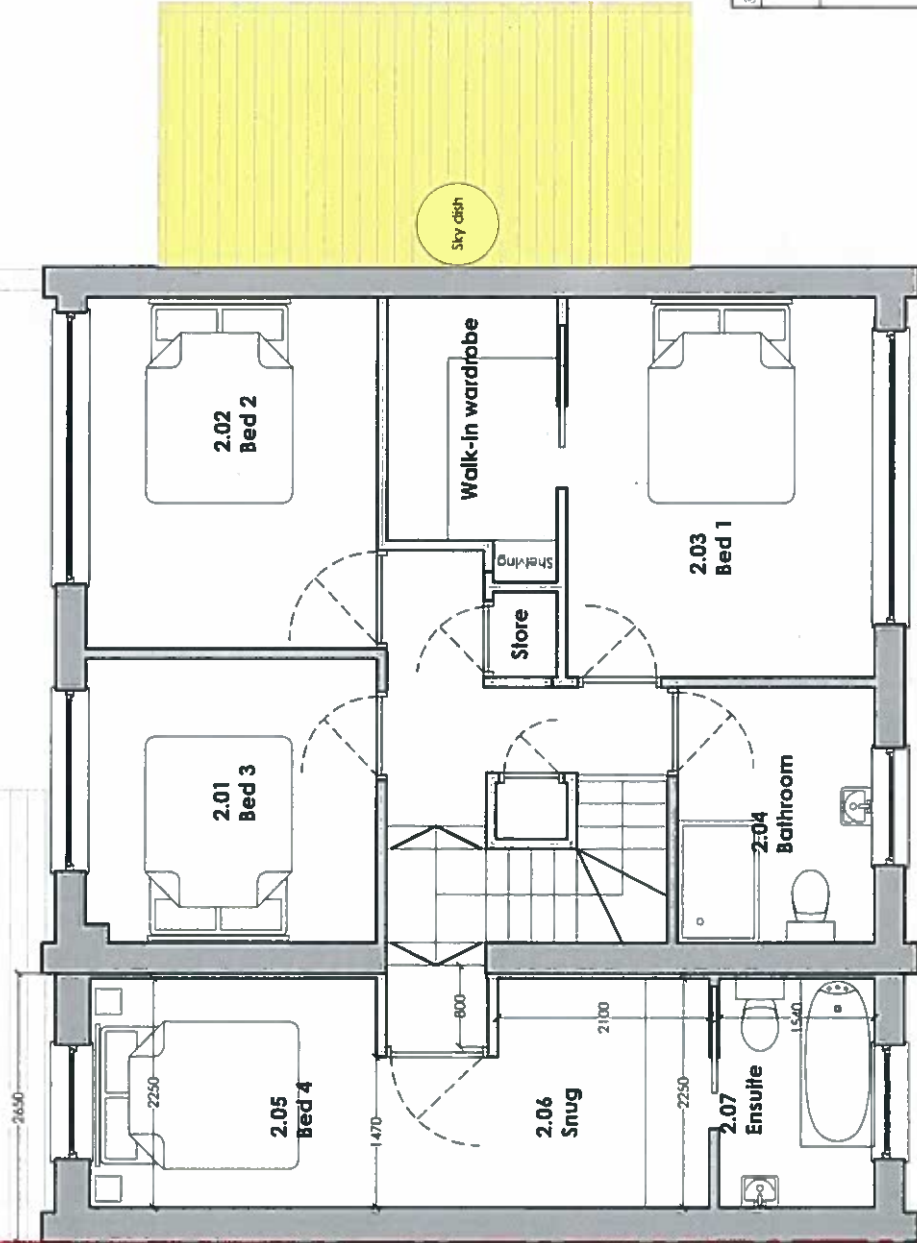


North Elevation - As Proposed
Scale 1:100 @ A3



East Elevation - As Proposed
Scale 1:100 @ A3

<p>Copyright © 2012 Architectural Design Ltd The drawings are the property of Architectural Design Ltd and cannot be used without written permission from Architectural Design Ltd.</p>	
<p>NOTES Do not scale from drawing. All dimensions to be confirmed on site. This drawing is for the purpose of obtaining Local Authority Approval only, additional information may be required for construction purposes.</p>	<p>PLANNING APPLICATION PROJECT Erection of boundary fence and storage area 64 Newbattle Abbey Crescent Mr & Mrs Seath</p>
<p>architectural design 2 Falkovale Road, Dalkeith, Midlothian EH22 1HD T: 0131 541 5111 E: mail@architecturaldesign.co.uk W: www.architecturaldesign.co.uk</p>	<p>DRAWING Elevations - As proposed DATE 20.07.16 DRAWN DL SCALE 1:50 @ A3 PROJECT 16040 DRAWING No. P03 REVISION -</p>



First Floor plan - As Proposed
Scale 1:50 @ A3

<p>© Copyright of D2 Architectural Design Ltd. The drawing is a design for the property of D2 Architectural Design Ltd. and is not to be used for any other purpose without the written permission from D2 Architectural Design Ltd.</p>	<p>PLANNING APPLICATION</p>
<p>NOTES</p> <p>Do not scale from drawing All dimensions to be confirmed on site This drawing is for the purpose of obtaining Local Authority Approval only, additional information may be required for construction purposes.</p>	<p>PROJECT</p> <p>Erection of boundary fence and storage area. 66 Newbottle Abbey Crescent Mr & Mrs Seath</p>
<p>DRAWING</p> <p>First Floor Plans - As proposed</p> <p>DATE 20.07.16 DRAWN DL SCALE 1:50 @ A3</p> <p>PROJECT 16040 DRAWING No. P02 REVISION -</p>	<p>architectural design</p> <p>3 Fitzrovia Road, Dublin, D02 YL16 T: 0131 541 5114 E: info@architecturaldesign.co.uk W: www.architecturaldesign.co.uk</p>