

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997



Local Review Body: Review of Planning Application Reg. No. 11/00673/DPP

Mr Declan Madden
F3 Surveyors
121 Giles Street
Edinburgh
EH6 6BZ

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Stuart McMartin, Brewlands House, Abbey Road, Dalkeith, EH22 3AD was registered on 22 February 2012 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of 2 storey extension to dwellinghouse and installation of rooflights at Brewlands House, Abbey Road, Eskbank, Dalkeith, Midlothian, EH22 3AD

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site plan, location plan and elevations	11049(P)001	11.10.2011
Proposed elevations	11049(P)002	11.10.2011

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

- 1. The proposed extension would detract from the character of the original dwellinghouse due to its size which by matching the existing proportions of the house harms the character appearance and the visual amenity of the original dwellinghouse, which in turn would have a significant adverse impact upon the character and appearance of the conservation area.*
- 2. The proposed extension results in the overdevelopment of the garden ground to the detriment of the character and appearance of the dwellinghouse, the residential amenity of the dwellinghouse, and the character and appearance of the conservation area.*
- 3. The proposed development by reason of its adverse impacts upon the dwellinghouse and the character and appearance of the conservation area is contrary to Midlothian Local Plan policies RP20, RP22 and DP6.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 17 April 2012. The LRB carried out an unaccompanied site visit on the 16 April 2012.

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

Development Plan Policies:

1. RP20 of the Midlothian Local Plan – Development within the built-up area.
2. RP22 of the Midlothian Local Plan – Conservation Areas.
3. DP6 of the Midlothian Local Plan – House Extensions.

Material Considerations:

1. The design and scale of the proposed extension.

Dated: 17/04/2012

Councillor R Imrie
Chair of the Local Review Body
Midlothian Council

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions

NOTICE TO ACCOMPANY REFUSAL ETC.

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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