

## **Notice of Review: 1 Laurelbank Road, Mayfield**

### **Determination Report**

Report by Dr Mary Smith Director of Education, 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 a garage, sunroom and decking (retrospective) at 1 Laurelbank Road, Mayfield.

#### **2 Background**

- 2.1 Planning application 19/00687/DPP for the erection of a garage, sunroom and decking (retrospective) at 1 Laurelbank Road, Mayfield was refused planning permission on 13 September 2019; 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, excluding the standard advisor notes, issued on 13 September 2019 (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](http://www.midlothian.gov.uk). All consultation responses, representations and any additional comments made in response to the notice of review can be viewed on this case file.

#### **4 Procedures**

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair have:

- scheduled a site visit for Tuesday 18 February 2020; and
  - determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that no consultations were required and two representations supporting the application have been received. As part of the review process the interested parties were notified of the review. No additional comments have been received. All the comments can be viewed online on the electronic planning application/review 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 The nature of the proposal is such that it is considered that no conditions would be required if the LRB is minded to grant planning permission.
- 5.2 If the LRB dismisses the review, the buildings/structures which are sited on the land without planning permission will have to be removed. In this case the applicant will be asked to remove the buildings/structures within one month of the LRB decision. However, the failure to carry out the required works will result in the Council having to consider issuing an enforcement notice to resolve the breach of planning control.

## **6 Recommendations**

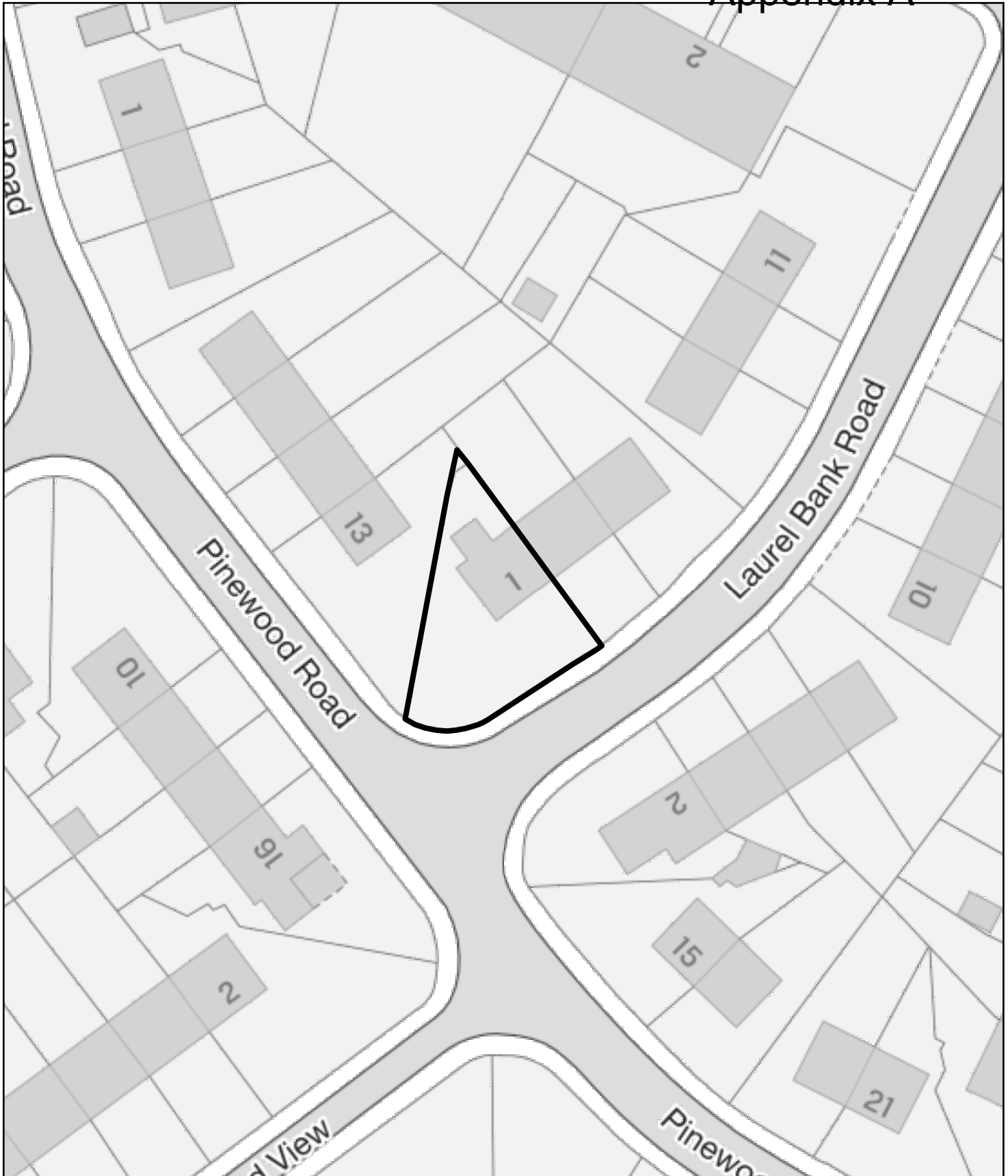
- 6.1 It is recommended that the LRB:
- a) determine the review; and
  - b) instruct the planning advisor to draft and issue the decision of the LRB through the Chair

**Date:** 7 February 2020

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

**Tel No:** 0131 271 3310

**Background Papers:** Planning application 19/00687/DPP available for inspection online.



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

Erection of garage, sun room and decking (retrospective)  
at 1 Laurelbank Road, Mayfield, Dalkeith

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File No. 19/00687/DPP

Scale: 1:500

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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)
<p>Title <input style="width: 100%;" type="text" value="MR"/></p> <p>Forename <input style="width: 100%;" type="text" value="JAMES"/></p> <p>Surname <input style="width: 100%;" type="text" value="BEVIS"/></p> <p>Company Name <input style="width: 100%;" type="text"/></p> <p>Building No./Name <input style="width: 100%;" type="text" value="1"/></p> <p>Address Line 1 <input style="width: 100%;" type="text" value="LAURELBANK ROAD"/></p> <p>Address Line 2 <input style="width: 100%;" type="text"/></p> <p>Town/City <input style="width: 100%;" type="text" value="MAYFIELD"/></p> <p>Postcode <input style="width: 100%;" type="text" value="EH22 5HT"/></p> <p>Telephone <input style="width: 100%;" type="text"/></p> <p>Mobile <input style="width: 100%;" type="text" value="REDACTED"/></p> <p>Fax <input style="width: 100%;" type="text"/></p> <p>Email <input style="width: 100%;" type="text" value="REDACTED"/></p>	<p>Ref No. <input style="width: 100%;" type="text"/></p> <p>Forename <input style="width: 100%;" type="text"/></p> <p>Surname <input style="width: 100%;" type="text"/></p> <p>Company Name <input style="width: 100%;" type="text" value="CORPORATE RESOURCES"/></p> <p>Building No./Name <input style="width: 100%;" type="text" value="FILE:"/> <input style="width: 100%;" type="text" value="RECEIVED 13 DEC 2019"/></p> <p>Address Line 1 <input style="width: 100%;" type="text"/></p> <p>Address Line 2 <input style="width: 100%;" type="text"/></p> <p>Town/City <input style="width: 100%;" type="text"/></p> <p>Postcode <input style="width: 100%;" type="text"/></p> <p>Telephone <input style="width: 100%;" type="text"/></p> <p>Mobile <input style="width: 100%;" type="text"/></p> <p>Fax <input style="width: 100%;" type="text"/></p> <p>Email <input style="width: 100%;" type="text"/></p>
<p><b>3. Application Details</b></p> <p>Planning authority <input style="width: 100%;" type="text" value="MIDLOTHIAN COUNCIL"/></p> <p>Planning authority's application reference number <input style="width: 100%;" type="text" value="19/00687/DPP"/></p> <p>Site address <input style="width: 100%; height: 100px;" type="text" value="1 LAURELBANK ROAD&lt;br/&gt;MAYFIELD&lt;br/&gt;EH22 5HT"/></p> <p>Description of proposed development <input style="width: 100%; height: 50px;" type="text" value="ERECTION OF GARAGE, SUN ROOM AND DECKING"/></p>	

Date of application

07/08/19

Date of decision (if any)

13/09/19

**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.

[Empty rectangular box for explanation]

**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:

N/A

## 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.

I WOULD LIKE THIS APPLICATION TO BE RE-CONSIDERED FOR APPROVAL.  
AS ITS FORWARD OF THE BUILDING, I WAS ADVISED TO APPLY FOR PERMISSION, HOWEVER, THIS IS ALSO WHY ITS BEEN REFUSED?? WHY ASK ME TO APPLY THEN, I DONT UNDERSTAND THIS? MY PROPERTY IS ON A GABLE END AND MY GARDEN IS NOT A STANDARD FRONT AND BACK GARDEN, SO WAS PLANNED TO FIT IN THE AREA AVAILABLE ON MY PROPERTY.  
THE STRUCTURE(S) ARE VERY PLEASING TO THE EYE AND HAS BEEN PURPOSELY FINISHED TO COMPLIMENT THE BUILDING. THIS DOES NOT IMPEDE ON ANY OF OUR NEIGHBOURS IN ANYWAY. FOLLOWING YOUR NEIGHBOUR NOTIFICATION WRITING TO RESIDENTS, THERE WERE NO COMPLAINTS NOR OBJECTIONS I HAVE RECEIVED NOTHING BUT COMPLIMENTS FROM SURROUNDING RESIDENTS AS WELL AS FROM VISITORS, INCLUDING LOCAL COUNCIL OFFICIALS AND LOCAL POLICE.  
FERGIVE ME FOR BEING BLUNT BUT THERE ARE A NUMBER OF RESIDENTS AROUND MY PROPERTY WHO HAVE VERY SIMILAR STRUCTURES ERECTED AND NONE OF WHICH HAVE BEEN QUESTIONED NOR HAVE PLANNING PERMISSION. THE LARGEST PERCENTAGE OF THESE STRUCTURES IN NO WAY ARE IN-KEEPING OF ORIGINAL DWELLING AND DO HAVE A DETRIMENTAL IMPACT VISUALLY.  
ONCE AGAIN I ASK YOU TO RE-CONSIDER THIS APPLICATION AND WELCOME ALL VISITS TO MY PROPERTY. THANK YOU.

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

PLANS AND PHOTOGRAPHS AS PER ORIGINAL SUBMISSION

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.

### DECLARATION

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

Signature:

[Redacted Signature]

Name:

JAMES BEVIS

Date:

02/12/19

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



## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:** 19/00687/dpp

**Site Address:** 1 Laurelbank Road, Mayfield

#### **Site Description:**

The application property comprises an end terraced two storey dwellinghouse finished externally in drydash render with a painted brick basecourse, rosemary roof tiles and white upvc framed windows. There is a flat roof single storey extension at the rear of the house finished externally in painted/ rendered timber boards and stone cladding along with a couple of small sheds, with limited private amenity space at the rear of the house. A garage and sunroom have been erected to the south west side of the house and decking erected at the front of the house which are the subject of this planning application. There is a 1.8m high fence along the boundary with no. 3 Laurelbank Road next door and a wall with railings above with 1.7m high piers along the site frontage. There is no record of planning permission having been granted for these works and as such they appear to be unauthorised.

The application property is located at the corner of Laurelbank Road and Pinewood Road.

#### **Proposed Development:**

Erection of garage, sun room and decking (retrospective)

#### **Proposed Development Details:**

Planning permission is being sought retrospectively for a flat roof garage and sunroom erected to the south west side of the house adjacent to the boundary with 13 Pinewood Road and for an area of raised timber decking erected at the front of the house.

The garage is positioned parallel to the south west gable of the house and measures a maximum of 6.4m long and 3.4m wide. The sun room is attached to the south west wall of the garage and measures a maximum of 5.4m long along the boundary with no. 13 Pinewood Road and 2.8m wide. The garage and sun room measure a maximum of 2.5m high and are finished externally in a mix of stone cladding at the base and corners and painted/rendered timber boards with a metal garage door and white upvc framed windows and doors. The garage projects 1m beyond the front building line of the existing house with the sunroom projecting further forward by 1.85m albeit at an angle.

The decking measures a maximum of 3.2m deep and 6.4m wide and is raised a maximum of 0.45m above ground level with a 1m high timber balustrade which has been infilled with black mesh above the deck platform. The external walls of the underbuilding of the decking and the balustrade have been painted cream.

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

History sheet checked.

**Consultations:**

None required.

**Representations:**

Two representations have been received from the occupiers of nos 4 and 6 Laurelbank Road in support of the planning application stating that they have no objection to the works which have been carried out and that the job has been done well and adds to the appearance of the property.

**Relevant Planning Policies:**

The relevant policy of the **Midlothian Local Development Plan 2017** is;

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

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.

**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 determining issues in this case concern the position, design and materials of the proposed garage and sunroom building and its impact on the visual amenity of the surrounding area.

The general appearance of the surrounding area is characterised by houses set back behind front gardens/driveways enclosed by low fences and walls or hedges.

It is acknowledged that flat roof garages positioned to the side of houses are not uncommon. However the garage and sunroom project forward of the front building line of the application property with the sunroom only 3m from the pavement. The building is very prominent in the street scene as viewed from both Laurelbank Road and Pinewood Road to the south. As a result of a combination of its forward projection, proximity to the pavement, irregular shape and flat roof design the

building appears as an incongruous feature in the street scene detrimental to the character of the area.

It is acknowledged that the garage and sunroom is screened by an existing hedge along the boundary with no. 13 Pinewood Road when approaching from the north along Pinewood Road. However the hedge appears to be within the curtilage of no. 13 Pinewood Road out with the control of the applicant and could be removed at any time. With the removal of the hedge the building would be even more prominent projecting well beyond the front building line of properties on Pinewood Road.

Also it is the usual practice of the Planning Authority to require matching materials on extensions and garages and outbuildings. The application property and surrounding houses are finished predominantly in drydash render with brick base courses and underbuilding. The finish of the walls of the garage and sunroom does not match the existing house. In particular the stone cladding is uncharacteristic of the original house at the application property and as a result draws even more attention to the garage and sunroom appearing incongruous in the context of the external finishes of the original house at the application property and the street scene exacerbating the detrimental impact of the building on the character of the area. (There is no record of planning permission having been granted for the extension at the rear of the house, which is partly finished externally in stone cladding – it may have been erected as permitted development not requiring planning permission from the Council. Also located at the rear of the house it is not a prominent feature in the street scene.)

The garage and sunroom do not have a significant impact on the amenity of neighbouring properties.

Whilst it is not the norm to have decking at the front of a house and in particular on a terraced property it has been painted to match the house and does not detract from the principal elevation. Also the deck is set back from the road and the 0.85m high wall with 0.5m high railings above, albeit possibly unauthorised, along the site frontage screens the deck and balustrade to some extent and it does not have a significant impact on the visual amenity of the street scene. Along with the 1.8m high fence there is a hedge along the boundary with the front garden of no. 3 next door. The deck does not have a significant impact on the amenity of this property.

Adequate off street parking remains at the site.

**Recommendation:**

Refuse planning permission



## Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

**Reg. No. 19/00687/DPP**

Mr James Bevis  
1 Laurelbank Road  
Mayfield  
Dalkeith  
EH22 5HT

Midlothian Council, as Planning Authority, having considered the application by Mr James Bevis, 1 Laurelbank Road, Mayfield, Dalkeith, EH22 5HT, which was registered on 7 August 2019 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Erection of garage, sun room and decking (retrospective)  
at 1 Laurelbank Road, Mayfield, Dalkeith, EH22 5HT**

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Illustration/Photograph		07.08.2019
Illustration/Photograph		07.08.2019
Illustration/Photograph		07.08.2019
Illustration/Photograph		07.08.2019
Illustration/Photograph		07.08.2019
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Illustration/Photograph		07.08.2019
Illustration/Photograph		07.08.2019
Location Plan		07.08.2019
Location Plan		07.08.2019
Location Plan		07.08.2019
Site Plan	1:100	07.08.2019
Other statement		07.08.2019

The reason(s) for the Council's decision are set out below:

- As a result of a combination of its forward projection, design and materials the building appears as an incongruous feature out of keeping with the character of the original house at the application property and has a detrimental impact on the visual amenity of the surrounding area.*

2. *For the above reason the proposal is contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017 which seeks to protect the character and amenity of the built-up area.*

Dated 13 / 9 / 2019



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

# Appendix E

CORPORATE RESOURCES
FILE: 19100687 DW
RECEIVED 07 AUG 2019

SCALE  
1:100

