

## **Notice of Review: 77 Carnethie Street, Rosewell**

### **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 dwellinghouse to increase roof height and formation of dormer windows at 77 Carnethie Street, Rosewell.

#### **2 Background**

- 2.1 Planning application 20/00177/DPP for the erection of an extension to dwellinghouse; alterations to dwellinghouse to increase roof height and formation of dormer windows at 77 Carnethie Street, Rosewell was refused planning permission on 3 July 2020; 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 advisory notes, issued on 3 July 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](http://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 no consultations were required and one representation was received. As part of the review process the interested party was notified of the review. No additional comments have been received at the time of drafting this report. 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.
1. Prior to the commencement of development, the following details shall be submitted and approved in writing by the planning authority:
    - a) Details of the materials of all window frames and doors;
    - b) Details of the colour of all window frames and doors;
    - c) Details of the materials of any areas of hardstanding; and
    - d) Details of the design, dimensions, materials and colour finish of all new walls, gates, fences or other means of enclosure.

**Reason:** *These details were not submitted with the application; in order to ensure that the development hereby approved does not detract from the character and appearance of the existing building and surrounding area.*

2. The external materials of the extension shall match the materials of the existing dwellinghouse.
3. The roof of the resultant house shall be finished in natural slate, a sample of which shall be submitted to and approved in writing prior to installation.

**Reason for conditions 2 and 3:** *To protect the character and appearance of the existing building and the surrounding area; and ensure this maintains the visual quality of this area.*

## **6 Recommendations**

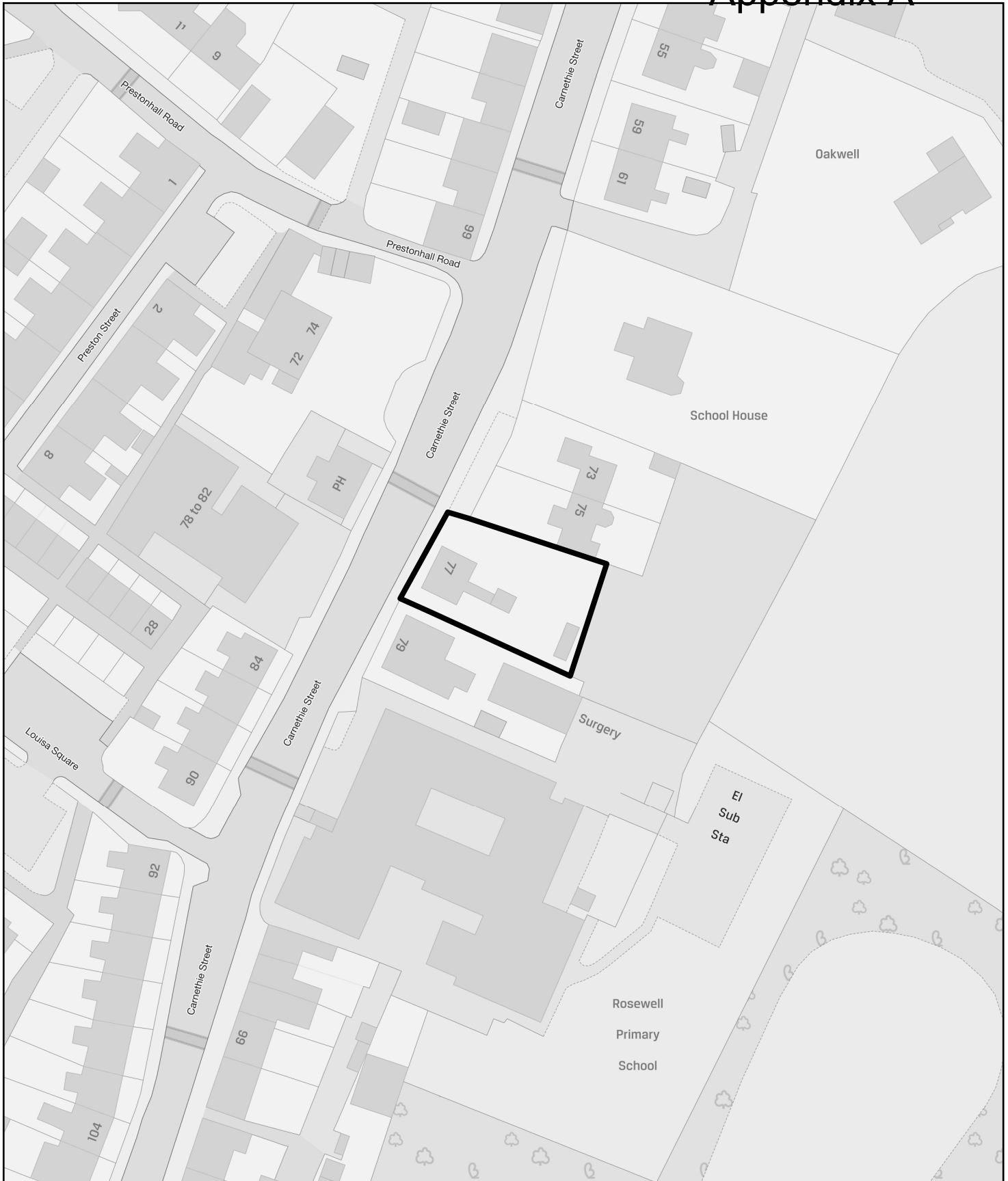
- 6.1 It is recommended that the LRB:
- a) determine the review; and
  - b) the planning advisor draft and issue the decision of the LRB through the Chair.

**Date:** 16 November 2020

**Report Contact:** Peter Arnsdorf, Planning Manager  
[peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)

**Background Papers:** Planning application 20/00177/DPP available for inspection online.

# Appendix A



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

Extension to dwellinghouse; alterations to dwellinghouse to increase roof height and formation of dormer windows at 77 Carnethie Street, Rosewell, EH24 9AN

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File No: 20/00177/DPP

Scale: 1:1,000





Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: [planning-applications@midlothian.gov.uk](mailto: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 100241086-003

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

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="F.E.M Building Design"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Douglas"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Mack"/>	Building Number:	<input type="text" value="8"/>
Telephone Number: *	<input type="text" value="07966201299"/>	Address 1 (Street): *	<input type="text" value="Plantain Grove"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Lenzie"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="G66 3NE"/>
Email Address: *	<input type="text" value="douglas@femdesign.co.uk"/>		

Is the applicant an individual or an organisation/corporate entity? \*

☒ Individual ☐ Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Bernard"/>	Building Number: <input type="text" value="77"/>
Last Name: *	<input type="text" value="Flanagan"/>	Address 1 (Street): * <input type="text" value="Carnethie Street"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Rosewell"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH24 9AN"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="REDACTED"/>	

## Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="77 CARNETHIE STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ROSEWELL"/>
Post Code:	<input type="text" value="EH24 9AN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="662755"/>	Easting	<input type="text" value="329036"/>
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## 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)

Extension to dwellinghouse; alterations to dwellinghouse to increase roof height and formation of dormer windows at 77 Carnethie Street, Rosewell, EH24 9AN

## 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.

The reason we are seeking a review of the refusal of Planning Permission at 77 Carnethie Street, Rosewell, is that the reasons for refusal, are in our opinion unsubstantiated. Please see attached Appeal Statement

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)

Planning Appeal Statement Ordnance Survey Map Drawing no. 20/Flanagan/PP/001(-- Drawing no. 20/Flanagan/PP/002(--  
14no. photographs

## Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

20/00177/DPP

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

12/03/2020

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

03/07/2020

## 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

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: Mr Douglas Mack

Declaration Date: 20/07/2020



**15 July 2020**

**Appeal Statement to support Appeal to the Review Body**

**77 Carnethie Street, Rosewell**

**Alterations to dwellinghouse to increase roof height and formation of dormer windows (20/00177/DPP)**

The reason we are seeking a review of the refusal of Planning Permission at 77 Carnethie Street, Rosewell, is that the reasons for refusal, are in our opinion unsubstantiated. The property is a single storey residential property which has lain empty and unused for a substantial period of time falling into a considerable state of disrepair. The property has become an eyesore due to it's neglect and has become unsympathetic to the amenity of the general area. We would suggest that to provide a high standard of dwellinghouse on the site would only enhance the immediate area around the site and provide an excellent family home. With the undertaking of numerous new build housing sites in the surrounding area it would appear that there is a shortage of these properties in this area. We would therefore request that the Local Review Body share the opinion that our proposals will enhance the immediate site and surrounding locale. Detailed representation is outlined in the statement below.

The reasoning that the proposed extension '*is unsympathetic in terms of it's design and would appear as a bulky, incongruous addition and would seriously detract from the character and appearance of the original cottage and would have a significant adverse impact on the character of the area*' is in our opinion completely unsubstantiated and incorrect. Although it might be accepted that part of Carnethie Street (we would suggest the part south of the school and perhaps north of 69 Carnethie Street) may have a characteristic of single storey, pitched roof terraced cottages, this certainly does not apply to the immediate vicinity of the property in question. You will see from the attached OS Map that none of the properties follow a distinct building line or indeed, follow a specific design element. Please see photos attached to this application which indicate the various types of property within the immediate area of 77 Carnethie Street. There are modern semi detached houses directly next to the site (73 & 75 Carnethie Street) with the one immediately adjoining my clients property having a recently completed two storey side extension. On the other side of my clients property at 79 Carnethie Street is another cottage which doesn't follow any particular design (with substantial side and rear extensions). A surgery building is located to the rear of 79 Carnethie Street with the school next to that, None of these buildings follow any particular characteristic that the refusal refers to. With regards to the design of the proposal, this has been done to ensure that the character of the existing cottage is retained as closely as possible while developing in into a more modern property suitable for a family

keen to reside in this area. The ridge line of the heightened roof has been designed so as not to exceed the height of the adjacent property at 79 Carnethie Street. At present, none of the properties in the immediate vicinity follow any particular roof height or angle of roof so there would be no impact on the character of roofs in the area. We have kept the design of the front elevation as close as possible to the original cottage façade with white smooth render finish to the external walls and slate finish to roof and dormer cheeks. Again, there are a number of varying materials used to external walls and roofs of properties in the immediate area. The rear extension is proposed to be finished in smooth render walls as the rest of the property and the roof is proposed to be finished in a grey Marley Modern roof tile, although this could be changed to slate if requested. At present when approaching the site from the north of Carnethie Street, the visual aspect to the rear of the existing property is the large roof of the surgery building to the rear of 79 Carnethie Street (see photo no. 14). It is our opinion that the visual impact of the proposed extension roof will be no greater than that exists presently with the roof of the surgery. We would suggest that the design and scale of the proposed extension will have no adverse effect on the character of the existing property or the area and would suggest that you should carefully consider the points noted above.

The comment that the *'proposed dormer windows are uncharacteristic for this type of cottage in this area and would therefore have a seriously detrimental impact on the character and appearance of the area'* is, in our opinion not a relevant comment in this particular case. The fact that the proposed front elevation will include 2 no. roof dormers will in no way affect the character or appearance of the area. As part of this appeal we have included photographic evidence of a number of roof dormers in the immediate vicinity of 77 Carnethie Street, including the property directly opposite and the old schoolhouse 71 Carnethie Street. To suggest that the roof dormers do not form part of the character of the area would seem completely incorrect. We would suggest that the existing roof dormers within the area have set a precedence in the area. The proposed roof dormers will follow a traditional design with hipped slate roof and slate dormer cheeks sympathetic to the design of the original cottage. We believe that the roof dormers would enhance the visual aspect of the property itself with their traditional design.

Your further comment stating that *'the scale of the proposed extension, increase in roof height, and introduction of two front facing dormers would have the effect of swamping the original cottage, having a significant adverse impact on it's character and appearance and the character and appearance of the area'* we believe is not a true representation of the design of the proposal. As previously stated, the increase in roof height has been carefully considered so as not to be any higher than the adjacent property at 79 Carnethie Street. It is our opinion that the increase in roof height, with the design of the proposed dormers actually enhances the property. As previously stated, the roof pitches in the area do not follow any particular angles. The property isn't Listed or within a Conservation Area and is unable to follow any particular design of the immediate area which we believe, can't have an adverse impact on either the property or the area. The scale of the rear extension was carefully designed so as not to more than double the footprint of the existing building. We are also considering the planting of trees along the North boundary, forming screening which would lessen any visual impact from the north. It is our opinion that the scale of the proposal does in no way 'swamp' the original cottage but in fact retains the character of the original cottage, particularly the front elevation with it's use of traditional materials. There are numerous examples of much larger rear extensions in the Midlothian area (too many to include as part of this appeal) which appear to have been approved by Midlothian Council. One area in particular which has all sizes and design of rear extension approved within a similar area is the First – Tenth Streets area of Newtongrange. This area of Newtongrange could be

considered to have a similar character to the area of 77 Carnethie Street, Rosewell. We would suggest that a precedence has been set in Midlothian in a similar area.

In your refusal letter you state that *'the proposed development includes a mismatched palate of materials which, if used would have detrimental impact on the character and appearance of the cottage and, in turn, the character and appearance of the area'*. We are unsure as to what aspect of the materials this comment relates. The whole of the building will be finished in a smooth render finish which is the same finish as that of the existing cottage. Although the rear extension roof is detailed to be finished in a grey Marley Modern tile this could be changed to a slate finish if required. The reasoning behind the two roof finishes (existing frontage and rear extension) was the financial implications of having a slate finish over the whole roof which is, of course, much more expensive than concrete tiles. We would be willing to enter discussions to agree external finishes to the proposed building but do feel that this could have been agreed much earlier in the process rather than including it as reason for refusing the application which seems pedantic at this stage.

77 Carnethie Street is not a Listed Building or within a conservation area and therefore the proposed alterations and extension would not have any detrimental effect on the surrounding area or buildings. The fact that Planning Permission for various extensions, alterations and new build dwellinghouses have previously been approved would also suggest that there are limited restrictions on development in the immediate vicinity. The existing cottage is restricted at present to its use as a dwelling both due to previous neglect and limited floorspace. The fact that it has fallen into a state of disrepair and has not been occupied for any use for a considerable time would suggest that it does not serve as an attractive dwelling in its current form for any of the local population. The desirable area of Rosewell with its excellent location and improving amenities is always going to attract families to live in this area and we believe the proposed dwellinghouse will create a comfortable family home for future occupants. My clients are long term residents of Rosewell and are keen to raise their own family in the village. The extended property would allow them to do this whilst enhancing the property itself and the immediate vicinity.

To summarise, it is our opinion that our proposal to alter & extend the existing cottage and it's design would cause no greater impact on the character or amenity of 77 Carnethie Street, Rosewell and the immediate surrounding area than that which is existing. We would suggest that my clients proposal would only serve to enhance the character and amenity of the surrounding area. We would request that you consider our appeal in a manner which lends to a favourable outcome for my clients.







































218 Carnethie St Rosewell, Scotla...







## MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

**Planning Application Reference:** 20/00177/DPP

**Site Address:** 77 Carnethie Street, Rosewell.

**Site Description:** The application site comprises a detached single storey dwellinghouse and associated garden ground. The dwelling is finished with brick walls and white uPVC window frames. At the time of the site visit the roof materials had been stripped from the building, as work had appeared to have been started on the development. The roof finish appears to have been brown concrete profiled tiles. It also appears, from consulting with photographs of the site, that a previously applied render has been removed from the walls and a window on the front elevation has been infilled. There is vehicular access to the side of the house.

The site is in a predominantly residential area of Rosewell largely comprising single storey former miner's cottages. There are some two storey buildings in the area and there is a bungalow opposite the application site.

**Proposed Development:** Extension to dwellinghouse; alterations to dwellinghouse to increase roof height and formation of dormer windows.

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

- The roof pitch and height of the existing part of the cottage increases from 5.5 metres to 7 metres;
- Full width (9.6 metres) rear extension 6 metres long with a truncated pitched roof (a roof that is pitched with a flat section at ridge level) 6.3 metres high;
- A suspended balcony from the extension at first floor 3 metres high, 5.4 metres long by 2 metres deep with 1.8 metre high screens to either end; and
- Two dormer windows on the front 1.6 metres wide by 2.3 metres high.

Materials - white smooth render walls; the roof of the front elevation of the original house is to be finished with slate; the rear elevation and extension roof to be finished with Marley Modern roof tiles; the dormer roofs and cheeks will be finished in slate; the window and door frames of the extension dark grey aluclad; no details of the window or door materials or colour on the existing house.

One new window opening is proposed on the front elevation, one new window opening on one gable elevation and a new window and door opening on the other. These alterations are permitted development in terms of Class 2B of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (amended 2011) and so do not form part of this application.

Upon visiting the site, the case officer noted two outbuildings under construction in the rear garden. These did not have roofs and so the case officer could not determine if these require planning permission. The applicant's agent has not

provided details of these structures but has claimed that they benefit from permitted development rights. These structures do not form part of the current application.

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

13/00417/DPP 75 Carnethie Street Two storey extension to dwellinghouse and erection of porch. Permitted.

07/00763/DPP 79 Carnethie Street Extension to dwellinghouse. Permitted.

**Consultations:** No consultations were required.

**Representations:** One letter of support has been received from the occupants of the neighbouring property stating they have watched the building fall into a state of disrepair over the years and would be pleased to see it finished as per the proposals.

**Relevant Planning Policies:** The relevant policies of the **2017 Midlothian Local Development Plan** are;

**DEV2 Protecting Amenity within the Built-Up Area** advises development will not be permitted where it is likely to detract materially from the existing character or amenity of the area; and

**DEV6 Layout and Design of New Development** requires good design and a high quality of architecture, in both the overall layout of developments and their constituent parts. The layout and design of developments are to meet listed criteria.

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 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.

Supplementary Planning Guidance – Rear Extensions to Single Storey Terraced and Semi-Detached Houses provides guidance on such proposals, including sizes, design and impact on the original house and the surrounding area.

Supplementary Planning Guidance – Dormer Extensions was prepared partly due to a growing concern over the increasing size of dormers and the impact of large box dormer extensions on the character of the original building and the visual amenity of the surrounding area. This provides guidance for proposed dormer extensions.

**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 application site is within the built-up area of Rosewell. As a result, the **principle** of carrying out improvements and extending the dwellinghouse on the application site is considered acceptable. Despite being acceptable in principle it is essential to ensure that the detailed aspects of the proposal are appropriate.

The application dwelling is one of many single storey cottages which line Carnethie Street. Carnethie Street, Rosewell's main street, has a distinctive character. It is generally characterised by small, single storey cottages, which are sited either hard up, or in very close proximity, to the pavement. While there are some exceptions to this general character these are usually where the building has some importance or fulfils (or fulfilled) some form of civic function. Two storey buildings are generally set back from the road. There are very few examples of single storey cottages having front-facing dormer windows along the main street.

The applicant proposes to increase the ridge height of the original cottage and install two front-facing dormer windows in order to provide accommodation in a second storey. While increasing the ridge height will alter the appearance of the cottage it will not result in an adverse impact on the character of the area. The alteration to the ridge height will retain the form of the cottage and its roof will still be proportionally similar to that on the neighbouring cottage to the South. (In addition, this part of the proposal could be supported as the cottage is detached. Other terraced cottages in the area would not be able to raise the ridge height in a similar way.)

However, the proposed front-facing dormer windows are at significant odds with the character of the area. While there is a dormer window on the property opposite it must be noted that this is a building in a different style and with a historically different civic status, having previously been a public house. No buildings similar to the application premises have dormer windows. The strong character of the uninterrupted roof line in this part of Rosewell should be retained.

The proposed extension is very large and bulky as compared to the existing building and is essentially a two storey extension to a single storey cottage. The proposed extension has a bulky and unattractive truncated pitched roof that does not reflect design or character of the original cottage. This proposed extension would be very apparent when travelling South along Carnethie Street. The planning authority requires that extensions should be clearly subservient to the original house. The combination of the increase in height of roof of the original cottage and the proposed extension to the rear would have the effect of swamping the original building, severely impacting on the character of this modest vernacular cottage and the overall character of the area.

In addition, the applicant has proposed a palate of materials which includes different, mismatching, roof coverings on different roof planes. In arriving at the proposed scheme little consideration has been given to how the building relates to its surroundings and how different elements of the development relate to each other.

The house at 75 Carnethie Street, to the north, is set back giving potential for overlooking from the proposed balcony. Number 75 has a two storey side extension hard up to the shared boundary and no windows on the gable elevation. This extension blocks any view from the proposed balcony to the rear garden of no. 75. Due to the length of the proposed extension, the orientation of the houses and the existing extension at number 75, the proposed balcony would be at such an angle that it would avoid significant overlooking to no. 75. However, there may be the perception of being overlooked at no. 75, given the close proximity of the proposed balcony.

There is a 2 metre high stone boundary wall along the shared boundary to no. 75. This, combined with the extension at no. 75, means there would be no significant overlooking from the proposed extension to the house to the North.

There is potential for overlooking from the balcony and extension to no. 79, to the South. The garden ground for no. 79 is largely taken up by an outbuilding which has windows that look directly onto the application site. There are no boundary treatments along this shared boundary. Given the existing situation, any overlooking from the proposed balcony or extension would not be significantly worse than the existing situation.

The orientation of the site means there could be an impact on light to no. 75. However this would mainly affect the front garden. The rear garden at no. 75 would not be affected by the proposed extension and so there is unlikely to be any significant detrimental impact on light to this property as a result of the extension.

Sufficient garden ground would remain.

(There have been discussions between the case officer, the applicant and applicant's agent both at pre-application stage and during the application. Concerns have been raised throughout by the planning authority and although the proposal has been altered since the original scheme, these have not been satisfactorily addressed. The case officer gave some guidance during the application as to changes that may make the proposal acceptable, however this is to be determined as submitted. The planning authority has proposed amending the scheme to address the issues highlighted in this report but the applicant has stated that it is his preference to have the application determined in its current form.)

**Recommendation:** Refuse planning permission.

**Reg. No. 20/00177/DPP**

F.E.M Building Design  
8 Plantain Grove  
Lenzie  
Glasgow  
G66 3NE

Midlothian Council, as Planning Authority, having considered the application by Mr Bernard Flanagan, 77 Carnethie Street, Rosewell, EH24 9AN, which was registered on 12 March 2020 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

**Extension to dwellinghouse; alterations to dwellinghouse to increase roof height and formation of dormer windows at 77 Carnethie Street, Rosewell, EH24 9AN**

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	12.03.2020
Site plan, Elevations, Floor Plans	20/Flanagan/PP/001(-- ) 1:1250 1:200 1:100 1:50	19.05.2020
Site plan, Elevations, Floor Plans	20/Flanagan/PP/002(-- )1:1250 1:100 1:50	12.03.2020

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

- 1. The proposed extension is unsympathetic in terms of its design and would appear as a bulky, incongruous addition and would seriously detract from the character and appearance of the original cottage and would have a significant adverse impact on the character of the area.*
- 2. The proposed dormer windows are uncharacteristic for this type of cottage in this area and would therefore have a seriously detrimental impact on the character and appearance of the area.*
- 3. The scale of the proposed extension; increase in roof height; and introduction of two front-facing dormer windows would have the effect of swamping the original cottage, having a significant adverse impact on its character and appearance and the character and appearance of the area.*
- 4. The proposed development includes a mismatched palate of materials which, if used, would have a detrimental impact on the character and appearance of the cottage and, in turn, the character and appearance of the area.*

5. *For the above reasons, the proposal is contrary to policies DEV2 and DEV6 of the adopted Midlothian Local Development Plan 2017 and the adopted supplementary planning guidance.*

Dated 3 / 7 / 2020

A handwritten signature in blue ink, appearing to be 'DR' with a stylized flourish.

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





**The Coal  
Authority**

**Any Planning Enquiries should be directed to:**

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Website: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

### **INFORMATIVE NOTE**

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

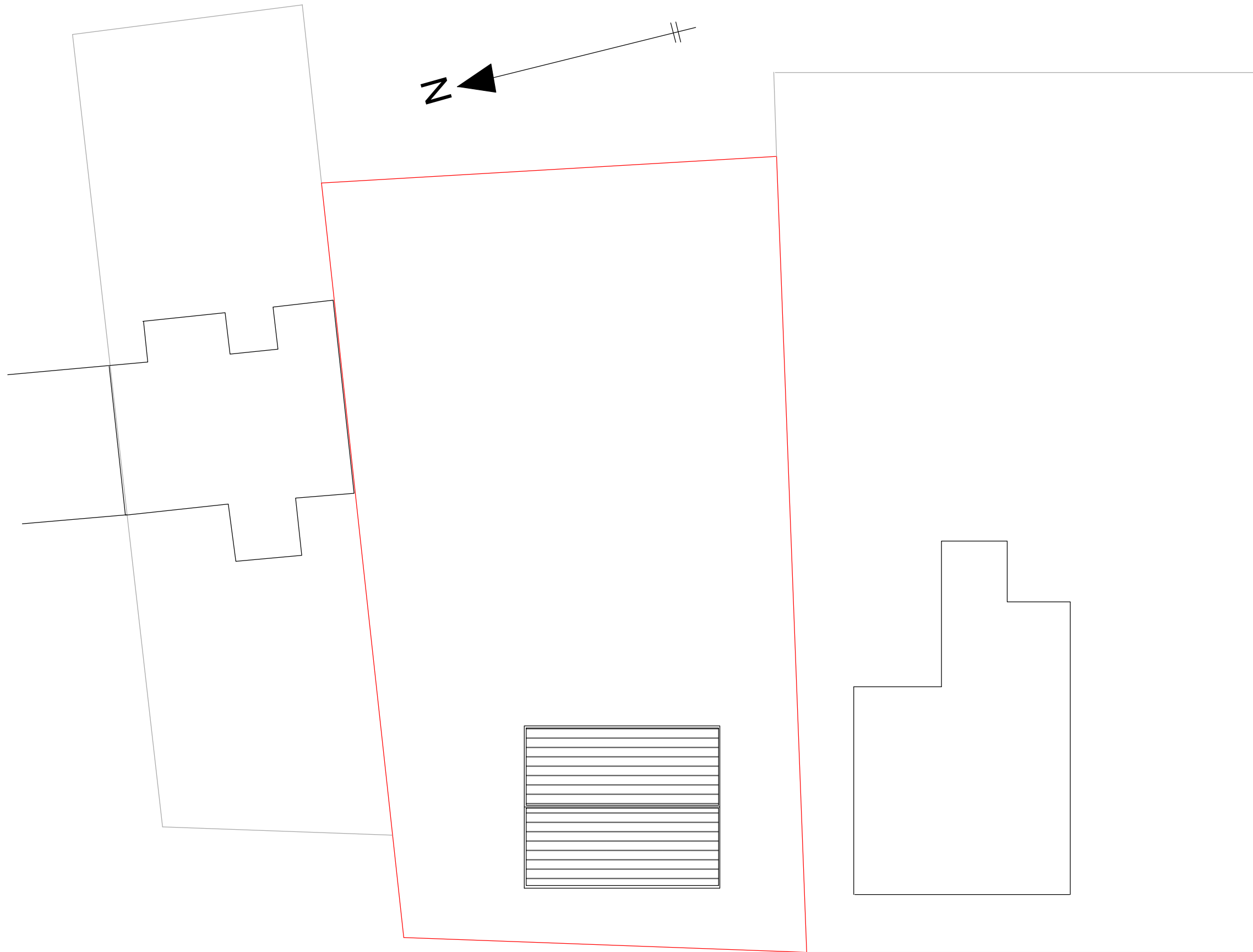
<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

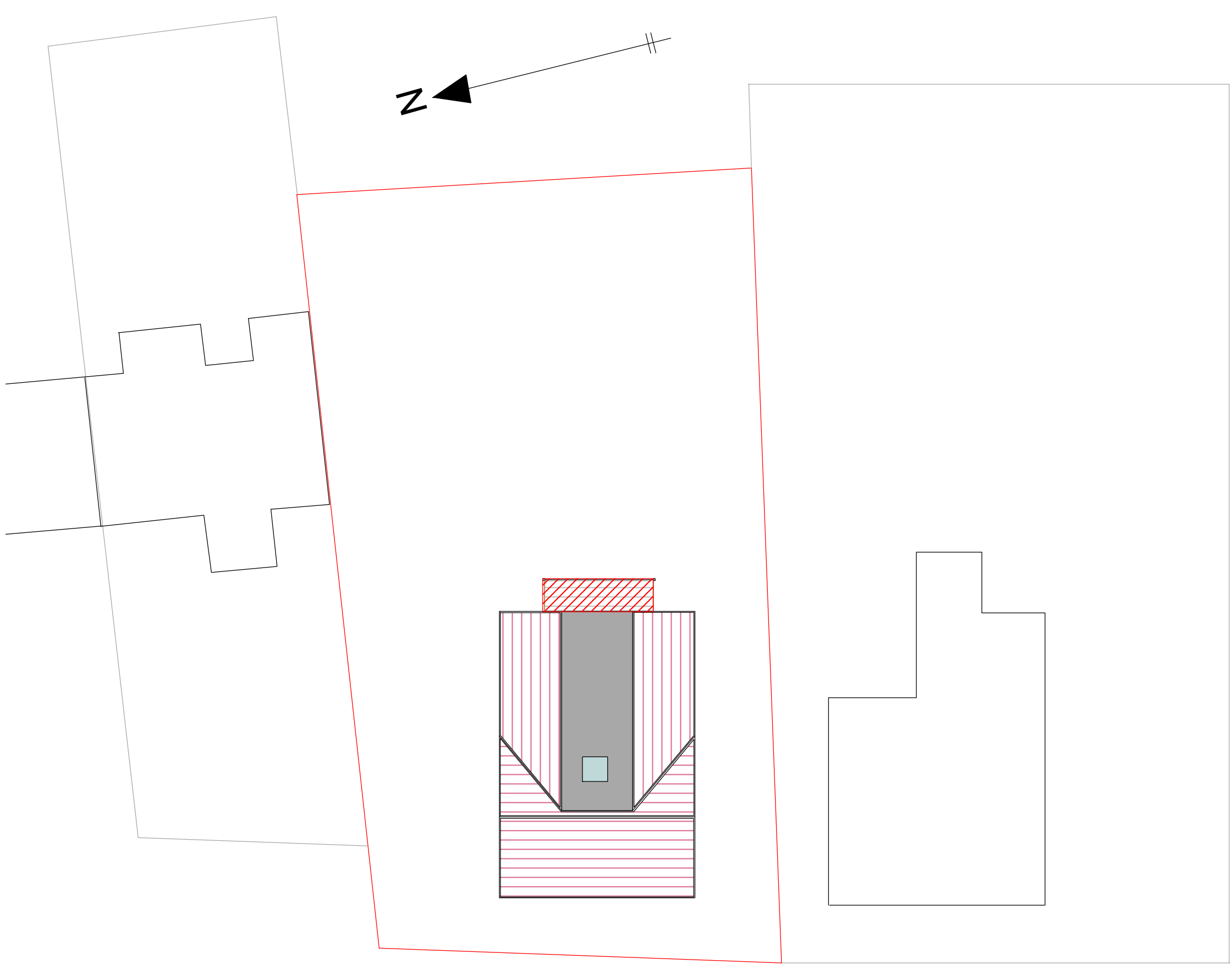
Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

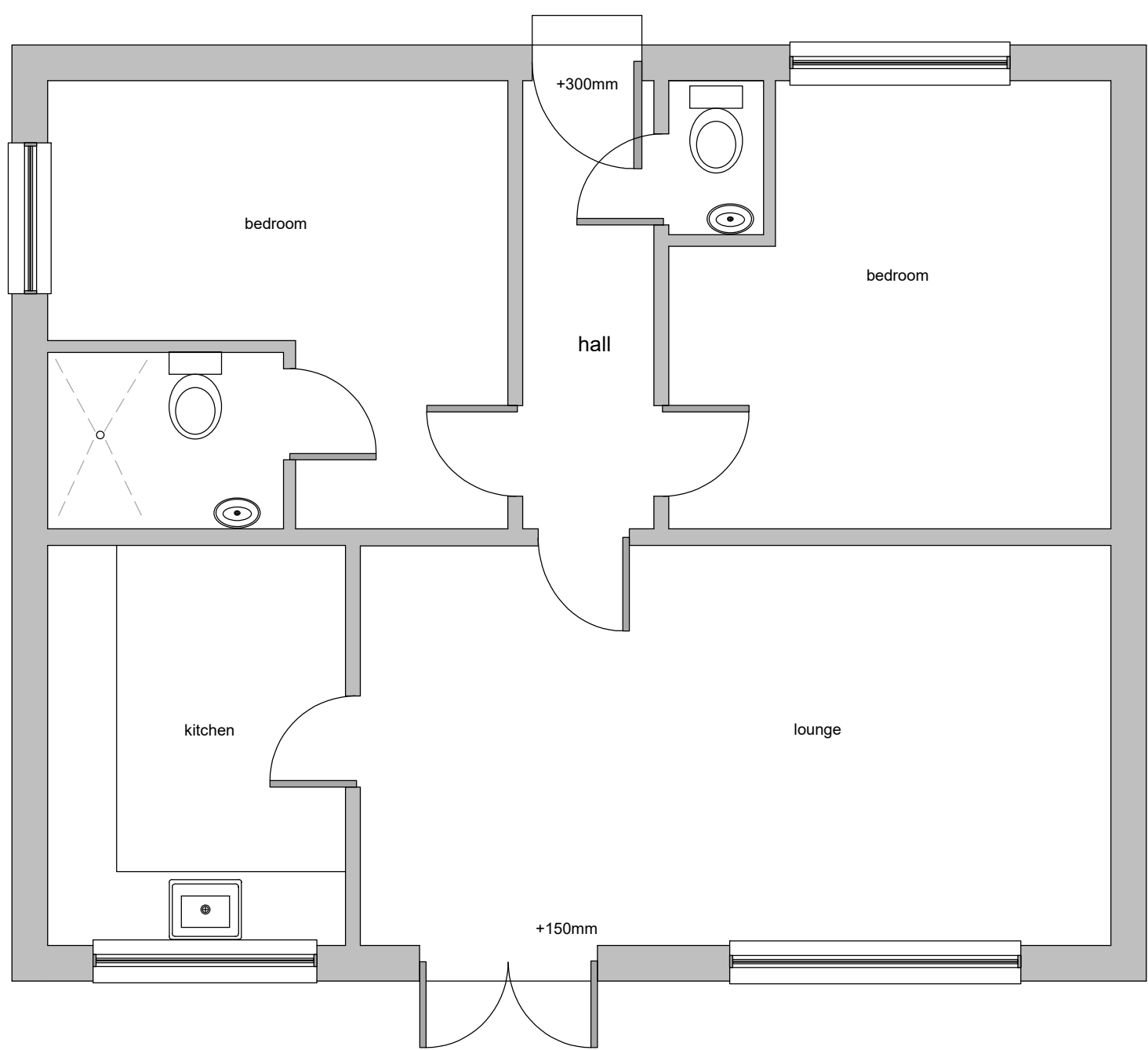
*This Informative Note is valid from 1<sup>st</sup> January 2019 until 31<sup>st</sup> December 2020*



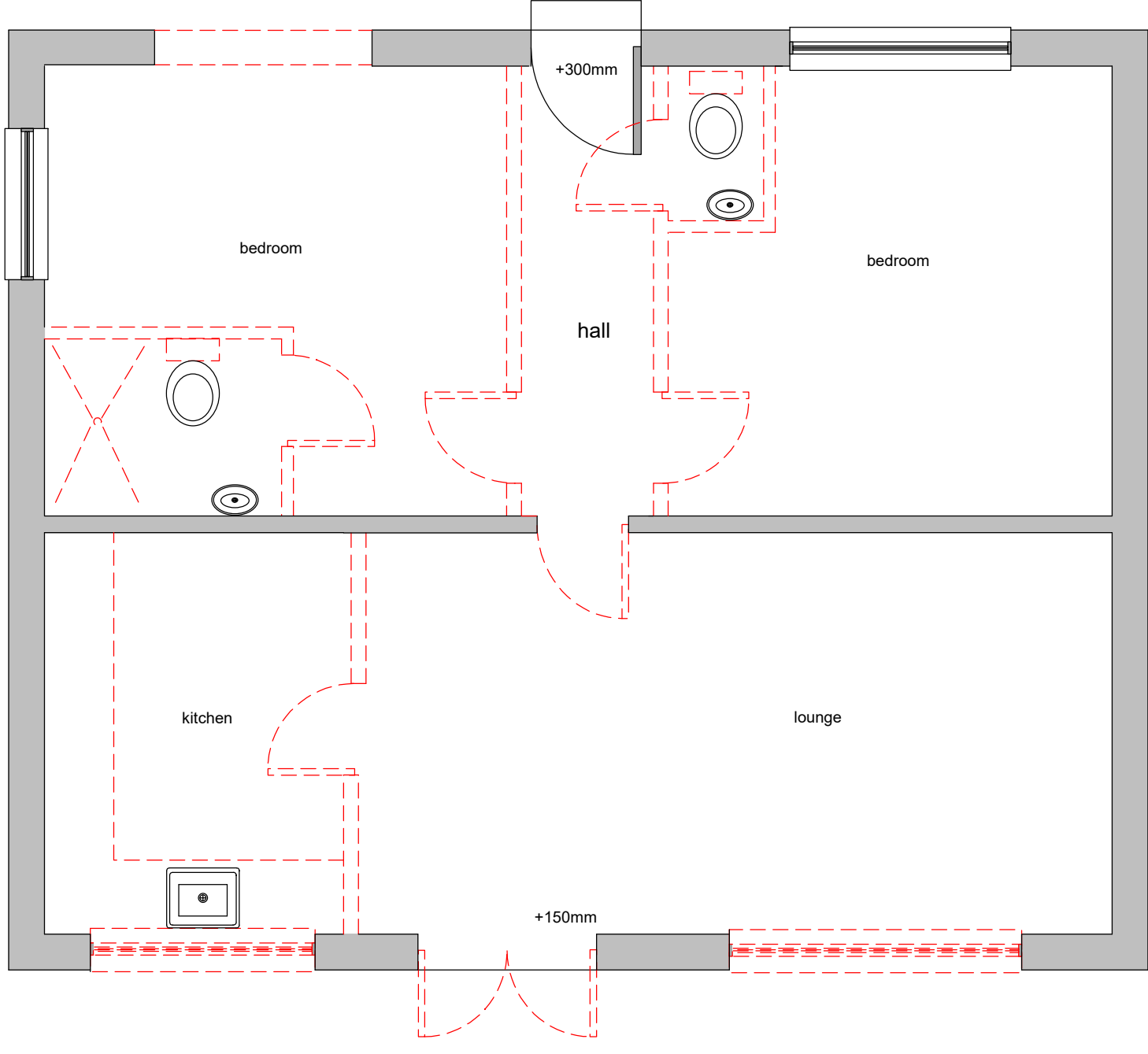
EXISTING SITE BLOCK PLAN (1:200)



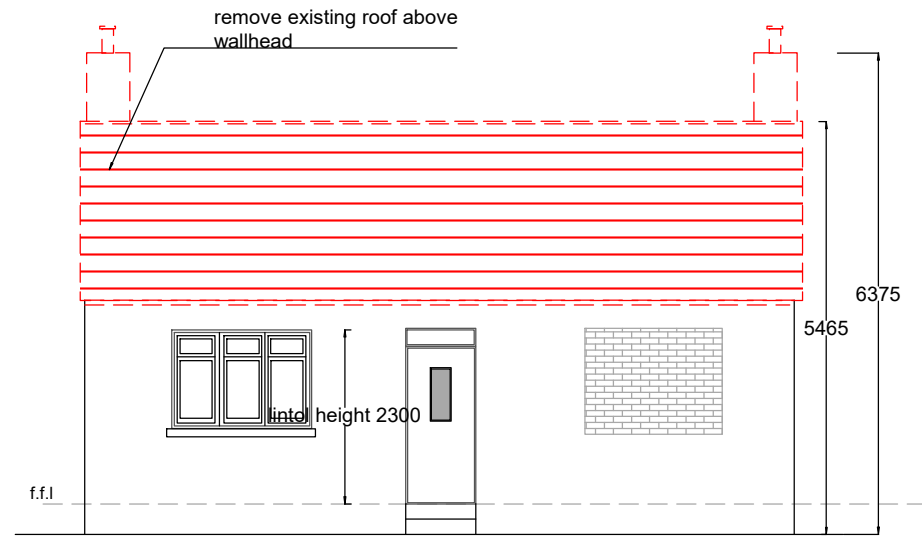
PROPOSED SITE BLOCK PLAN (1:200)



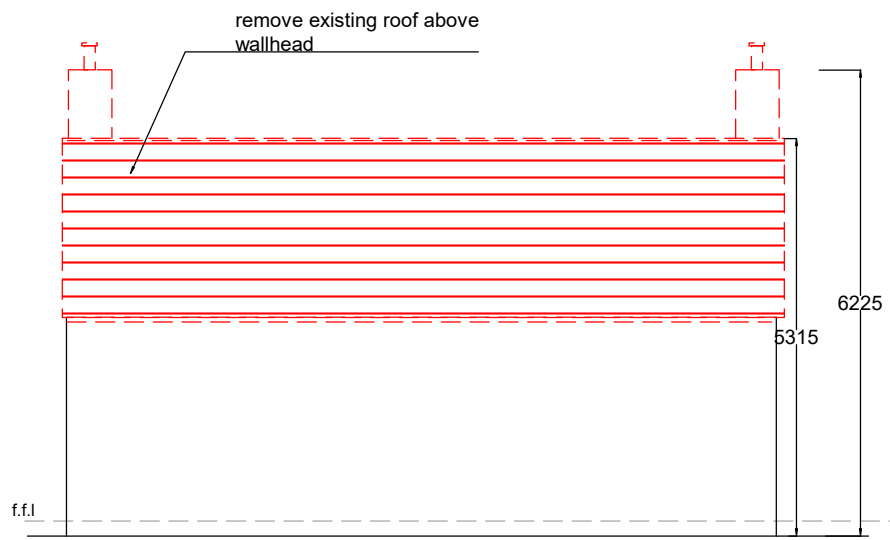
EXISTING GROUND FLOOR PLAN (1:50)



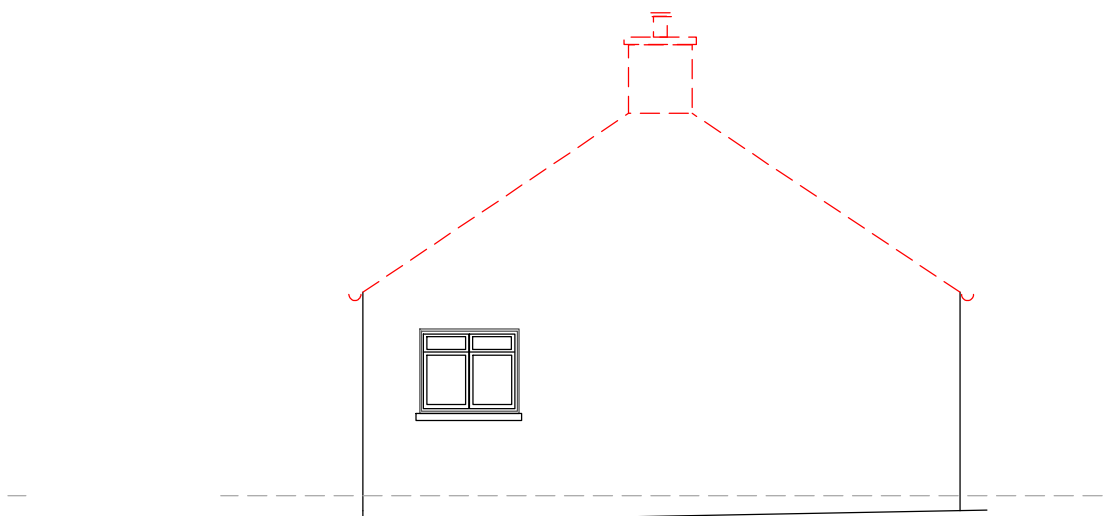
EXISTING GROUND FLOOR PLAN INDICATING REMOVALS (1:50)



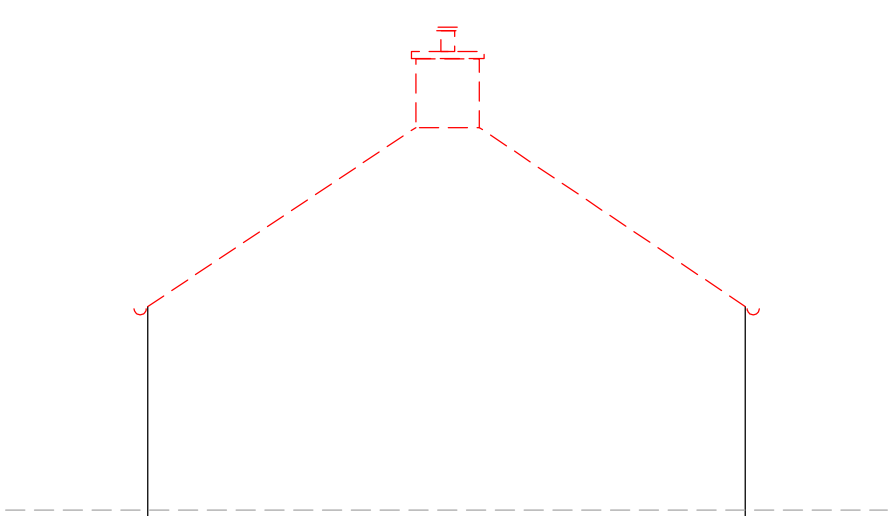
EXISTING FRONT ELEVATION (1:100)



EXISTING REAR ELEVATION (1:100)



EXISTING WEST ELEVATION (1:100)



EXISTING EAST ELEVATION (1:100)

- This drawing is the copyright of FEM building design and should not be reproduced in part or whole without prior permission.
- The Construction (Design and Management) Regulations 2015(CDM2015) requires all contractors to have the skills, knowledge and experience to identify, reduce and manage health and safety risks. Principal contractor to plan, manage and monitor construction work carried out either by all contractors or by workers under the contractors control, to ensure that, as far as is reasonably possible, is carried out without risks to health and safety (Note, if the householder carries out the works themselves, it is classed as DIY and CDM 2015 does not apply)
- All dimension to be checked on site prior to works commencing
- Drawings must not be scaled. All dimensions are to be checked by contractor

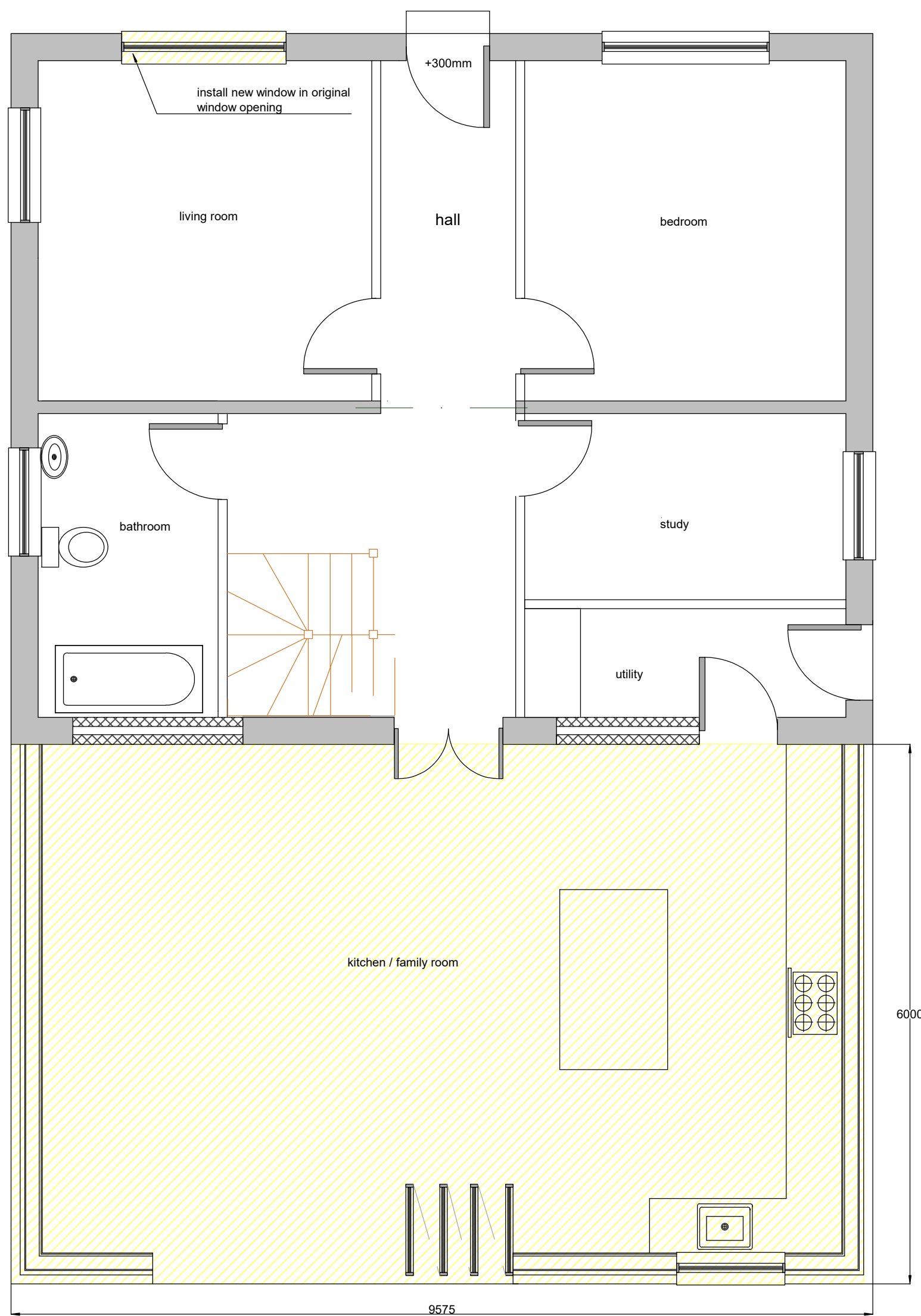
**Client:**  
Mr Flanagan  
77 Carnethie Street  
Rosewell

**Project:**  
Alter & Extend  
dwellinghouse

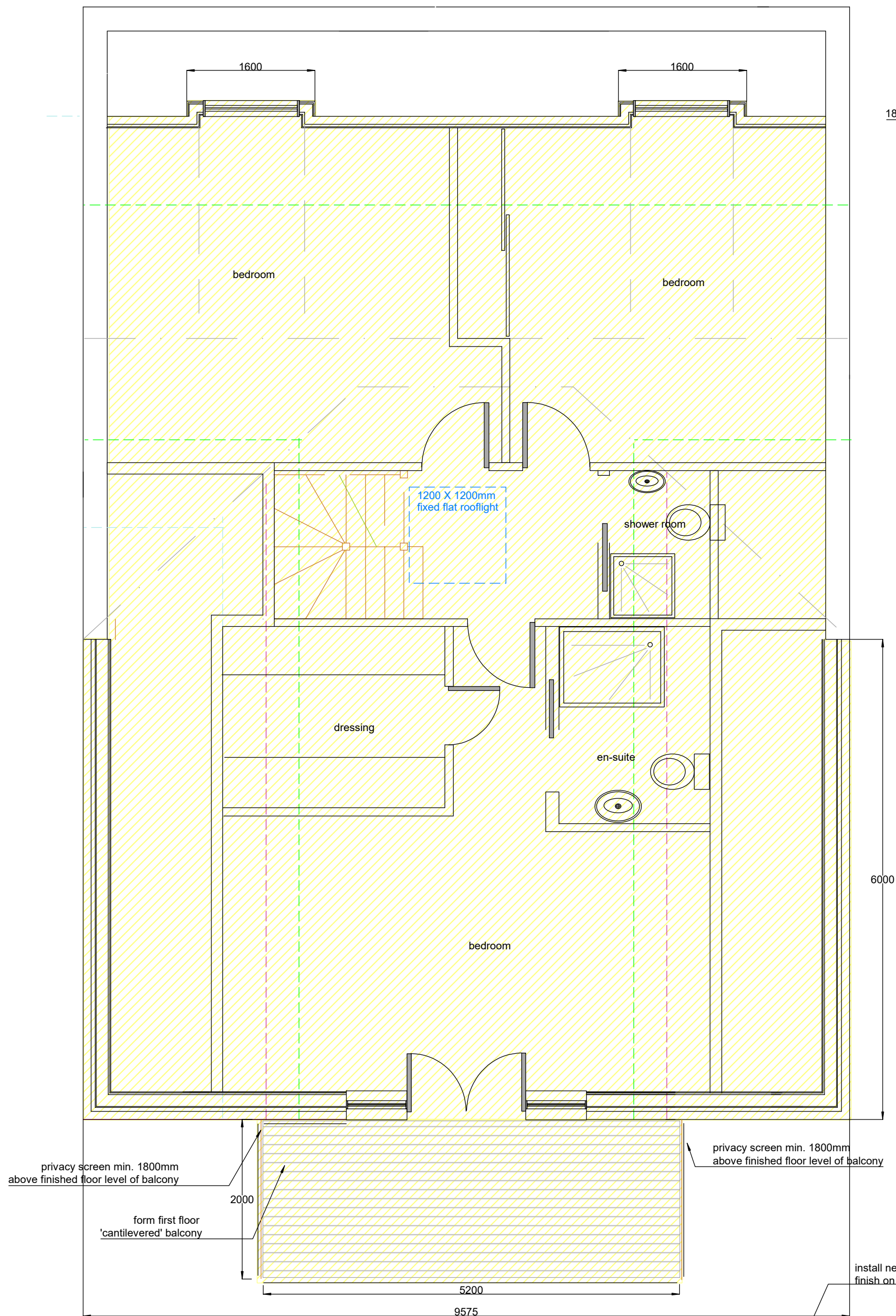
**Drawing Number:**  
20/Flanagan/PP/001(--)



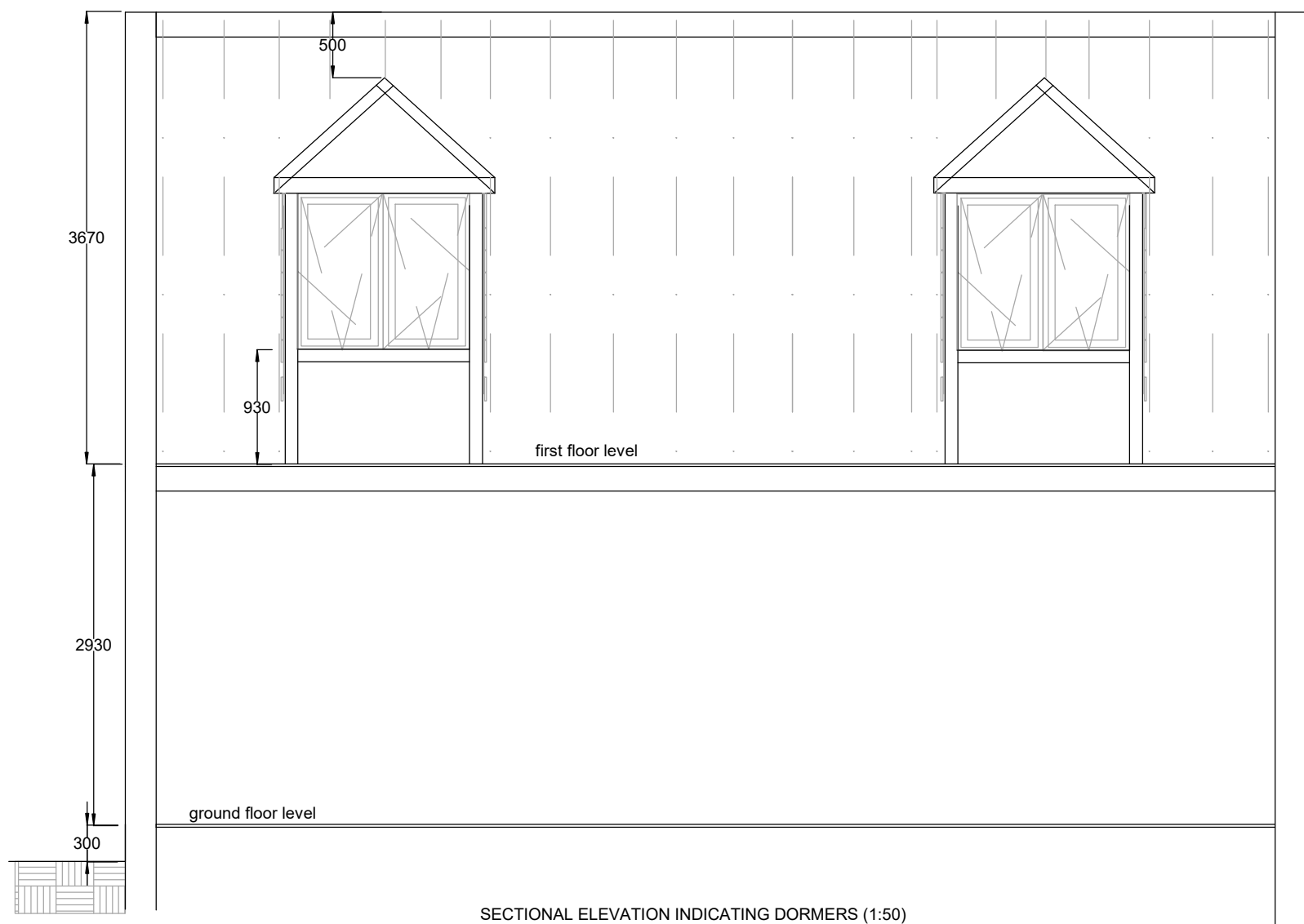




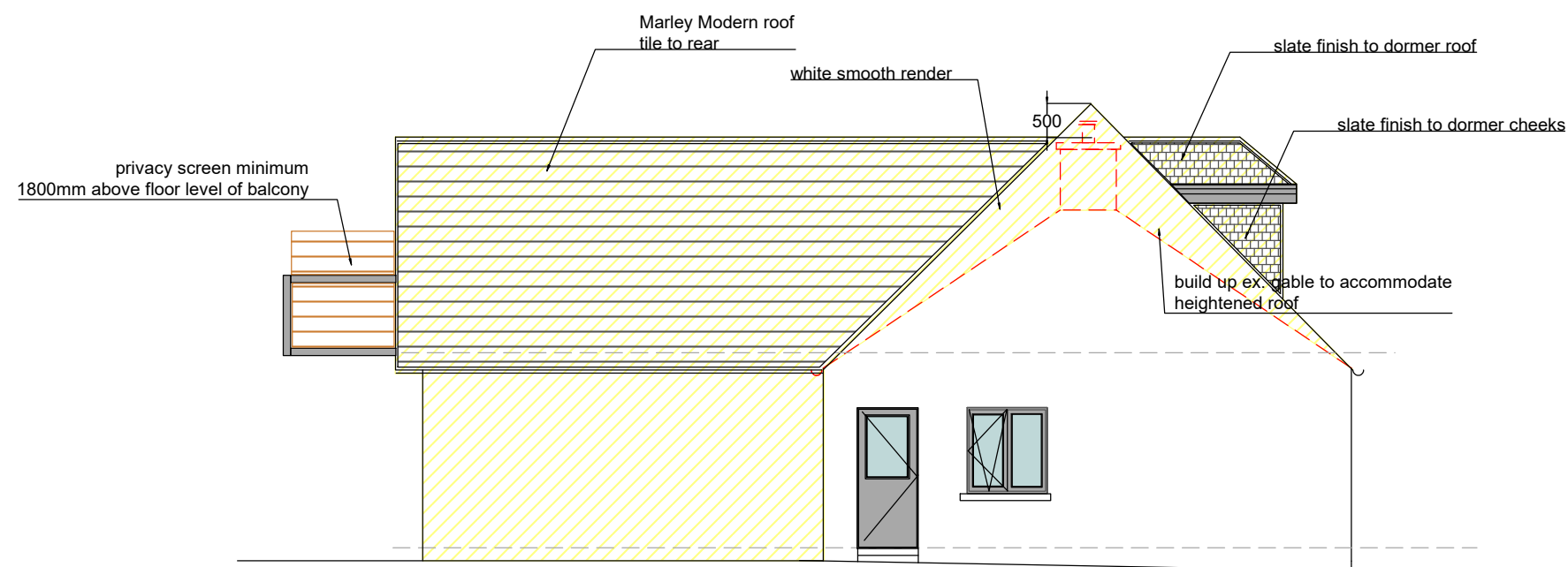
PROPOSED GROUND FLOOR PLAN (1:50)



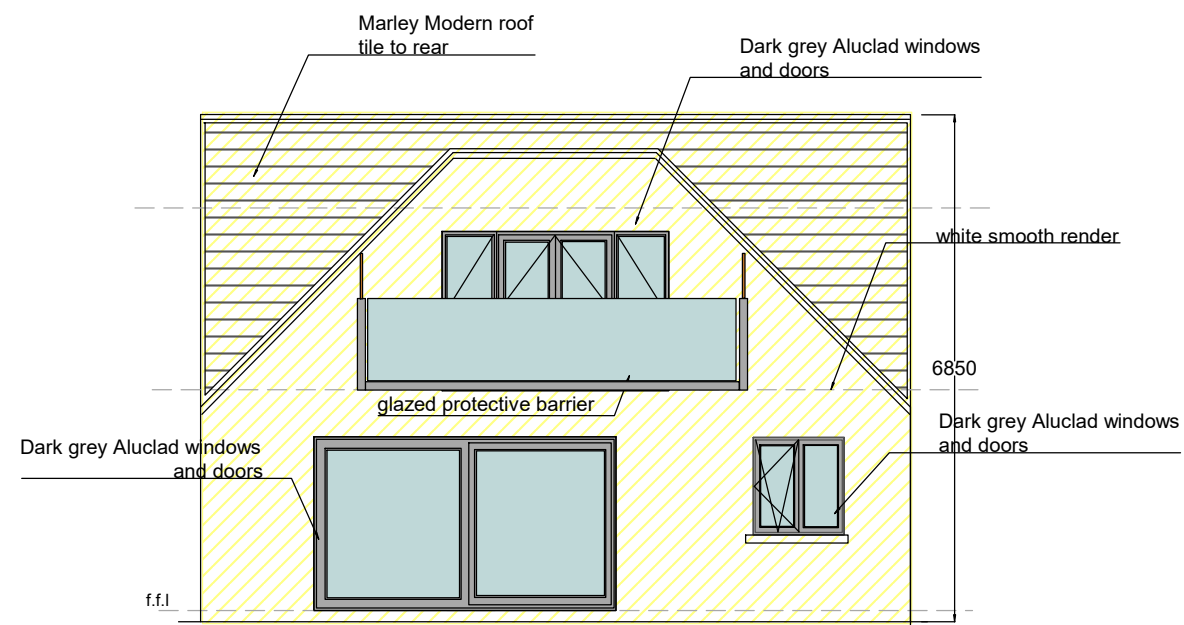
PROPOSED FIRST FLOOR PLAN (1:50)



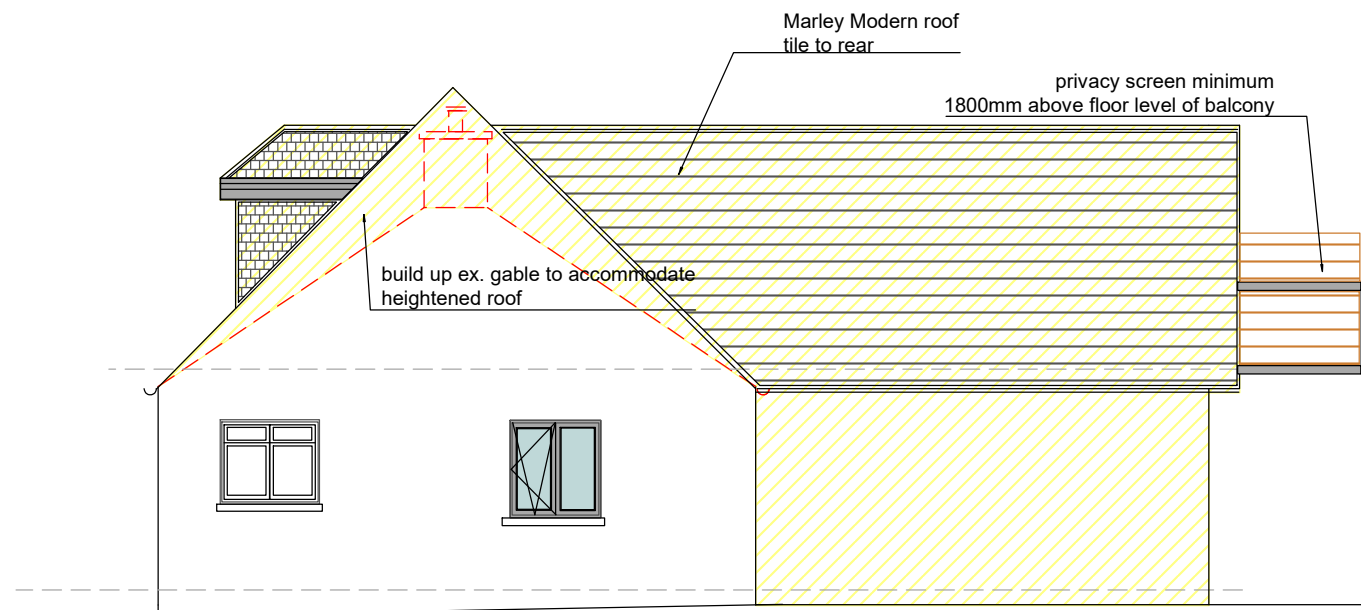
SECTIONAL ELEVATION INDICATING DORMERS (1:50)



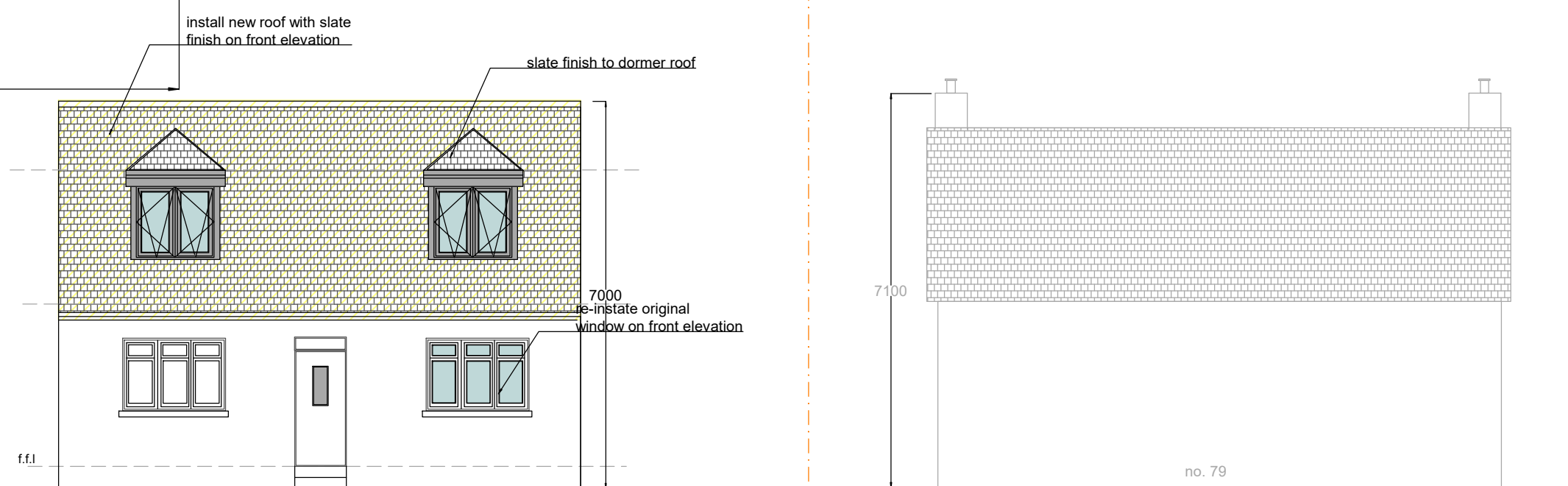
PROPOSED EAST ELEVATION (1:100)



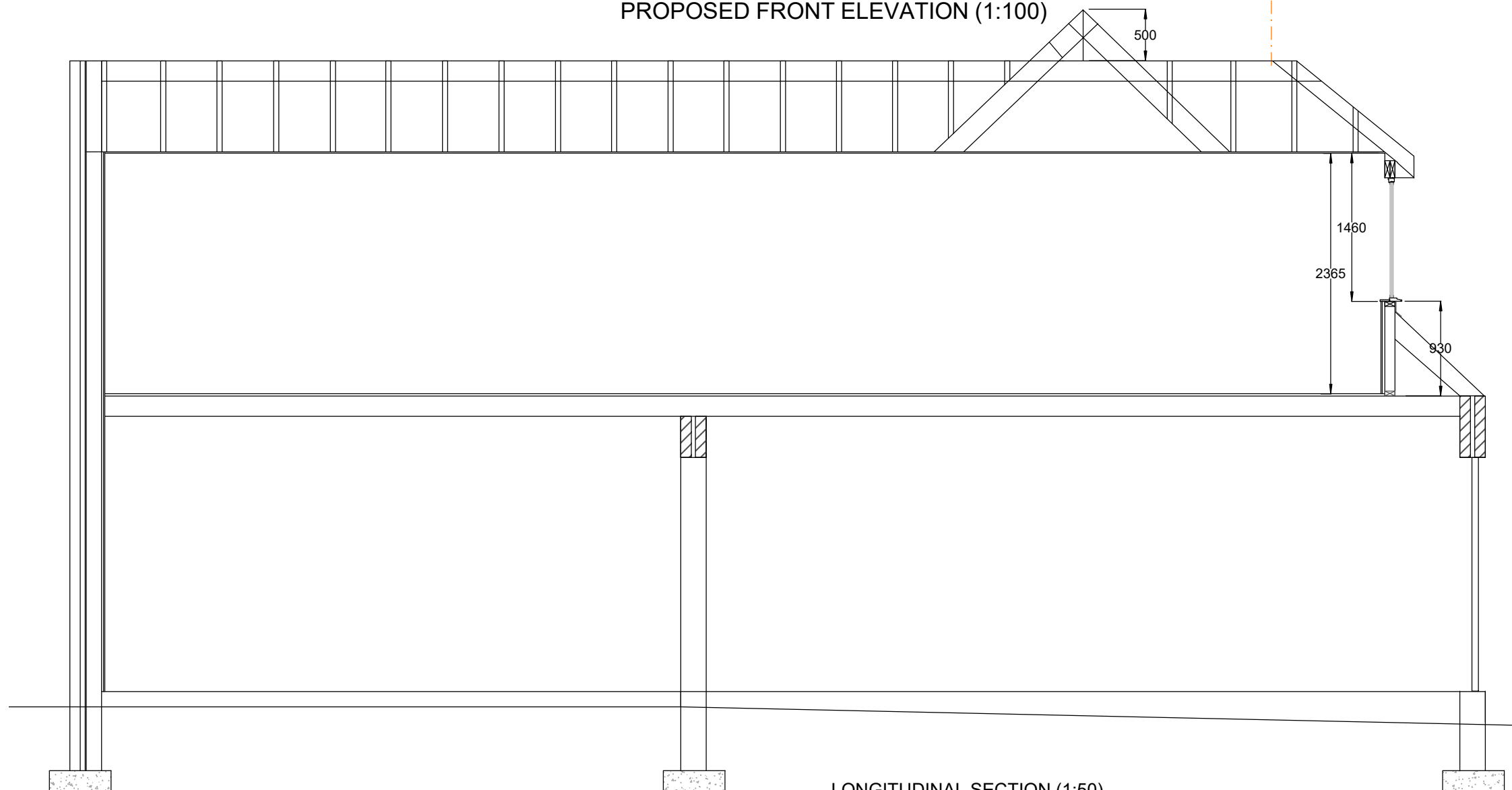
PROPOSED REAR ELEVATION (1:100)



PROPOSED WEST ELEVATION (1:100)



PROPOSED FRONT ELEVATION (1:100)



LONGITUDINAL SECTION (1:50)



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**Client:**  
Mr Flanagan  
77 Carnethie Street  
Rosewell

**Project:**  
Alter & Extend  
dwellinghouse

**Drawing Number:**  
20/Flanagan/PP/002(--)

