

Notice of Meeting and Agenda



Local Review Body

Venue: Virtual Meeting - PLEASE NOTE THIS IS A SPECIAL MEETING OF THE LOCAL REVIEW BODY,
[Venue Address]

Date: Monday, 23 November 2020

Time: 14:00

Executive Director : Place

Contact:

Clerk Name: Mike Broadway

Clerk Telephone: 0131 271 3160

Clerk Email: mike.broadway@midlothian.gov.uk

Further Information:

This is a meeting which is open to members of the public.

Privacy notice: Please note that this meeting may be recorded. The recording may be publicly available following the meeting. If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website: www.midlothian.gov.uk

1 Welcome, Introductions and Apologies

2 Order of Business

Including notice of new business submitted as urgent for consideration at the end of the meeting.

3 Declaration of Interest

Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4 Minute of Previous Meeting

No Minutes for Approval at this Meeting.

5 Public Reports

Notice of Review Requests – Determination Reports by Chief Officer: Place.

- | | | |
|------------|---|-----------|
| 5.1 | Kings Gate, Old Dalkeith Road, Dalkeith 20/00316/DPP. | 3 - 38 |
| 5.2 | 11 Rosedale Neuk, Rosewell 19/00893/DPP. | 39 - 80 |
| 5.3 | 22 Dewartown, Gorebridge 20/00001/DPP. | 81 - 110 |
| 5.4 | 77 Carnethie Street, Rosewell 20/00177/DPP. | 111 - 146 |

6 Private Reports

No private reports to be discussed at this meeting.

7 Date of Next Meeting

The next meeting will be held on Monday 30 November 2020 at 1.00 pm.

Plans and papers relating to the applications on this agenda can also be viewed online at - <https://planning-applications.midlothian.gov.uk/OnlinePlanning>.

Notice of Review: Kings Gate, Old Dalkeith Road, Dalkeith 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 alterations to existing access road; formation of access paths and areas of hard standing; erection of walls and installation of bollards at Kings Gate, Old Dalkeith Road, Dalkeith.

2 Background

- 2.1 Planning application 20/00316/DPP for alterations to existing access road; formation of access paths and areas of hard standing; erection of walls and installation of bollards at Kings Gate, Old Dalkeith Road, Dalkeith was granted planning permission subject to conditions on 28 July 2020; a copy of the decision is attached to this report. Condition 3 on planning permission 20/00316/DPP subject to review is as follows:

3. The two proposed curved walls, as identified on approved drawing L-01 D are not hereby approved and shall not be constructed on site.

Reason: *These walls would have a significant detrimental impact on the setting of the important category A listed walls, contrary to Historic Environment Scotland guidance and advice and policy ENV22 of the adopted Midlothian Local Development*

The applicant is requesting that this condition is removed from the grant of planning permission, or replaced with an alternative condition.

- 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 28 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

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 way of a hearing.
- 4.2 The case officer's report identified that two consultations have been received. No representations have been submitted. As part of the review process the interested parties were notified of the review. No additional comments have been received at the time of drafting this report. 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 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 (the conditions are those on planning permission 20/00316/DPP which the applicant has not requested to be removed/amended).

1. Prior to the commencement of development, the following details shall be submitted to and approved by the Planning Authority:
 - a) Details and samples of the finishing materials to be used on all roads, paths and areas of hardstanding;
 - b) Details and samples of the materials of the walls; and
 - c) Details of the proposed mortar for the walls.

Thereafter the materials hereby approved shall be used in the development unless alternatives are agreed in writing by the Planning Authority.

2. The bollards hereby approved shall be formed with natural stone to match the existing boundary walls within the application site.

***Reason for conditions 1 and 2:** These details were not submitted with the original application; in order to protect the visual amenity of the area and to ensure these materials are appropriate in proximity to important category A listed structures located within a conservation area and designed landscape.*

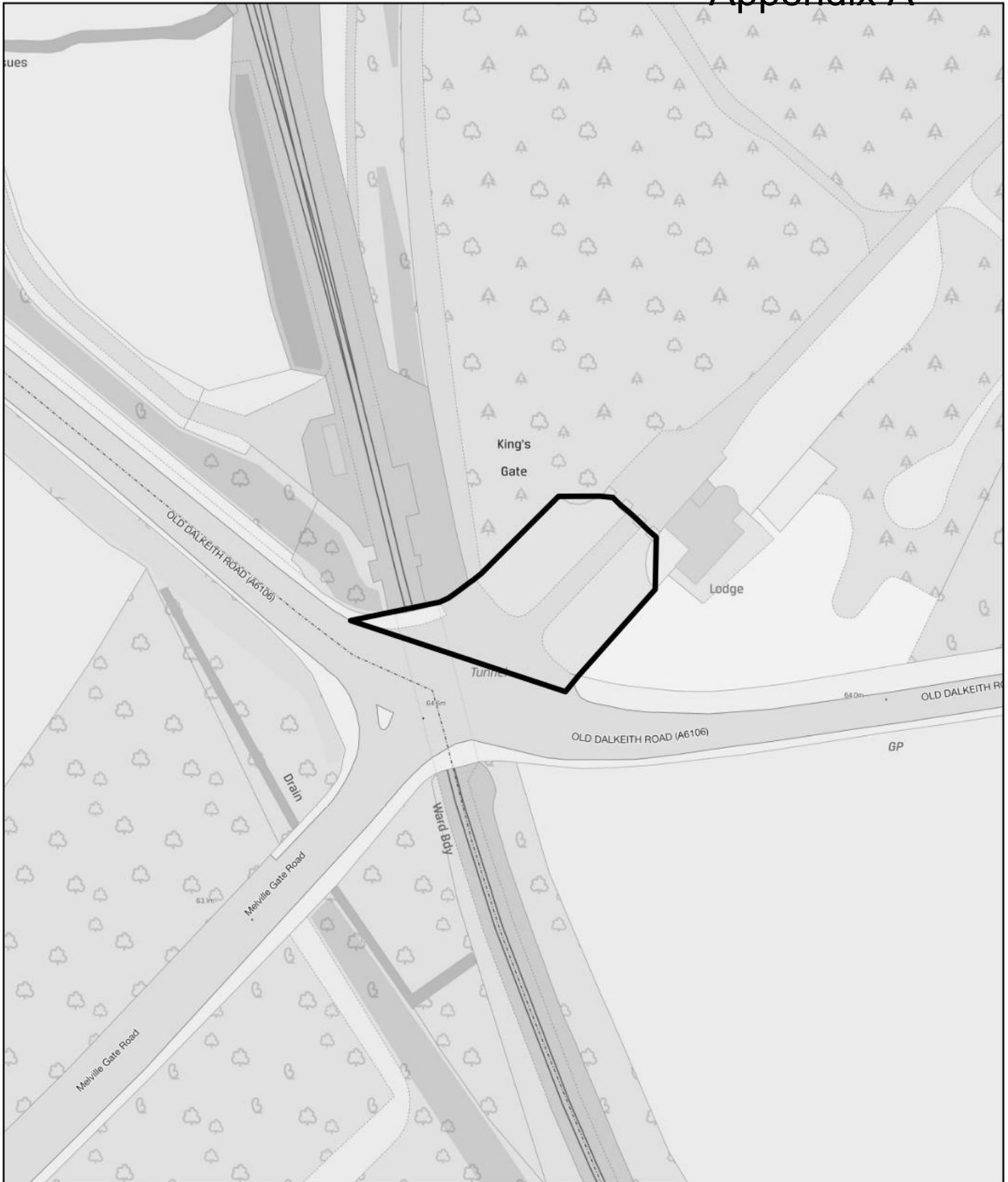
6 Recommendations

- 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

Background Papers: Planning application 20/00316/DPP available for inspection online.



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

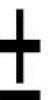
Alterations to existing access road; formation of access paths and areas of hard standing; erection of walls and installation of bollards at Kings Gate, Old Dalkeith Road, Dalkeith

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File No: 20/00316/DPP

Scale: 1:1,000
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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 100306683-001

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

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Holder Planning"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Robin"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Holder"/>	Building Number:	<input type="text" value="5"/>
Telephone Number: *	<input type="text" value="07585 008650"/>	Address 1 (Street): *	<input type="text" value="South Charlotte Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH2 4AN"/>
Email Address: *	<input type="text" value="robin@holderplanning.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" value="Dalkeith Country Park"/>
First Name: *	<input type="text" value="Remko"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Plooj"/>	Address 1 (Street): *	<input type="text" value="Dalkeith Country Park"/>
Company/Organisation	<input type="text" value="Dalkeith Country Park"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dalkeith"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH22 1ST"/>
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"/>
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"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="King's Gate entrance to Dalkeith Country Park between Old Dalkeith Road and Melville Gate Road"/>

Northing	<input type="text" value="667696"/>	Easting	<input type="text" value="332206"/>
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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)

Alterations to existing access road; formation of access paths and areas of hard standing; erection of walls and installation of bollards.

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.

See attached 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)

Applicant Statement Layout Plan & Proposed Walls

Application Details

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

20/00316/DPP

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

13/05/2020

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

28/07/2020

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

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 *

Holding one or more hearing sessions on specific matters

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)

The detail of the case is complex as the application has been in effect part granted/part refused. A Hearing is required for the applicant to explain their view of planning legislation in this context. The LRB would also have the opportunity to seek clarification on the terms of the conditions and the content of they plans they may wish to approve.

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)

A site visit is required to fully appreciate the context for the proposals.

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

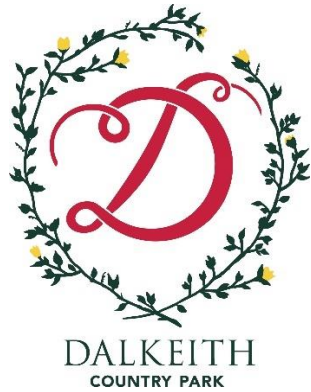
Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, 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 Robin Holder

Declaration Date: 21/09/2020



MIDLOTHIAN COUNCIL LOCAL REVIEW BODY

APPLICANT STATEMENT

Development: Formation of Walls (Application Reference 20/00316/DPP)

Location: King's Gate, Dalkeith Country Park

Date: 15th September 2020

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1.0 INTRODUCTION

- 1.1 Midlothian Council has granted planning permission under delegated powers for the following development at the King’s Gate of Dalkeith Country Park.

Alterations to existing access road; formation of access paths and areas of hard standing; erection of walls and installation of bollards.

- 1.2 However, Condition 3 of the permission has the effect of refusing a key component of the development proposed, as follows:

3. The two proposed curved walls, as identified on approved drawing L-01 D are not hereby approved and shall not be constructed on site.

- 1.3 The reason given for this is that the proposed walls would have a significant detrimental impact on the setting of category A listed walls, contrary to Historic Environment Scotland guidance and advice and policy ENV22 of the adopted Midlothian Local Development.

- 1.4 This is a subjective conclusion and we disagree with it. The applicant fully appreciates that the King’s Gate entrance is an important historic structure, and the proposed walls have been very carefully designed to complement the existing listed walls.

- 1.5 This Review is therefore seeking the approval of the proposed walls as part of the permission. The applicant is content with the wording of existing Conditions 1 and 2, and proposes a revised Condition 3 that ensures the new walls are constructed in an appropriate manner to match the existing walls in appearance.

- 1.6 In determining this Review, it is important that the LRB appreciates that the applicants have carefully considered the access strategy for the Country Park, of which this proposals is a key component, and which seeks to enhance the accessibility and quality of the visitor experience to the benefit of the Midlothian community and economy. This is explained in the Section 2 and is followed in Section 3 by an appraisal of what is proposed and considered in the context of Council and Historic Environment policies.

2.0 DALKEITH COUNTRY PARK ACCESS STRATEGY

- 2.1 In 2016, the Restoration Yard and Fort Douglas Project opened up Dalkeith Country Park's King's Gate in order to welcome cars coming from the A720. The purpose of opening King's Gate was to protect Dalkeith's High Street from excess traffic, air borne pollution in the conservation quarter and, most importantly, protect pedestrians from increased traffic using the Town Gate. The success of this project in terms of visitor numbers, alongside the increased need for accessibility of green spaces, has demonstrated the appropriateness of using King's Gate as a vehicular entrance to the Estate for all traffic coming from the A720. However, as part of our overall Entrance Strategy for the Park, the King's Gate entrance needs to be enhanced for the following reasons:
- 1) Many car drivers do not realise that the King's Gate is the entrance. Oftentimes, cars are past the entrance before the driver realises the error and continue on to enter at the Town Gate. The existing brown signs are not enough of a marker to drivers looking for the correct entrance. The entrance gates are set back and there is no arrival signage to confirm to drivers that they have arrived at the correct place.
 - 2) Dalkeith Country Park aims at becoming Midlothian's 5 star visitor attraction, bringing people to Midlothian for a high quality experience. The entrance must reflect this ambition - visitor expectations are established as soon as they arrive at the location, therefore, the King's Gate needs to clearly announce itself to avoid confusion and establish quality expectations. Signs over the top of the walls will not achieve that quality standard.
- 2.2 The vehicle use of King's Gate fits into Dalkeith Country Park's wider and concerted strategy. They are working with Midlothian Council to create a destination entrance designed for pedestrian safety at the end of the High Street. Through installing an illuminated pedestrian path that connects all the way from the High Street to the newly installed pedestrian path in the Park, pedestrians can now safely get to the heart of the Park in a safety. However, the more traffic that can route through King's Gate, the safer the Town Gate entrance will be for local people.
- 2.3 They want to establish an ease of connection with the High Street Conservation Area and, with the Palace, and the Park. The intention is that the Town Centre, High Street, Conservation Area and Park all become part of one connected experience that benefits the Town. Preventing the majority of non-local cars to the Town Gate will in part achieve that, but only if the King's Gate is an easily understood and recognisable entrance, which it is not at present.
- 2.4 In summary, Dalkeith Country Park is an asset to Midlothian, both as a local amenity and as a high quality visitor experience attracting people from far and wide. Both of these purposes need to be accommodated and that can be achieved through making the King's Gate a destination entrance for non-local cars, and Town Gate a local and pedestrian entrance at the end of the High Street.
- 2.5 This necessarily requires the upgrading of the King's Gate entrance to effectively serve that purpose.

3.0 POLICY APPRAISAL AND ASSESSMENT OF PROPOSALS

- 3.1 The most relevant Local Development Plan policies that provide the context for determining this application are as follows:

ENV19 Conservation Areas states within or adjacent to conservation areas, development will not be permitted which would have any adverse effect on its character and appearance. In the selection of site, scale, choice of materials and details of design, it will be ensured that new buildings preserve or enhance the character and appearance of the conservation area. Traditional natural materials appropriate to the locality or building affected will be used in new buildings.

ENV20 Nationally Important Gardens and Designed Landscapes states development should protect, and where appropriate enhance, gardens and designed landscapes. Development will not be permitted which would harm the character, appearance and/or setting of a garden or designed landscape.

ENV22 Listed Buildings states that development will not be permitted where it would adversely affect the character or appearance of a Listed Building; its setting; or any feature of special, architectural or historic interest.

- 3.2 All of these policies have the same objective – to ensure that development affecting assets of historic importance do not detract significantly from their character. In this case, Council officers have taken the subjective view that the impact would be detrimental. Respectfully, in our view this is not the case.
- 3.3 Document 1 accompanying this Statement shows the approved layout of the proposed development and an elevation drawing of the proposed walls (which will be identical on either side of the entrance) which have been specifically excluded from the permission. **For the avoidance of any doubt, it is this originally submitted plan which Condition 3 specifically excludes from the permission, and for which we are seeking the LRB's approval.**
- 3.4 It should be borne in mind that computer generated graphics such as these can never render proposals exactly as they will be in terms of colour and texture. In reality, the walls will be built of the same stone and mortar joints as the existing walls and constructed using traditional techniques that achieve a match with the existing colour, pattern, texture and overall appearance of the existing walls.

- 3.5 The shape and height of the proposed walls has been carefully considered to reflect and accent the existing curved walls behind. The low height of the new walls ensures that they are subordinate to the existing high walls, whilst achieving the desired effect of drawing enough attention from visitors to the Country Park, clearly demarcating this important access point and subtly communicating this visually to passers-by. In pre-application discussions, it was suggested by the planning officer that the necessary entrance signage could be achieved by mounting the signage at high level above the existing walls. However, in our view, this is not a satisfactory approach for two key reasons. Firstly, we consider that it could have a negative impact on the setting of the walls, being a large and modern addition, positioned quite obtrusively at a height of 4m – 6m. Secondly, because of this height, it would be above the immediate eyeline of passing motorists. In other words, such an approach would probably be more visually intrusive and less effective as signage.
- 3.6 Importantly, the name ‘Dalkeith Palace & Country Park’ will be carved into the stone of both walls in an appropriately restrained font, and the name of the access beneath – ‘King’s Gate Entrance’ – will be formed in a dark slate inset.
- 3.7 All of this, in our view, presents an attractive, and appropriate solution that will not harm the setting of the listed structures behind, but will strongly announce this principal access.
- 3.8 The Scottish Government’s guidance on listed buildings recognises that the function of the historic environment changes over time and that listed buildings and their settings must be allowed to evolve to reflect this. HES’s Historic Environment Policy therefore includes two ‘Core Principles’ that reflect this:
- **Some change is inevitable.**
 - **Change can be necessary for places to thrive**
- 3.9 In this case, the historic Dalkeith Palace is now at the centre of a thriving visitor attraction of significant importance to the economy and culture of Midlothian. It is used very differently than in the past, with now over 300,000 visits to the Estate, including thousands of major event visitors, as well as returning visitors. If this is to be enhanced there is a pressing practical, safety and strategic requirement to enhance and advertise this principal access point. Also there is the issue of branding and signage, which is so important in today’s competitive visitor attraction market. At present there is no permanent very visible

and architecturally integrated representation of the Country Park's name at this access, which should and must change.

- 3.10 **It is important to note that Historic Environment Scotland (HES) has specifically indicated that they do not object to the proposals.** Their representation on the application did, however, provide the following comment on the proposal:

“We welcome the reuse of this historic approach into the estate. However, we consider that the proposed curved stone main entrance signage would detract from the high quality stonework of the existing screen walls, which should retain their primacy. We would suggest that a more low key type of signage provision would be preferable.”

- 3.11 We respectfully disagree.

- 3.12 HES have said that they would like to see more low-key signage, but this obviously raises the issue that signage needs some prominence to serve its purpose i.e. to clearly demarcate this main access and to be noticed by passers who will appreciate the existence of Dalkeith Palace Country Park and perhaps visit then or another time. In our view, the low height and shape of the proposed walls, with low-key carving and inlaid slate strikes the perfect balance of achieving the objective whilst remaining subordinate and complementary to the existing structures. The proposed walls being made of matching stone and mortar will not detract from the existing stonework – far from it – it will be an attractive addition to it.

- 3.13 As we indicate above, the consideration of the proposal's compliance with LDP policies is wholly subjective. In our experience, Historic Environment Scotland tend to take a 'purist' position when commenting on applications such as this, and we have received no guidance from HES on what they might consider to be “a more low key type of signage which might be acceptable”. However, we do note that their comment on the application falls short of an objection.

- 3.14 **It should be noted that if the Local Review Body decides to grant permission for the new walls, then HES do have the power to request that the Scottish Government “calls-in” that decision for review. This, in our view, gives the LRB the comfort of knowing that if HES feel particularly strongly, the proposals will be considered further.**

- 3.15 To ensure that wall is built to the highest and most appropriate specification, we recommend that the LRB apply a new Condition 3 to the permission, as follows:

3. The stone and mortar from which the walls hereby permitted are to be constructed shall match the existing stone walls of the adjacent entrance walls. Before commencement of development of the proposed walls, the applicant will submit for the planning authority's approval a Scheme of Works setting out the materials to be used and the construction techniques to be employed. Stone and slate samples will be submitted to the planning authority for approval, and thereafter only materials matching these approved samples will be used.

Reason: To ensure that the appearance of the new walls match those of the existing listed structures.

4.0 CONCLUSION

- 4.1 The proposed walls form part of a wider strategy by Buccleuch Estates to enhance Dalkeith Palace Country Park as a visitor attraction. A key part of this strategy is to provide a well-demarcated access at the King's Gate in a way that complements the existing listed walls and buildings whilst reflecting the current use as a thriving Country Park with greater potential still. A further element of the strategy is to carve the name of the Park into the new stone-work and thereby increase public recognition of the Country Park's branding, its location and how to access it. The feedback from visitors is that this is not as clear as it needs to be currently.
- 4.2 Historic Environment Scotland are of the view that the walls will detract from the setting of the existing walls in this location. We respectfully disagree and would point out that this is a wholly subjective opinion. We would also point out that HES have specifically noted in their representation that they do not object to the proposals. We would therefore invite the Local Review Body to form its own opinion, and strongly recommend that it visits the site before determining the matter. We would also point out that the architect has given very careful attention to the materials and design to ensure that they complement rather than detract from the historic setting. The height is subordinate to the existing structures and the curves are reflective of that seen in the existing walls.
- 4.3 We therefore recommend that planning permission for all aspects of the submitted application are approved by the LRB. In doing so, the LRB should be aware that their decision could be reviewed by the Scottish Government if Historic Environment Scotland wish that to be the case. Although obviously the applicant would prefer this not to happen, it does give the LRB the comfort that their decision can be reviewed if necessary.

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 20/00316/DPP and 20/00333/ADV

Site Address: Kings Gate, Old Dalkeith Road, Dalkeith.

Site Description: The application site forms the entrance to the Dalkeith Estate and includes a category A listed gateway, entrance walls and decorative piers. The entrance surface is finished with hardstanding, formed with tarmac and gravel. There is a category A listed lodgehouse to the east, the estate to the north, countryside to the south and the Borders Rail Line to the west. The site is within the Dalkeith House and Park Conservation Area and part of this is within Dalkeith House (Palace) Designed Landscape.

Proposed Development:

20/00316/DPP Alterations to existing access road; formation of access paths and areas of hard standing; erection of walls and installation of bollards.

20/00333/ADV Display of illuminated free standing signage and totem signs.

Proposed Development Details: The alterations would make this access to Dalkeith Estate more formal:

- alterations to the access road to maintain one lane for vehicular access and narrow the hardstanding from Old Dalkeith Road;
- formation of two paths to either side of the vehicular access – either tarmac, pavers or bound gravel;
- formation of areas of hardstanding – loose gravel;
- erection of walls – two curved walls to either side of the access 1.7 meters high with 2 metre high piers to either end; and
- installation of six bollards – 0.8 metres wide by 0.8 metres deep by 0.8 metres high either stone or precast concrete match the gate posts; and
- installation of signage.

The signage comprises: text on the proposed walls; two totems by the ends of the boundary walls, either 3.5 or 3 metres high; and two directional signs by the vehicular entrance, 1 metre high. The signage is to be externally illuminated.

The plans include lighting of existing boundary walls and landscaping, in the form of box hedging, grass, planting.

Application 20/00316//DPP relates to all elements except the signage. Application 20/00333/ADV only relates to the signage.

The applications are being considered at the same time and in the same delegated worksheet as these are integrally linked, forming part of the overall entrance alterations to the park and with some elements dependent on others, such as the signage on the walls.

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

20/00113/ADV Display of illuminated free standing signage and totem signs.

Refused – inaccurate plans; the totem signs would have a significant adverse impact on the character, appearance and setting of the A listed walls; and the position of the totem sign to the right of the entrance would narrow the width of the footpath/cycleway which would present a road safety risk

19/00820/ADV Display of illuminated free standing signage and 2 illuminated totem signs. Refused – the totem signs would have a significant adverse impact on the character, appearance and setting of the A listed walls; the signage on the proposed walls would detract from the setting of the A listed walls; the position of the totem sign to the right of the entrance would narrow the width of the footpath/cycleway which would present a road safety risk.

19/00819/DPP Alterations to existing access road; formation of access paths and areas of hard standing; erection of walls and installation of bollards. Consent with conditions – samples of materials; bollards in natural stone; the curved walls were conditioned out as these would have a detrimental impact on the setting of the A listed walls.

16/00196/DPP Installation of CCTV cameras, floodlights, security fixtures and associated works (part retrospective). Consent with conditions.

16/00186/LBC Installation of wall mounted CCTV cameras, floodlights and associated security fixtures. Consent with conditions.

11/00849/LBC Formation of entrance road and associated alterations to existing entrance area. Withdrawn.

11/00848/DPP Formation of entrance road and associated alterations to existing entrance area. Consent with conditions.

Consultations:

Both applications

The **Policy and Road Safety Manager** has no objection in principle but raises road safety concerns over the position of one of the totem signs which appears to encroach into a footpath/cycleway. This issue has been raised in previous applications. They recommend the signage application not be approved.

For the detailed application, they note that the proposed private footway links on each side of the driveway do not have dimensions but appear narrow. They recommend that the applicant consider increasing these to 2 metres wide to provide adequate room for pedestrian use. They also note that a drop kerb footway crossing is shown at the start of the narrow section of the private driveway. As the existing route passing the entrance is a 3m wide cycleway / footpath, an additional set of drop kerbs will be required on the desire line adjacent to the public road. The

agent has made these changes which satisfies the Policy and Road Safety Manager's comments.

20/00316/DPP

Historic Environment Scotland welcomes the re-use of the historic approach to the estate, however the proposed curved stone main entrance signage would detract from the high quality stonework of the existing screen walls. These should retain their primacy. A more low key type of signage would be more appropriate.

20/00333/ADV

The **Dalkeith and District Community Council** object noting this is the third application for signage with the previous two being refused. Given that the previous two applications have been refused, with the current application identical to the first, they query why this is even being considered. They highlight the errors referred to in the previous decisions here have not been rectified in the current application. They question if the application has been submitted purely to appeal against the decision. The totem signs are out of keeping with the stately entrance to the Country Park and would detract from the listed gateway. The types of signs are more likely to be found at fast food takeaways. The plans incorrectly represent the existing situation at the site as well as how the proposal would appear here. The position of the totem sign to the right of the entrance would block the existing pavement, where there are cable ducts running under. This totem sign will also obstruct sightlines at this area where a pedestrian crossing is under construction. The totems would represent a road safety issue, with vehicles slowing down to read the information on the panels. If these are to be approved, the totems should be repositioned symmetrically against the wall no higher than this with symmetry of importance. If approved, a condition should be attached stating any changes to the approved totems require permissions. They have no objection in principle to the stone walls but state the materials should match the existing.

Representations: No representations have been received.

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

RD4 Country Parks states that proposals within Country Parks will be permitted where they are compatible with the uses and character of the Park. Proposals with significant adverse environmental impacts will not be supported unless the Council is satisfied that satisfactory mitigation measures are available to overcome relevant concerns. Consideration should be given to any relevant management plans in the formation and assessment of proposals;

ENV1 Protection of the Green Belt states development will not be permitted in the Green Belt except for proposals that: are necessary to agriculture, horticulture or forestry; or provide opportunities for access to the open countryside, outdoor sport or outdoor recreation which reduce the need to travel further afield; or are related to other uses appropriate to the rural character of the area; or provide for essential infrastructure; or form development that meets a national requirement or established need if no other

site is available. Any development proposal will be required to show that it does not conflict with the overall objective of the Green Belt which is to maintain the identity and landscape setting of the City and Midlothian towns by clearly identifying their physical boundaries and preventing coalescence;

ENV4 Prime Agricultural Land does not permit development that would lead to the permanent loss of prime agricultural land unless there is appropriate justification to do so;

ENV6 Special Landscape Areas states development proposals in such areas will only be permitted where they incorporate high standards of siting and design and where they will not have a significant adverse effect on the special landscape qualities of the area;

ENV7 Landscape Character states that development will not be permitted where it significantly and adversely affects local landscape character. Where development is acceptable, it should respect such character and be compatible in terms of scale, siting and design. New development will normally be required to incorporate proposals to maintain the diversity and distinctiveness of the local landscapes and to enhance landscape characteristics where they have been weakened;

ENV14 Regionally and Locally Important Nature Conservation Sites states development which could affect the nature conservation interest of any sites or wildlife corridors of regional or local conservation importance, or any other site which is proposed or designated as of regional or local importance during the lifetime of the Plan, will not be permitted unless it meets particular criteria, including that the development has been sited and designed to minimise damage to the value of the site and compensation measures and the public interest to be gained for the proposed development can be demonstrated to clearly outweigh the nature conservation interest of the site;

ENV19 Conservation Areas states within or adjacent to conservation areas, development will not be permitted which would have any adverse effect on its character and appearance. In the selection of site, scale, choice of materials and details of design, it will be ensured that new buildings preserve or enhance the character and appearance of the conservation area. Traditional natural materials appropriate to the locality or building affected will be used in new buildings;

ENV20 Nationally Important Gardens and Designed Landscapes states development should protect, and where appropriate enhance, gardens and designed landscapes. Development will not be permitted which would harm the character, appearance and/or setting of a garden or designed landscape; and

ENV22 Listed Buildings states that development will not be permitted where it would adversely affect the character or appearance of a Listed Building; its setting; or any feature of special, architectural or historic interest.

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 the two applications and proposals are intrinsically linked, these are being considered at the same time and in the same delegated worksheet. All elements of the proposals will be assessed as follows.

The proposals seek to formalise this entrance into the Dalkeith Estate, creating an obvious access point with the use of hardstanding, landscaping and signage. The alterations to formalise this access point are acceptable in principle, however the details of how these affect the character and setting of listed buildings, conservation area, designed landscape and surrounding area are to be considered.

The detailed planning application is identical to previously approved application 19/00819/DPP. The express consent to display an advertisement application is identical to previously refused application 19/00820/ADV. The applicant's agent has confirmed they wish to review the decisions on these proposals, namely the condition on 19/00816/DPP not to allow the proposed walls or and the refusal of the signage in 19/00820/ADV. The time period to submit a review and appeal of these decisions have expired and so the current applications have been submitted to allow them to review and appeal these, should the walls and signage not be approved again. Since the previous applications 19/00819/DPP and 19/00820/ADV were determined, a further advertisement application for signage to project above the existing boundary walls, totem signage and bollard signage has been refused.

The realignment of the road, formation of paths and hardstanding do not raise any road safety concerns. The proposed bollards would help guide traffic. These works could help encourage pedestrian and cycle visitors to the estate which is welcomed. These proposed works would create a more formal entrance to the estate, perhaps more ornate than other entrances to similar estates. However these would not significantly detract from the character or appearance of the sensitive surrounding area and are generally considered acceptable. Details and samples of the proposed hardstanding materials are required and the bollards shall be stone to match the existing boundary walls, not concrete.

The applicant's agent asked for advice before submitting the current and previous applications. Both Historic Environment Scotland and the Planning Authority raised concerns regarding the proposed signage and walls and the impact these have on the historic approach into the estate. It was recommended that the signage be markedly reduced from that currently proposed and the walls removed from the proposal. There are already directional signs on the approach to this entrance and it was suggested that it would be more appropriate for two traditional signs to be positioned, within the woodland area, to project over the top of the wall. This would be in keeping with this sensitive area whilst advertising the site entrance. An application for this suggested signage was submitted and refused in 20/00113/ADV as the proposed position of the signage above the walls were not accurate (with one shown on the adjacent railway line or embankment). Also, the proposed totem signs were not appropriate, details of which will follow.

The current applications propose two stone walls with text mounted on them and two externally illuminated totem signs, in line with the pre-application proposals. Any works and signage at this entrance should be more low key to ensure that the

category A listed walls remain the primary focus. The proposed walls would sit to the front of these A listed boundary walls to the estate, interrupting views of these and detracting from their setting. The proposed walls would also detract from the high quality stonework of these existing walls. The siting of these walls would have a significant detrimental impact on the character and appearance of the surrounding conservation area, designed landscape and special landscape area and the setting of the A listed structure. These walls are not approved.

The totem signs are to either end of the existing walls at the entrance. Any signage at this historic entrance to the estate should be sited and designed to reflect this sensitive area. The proposed signs are large and would sit higher than the boundary walls. These totem signs would also be at odds with the generally rural character of this sensitive area. These totem signs would have an adverse impact on, and detract from, the primary focus of the walls.

In addition, the position of the totem sign to the right of the entrance appears to encroach on to the public footpath, rather than on hardstanding as indicated on the plans. This encroachment would narrow this footpath and cyclepath and would have an adverse on road safety in the area. These concerns were raised in the previous proposal for signage but have not been satisfactorily addressed.

For the above reasons, the proposed totem signs are not supported.

The direction signage by the bollards are acceptable.

Overall, the majority of works proposed are acceptable, however the proposed walls, relating signage and totem signage are not approved.

Due to the circumstances (specifically restrictions on the movement of people as a result of the Coronavirus pandemic) during the assessment of the proposal, the case officer did not visit the site, however they have previously visited the site to assess previous applications here and so is familiar with the with the site and general area. The assessment of the proposal is based on the previous knowledge of the area, as well as the information submitted by the applicant's agent. The case officer is relying on the accuracy of the plans submitted by the applicant's agent.

Recommendation: Approve detailed planning permission with conditions and refuse express advertisement consent.

Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 20/00316/DPP



Bright
Greenside House
25 Greenside Place
Edinburgh
EH13AA

Midlothian Council, as Planning Authority, having considered the application by Mr Remko Plooi, Buccleuch Estates Ltd, Deer Park, Dalkeith, EH22 2NA, which was registered on 13 May 2020, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

Alterations to existing access road; formation of access paths and areas of hard standing; erection of walls and installation of bollards at Kings Gate, Old Dalkeith Road, Dalkeith

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

<u>Document/Drawing</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:2500	13.05.2020
Site Plan	L-01 D 1:200	17.07.2020
Elevations, cross section	L-02 1:100 1:20	13.05.2020

This permission is granted for the following reason:

With the exception of the proposed walls, which are not approved, the proposed works would formalise this entrance to the Dalkeith Estate and not have an adverse effect on the surrounding conservation area, designed landscape, listed structures, rural area or special landscape area or conflict with the aims of the Green Belt and so complies with policies RD4, ENV1, ENV6, ENV7, ENV19, ENV20 and ENV22 of the adopted Midlothian Local Development Plan 2017.

Subject to the following conditions:

1. Prior to the commencement of development details and samples of the finishing materials to be used on all roads, paths and areas of hardstanding shall be submitted to and approved by the Planning Authority. Thereafter the materials hereby approved shall be used in the development unless alternatives are agreed in writing by the Planning Authority.
2. The bollards hereby approved shall be formed with natural stone to match the existing boundary walls within the application site.

Reason for conditions 1 and 2: These details were not submitted with the original application; in order to protect the visual amenity of the area and to ensure these materials are appropriate in proximity to important category A listed structures located within a conservation area and designed landscape.

3. The two proposed curved walls, as identified on approved drawing L-01 D are not hereby approved and shall not be constructed on site.

Reason: *These walls would have a significant detrimental impact on the setting of the important category A listed walls, contrary to Historic Environment Scotland guidance and advice and policy ENV22 of the adopted Midlothian Local Development*

Dated 28 / 7 / 2020



.....
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

Website: 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 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

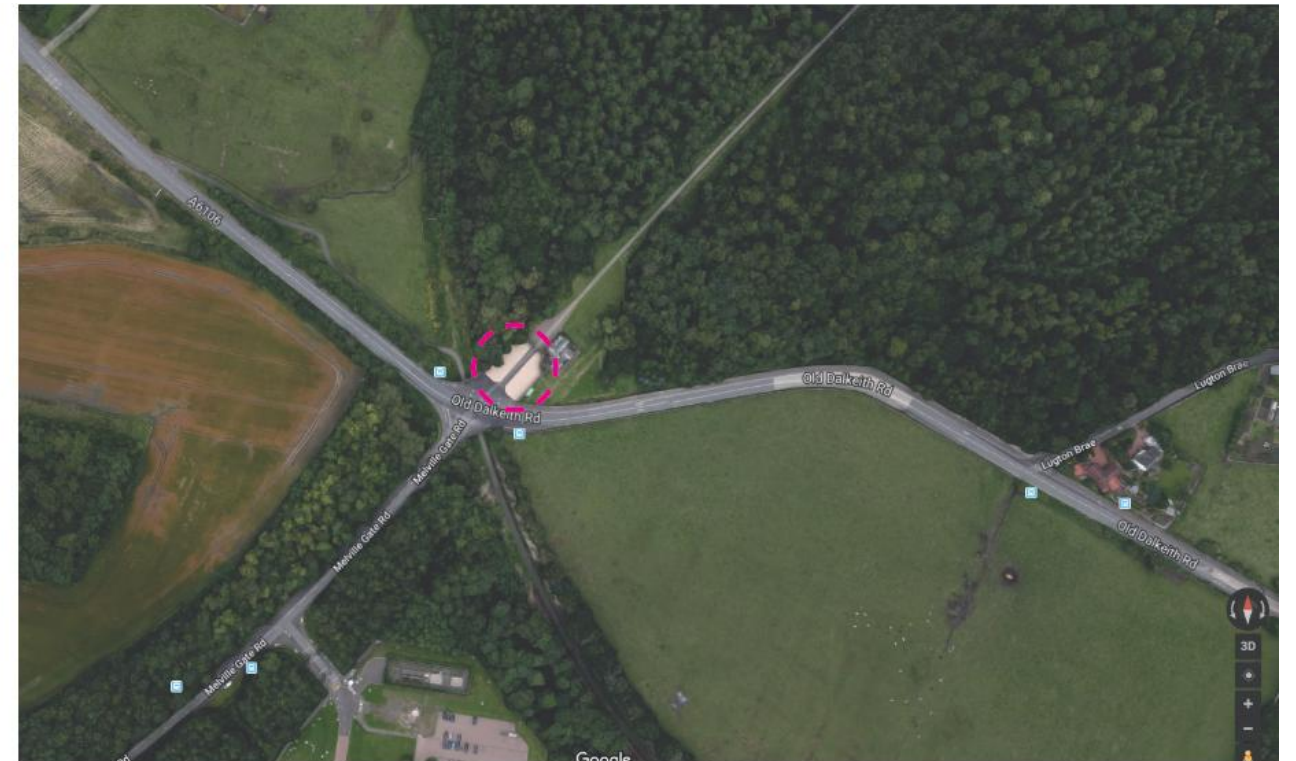
This Informative Note is valid from 1st January 2019 until 31st December 2020

Kings Gate Entrance

Existing site photos



View 1 from A6106

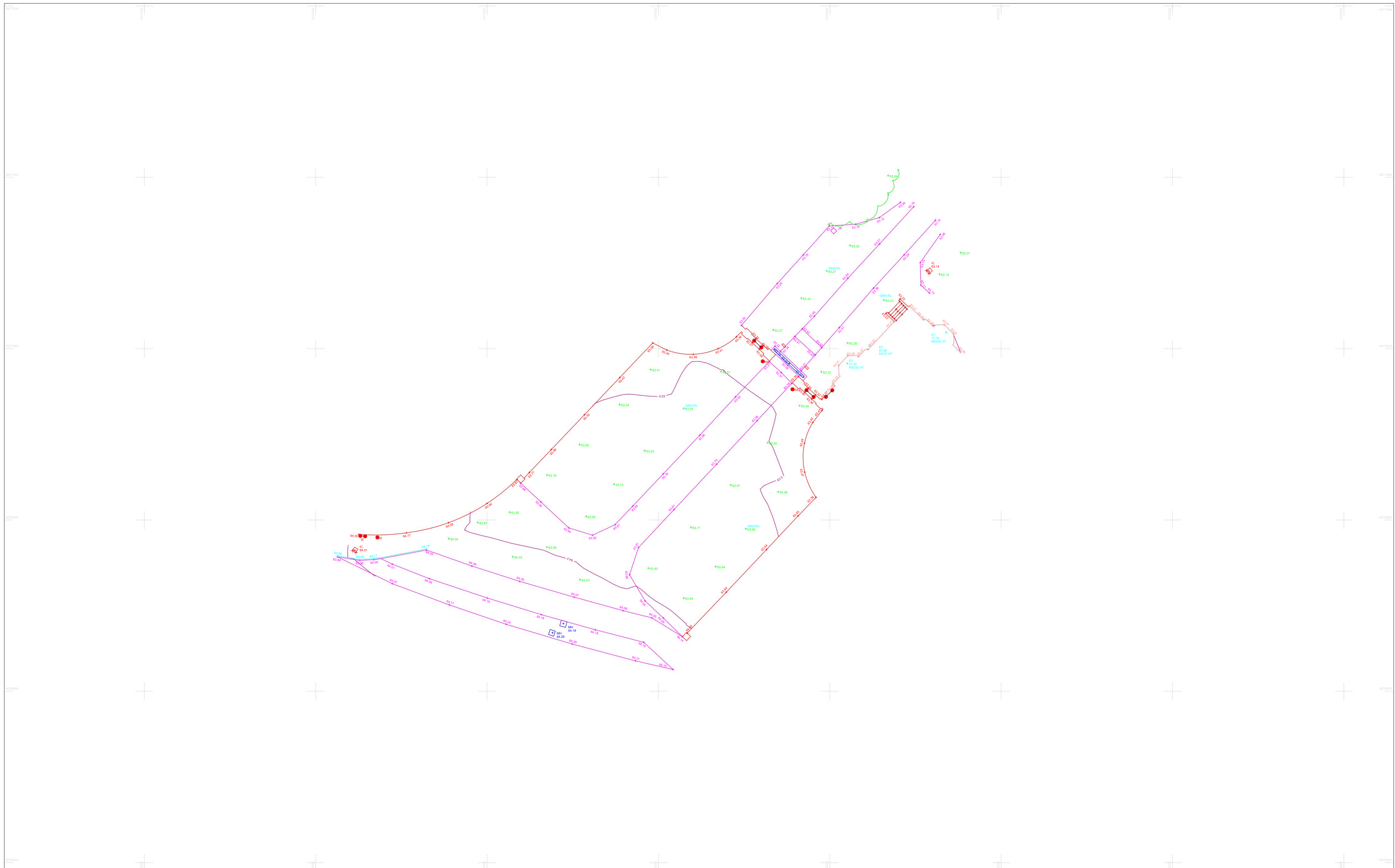


Birds'eye view of proposed site

--- = Indicates proposed entrance signage location

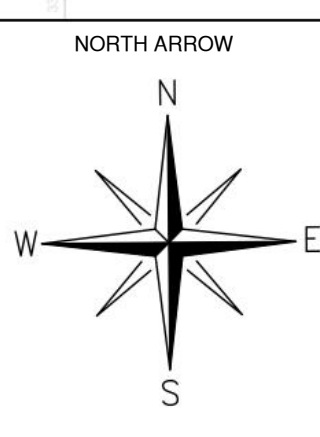


View 2 from A6106



COMPLIATION NOTE:
 CO-ORDINATES AND LEVELS ARE BASED ON
 ORDNANCE SURVEY NATIONAL GRID, OBTAINED BY
 OBSERVATIONS TO THE ACTIVE STATION NETWORK

DRAWING REF
 S 7200-210519-1P



LEGEND	
• 03 AERIAL MARKER	• 04 GRATING
• 05 AIR VALVE	• 06 GATE POST
• 07 BENCH MARK	• 08 GATE POST
• 09 BENCH MARK	• 09 GATE POST
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SHEET LAYOUT	
• 01 BOTTOM OF BANK	• 02 OVERSAIL FENCE
• 03 BUILDING	• 04 PILE
• 05 CANOPY	• 05 ROAD CHANNEL
• 06 CRASH BARRIER	• 06 ROAD SIGN
• 07 DITCH EDGE	• 07 ROAD VERGE
• 08 DRAINAGE CHANNEL	• 08 ROAD WIDTH
• 09 DROPPED KERB	• 09 RUN
• 10 FENCE	• 10 SECURITY FENCE
• 11 FOOTPATH	• 11 SIGN
• 12 GATE	• 12 STOP
• 13 GATE (DOUBLE)	• 13 TOP OF BANK
• 14 GATE (TRIPLE)	• 14 TOP OF RETAINING WALL
• 15 HEDGE	• 15 TRACK
• 16 HEDGE (DOUBLE)	• 16 TRUCK
• 17 HEDGE (TRIPLE)	• 17 USE SERIES (SHALL)
• 18 NAME PLATE	• 18 USE SERIES (STORM WATER)
• 19 OH TELEPHONE LINE	• 19 USE SERIES
• 20 OH TELEPHONE LINE	• 20 USE TELEPHONE CABLE
• 21 OH TELEPHONE LINE	• 21 USE WATER PIPE
• 22 OH TELEPHONE LINE	• 22 VERGE
• 23 OH TELEPHONE LINE	• 23 WALL
• 24 OH TELEPHONE LINE	• 24 WATER LINE

JOB TITLE
**KINGS GATE
 DALKEITH**

DRAWING TITLE
TOPOGRAPHICAL SURVEY

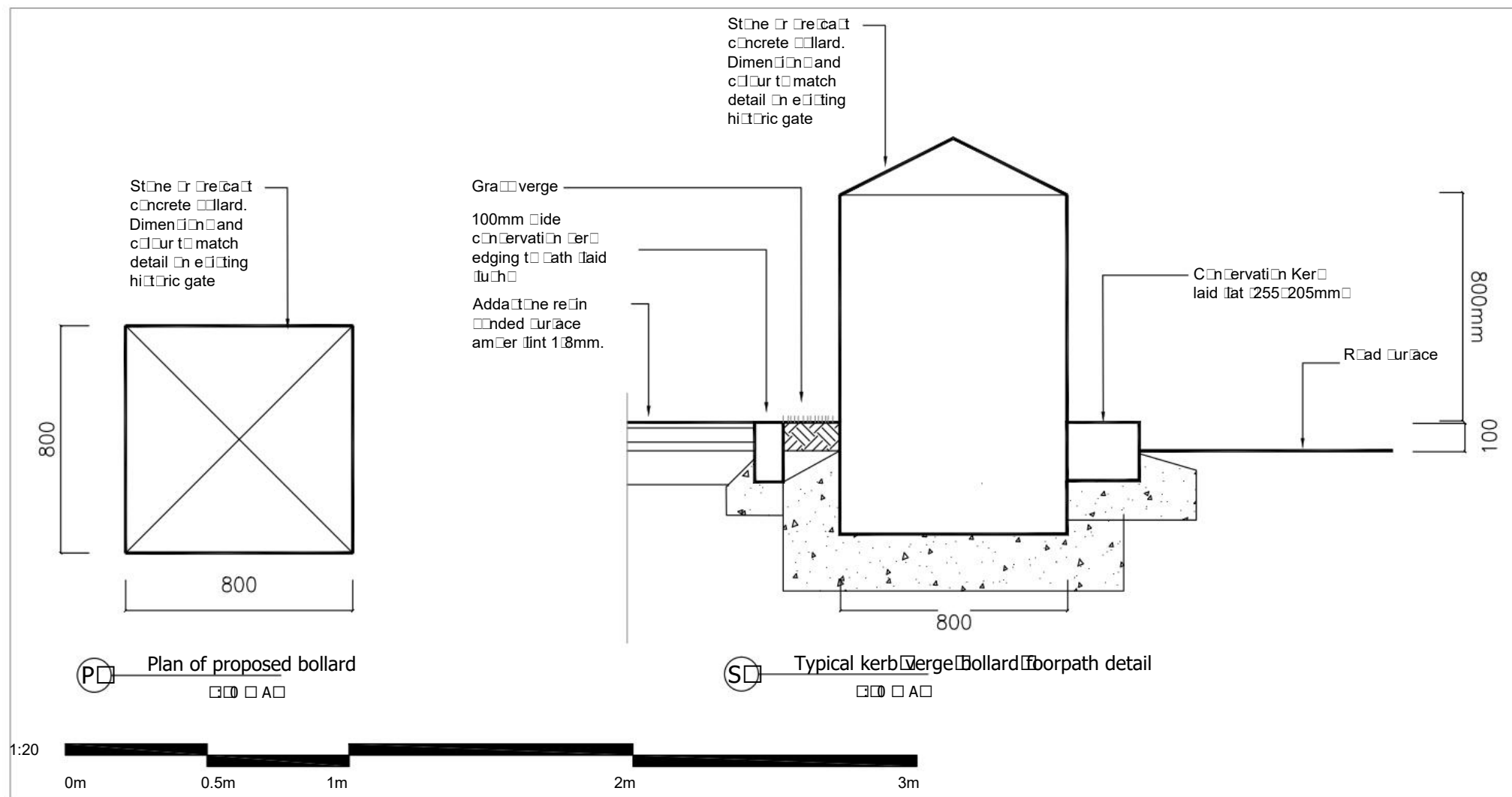
CLIENT	
BUCCLEUCH ESTATES	
SHEET 1 of 1	DATE 21-05-19
DRAWN I.B	CHECKED S.L
SCALE A1 @ 1:200	

RGI Surveys

PO Box 12587, Bonness
 West Lothian, EH51 1AH
 Scotland

Tel: +44 (0) 1506 518009

Email: enquiries@surveys-rgi.co.uk
 Web site: www.surveys-rgi.co.uk

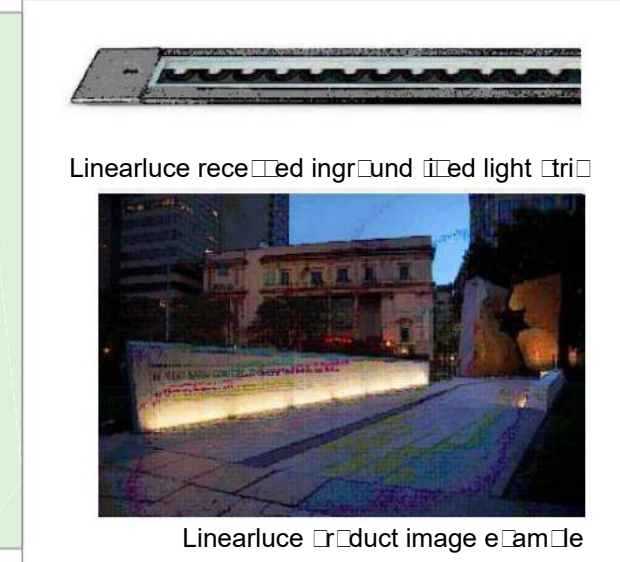
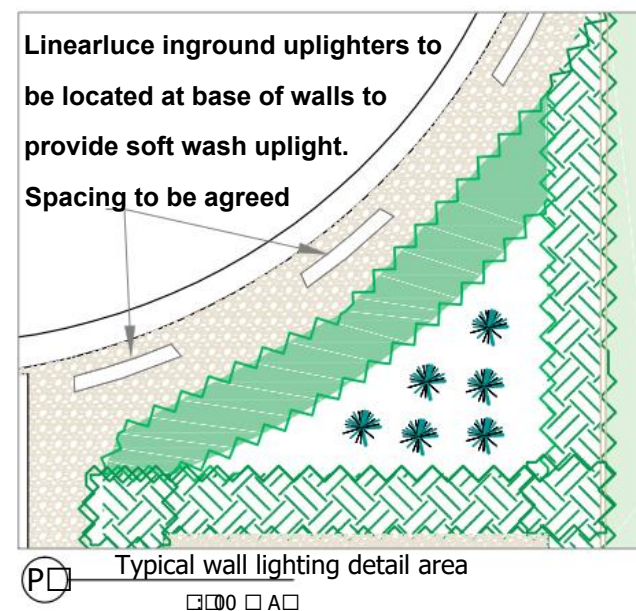
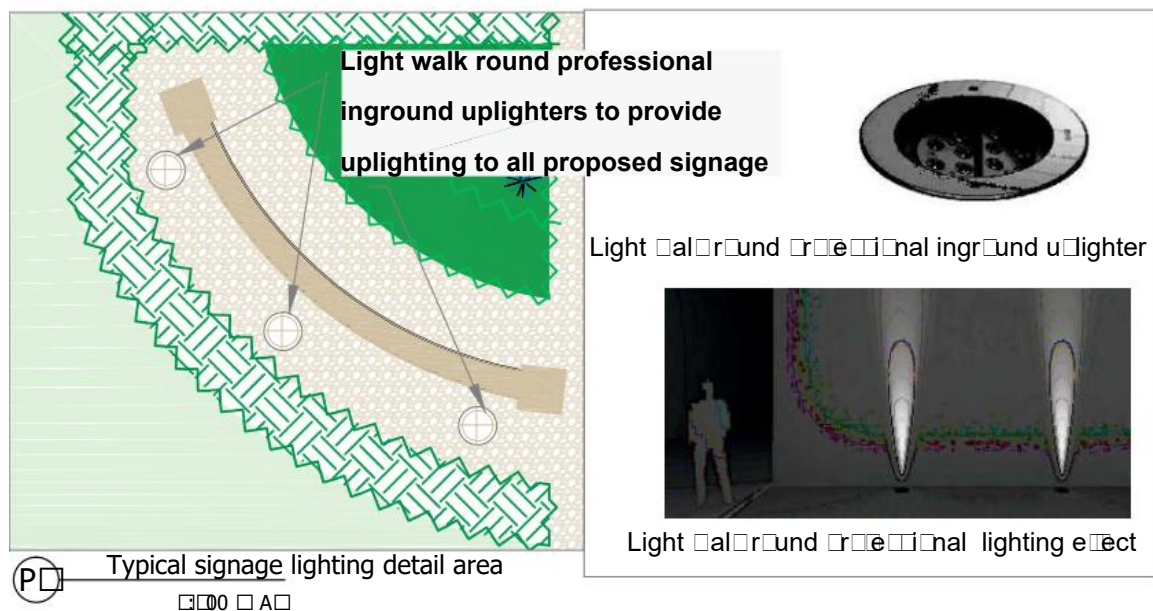


Signage Lighting:

iGuzzine inground recessed directional spotlight to provide light to all proposed signage. Exact number and location to be confirmed. Light up Wall/Proposed round set in loose gravel. Cast aluminium structure stainless steel AISI 304 bezel tempered sealing glass silicone water tight gasket anti glare screen designed for visual comfort M15 1 nickel plated braided cable clamp M11 1 in small circular version connection between lower arm and upper arm. Full specification under discussion

Wall Lighting:

iGuzzine inground recessed lighting strip to provide uplight wash to historic wall. Linear recessed light strip set in loose gravel. Extruded aluminium rod closed at the top with semi acid etched or non acid glass screen secured in place with silicone with die cast aluminium end cap complete with silicone seal over pure aluminium reflector for FL version aluminium outer casing with technomer cap. Full specification under discussion



Notes

Revised to reflect symmetrical layout 03.10.18

Revision	Description	Date
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Drawing Status: SKETCH FOR COMMENT



Client: Dalceith Countryside Park
 Designer: Dalceith Countryside Park

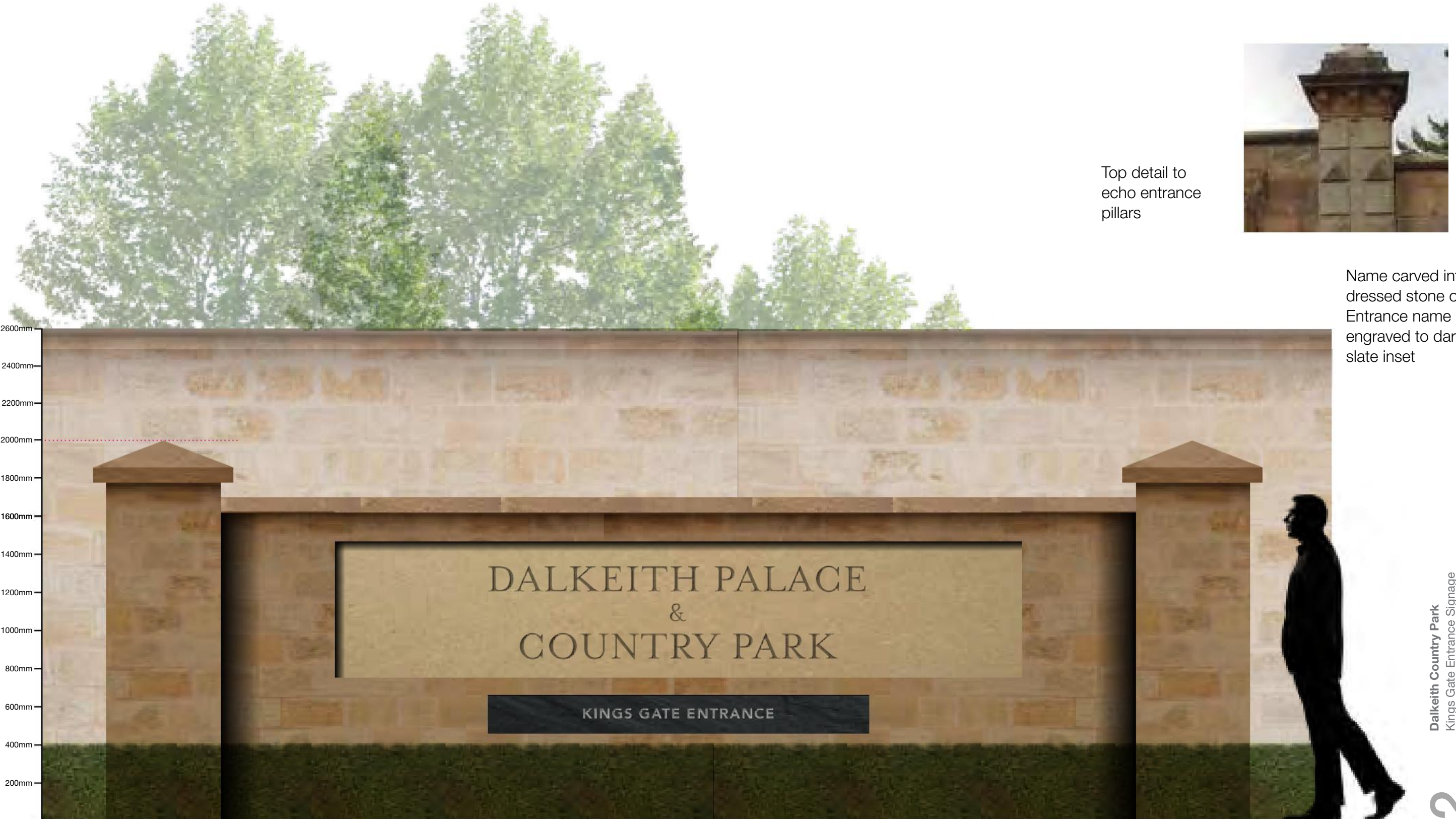
Description: King Gate: Sketch construction detail

Scale: NTS Date: 27.11.18 Drafter/Checked: EPY

Project No: DPCP Drawing No: L02 Revision

Kings Gate Entrance

Main Entrance Sign A



Top detail to echo entrance pillars



Name carved into dressed stone only - Entrance name engraved to dark slate inset

Kings Gate Entrance

Park Directory B and Restriction Signage C

Entrance totem:
park opening times and
park directory.



Planting Images

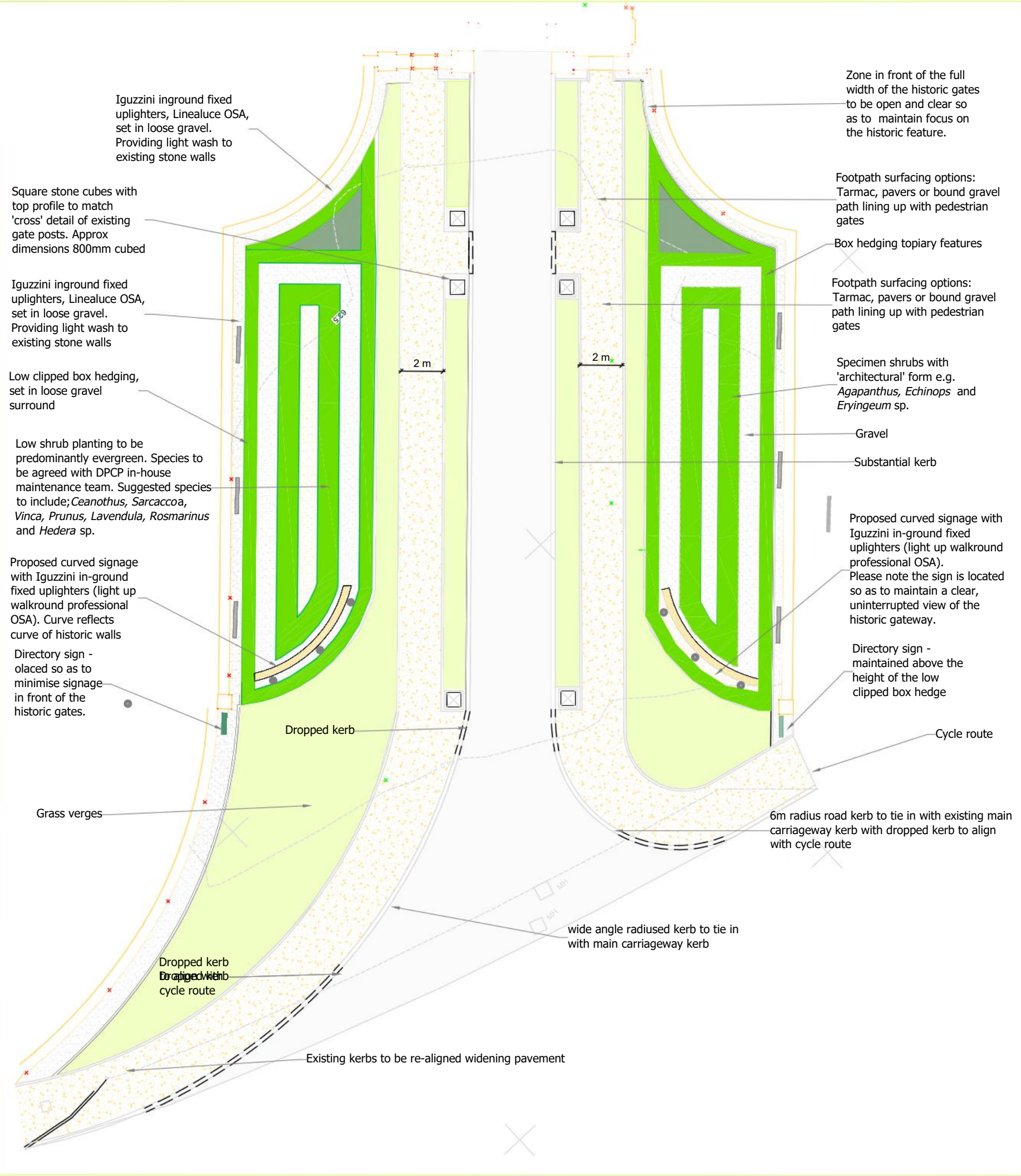
Groundcover: *Ceanothus*, and *Sarcococca* sp.



Box hedging with topiary features



Specimen shrubs with 'architectural' form: *Agapanthus*, *Erygium*, *Echinops* sp.



Lighting Images



Paving Images



Bollard Images



Notes

D-	Private footpaths widened and dropped kerbs added	16/07/20
C-	Layout updated to fit topo survey	24/08/19
B-	Dimensions added and lighting clarified	27/11/18
A-	Updated to reflect symmetrical layout	03.10.18

Revision	Description	Date
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Drawing Status
PLANNING



Client
Dalkeith Country Park

Job
Dalkeith Country Park

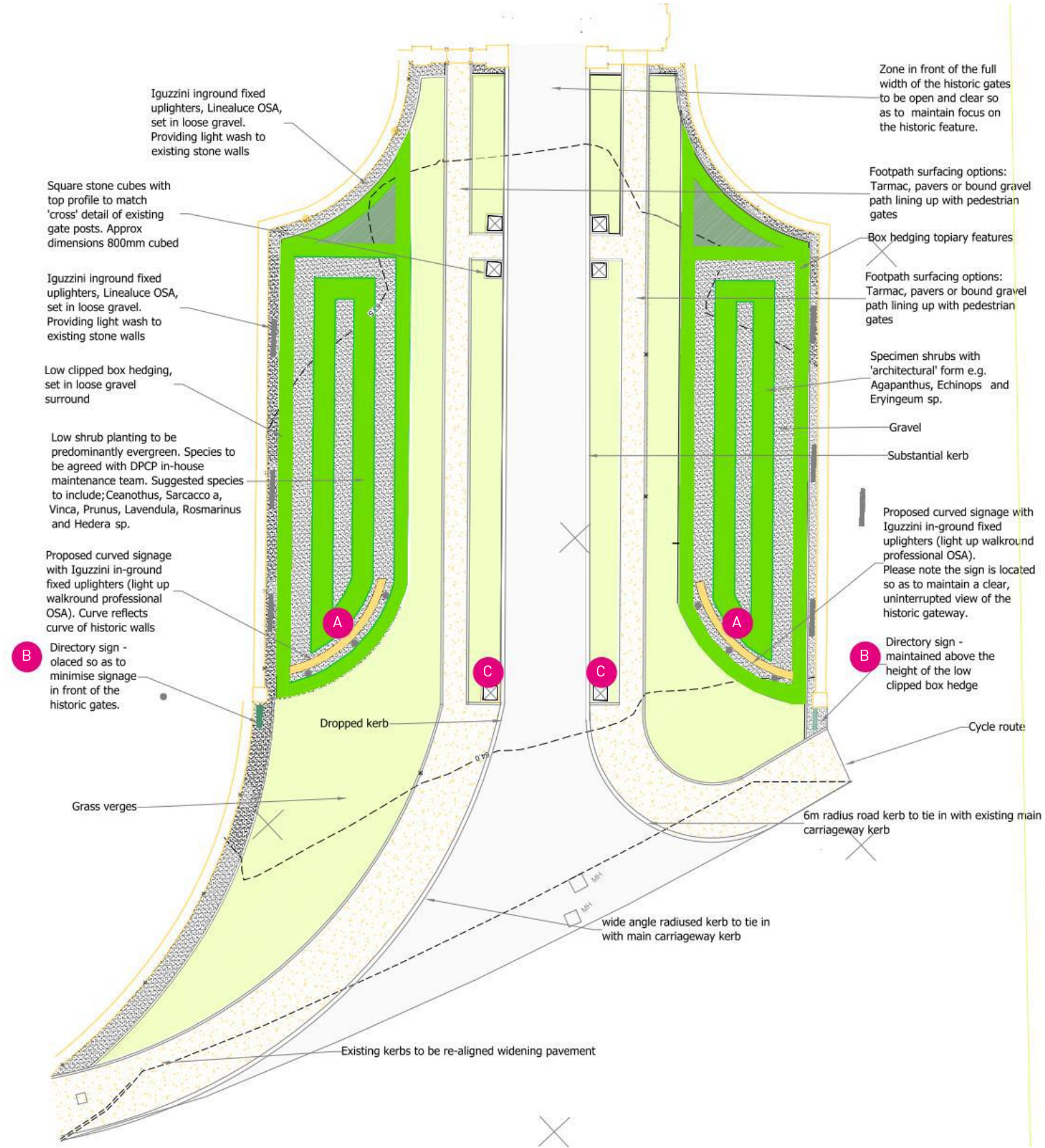
Description
King's Gate: Proposed layout option C with outline landscape proposals

Scale	Date	Drawn/Checked
1:1000 @ A3	25/09/18	EPY

Project No.	Drawing No.	Revision
DPCP	L-01	D

Kings Gate Entrance Plan

- A** Main Entrance Signs
- B** Park Directory Totems
- C** Restriction Signage



Notice of Review: 11 Rosedale Neuk, 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 at 11 Rosedale Neuk, Rosewell.

2 Background

- 2.1 Planning application 19/00893/DPP for the erection of an extension to dwellinghouse at 11 Rosedale Neuk, Rosewell was refused planning permission on 27 November 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 advisory notes, issued on 27 November 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

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 there was one consultation response and one representation received. As part of the review process the interested parties were 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. The two windows at ground floor level on the south elevation of the extension shall be glazed with obscure glass which shall not be replaced with clear glass. Alternatively, a 2.2m high screen shall be erected along part of the boundary of the application property with no. 10 Rosedale Neuk in accordance with details (design, materials, length and timescale of erection) to be submitted to and approved by the planning authority. No work shall start on the

extension until these details have been approved in writing by the planning authority.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any Order revoking and re-enacting that Order) no glazing shall be installed on the north elevation of the extension or on the south elevation including the roof plane of the pitched roof extension apart from that shown on the approved drawings unless planning permission is granted by the planning authority.

Reason for conditions 1-2: *In order to minimise overlooking and protect the privacy of the occupants of the adjoining properties.*

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

Background Papers: Planning application 19/00893/DPP available for inspection online.



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

Extension to dwellinghouse at 11 Rosedale Neuk, Rosewell

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File No. 19/00884/DPP

Scale: 1:1,000
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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 100224113-001

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:	<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="David"/>	Building Number:	<input type="text" value="11"/>
Last Name: *	<input type="text" value="White"/>	Address 1 (Street): *	<input type="text" value="11 Rosedale Neuk"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Rosewell"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH24 9dh"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

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)

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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.

Please see supporting documents White_RosedaleNeuk_Statement White_RosedaleNeuk_Appendix1 White_RosedaleNeuk_Appendix2 White_RosedaleNeuk_Appendix3 White_RosedaleNeuk_Appendix3cont White_RosedaleNeuk_Appendix4 White_RosedaleNeuk_Appendix5 White_RosedaleNeuk_Appendix6 LRBForm_Completed

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)

a) We refer to a property in the immediate vicinity which was granted permission as we believe it pertinent to our case. b) We only became aware of the planning application as we compiled our statement for review and had to contact the Planning Department as the plans were unlisted online. c) This evidence was raised via phone on 10th January 2020 and should be considered as we believe the planning permission granted for this property is inconsistent given the similarity to what we propose.

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)

White_RosedaleNeuk_Statement White_RosedaleNeuk_Appendix1 White_RosedaleNeuk_Appendix2 White_RosedaleNeuk_Appendix3 White_RosedaleNeuk_Appendix3cont White_RosedaleNeuk_Appendix4 White_RosedaleNeuk_Appendix5 White_RosedaleNeuk_Appendix6 LRBForm_Completed

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/00893/DDP

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

24/10/2019

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

27/11/2019

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 *

Holding one or more hearing sessions on specific matters

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)

Please see attached LRBForm. We are seeking a review due to the refusal of our planning application by the appointed officer. We consider a hearing session necessary in case further clarification of our submission is required. We would also welcome an inspection of the site.

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 David White

Declaration Date: 13/01/2020

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)	
Title	Mr	Ref No.	
Forename	David	Forename	Andrew
Surname	White	Surname	Miller
Company Name		Company Name	AM Design
Building No./Name		Building No./Name	
Address Line 1	11 Rosedale Neuk	Address Line 1	88 Newhailes Crescent
Address Line 2		Address Line 2	
Town/City	Rosewell	Town/City	Musselburgh
Postcode	EH24 9DH	Postcode	EH21 6EG
Telephone		Telephone	
Mobile		Mobile	07793816019
Fax		Fax	
Email		Email	amdesign@live.co.uk
3. Application Details			
Planning authority	Midlothian		
Planning authority's application reference number	19/00893/DDP		
Site address	<div style="border: 1px solid black; padding: 5px;">11 Rosedale Neuk Rosewell EH24 9DH</div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px;">Single storey flat roof extension to rear of property with gable extension to the side/rear.</div>		

Date of application

Date of decision (if any)

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

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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.

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:

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.

Our reasons for review are set out in the supporting document
White_RosedaleNeuk.pdf.

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.

- a) We are raising new material as we refer to a property in the immediate vicinity which was granted permission as we believe it pertinent to our case.
 - b) It was not raised previously as we only became aware of the planning application recently as we compiled our statement for review. We had to contact the Planning Department as the plans were unlisted online until we requested to see them.
 - c) We did raise this newer evidence with the Lead Planning Officer via phone call on 10th January 2020. We think this should be considered with our review as we believe the planning permission granted for this property is inconsistent given the similarity to what we propose.

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

White_RosedaleNeuk.pdf

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 consent.

DECLARATION

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

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Signature:

D White

Name:

David White

Date:

13/1/19

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

19/00893/DDP-ERECTION OF REAR SINGLE STOREY AND SIDE STOREY EXTENSION AT 11 ROSEDALE NEUK, ROSEWELL, EH24 9DH

We refer to the above-mentioned application for planning permission which was refused by your Planning Department on 27th November 2019 for the following reasons:

"1. The proposed two storey extension does not respect the design or character of, and will appear at odds with, the existing building. It will appear as an incongruous, disjointed addition, detracting from the overall character of the house.

2. The two styles of extension will appear as ad hoc additions unrelated to each other and the design of the original building detracting from the overall character and appearance of the building."

Copies of supporting documents are submitted as Appendices detailed below.

Appendix 1. Supporting Statement

Appendix 2. Approved plans submitted for 2 Rosedale Grove

Appendix 3. Photographs of properties pertinent to appeal

Appendix 4. Delegated/Short Report for 11 Rosedale Neuk

Appendix 5. Revised Plans submitted for 11 Rosedale Neuk

Appendix 6. Original Plans submitted of 11 Rosedale Neuk

We wish to respond to the refusal reasons in the following terms:

The general pattern of development in the area within which the application site is located comprises of a mixture of semi-detached and terraced dwelling houses. Although aesthetically pleasing the over-riding quality of the area is not architecturally distinguished. We are greatly surprised that the Planning Officer considers the proposed extension to be out of character with the existing building.

We have taken guidance from documents DP6 and SPG:rear extensions from the Midlothian Planning website and whilst we are fully aware that adherence to the guidelines is not a guarantee of a successful application we strongly maintain that the proposed extension;

- Reflects the style and character of the existing property and as such would enhance its overall appearance.
- Makes use of matching materials
- Has roof pitches which match existing height
- Has architectural detailing, scale and proportion which are similar to the existing

We would also refer to the Supporting Statement covering these issues in Appendix 1.

We are firmly of the opinion the proposed extension continues the existing form of the building and is in keeping with the existing character. Indeed, the Planning Officer states;

“The front elevation of the extension is in keeping with the character and design of the existing building. The rear part of the side extension and the rear single storey extension will not be highly publicly visible.”

After a conversation with the Planning Officer it is apparent that the main issue is with the eaves of the gable and rear extension. We refute the Planning Officer’s claims that;

“This part of the extension does not respect the design or character of, and will appear at odds with, the existing building. It will appear as an incongruous, disjointed addition detracting from the overall character of the house.”

We strongly disagree with this statement as we have made every effort to ensure the continuity of appearance, on all elevations of the proposed extension and refer again to Supporting Statement Appendix 1.

Also;

The two styles of extension will appear as ad hoc additions unrelated to each other and the design of the original building detracting from the overall character and appearance of the building.”

Again, we disagree with this statement as we believe the two styles of extension are complimentary to one another and will match in materials, scale and proportion. The flat roof will largely consist of a contemporary rooflight to allow natural light into the property due to its south facing aspect and the proximity of the neighbouring extension at number 12.

We would also highlight a statement from the Delegated/Short Report of 12 Rosedale Neuk Application Reference 15/00652/DPP.

“Albeit the extension will affect the symmetrical form of the semi-detached pair its design is sympathetic to the character of the building and located at the rear will not have a detrimental impact on the visual amenity of the area.”

The part of the proposed extension which is under scrutiny will not be publicly visible, as at number 12, and we feel we have been as sympathetic as possible to the immediate neighbouring properties in protecting their outlook.

“The extension will not be overbearing to the outlook of the house or garden of no. 10 next door.”

We would draw attention to a granted planning application at 2 Rosedale Grove, Application Reference 19/00386/DDP and would like to highlight the similarities between these plans (Appendix 2) and the proposed extension and hence question the inconsistency in planning decision in this case.

Moreover, the extension at 1 Whitehill Road, Application Reference Number 17/00515/BDAEX which we believe comes under ‘permitted development’ does not require

formal planning permission. We are very surprised that this extension does not appear to be classed as “an incongruous, disjointed addition, detracting from the overall character of the house” and have attached images of this extension as part of Appendix 3.

We would also like to correct an error in our report for 11 Rosedale Neuk that states;

“Also the eaves height of the extension exceeds that permissible in terms of the permitted development regulations for single storey extensions by 1.7m” as the actual measurement is 1.3m, a difference of approximately 300mm compared to 2 Rosedale Grove.

Additionally, we note the recommendation for a bat survey after application of the revised drawings (Delegated/Short Report Appendix 4). This has not been requested for any other development in the immediate vicinity to our knowledge/finding.

We would like to point out that a major purpose of the design is to allow the addition of a staircase, which would severely detriment the design and available space by utilising other floorplans/configurations.

“Other properties at Rosedale Neuk including at no 12 next door have extensions at the rear, including accommodation at first floor level, with the eaves level of the extension matching the eaves level of the existing building.”

With reference to the existing extension at 12 Rosedale Neuk Application Reference 15/00652/DPP, we have communicated with the occupants of this property who have intimated that the placement of their staircase within their extension is narrow and awkward. We have tried to create an architectural solution which allows us to maximise space whilst remaining sympathetic to the surrounding area. We also wish to retain as much outdoor space as possible and building the gable side extension as proposed would allow us to do so.

As alluded to previously, the granting of planning permission for extensions of this nature does not appear to be without precedent within the locality. We include in Appendix 3 a list of properties where differing eaves height extensions/houses have been built, and question strongly why permission has been refused in this case. Our attention has been drawn in particular to the previous granting of planning permission for extensions at the aforementioned 2 Rosedale Grove, 90 Polton Bank, Lasswade 15/00004/DPP and 14 Knowetop Place, Roslin Reference Number 11/00533/DPP. With respect to the latter, we would draw attention to a statement from the Short Report

“Extension will be 4.5m wide and 8.4m deep with ridge and eaves heights matching existing”, as seen from the photo in Appendix 3, although the difference is small, this is not the case.

We also include images of newer properties at Kilburn Wood Drive, Roslin, and Lindsay Circus, Rosewell as an example of new developments with a similar outlook. In particular we highlight the property at Shiel Hall Crescent, Rosewell. This property is not dissimilar to the proposed rear extension and as seen in the image, is clearly visible from the A6094 running alongside. We also include an image of 12 Rosedale Grove, Rosewell a property within the same development as the proposed extension clearly showing removal of a rear pitch and addition of a flat roof along the rear of the property.

Whilst we do not wish to call into question any existing development, we are obviously perplexed as to why permission has been refused in this particular case. We are under the impression that we are being 'encouraged' to follow suit with the immediate neighbouring properties, despite that the extended outdoor space allows for a different solution. We believe the proposed extension will enhance the character of the existing building hence conforming to the DEV2 guidelines and do not fully comprehend the Planning Officer's seemingly inconsistent decisions to grant planning permission within the local area.

We are cognisant of the requirements to protect the character and amenity of a built-up area however, and are firmly of the opinion that the proposed extension will not have an adverse effect on the existing property or surrounding area. Indeed, the front of the proposed extension will not detract from the overall appearance of the existing character of the area, and the gable/rear extension will cause no detriment to neighbouring properties. Sufficient outdoor space would be retained. Given this and the precedent to which we refer we would encourage the Local Review Body to visit the site in advance of determining the review request.

Appendix 1. Supporting Statement



Amendment to Planning for
Application No: 19/00184/DPP

Mr & Mrs White
Proposed Rear / Gable Extension to 11 Rosedale Neuk, Rosewell. EH24 9DH

Supporting Statement

Mid Lothian Council's Decision Notice, which was received on the 9th September 2019, lists the following reasons for its refusal to grant planning permission:

- 1. The proposed two storey extension does not respect the form, design or character of, and will appear unsympathetic to and at odds with, the existing building. It will appear as an incongruous, bulky, disjointed addition, seriously detracting from the principal elevation and the overall character of the house.*
- 2. The unsatisfactory relationship of the two storey extension with the original building will detract from the visual amenity of the surrounding area.*
- 3. For the above reasons the proposals are 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.*

We have subsequently revised the overall design of the proposed extensions, taking into consideration the points noted above. The comments below outline the measures taken to reduce the visual impact of the extension, so that the additions do not appear unsympathetic or detract from the existing property and surrounding area.

- The proposed Gable extension roof has been brought forward and lowered, so that the eaves height matches the original property, hence, it no longer has the appearance of a two storey extension as per the refusal comments.
- A dormer has been introduced to the principle elevation, mirroring the existing front dormer construction (thus replicating the design of the existing building).
- The side extension now has a pitched roof to the rear, considerably reducing the amount of masonry shown in the previous scheme on the Gable elevation.
- The revised proposals result in only a 10% increase in the area of masonry visible on the Gable elevation, over that which would be permitted under development rights.
- The Gable facade has been broken up with glazed windows, to further reduce the extent / impact of the masonry present.

In Conclusion:

The proposed extensions is situated to the rear / side of the property and mostly hidden from view due to the properties position within the existing development. The size, form and materials specified were chosen to blend into the existing properties within the area.

As a result, we would contend that this proposal, using quality materials and good detailing, is not detrimental to the neighbourhood amenity and character of the existing area.

- AM DESIGN -

Appendix 2. Delegated/short report and approved plans and for 2 Rosedale Grove

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference:19/00386/dpp

Site Address: 2 Rosedale Grove, Rosewell

Site Description:

The application property comprises a semi-detached dwellinghouse with accommodation at first floor level within the roofspace with a dormer window at the front of the property. The house is finished externally in drydash render with a brick basecourse with brown timber framed windows and red coloured contoured roof tiles. There is a shed in the rear garden.

Proposed Development:

Extension to dwellinghouse

Proposed Development Details:

It is proposed to erect an extension at the rear of the house with accommodation within the roofspace. The extension measures a maximum of 6.1m wide and 5m deep and steps in towards the rear on both sides by 0.9m for a depth of 0.8. External wall and roof materials are to match existing with brown upvc framed windows proposed.

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

History sheet checked.

Consultations:

None required.

Representations:

None received.

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 design of the extension is sympathetic to the character of the existing building. Sufficient garden area will remain after the erection of the extension.

The extension will not be overbearing to the outlook from the back garden of no. 1 next door. It will be very prominent to the outlook of the kitchen window of no. 1 however on balance being set a minimum of 1m off the boundary the impact of the extension on the outlook of this room is not sufficient to warrant refusal of planning permission. It will be prominent to the outlook of the windows on the west side of a conservatory at no. 1 however will not have an overbearing impact. Satisfies standard 45^o daylight test to the kitchen window. Apart from the rooflights on the extension, overlooking arising from the windows on the extension will not have a significant impact on the amenity of the occupiers of no. 1.

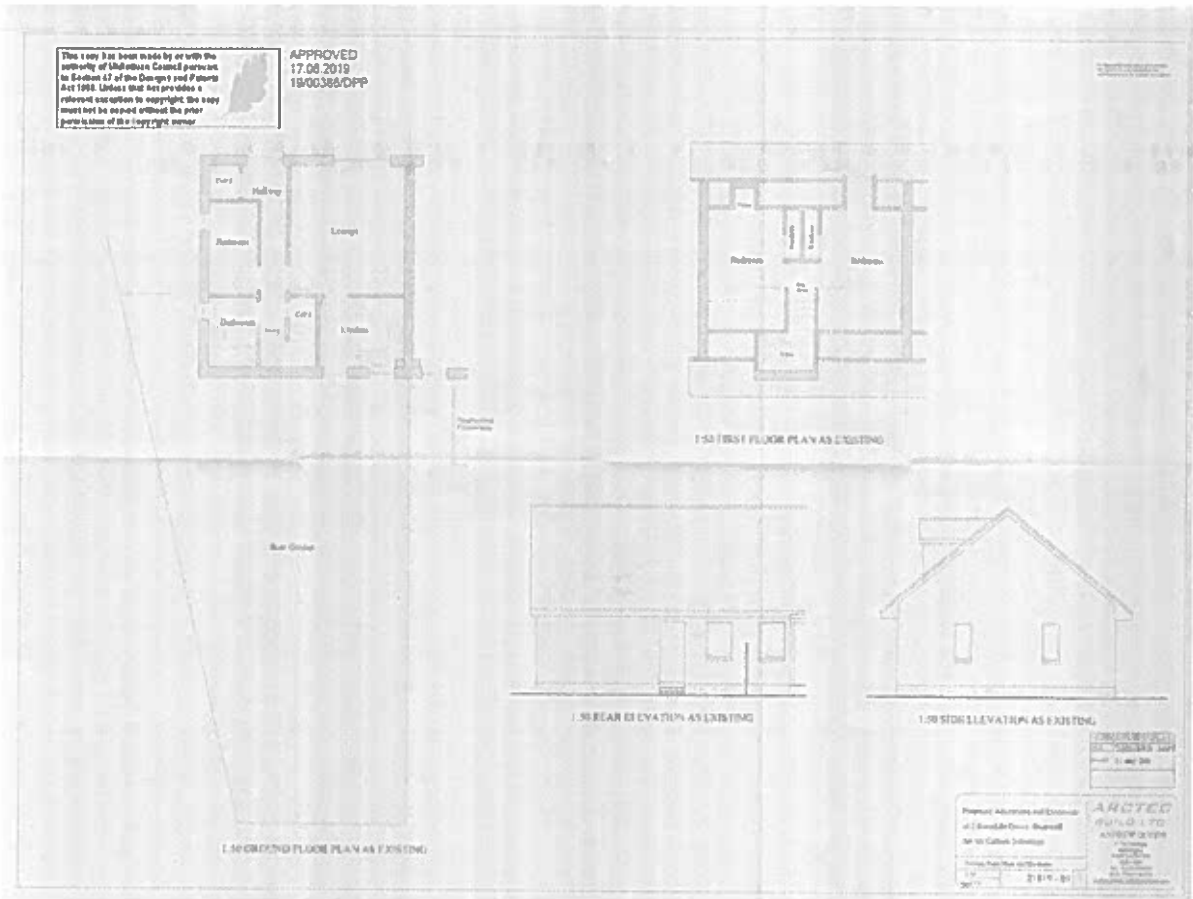
The extension will be very prominent to the outlook from the rear garden of no. 3 next door although on balance will not have an overbearing impact. It will be prominent to the outlook from the windows on the east side of a conservatory at the rear of no 3 however will not have an overbearing impact. Satisfies vertical sky component daylight test to kitchen window on rear of no 3. The glazed doors at first floor level on the rear elevation of the extension will directly overlook the rear garden of no 3. However the impact of overlooking will not be significant as compared to that arising as a result of the provisions for dormer windows in the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 1992. A 1.8m high fence along the boundary with no. 3 will minimise overlooking from the ground floor windows on the extension.

Rooflights on the side of the extension have the potential to overlook the rear gardens of the neighbouring properties. These should be obscure glazed or positioned at high level in order to minimise overlooking. This can be covered by condition.

The glazed doors at first floor level on the rear elevation of the extension will directly overlook in particularly the conservatory of no. 268 Carnethie Street to the rear of the site. The perception of overlooking would be reduced if the external glazed protective barrier was obscure glazed. This can be covered by condition. Also the extension will be located 10m from the rear boundary and the impact of overlooking will not be significant as compared to that arising as a result of the provisions for two storey extensions and dormer windows in the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 1992.

The extension will not have a significant impact on sunlight to neighbouring properties.

Recommendation:
Grant planning permission



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APPROVED
17/05/2019
18/00386/DPP

1:50 NORTH WEST ELEVATION AS PROPOSED

1:50 SOUTH WEST ELEVATION AS PROPOSED

1:50 SOUTH EAST ELEVATION AS PROPOSED

1:50 FIRST FLOOR PLAN AS PROPOSED

1:50 GROUND FLOOR PLAN AS PROPOSED

Rear Garden

1:50 NORTH WEST ELEVATION AS PROPOSED
 All work carried out must be in accordance with the Building Code of Australia (BCA) and the relevant standards. The design must be in accordance with the BCA and the relevant standards. The design must be in accordance with the BCA and the relevant standards.

1:50 SOUTH WEST ELEVATION AS PROPOSED
 All work carried out must be in accordance with the Building Code of Australia (BCA) and the relevant standards. The design must be in accordance with the BCA and the relevant standards. The design must be in accordance with the BCA and the relevant standards.

1:50 SOUTH EAST ELEVATION AS PROPOSED
 All work carried out must be in accordance with the Building Code of Australia (BCA) and the relevant standards. The design must be in accordance with the BCA and the relevant standards. The design must be in accordance with the BCA and the relevant standards.

1:50 FIRST FLOOR PLAN AS PROPOSED
 All work carried out must be in accordance with the Building Code of Australia (BCA) and the relevant standards. The design must be in accordance with the BCA and the relevant standards. The design must be in accordance with the BCA and the relevant standards.

1:50 GROUND FLOOR PLAN AS PROPOSED
 All work carried out must be in accordance with the Building Code of Australia (BCA) and the relevant standards. The design must be in accordance with the BCA and the relevant standards. The design must be in accordance with the BCA and the relevant standards.

Proposed Alterations and Extensions of 2 Ranges of Units at Lot 14, Latham Subdivision	APPROVED RUP/D/AT/O ANDREW EXCESS
Project No: 18/00386/DPP	17/05/2019
Scale: 1:50	2:810 (B2)

Appendix 3. Photographs of properties with application reference numbers of approved planning permission

Application Reference Number 17/00515/BDAEX, 1 Whitehill Road, Rosewell



Side elevation



Front elevation



Side elevation

Application Reference Number 15/00004/DPP 90 Polton Bank, Lasswade

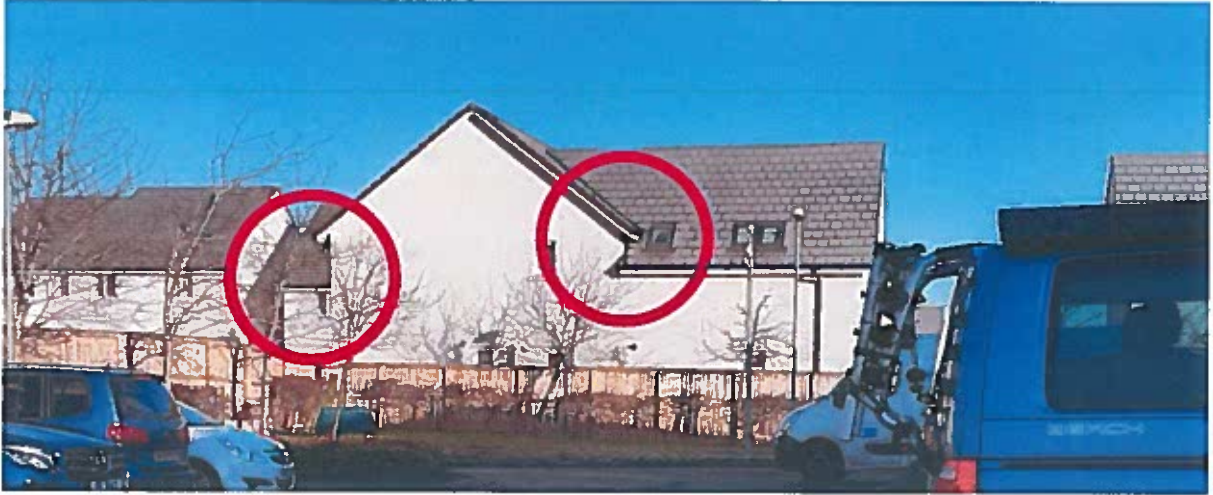


Application Reference Number 11/00533/DPP 14 Knowetop Place, Roslin



Appendix 3 (cont). Photographs of properties with application reference numbers of approved planning permission

Kilburn Wood Drive, Roslin



Lindsay Circus, Rosewell



Shiel Hall Crescent, Rosewell



12 Rosedale Grove, Rosewell



Appendix 5. Revised Plans submitted for 11 Rosedale Neuk

REFUSED
27.11.2019
19/00893/DPP

Note height of proposed gable extension to match existing gable height. New extension will have a gable height of 2.825m to match existing gable height.

Note extension to be constructed in same proposed gable extension. Existing gable to be extended to new proposed gable extension.

Note gable extension will be used to form a gable extension to match existing gable height. New gable extension will be used to form a gable extension to match existing gable height.

Note extension will be used to form a gable extension to match existing gable height. New extension will be used to form a gable extension to match existing gable height.

PROPOSED FRONT ELEVATION (1:50)

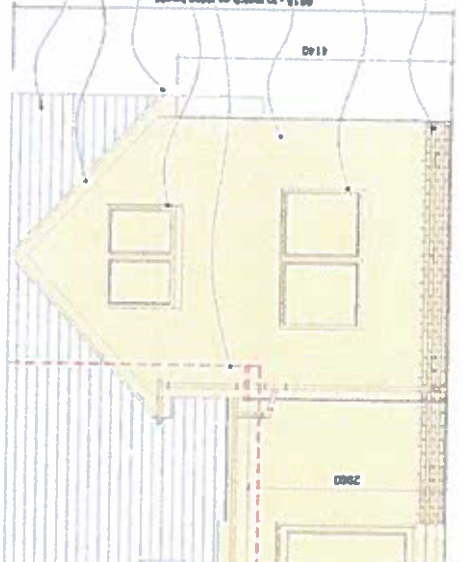
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AM DESIGN
 88 Napier Road,
 Musselburgh,
 East Lothian,
 EH21 6JL,
 Scotland
 Tel: 01708 18019
 Email: amdesign@amdesign.co.uk

Note extension will be used to form a gable extension to match existing gable height. New extension will be used to form a gable extension to match existing gable height.



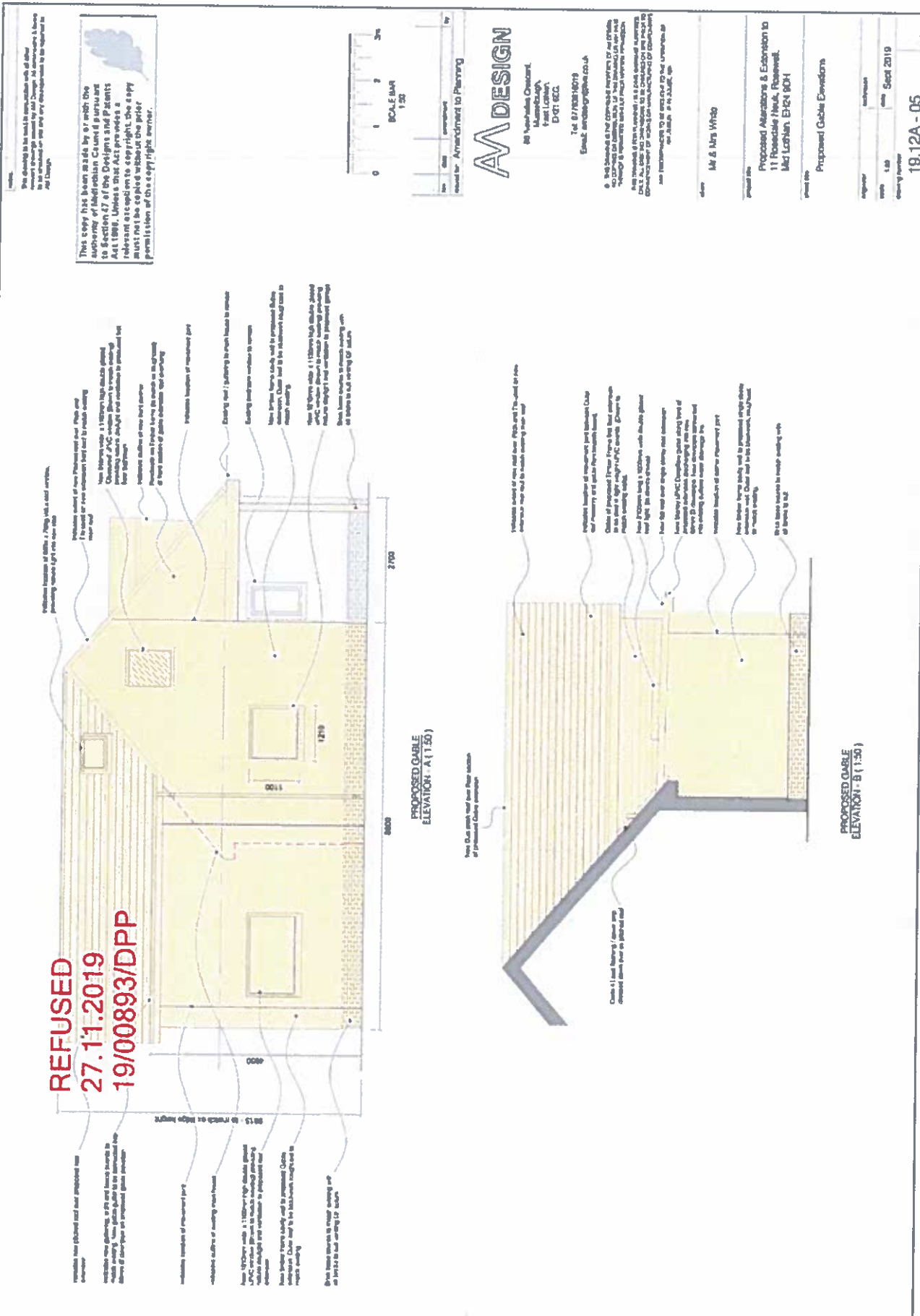
PROPOSED REAR ELEVATION (1:50)

Note extension will be used to form a gable extension to match existing gable height. New extension will be used to form a gable extension to match existing gable height.

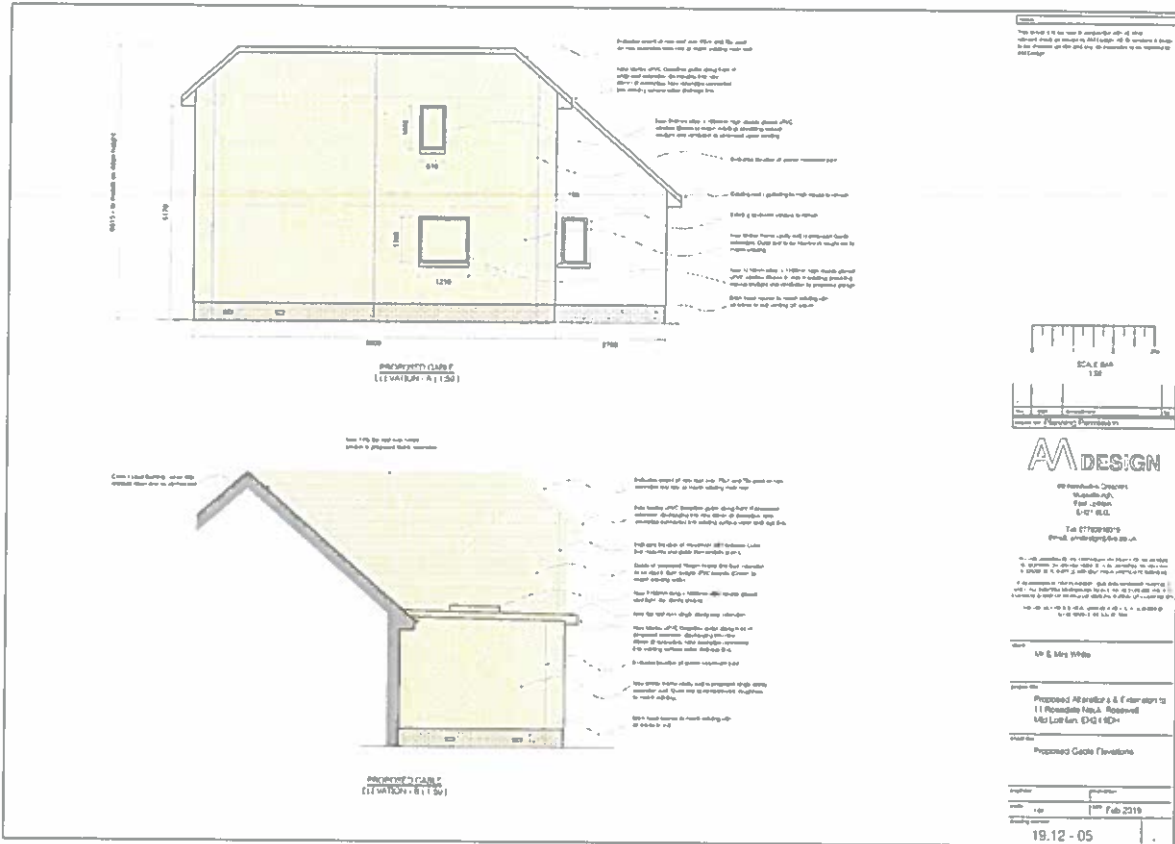
client	M & Les White
project no	
proposed alterations & extension to	11 Rosedale Neuk, Musselburgh, East Lothian, EH21 6JL
proposed by	AM DESIGN
checked by	
date	19 Sept 2019
drawing number	19.12A - 04

Appendix 5. Revised Plans submitted for 11 Rosedale Neuk

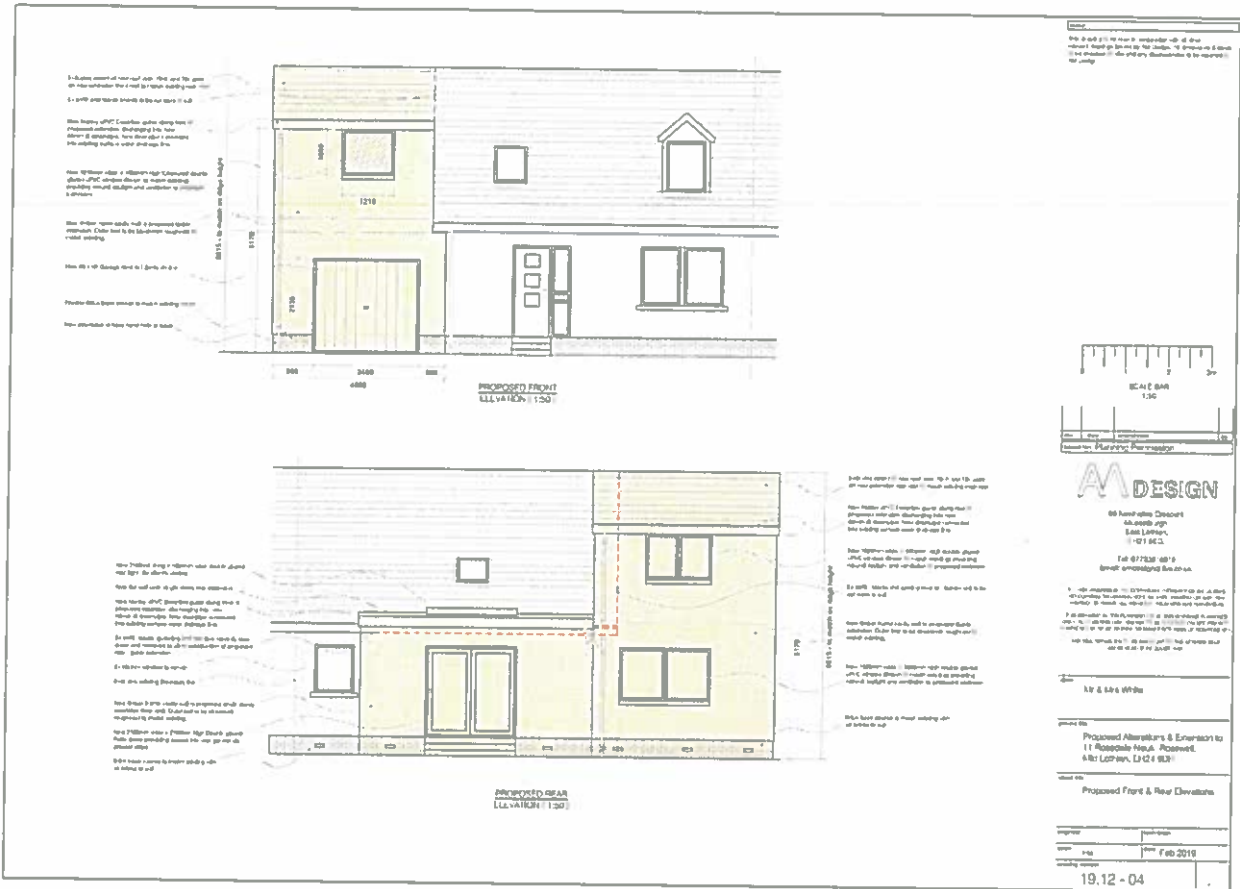
REFUSED
27.11.2019
19/00893/DPP



Appendix 6. Original Plans submitted for 11 Rosedale Neuk



Appendix 6. Original Plans submitted for 11 Rosedale Neuk



MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 19/00893/dpp

Site Address: 11 Rosedale Neuk, Rosewell

Site Description:

The application property comprises a semi-detached dwellinghouse with accommodation at first floor level within the roofspace. It is finished externally in drydash render with a brick basecourse with brown stained timber window frames and red concrete pantiles. There is a pitched roof dormer at the front of the property. There are two sheds in the rear garden.

The application property is located within a residential cul-de-sac.

Proposed Development:

Extension to dwellinghouse

Proposed Development Details:

It is proposed to erect an extension comprising two storeys of accommodation at the side of the house. It measures 4m wide and 11.3m long projecting 4m beyond the rear building line of the existing building. The front elevation of the extension continues the form of the existing building with accommodation at first floor level within the roof space with a new dormer window at the front to match existing. The rear part of the extension has been designed with its ridge running perpendicular to that of the original house with its eaves approximately 1.7m above the eaves of the original building with accommodation at first floor level partly within the roofspace. The proposal also includes a single storey flat roof extension at the rear of the house measuring 4m deep and 5.4m wide.

Apart from on the south elevation of the two storey extension external wall and roof finishes are to match existing. The wall at first floor level on the south elevation of the two storey extension which rises vertically above the single storey extension at the rear is to be finished in cream upvc boards. Brown framed upvc windows are proposed. The material and colour of the frames of the patio doors on the single storey extension have not been specified.

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

History sheet checked.

19/00184/dpp - Two storey and single storey extension to dwellinghouse at 11 Rosedale Neuk, Rosewell – refused on design grounds – 09.04.19.

The applicant's agent has submitted a statement in support of the application stating that the scheme has been amended since the previous refusal as follows:

- The eaves height matches the original property at the front and no longer has the appearance of a two storey extension;
- A dormer has been introduced to the principal elevation replicating the design of the existing building;
- The side extension now has a pitched roof to the rear, considerably reducing the amount of masonry on the gable elevation;
- The revised proposals result in only a 10% increase in the area of masonry visible on the gable elevation, over that which would be permitted under development rights; and
- The gable facade has been broken up with glazed windows.

It is also stated that :

- The proposed extension is mostly hidden from view;
- The size, form and materials specified blend into the existing properties within the area; and
- The current proposal is not detrimental to the neighbourhood amenity and character of the existing area.

Consultations:

TWIC – Recommend a bat survey be carried out. During the case officer's site visit it was not immediately obvious how bats could gain access in to the roof of the existing building. The applicant's agent will be advised of the possibility of bats and their protected status.

Representations:

One representation has been received in relation to the application from the occupier of 12 Rosedale Neuk stating that she has no objection in principal to an extension however requests that the extension is built 1m off the boundary as they were required to do.

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 front elevation of the extension is in keeping with the character and design of the existing building. The rear part of the side extension and the rear single storey extension will not be highly publicly visible. It is also acknowledged that the current scheme is an improvement on the previously refused scheme. However concerns remain regarding the design of the extension and its effect on the character and appearance of the original house.

The existing building has accommodation at first floor level contained within the roofspace with the form of the property appearing as a single storey dwelling with a conventional pitched roof. The proposed side extension has higher eaves, at the rear, than the original building out of keeping with the existing building. (The extension comprises of two storeys of accommodation and does not fall within the permitted development criterion for extensions of more than one storey. Circular 1/2012 – Guidance on Householder Permitted Development Rights notes that 1 ½ or 2 storey extensions are more likely to have a greater impact than a single storey extension. Also the eaves height of the extension exceeds that permissible in terms of the permitted development regulations for single storey extensions by 1.7m.) This part of the extension does not respect the design or character of, and will appear at odds with, the existing building. It will appear as an incongruous, disjointed addition detracting from the overall character of the house. Other properties at Rosedale Neuk including at no, 12 next door have extensions at the rear, including accommodation at first floor level, with the eaves level of the extension matching the eaves level of the existing building.

Whilst the flat roof part of the extension to the rear of the house is uncharacteristic of the design of the existing building on balance, considered in isolation, it would not have a significant impact on the character of the existing building. Also it is not dissimilar to what could ordinarily be erected as permitted development.

However the two styles of extension will appear as ad hoc additions unrelated to each other and the design of the original building detracting from the overall character and appearance of the building.

Sufficient garden area will remain after the erection of the extension. Off-street parking unaffected.

The extension will not be overbearing to the outlook of the house or garden of no. 10 next door. Two windows proposed at ground floor level on the side of the extension would have views to the side garden of no. 10. One of the windows serves the garage and the other a dining area. Should planning permission be granted the garage could be converted at a future date to habitable accommodation. Obscure glazing or an increase in the height of the existing 1.6m high fence along the site boundary would minimise the impact of overlooking. Should planning permission be forthcoming this could be covered by condition. A high level rooflight and an obscure glazed window are proposed at first floor level. Should planning permission be

granted it would be appropriate to condition the retention of the obscure glazing and to restrict any further windows or rooflights on the side elevation to minimise overlooking. The extension will result in increased overshadowing of the side garden of no. 10 in the morning particularly in the winter months however the impact will be less in the summer months and is not sufficient to warrant refusal of planning permission. The extension will not have a significant impact on daylight or sunlight to the house at no. 10.

There is an existing pitched roof extension at the rear of no. 12 which forms the other half of the semi-detached pair. There are no windows on the side of the extension or on the rear wall of the original house closest to the boundary with the application property. The extension at no 12 (pa ref: 15/00652/dpp) was required to be pulled off the boundary due to its impact on the amenity of the occupiers of no 11 in particular the outlook from their kitchen window. The submitted plans indicate the extension the subject of the current application as being 0.74m from the boundary with no 12 at its closest point. There is no amenity or planning reason for the current proposal to be pulled further off the boundary. Whilst the wall on the south side of the two storey extension will be a prominent feature as viewed from the garden of no. 12 the extensions will not have a significant impact on the amenity of this property. The extension will not have a significant impact on daylight or sunlight to no. 12.

Recommendation:

Refuse planning permission



Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 19/00893/DPP

AM Design
88 Newhailes Crescent
Musselburgh
EH21 6EG

Midlothian Council, as Planning Authority, having considered the application by Mr David White, 11 Rosedale Neuk, Rosewell, EH24 9DH, which was registered on 24 October 2019 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Extension to dwellinghouse at 11 Rosedale Neuk, Rosewell, EH24 9DH

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	19.12-10 1:1250	24.10.2019
Site plan, Location Plan and Elevations	19.12A-01 1:1250 1:200 1:100	24.10.2019
Proposed Floor Plan	19.12A-02 1:50	24.10.2019
Proposed Floor Plan	19.12A-03 1:50	24.10.2019
Proposed Elevations	19.12A-04 1:50	24.10.2019
Proposed Elevations	19.12A-05 1:50	24.10.2019

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

1. *The proposed two storey extension does not respect the design or character of, and will appear at odds with, the existing building. It will appear as an incongruous, disjointed addition, detracting from the overall character of the house.*
2. *The two styles of extension will appear as ad hoc additions unrelated to each other and the design of the original building detracting from the overall character and appearance of the building.*

Dated 27 / 11 / 2019

.....
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

Website: 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.

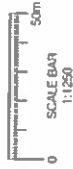
Page 75 of 146

Property specific summary information on past, current and future coal mining activity can be obtained from: 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

This Informative Note is valid from 1st January 2019 until 31st December 2020

NOTES:
 This drawing to be read in conjunction with all other drawings and specifications issued by AM Design. All dimensions & levels to be checked on site and any discrepancies to be reported to AM Design.



Rev.	Date	Description	By

Issued for: Amendment to Planning

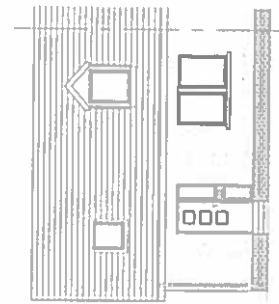
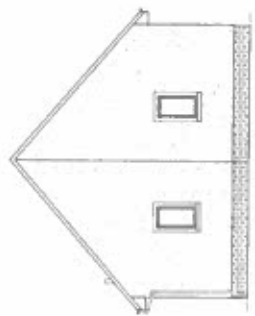
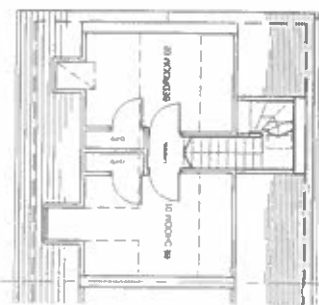
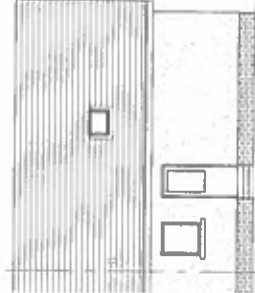
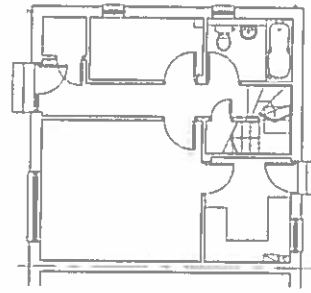
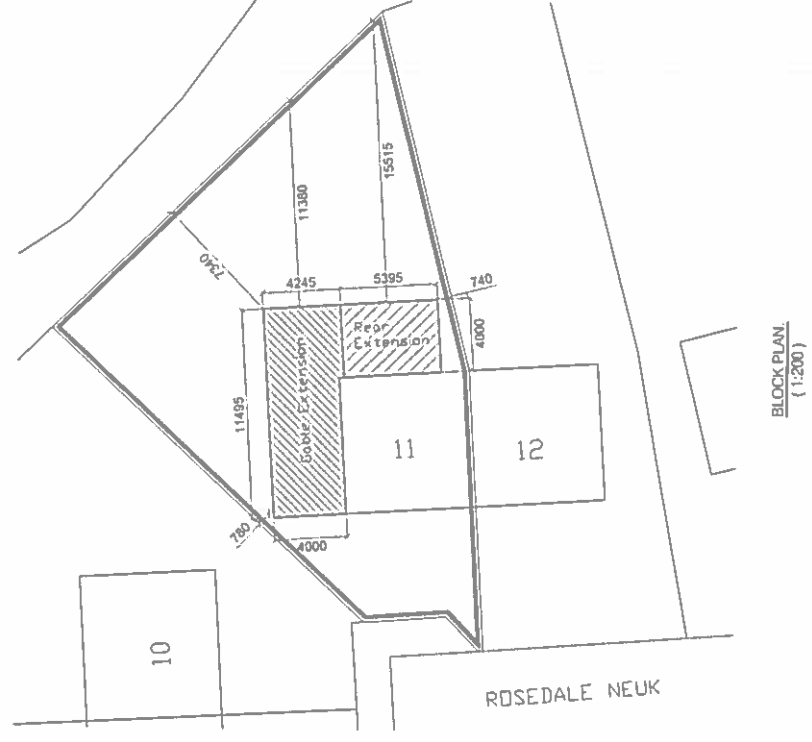
AM DESIGN

68 Newnham Crescent
 Muskeburgh,
 East London,
 E12 1EG.

Tel: 07793810019
 Email: amdesign@live.co.uk

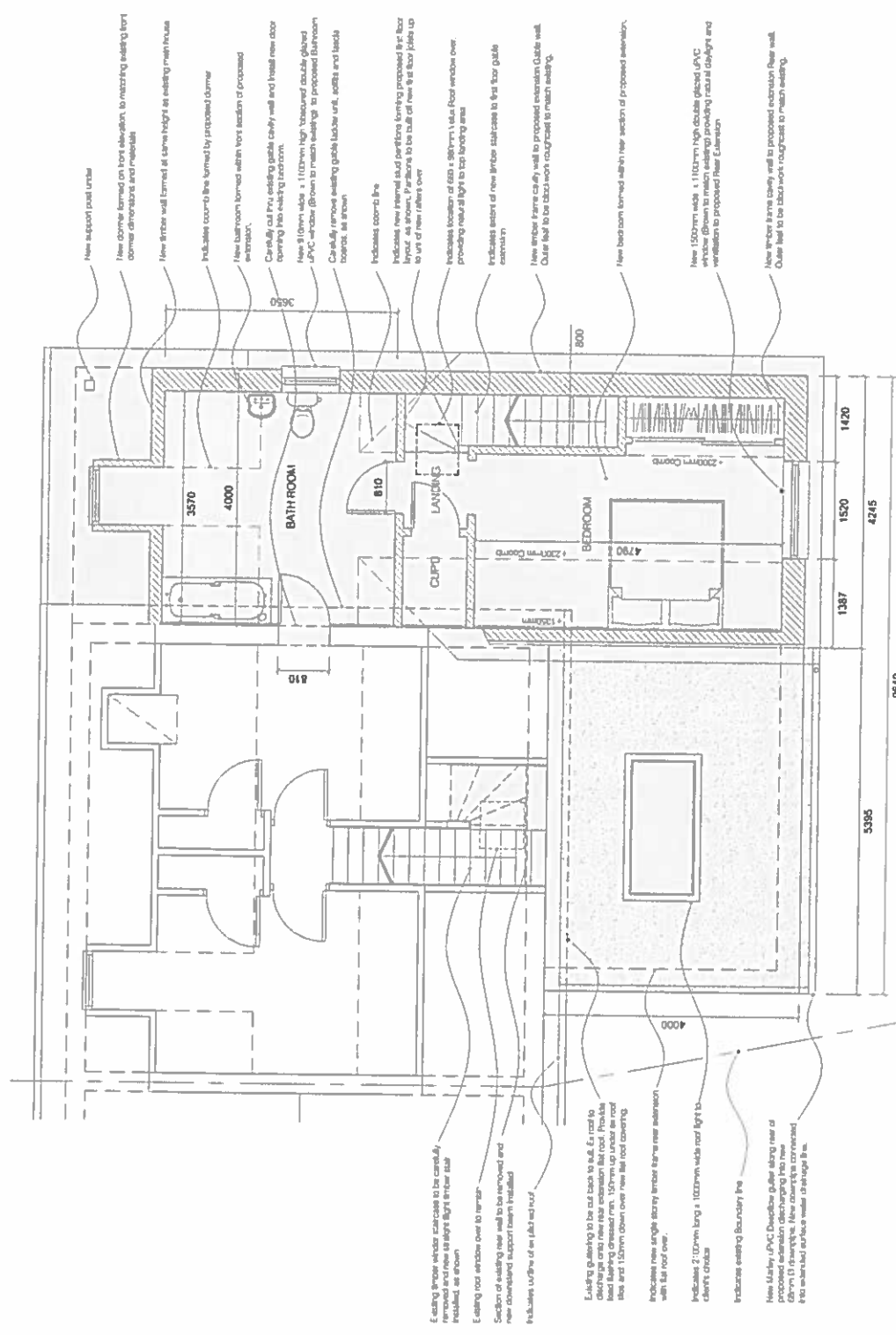
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Client	Mr & Mrs White
Project Site	Proposed Alterations & Extension to 11 Rosedale Neuk, Rosewell, MK4 1QH, MK4 1QH
Sheet Title	Existing Layouts & Elevations - Site Plans
Engineer	(Signature)
Scale	1:100, 200 & 1:250
Date	Sept 2019
Drawing Number	19.12A - 01



DATE:

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PROPOSED FIRST FLOOR LAYOUT (1:50)



Rev.	Date	Description	By

AM DESIGN

88 Newhall Crescent,
Marskeby, East Lothian, EH21 6EQ.

Tel: 07793810019
Email: amdesign@live.co.uk

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client: Mr & Mrs White

project no: Proposed Alterations & Extension to 11 Rosedale Newk, Rosewell, Mid Lothian, EH24 9DH

sheet title: Proposed First Floor Layout

engineer: [signature]
scale: 1:50
date: Sept 2019
drawing number:

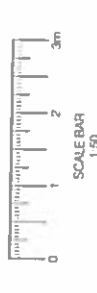
19.12A - 02

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- Material Specifications**
- External Walls:**
1. Roughcast Blockwork to front, New and Half Cavity
 2. Light weight UPVC cladding panels to double glazing - (with integral thermal breaking well cavity).
 3. Vitrified Clay.
 4. Insulated Timber frame with insulated plasterboard
- Block bases/curbs/floors to match wallings to be provided as shown.

- Fitted Floor:**
1. 100mm thick concrete slab with 40mm thick screed over it.
 2. 9.5 surviving boards on firm sub soil forming finished floor.
 3. Insulation at ceiling level.
- Flat Roof:**
1. 3 Ply felt roofing on 120mm thick Celotex insulation on 18mm plywood deck on firm ground on 50 x 120mm timber joists @ 420mm c/c's. 12.5mm thick polystyrene insulation with a 40mm thick concrete floor.

- Windows & Partitions:**
1. Double Glazed UPVC windows (shown)
 2. Double Glazed UPVC patio doors (shown)
 3. Double Glazed UPVC door (shown)
- Cladding and Cladding:**
1. New Marine Grade UPVC Cladding (shown)
 2. New UPVC Down Pipe (shown) connected to existing



no.	date	description	by
		Amendment to Planning	

AA DESIGN

68 Newhalls Crescent,
Musselburgh,
East Lothian,
EH21 6EG.

Tel: 01753 810019
Email: enquiries@aa.co.uk

client

Mr & Mrs White

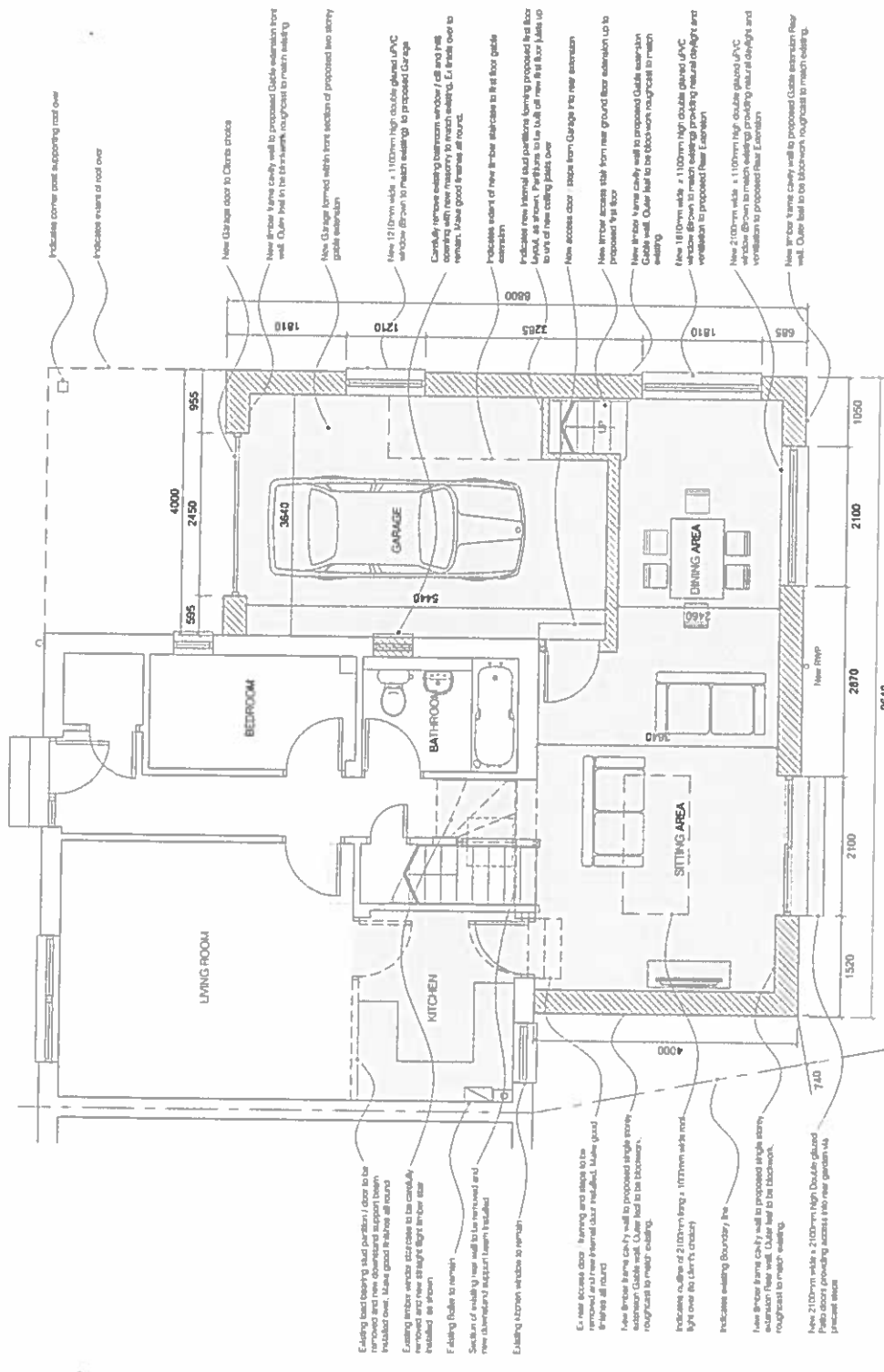
project title

Proposed Alterations & Extension to
11 Rosedale Newk, Roseneil,
Mid Lothian, EH24 9DH

sheet title

Proposed Ground Floor Layout

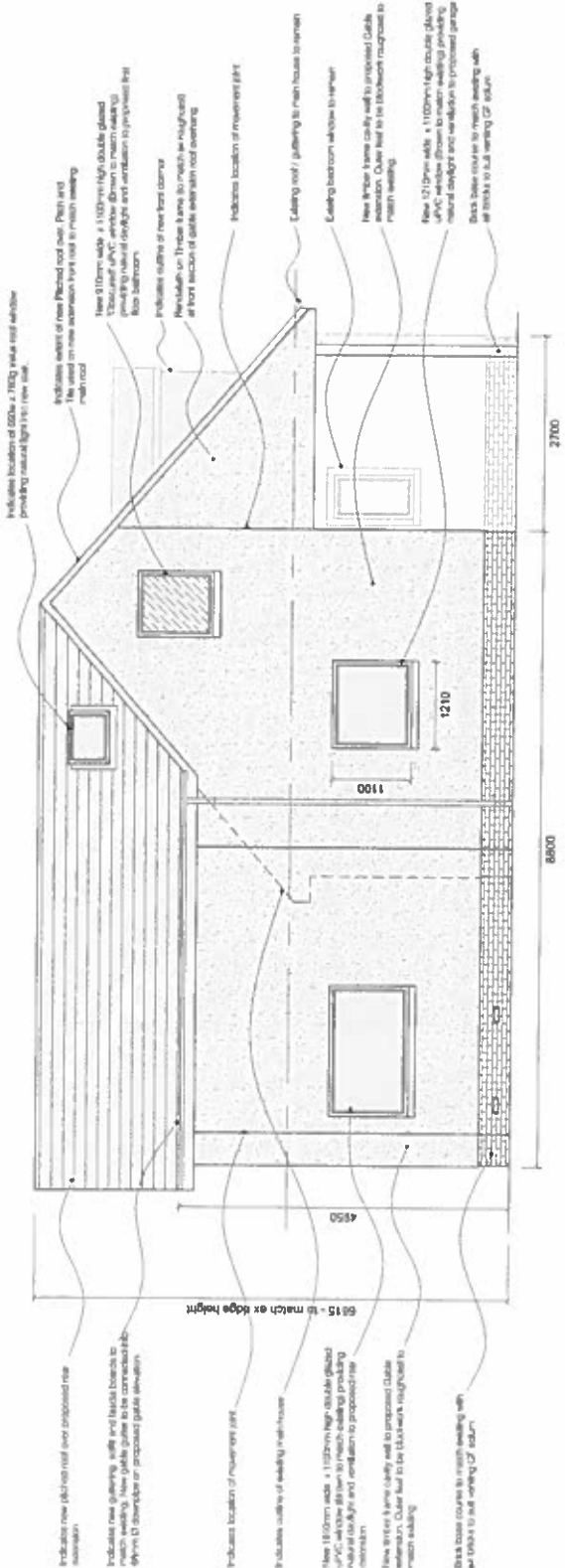
engineer [signature]
scale 1:50
drawing number 19.12A - 03



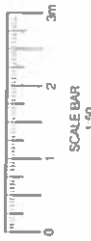
PROPOSED GROUND FLOOR LAYOUT (1:50)

Notes:

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PROPOSED GABLE ELEVATION - A (1:50)



DATE	DESCRIPTION	BY
	Amendment	

Issued for: Amendment to Planning



88 Newhall's Crescent,
Musselburgh,
East Lothian,
EH21 0EG.

Tel: 07793816019
Email: amdesign@me.co.uk

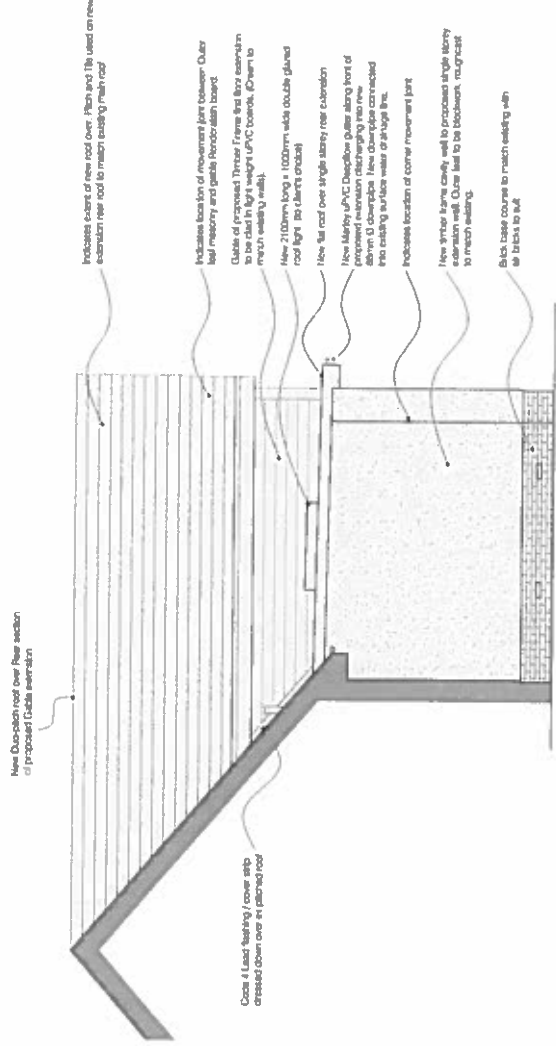
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Client: Mr & Mrs White

Project title: Proposed Alterations & Extension to 11 Rosedale Neuk, Rosswell, Mid Lothian, EH24 9DH

Sheet title: Proposed Gable Elevations

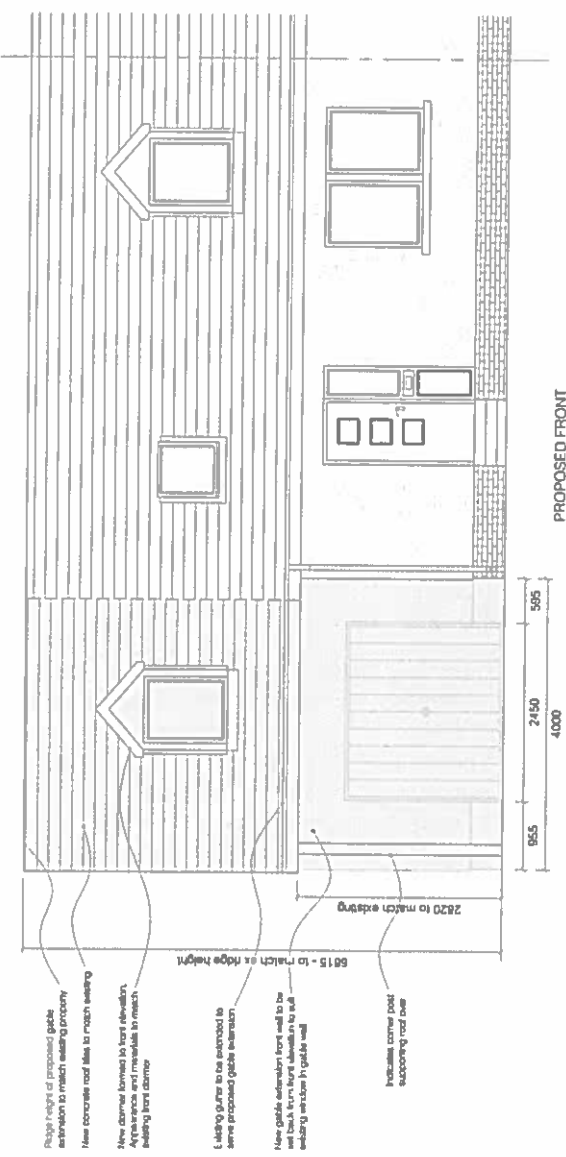
Author	Technician
Scale	1:50
Date	Sept 2019
Drawing number	19.12A - 05



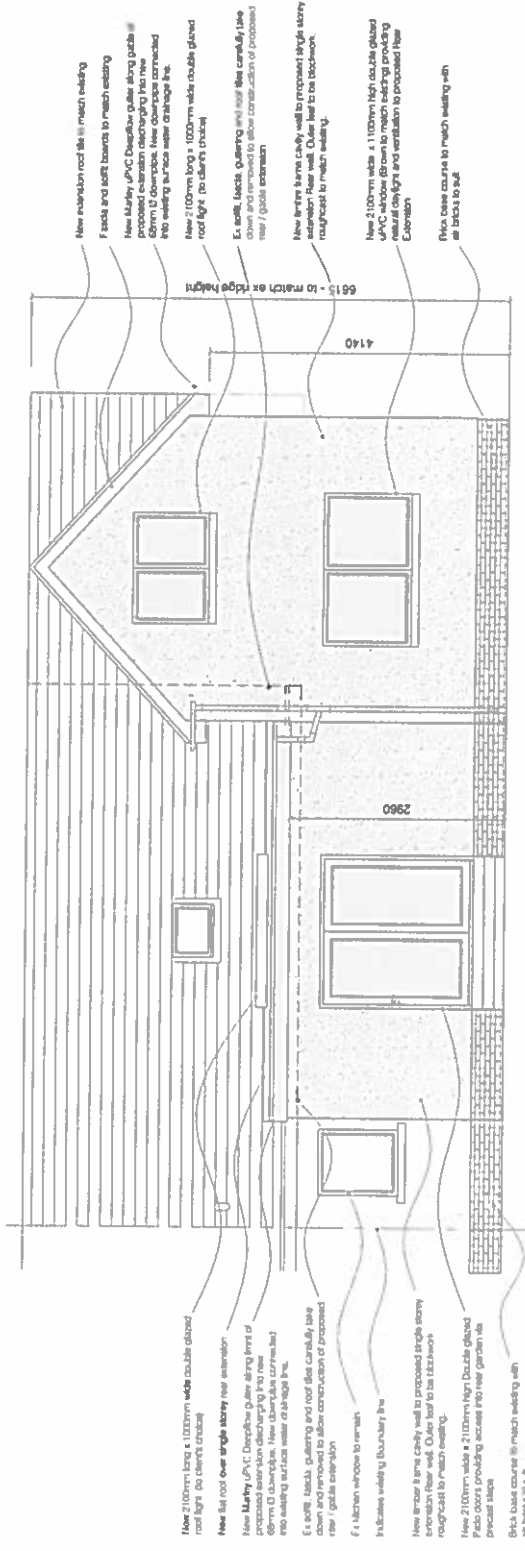
PROPOSED GABLE ELEVATION - B (1:50)

Notes:

This drawing to be read in conjunction with all other relevant drawings issued by AM Design. All dimensions & levels are based on site and any discrepancies to be reported to AM Design.



PROPOSED FRONT ELEVATION (1:50)



PROPOSED REAR ELEVATION (1:50)



SCALE BAR 1:50

Rev.	Date	Amendment	By

Issued for: Amendment to Planning



88 Newhall's Crescent,
Musselburgh,
East Lothian,
EH21 0EG.

Tel: 07793810019
Email: amdesign@ve.co.uk

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client: Mr & Mrs White

project title: Proposed Alterations & Extension to 11 Rosedale Walk, Roswell, Mid Lothian, EH24 9DH

sheet title: Proposed Front & Rear Elevations

engineer: [signature]
scale: 1:50
date: Sept 2019

drawing number: 19.12A - 04

Notice of Review: 22 Dewartown, Gorebridge

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 installation of replacement windows and door at 22 Dewartown, Gorebridge.

2 Background

- 2.1 Planning application 20/00001/DPP for the installation of replacement windows and door at 22 Dewartown, Gorebridge was granted planning permission subject to a condition on 21 February 2020; a copy of the decision is attached to this report. The condition on planning permission 20/00001/DPP is as follows:

1. The replacement windows proposed on the front of the building are not approved.

Reason: *The material, design and colour of the proposed replacement windows are unsympathetic to the character of the existing building and will detract from the character and appearance of this part of the Dewartown Conservation Area contrary to policy ENV 19 of the adopted Midlothian Local Development Plan 2017.*

The applicant is requesting that this condition is removed from the grant of planning permission.

- 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 21 February 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

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 no representations have been received.
- 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.

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

Background Papers: Planning application 20/00001/DPP available for inspection online.



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

Installation of replacement windows and door at 22
Dewartown, Gorebridge, EH23 4NX

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File No: 20/00001/DPP

Scale: 1:1,000
Page 84 of 146

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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 100222207-007

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:	<input type="text" value="Mrs"/>	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="Marie"/>	Building Number:	<input type="text" value="22"/>
Last Name: *	<input type="text" value="Gregory"/>	Address 1 (Street): *	<input type="text" value="Dewartown"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH23 4NX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

Site Address Details

Planning Authority:

Midlothian Council

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

Address 1:

22 DEWARTOWN

Address 2:

FORD

Address 3:

PATHHEAD

Address 4:

Address 5:

Town/City/Settlement:

GOREBRIDGE

Post Code:

EH23 4NX

Please identify/describe the location of the site or sites

Northing

664240

Easting

337935

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)

I have attached a document to this submission which clearly outlines the reasons why I should be permitted to install my two front windows t the same design as initially rejected, however I am able to proceed with timber or upvc frames. The window are more in keeping than the current ones and the current ones are causing mould in my house as they have no ventilation and cannot be opened.

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.

I have submitted the document that clearly shows that my street has every type of window both design and material. The windows I propose are more in keeping than the ones currently in the property and most urgently the current windows do not open and have no ventilation which is causing mould in my house. Further I had a quote for sash windows and the cheapest was £7800 which I can not afford as that is a huge amount of money. the ones I propose are at the top of my budget.

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)

Document which clearly explains my reasons and evidence. **I have not got the date of when the decision was issued for the later section , just put 27 Jan as it was around that time.

Application Details

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

20/00001/DPP

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

13/01/2020

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

27/01/2020

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: Mrs Marie Gregory

Declaration Date: 11/04/2020

From: [Duncan Robertson](#)
To: [REDACTED]
Subject: Planning Application 20/00001/DPP - 22 Dewartown, Gorebridge
Date: 27 March 2020 14:41:55

Mrs Gregory

I refer to your recent submission to the Scottish Government's Planning and Environmental Appeals Division (DPEA) in connection with your planning proposal for the property at 22 Dewartown.

Unfortunately you have submitted the wrong paperwork to the wrong party. I refer to the text which was on the last page of your decision notice:

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 require the planning authority to review the case under section 43A of the Town & Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to The Planning Manager, Planning, Midlothian Council, Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN. A notice of review form is available from the same address and will also be made available online at www.midlothian.gov.uk

You need to apply to the Council's Local Review Body to review the case, rather than appeal to the DPEA as you have done. You'll find the correct forms via:

https://www.midlothian.gov.uk/info/200167/planning_applications/285/planning_appeals_and_the_local_review_body

Please note that meetings of the LRB have been temporarily suspended on account of the current health emergency. However, you should still submit your notice of review if you want the case reconsidered.

I trust that the contents of this email are of assistance.

Regards

Duncan Robertson
Lead Officer – Local Developments
Planning
Education, Communities and Economy
Midlothian Council
Fairfield House
8 Lothian Road
Dalkeith
EH22 3ZN

Tel 0131 271 3317
duncan.robertson@midlothian.gov.uk

Planning Permission application March 2020: 22 Dewartown, EH23 4NX

I previously submitted a planning permission request for three windows and my front door.

The back window and front door were approved and have now been fitted. The two front windows were declined due to colour, material and design.

I will be resubmitting the same design as it is in keeping with the area, below I will list each style and material of window on my street which will emphasize my surprise as to why my permission was declined.

The design will be as pictured below;



The two options for material are same as in picture above, which is wood textured UPVC or a timber frame.

The reasoning for the urgency of replacing the windows are that neither of the current windows do not open therefore no ventilation which is causing mould to form inside my house. Mould inside a house is a health hazard also damaging to the internal materials of the house. Further the current single large pane units which are unsightly, and 60s style are most certainly not in keeping with my properties character.

So, with regards to the variety of windows on the street we have all the below, therefore no justifiable reason to decline my request. As mentioned, I am happy to proceed with either material in the above design.

There are;

1. Windows which are a single pane – in wood and white upvc
2. Windows with 2 panes/ split either horizontal or vertically – in wood and white upvc
3. Window same design as I am requesting in again wood and Upvc
4. Windows that are split into little squares in wood and brown metal
5. Finally, for the rich folk that can afford them Sash windows in again wood and white upvc.

So, as you can see there is almost every type of window on my street. I would kindly suggest you give this some thought and reconsider letting me go ahead with the windows as requested in either Upvc or timber.

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference:20/00001/dpp

Site Address: 22 Dewartown, Gorebridge

Site Description:

The application property comprises a single storey traditional stone terraced cottage with contoured concrete roof tiles and two large single pane timber framed windows on the front and a timber framed window at the rear on a flat roof extension. There is a brown upvc framed conservatory at the rear. The application property has a timber framed glazed front door with glazed screen to the side.

The application property is located within the village of Dewartown which is characterised by a linear residential street within the Dewartown Conservation Area.

Proposed Development:

Installation of replacement windows and door

Proposed Development Details:

It is proposed to replace the windows at the front of the property and one window at the rear with silver grey timber effect upvc framed windows comprising a central fixed pane with side hung/tilt and turn windows to either side with top opening hoppers above. No details of the dimensions of the frames or the depth of the double glazing have been submitted.

It is also proposed to replace the front door and screen with a silver grey composite vertically boarded stable style front door with a frosted glass glazed screen to the side.

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

History sheet checked.

13/00017/dpp – Installation of replacement windows and door at 4 Dewartown, Gorebridge – replacement of timber framed window with top opening hoppers with upvc wood effect sliding sash and case windows and to replace the timber front door with a black vertical boarded upvc front door with a small glazed panel in the top half of the door – refused on grounds of impact on character and appearance of conservation area.

12/00792/dpp - Installation of replacement windows at 38 Dewartown – upvc sliding sash and case approved by Local Review Body – nb property built in 1990s.

In support of the application the applicant states the current windows do not open resulting in problems of condensation and mould. She also states that the proposed upvc windows are indistinguishable from wood and will look tidy and maintained as

opposed to the current heavily glossed window frames. She acknowledges that the current windows are unsympathetic to the character of the building and considers that the design of the proposed windows is in keeping with and will enhance the character of the cottage and that the colour will blend with the stonework.

Consultations:

None required.

Representations:

None received.

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.

Historic Environment Scotland's Managing Change in the Historic Environment – Windows encourages the replacement of existing modern replacements with windows of the original design or an improvement on the existing situation.

Historic Scotland's Managing Change in the Historic Environment Guidance Notes on doors recognises that doors make a substantial contribution to the character and interest of historic buildings and streets. It states that the predominant material of traditional historic doors and frames is timber.

The relevant policies of the Midlothian Local Development Plan 2017 are;

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

ENV 19 - Conservation Areas - seeks to preserve or enhance the character and appearance of conservation areas and requires the use of materials appropriate to the locality and care in the design of replacement windows on the public frontage of buildings.

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 eastern side of Dewartown is typically characterised by traditional single storey stone-built cottages, with only three exceptions to this where the buildings extend to two storeys in height. The buildings on this side of the street are erected gable-to-gable. On the western side of the road the properties are also single storey, but they are detached.

The majority of properties in Dewartown have timber framed windows (mix of white and brown) on the front elevation and timber front doors. The use of timber contributes to the traditional character of the area.

It is the Council's duty to preserve and enhance the character and appearance of conservation areas. In particular as regards replacement windows, care is required in terms of materials used, design and method of opening.

The draft conservation area appraisal for the Dewartown Conservation Area states that the architectural and historic character of Dewartown is generally well preserved. It also states that "careful attention must be paid to the sensitive use of materials, scale, proportions and details." As regards windows it states "Many of the original windows have been changed with the removal of astragals, bipartite sashes made into one opening and replaced with plain glazing. Top hung windows, give a horizontal emphasis to the window. Windows have been stained brown and PVCu window frames have replaced old sashes. PVCu windows are out of character with buildings of architectural and historic character because of their modern, smooth appearance which does not weather and has a different patina to traditional painted timber, with a slight texture of underlying timber grain. Many of the PVCu windows are flat in profile compared with the sculptured profile of the timber windows."

The design of the existing windows on the front of the application property is unsympathetic to the traditional character of the building and the character and appearance of the conservation area. The original windows on the application property would most likely have been sliding sash and case timber windows.

Notwithstanding the existing non-traditional windows at the application property, upvc is not a traditional, vernacular material. The use of upvc, a non-traditional material which can appear heavy and clumsy is inappropriate for the conservation area. Also the proposed woodgrain effect finish of the frames does not weather and has a different patina to traditional painted timber. Also the design and method of opening of the proposed windows on the front of the building are unsympathetic to the traditional character of the building and conservation area. The proposed replacement windows would be out of keeping with the character of the traditional properties in the area and would continue to detract from and neither preserve or enhance the character and appearance of the conservation area, contrary to policy. Also, if allowed, it would set an undesirable precedent for similar proposals, which would erode the character of the Dewartown Conservation Area. The issues with regard to the existing windows being non-opening and the condition of the frames does not justify the installation of further unsympathetic modern replacements.

Taking in to account the location of the application property within a conservation area the windows on the front of the property should ideally be replaced with timber framed sash and case windows in keeping with the age and character of the building. However at least one of the window openings appears to have been enlarged and sash and case windows in this opening would appear out of scale and proportion with the original modest character of the cottage. A more honest approach and more traditional than top opening hoppers may be to install 2 side hung windows in the smaller of the openings and 3 side hung windows in the larger opening with a more vertical emphasis. Slim double glazing may be acceptable. Silver grey framed windows are not traditional or characteristic of the conservation area. The colour of the frames should be white.

Should planning permission be forthcoming it would be appropriate to condition that the proposed replacement windows on the front of the building are not approved for the above reasons. Subject to submitting a new application within 1 year of the date of the decision notice it would not be necessary for the applicant to pay a fee for a planning application for the installation of sash and case windows on the front of the building.

The replacement window at the rear of the property will not have a significant impact on the character of the conservation area.

The proposed front door should ideally be constructed in timber. The applicant has specified that the front door is to be timber however modern composite doors are more often finished externally in glass reinforced plastic. Composite doors with a coloured (rather than stained) painted effect have been approved in other conservation areas. The style of the proposed front door is more sympathetic to the character of the cottage and is an improvement on the existing non-traditional front door.

Recommendation:

Grant planning permission

Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 20/00001/DPP



Mrs Marie Gregory
22 Dewartown
Edinburgh
EH23 4NX

Midlothian Council, as Planning Authority, having considered the application by, Mrs Marie Gregory, 22 Dewartown, Edinburgh, EH23 4NX, which was registered on 13 January 2020, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

Installation of replacement windows and door at 22 Dewartown, Gorebridge, EH23 4NX

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	13.01.2020
Illustration/Photograph		13.01.2020
Illustration/Photograph		13.01.2020
Illustration/Photograph		13.01.2020
Illustration/Photograph		13.01.2020

This permission is granted for the following reason:

The proposed replacement window at the rear of the building will not have a significant impact on the character of this part of the Dewartown Conservation Area and complies with the aims of policies DEV 2 and ENV 19 of the adopted Midlothian Local Development Plan 2017. The design of the front door is sympathetic to the character of the existing building and is an improvement on the current situation and complies with the aims of policies DEV2 and ENV 19 of the adopted Midlothian Local Development Plan 2017.

Subject to the following condition:

1. The replacement windows proposed on the front of the building are not approved.

Reason: *The material, design and colour of the proposed replacement windows are unsympathetic to the character of the existing building and will detract from the character and appearance of this part of the Dewartown Conservation Area contrary to policy ENV 19 of the adopted Midlothian Local Development Plan 2017.*

Dated 21 / 2 / 2020

.....
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
Website: 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 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

This Informative Note is valid from 1st January 2019 until 31st December 2020



WINDOWS | DOORS | CONSERVATORIES | SUNROOMS
 29/2 Hardengreen Ind. Est., Eskbank,
 Dalkeith, Midlothian EH22 3NX

Tel: 0131 510 7870

REN2252
 Name: MARIE GREGORY
 Address: 22 DEWARTOWN
 Postcode: EH23 4NX
 Phone Number:
 Mobile: 07429604997

ALL SKETCHES VIEWED FROM INSIDE

WINDOW + DOOR CONTRACT

Sketch	Room	Frame Width	Frame Height	Sash Width	Transom Drop	Cill req.	Vents	Finishes
	FRONT DOOR SCREEN	1600	1600				9	<input checked="" type="checkbox"/> PVC MAH <input type="checkbox"/> LAM <input checked="" type="checkbox"/> TRIM <input type="checkbox"/> SASH BOX REMOVAL <input type="checkbox"/> FULL <input type="checkbox"/> CUT DOWN <input type="checkbox"/> LANTEL
	LOUNGE	2030	1600				9	<input checked="" type="checkbox"/> PVC MAH <input type="checkbox"/> LAM <input checked="" type="checkbox"/> TRIM <input type="checkbox"/> SASH BOX REMOVAL <input type="checkbox"/> FULL <input type="checkbox"/> CUT DOWN <input type="checkbox"/> LANTEL
	FLOOR BED	1700	1570				9	<input checked="" type="checkbox"/> PVC MAH <input type="checkbox"/> LAM <input checked="" type="checkbox"/> TRIM <input type="checkbox"/> SASH BOX REMOVAL <input type="checkbox"/> FULL <input type="checkbox"/> CUT DOWN <input type="checkbox"/> LANTEL
	BACK BED	1730	1600				9	<input checked="" type="checkbox"/> PVC MAH <input type="checkbox"/> LAM <input checked="" type="checkbox"/> TRIM <input type="checkbox"/> SASH BOX REMOVAL <input type="checkbox"/> FULL <input type="checkbox"/> CUT DOWN <input type="checkbox"/> LANTEL
		* KINGSTON SOUND COMPOSITE DOOR + SCREEN STIPPLITE GLASS TO SCREEN. - STABLE SILVER GREY / WHITE SCAR + FRAME * CHROME HANDLES, LETTERBOX, SPYHOLE, FLAT PANE / TONGUES + GROOVE TO BOTTOM						

Surveyor's Notes

Sketch	Room	Frame Width	Frame Height	Sash Width	Transom Drop	Cill req.	Vents	Finishes
		WINDOWS -						<input type="checkbox"/> PVC MAH <input type="checkbox"/> LAM <input type="checkbox"/> TRIM <input type="checkbox"/> SASH BOX REMOVAL <input type="checkbox"/> FULL <input type="checkbox"/> CUT DOWN <input type="checkbox"/> LANTEL
		SILVER / GREY						<input type="checkbox"/> PVC MAH <input type="checkbox"/> LAM <input type="checkbox"/> TRIM <input type="checkbox"/> SASH BOX REMOVAL <input type="checkbox"/> FULL <input type="checkbox"/> CUT DOWN <input type="checkbox"/> LANTEL
		CHROME HANDLES						<input type="checkbox"/> PVC MAH <input type="checkbox"/> LAM <input type="checkbox"/> TRIM <input type="checkbox"/> SASH BOX REMOVAL <input type="checkbox"/> FULL <input type="checkbox"/> CUT DOWN <input type="checkbox"/> LANTEL
		BLACK SPACER						<input type="checkbox"/> PVC MAH <input type="checkbox"/> LAM <input type="checkbox"/> TRIM <input type="checkbox"/> SASH BOX REMOVAL <input type="checkbox"/> FULL <input type="checkbox"/> CUT DOWN <input type="checkbox"/> LANTEL
		* SURVEYOR TO CONFIRM LOW ALI THRESH.						<input type="checkbox"/> PVC MAH <input type="checkbox"/> LAM <input type="checkbox"/> TRIM <input type="checkbox"/> SASH BOX REMOVAL <input type="checkbox"/> FULL <input type="checkbox"/> CUT DOWN <input type="checkbox"/> LANTEL

Window Colour: SILVER GREY / WH
 Handle Colour: CHROME
 Spacer Colour: BLACK
 Single Doors: Open In / Open Out
 Threshold: LOW ALI
 French Doors: Open In / Open Out
 Priority Door: Left / Right

Total Price: £4,476
 Deposit: £895
 Balance to joiner: £3,581

Signature: [Signature]
 Signature for Renovo: [Signature]
 Print: M. GREGORY
 Date: 10/12/19











NEIGHBOUR
WATCH



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A1
ALARM
SYSTEMS

2











APPROVED
20,00001.DPP
21.02.2020



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

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.*

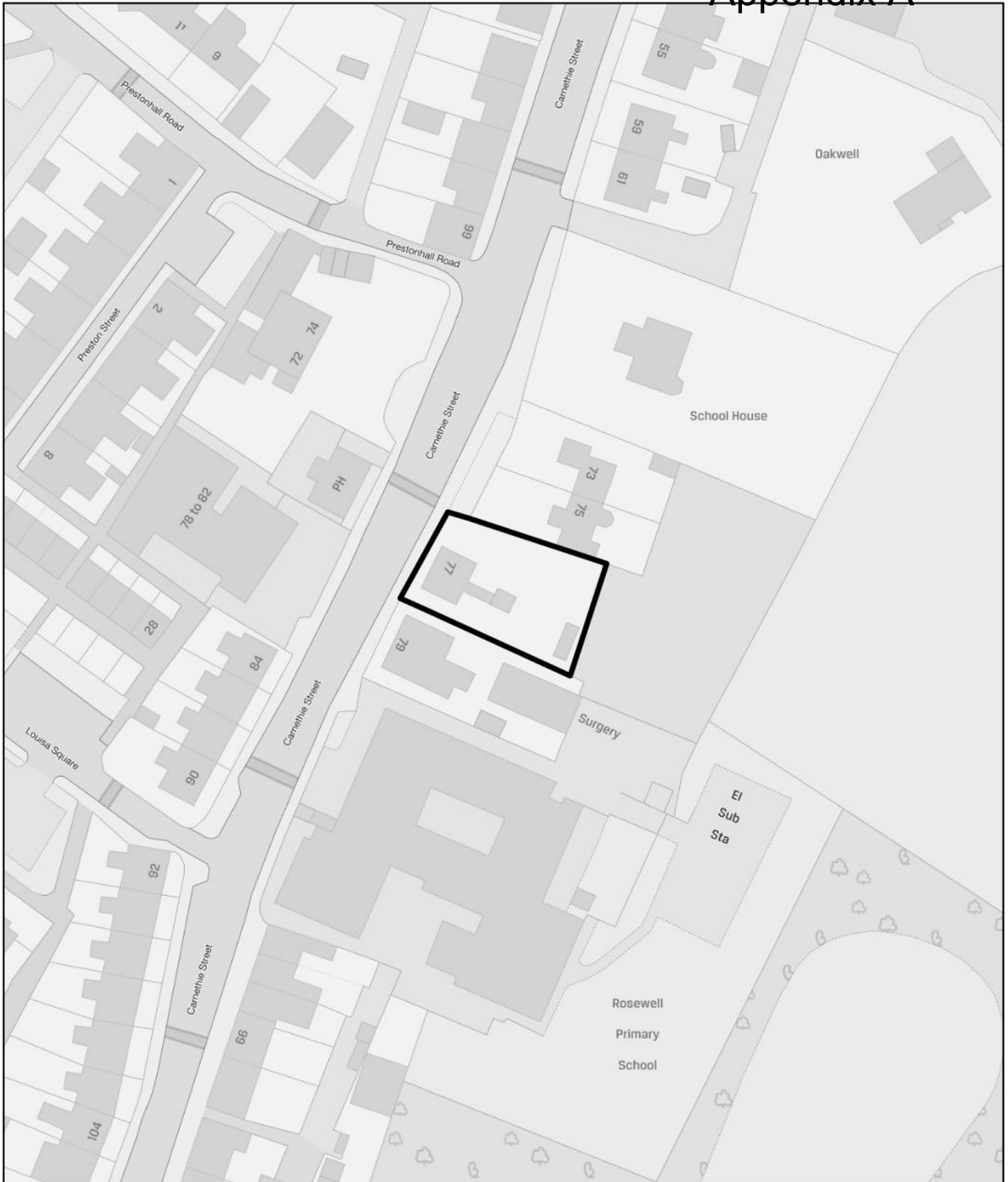
6 Recommendations

- 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

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



**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

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Scale: 1:1,000
Page 114 of 146





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



.....
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

Website: 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>

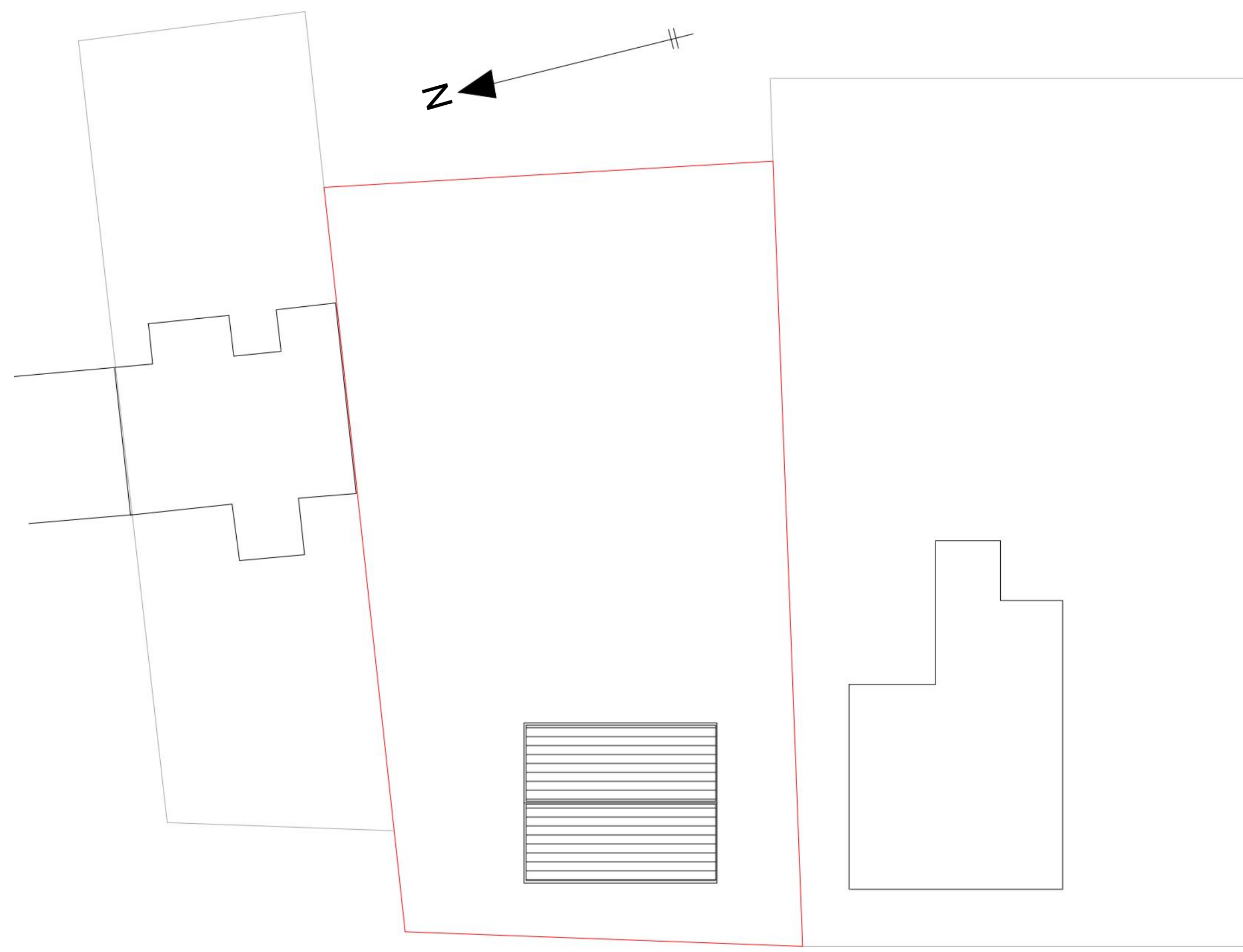
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment 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 or a similar service provider.

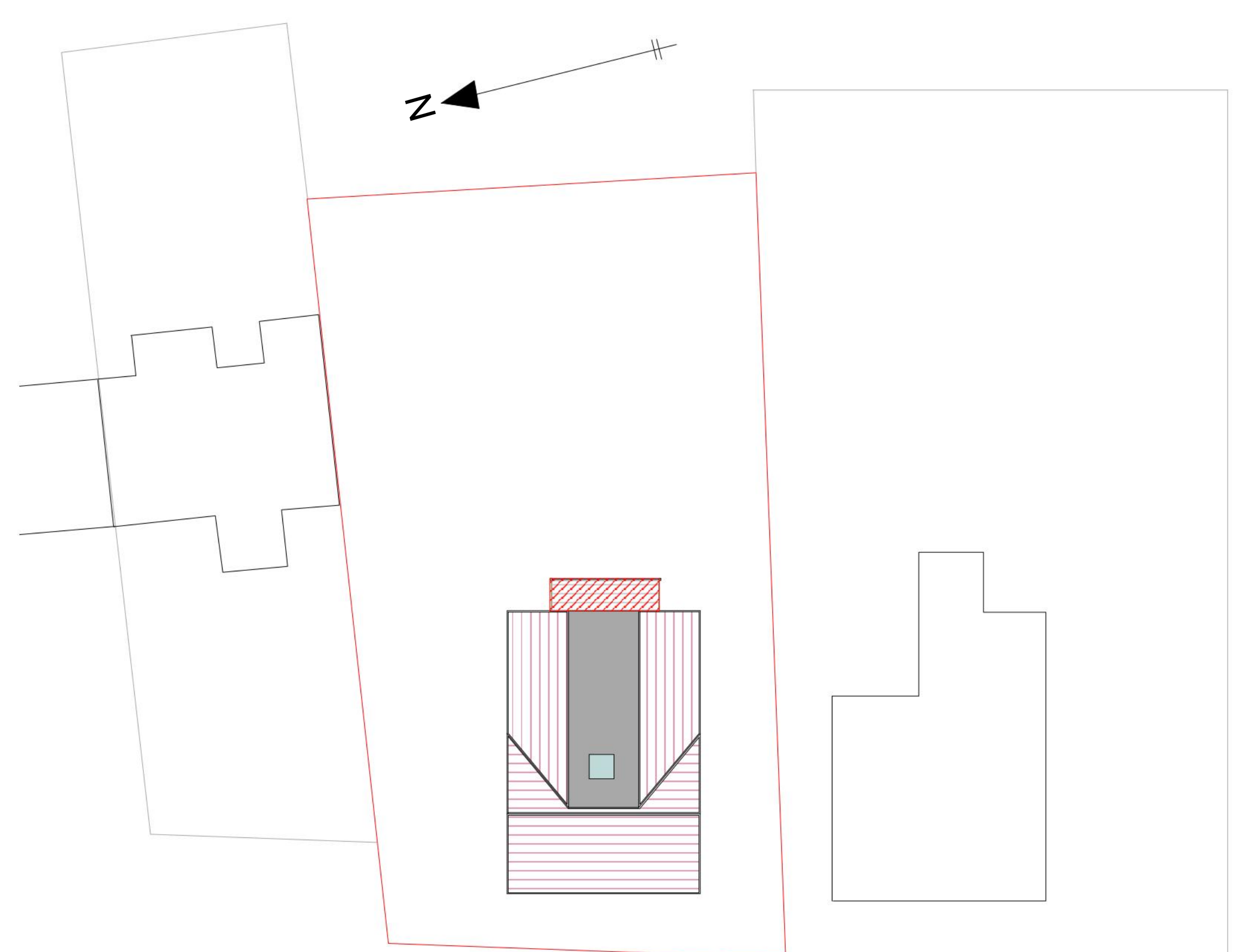
If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

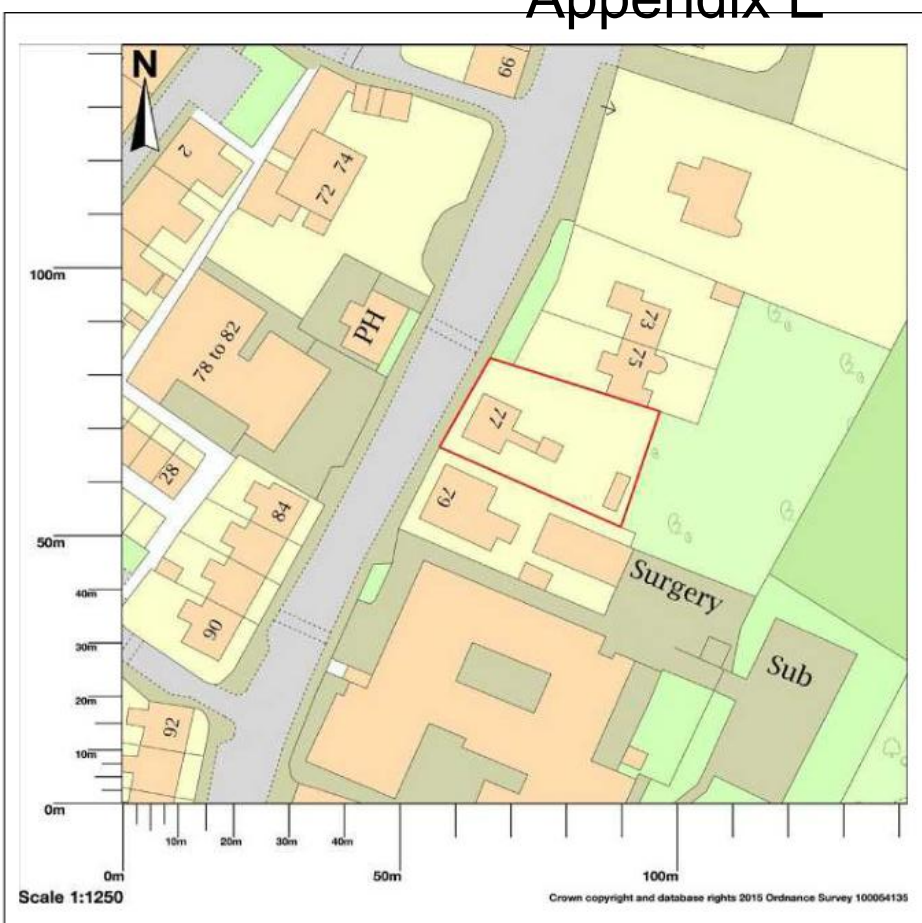
This Informative Note is valid from 1st January 2019 until 31st December 2020



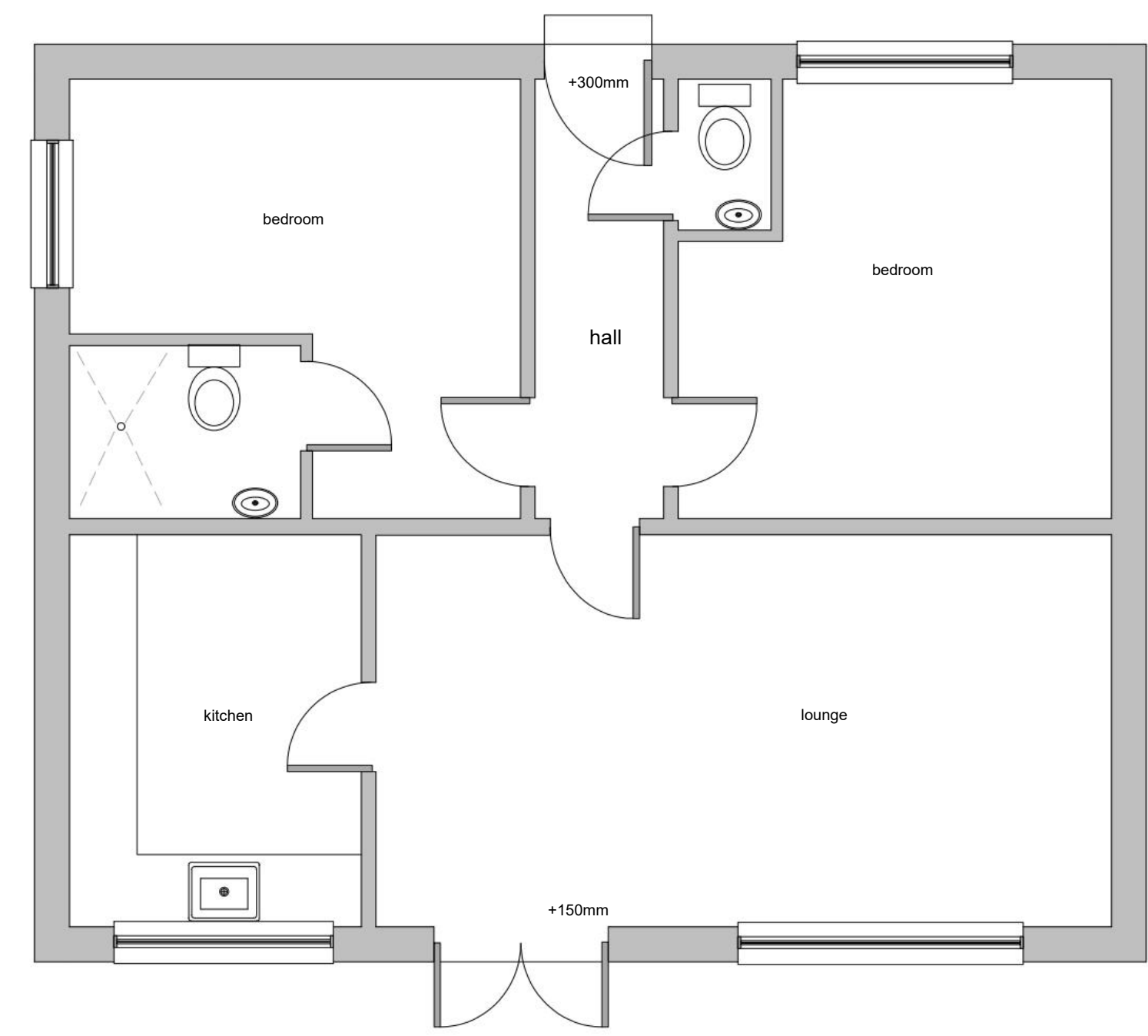
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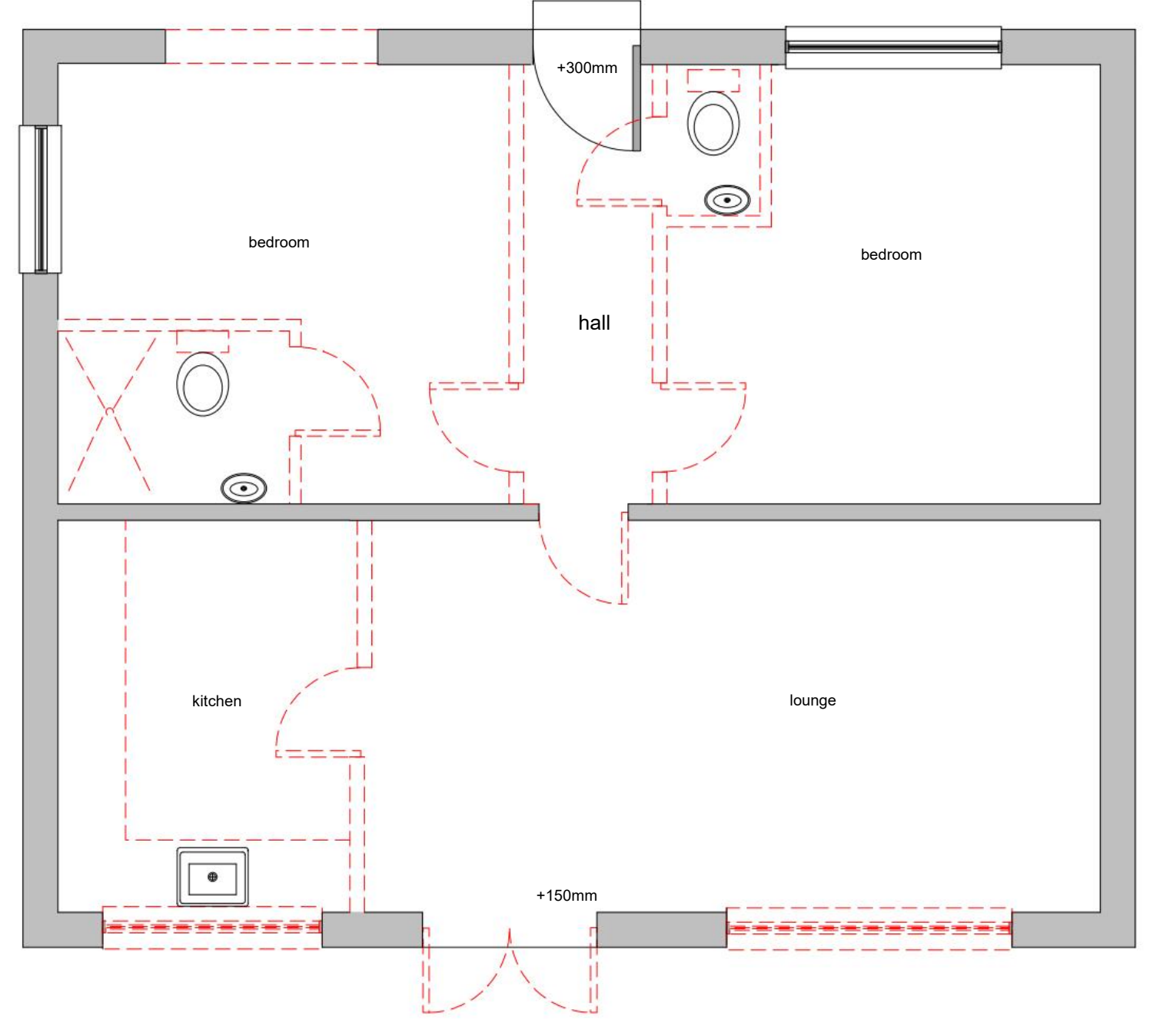
PROPOSED SITE BLOCK PLAN (1:200)



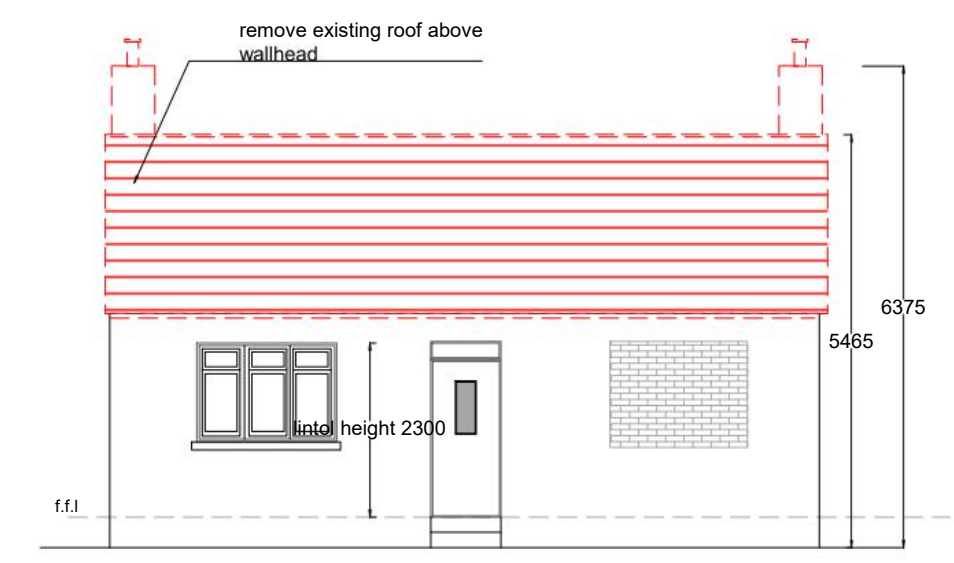
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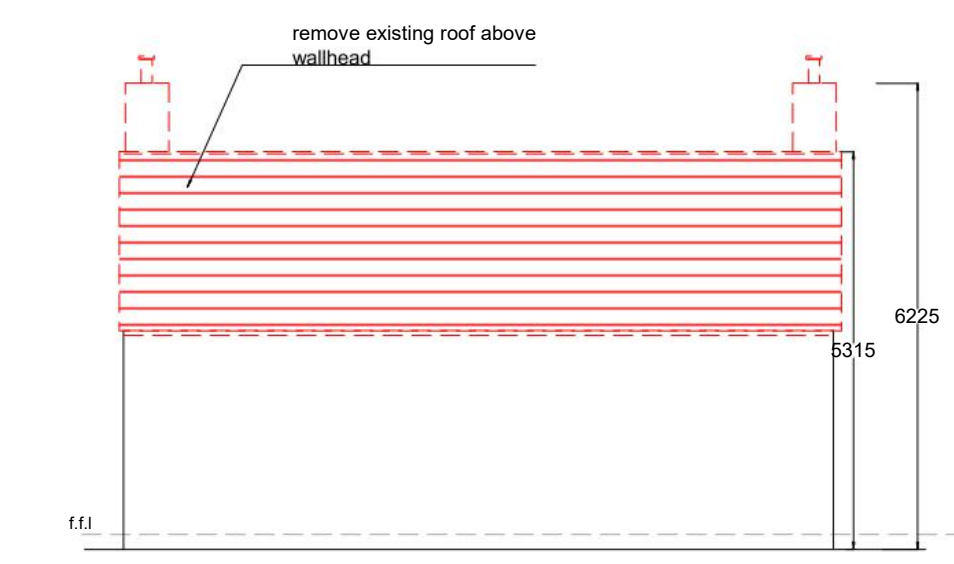
EXISTING GROUND FLOOR PLAN (1:50)



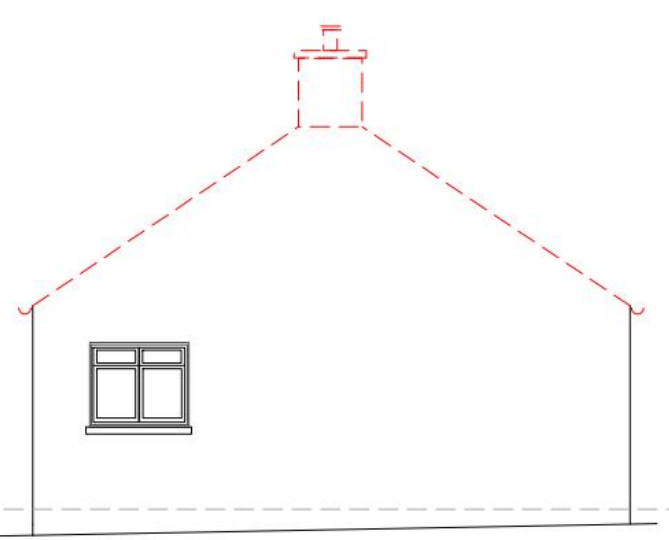
EXISTING GROUND FLOOR PLAN INDICATING REMOVALS (1:50)



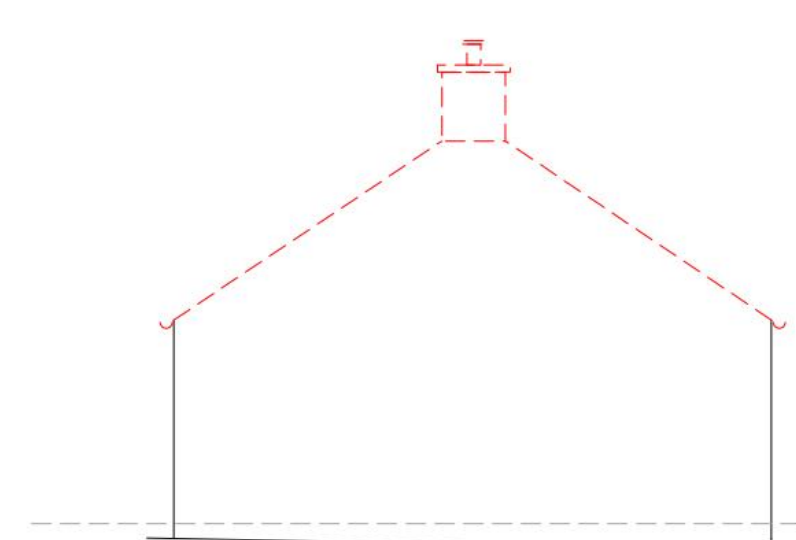
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EXISTING REAR ELEVATION (1:100)



EXISTING WEST ELEVATION (1:100)



EXISTING EAST ELEVATION (1:100)

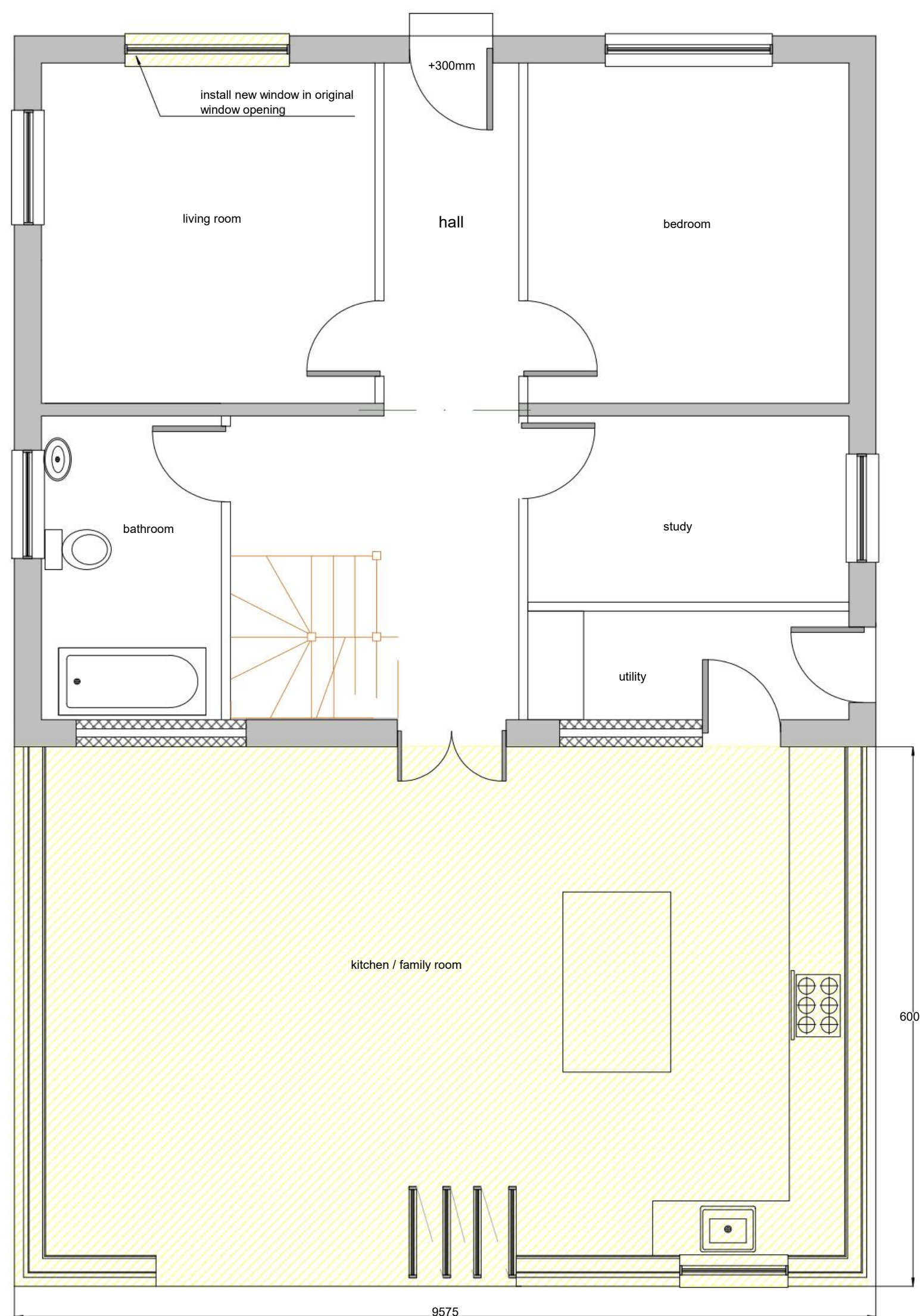
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 The Construction (Design and Management) Regulations 2015(CDM2015) requires all contractors to have the skills, knowledge and experience to identify, reduce and manage health and safety risks. Principal contractor to plan, manage and monitor construction 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

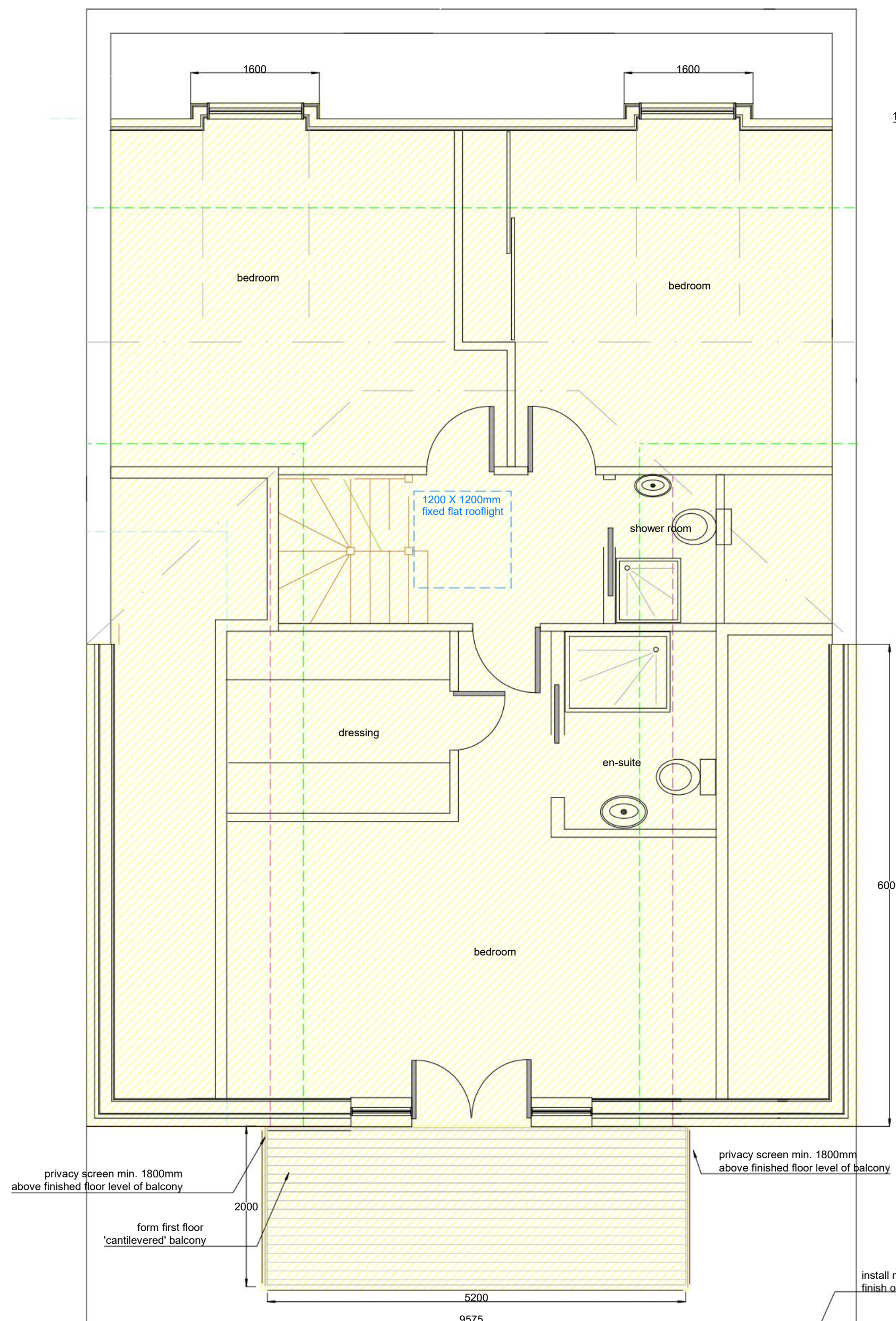
Project:
Alter & Extend
dwellinghouse

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

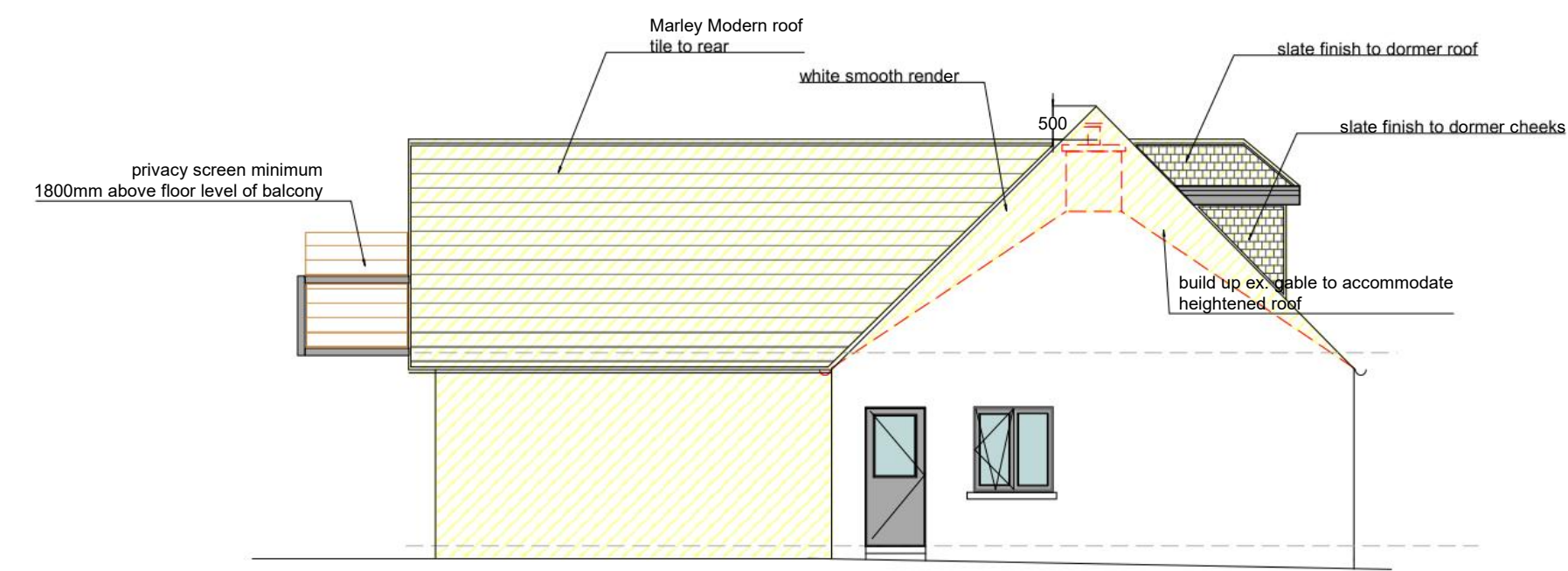




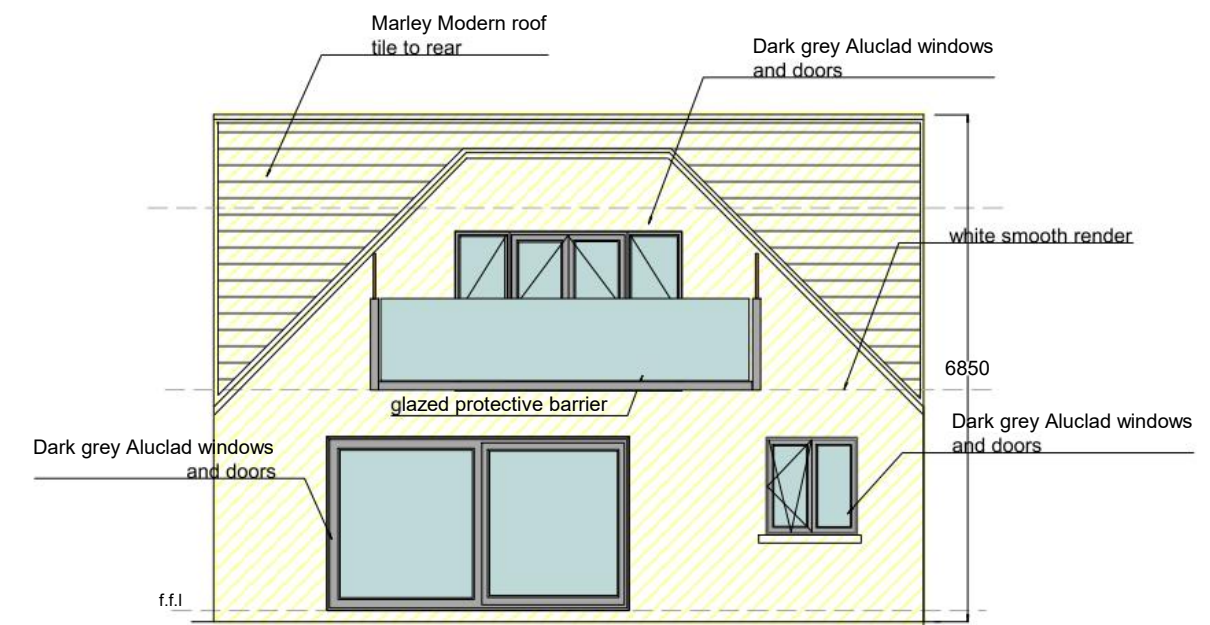
PROPOSED GROUND FLOOR PLAN (1:50)



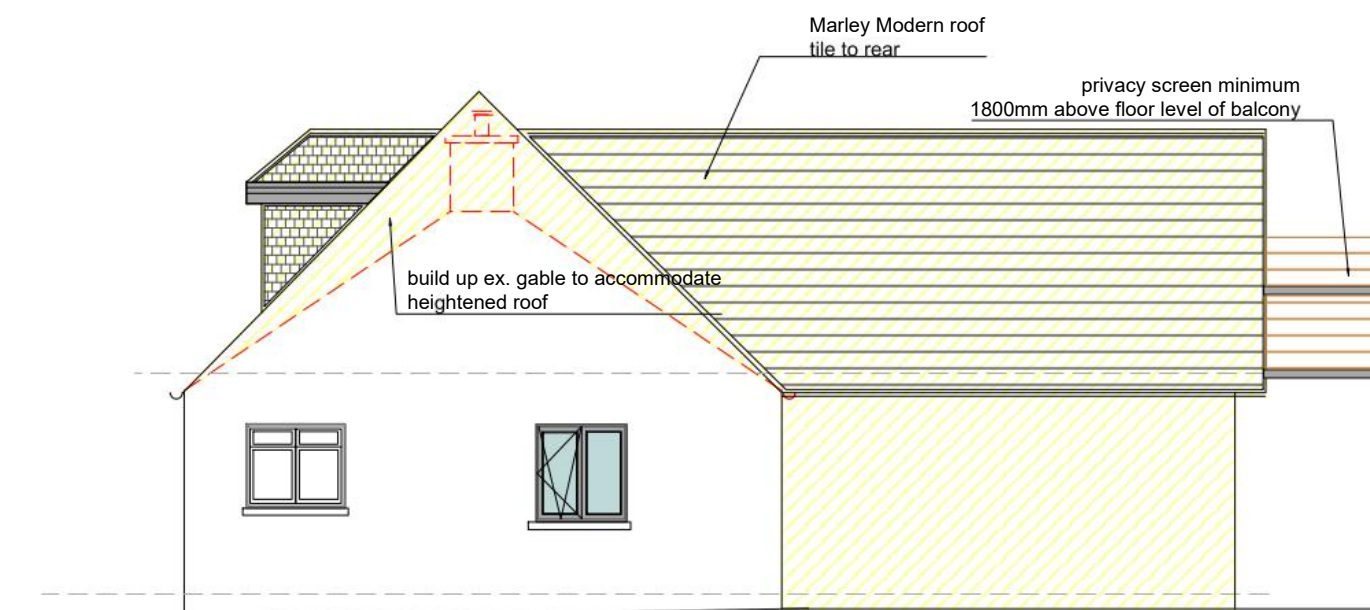
PROPOSED FIRST FLOOR PLAN (1:50)



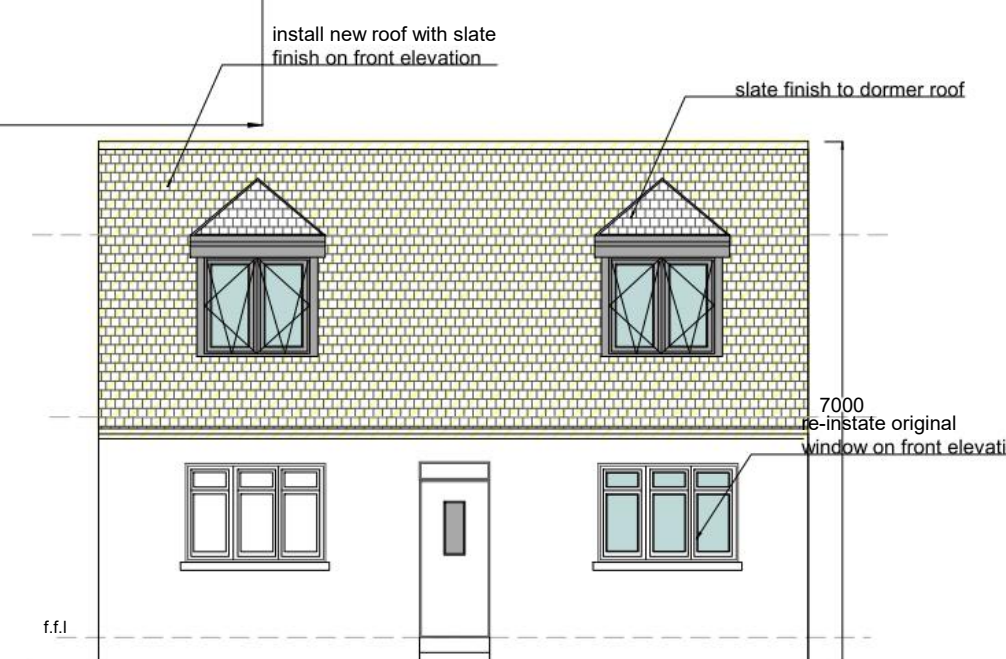
PROPOSED EAST ELEVATION (1:100)



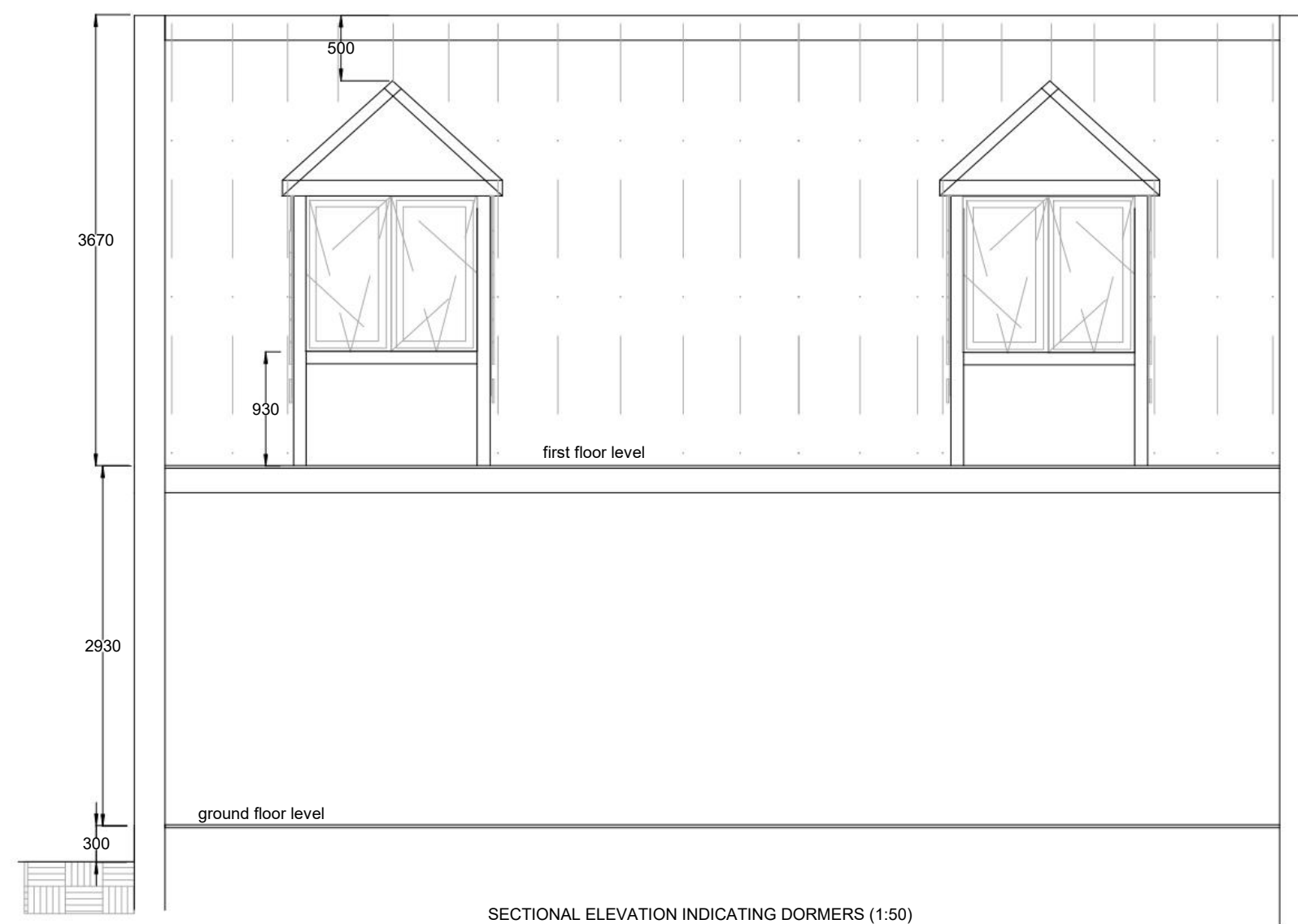
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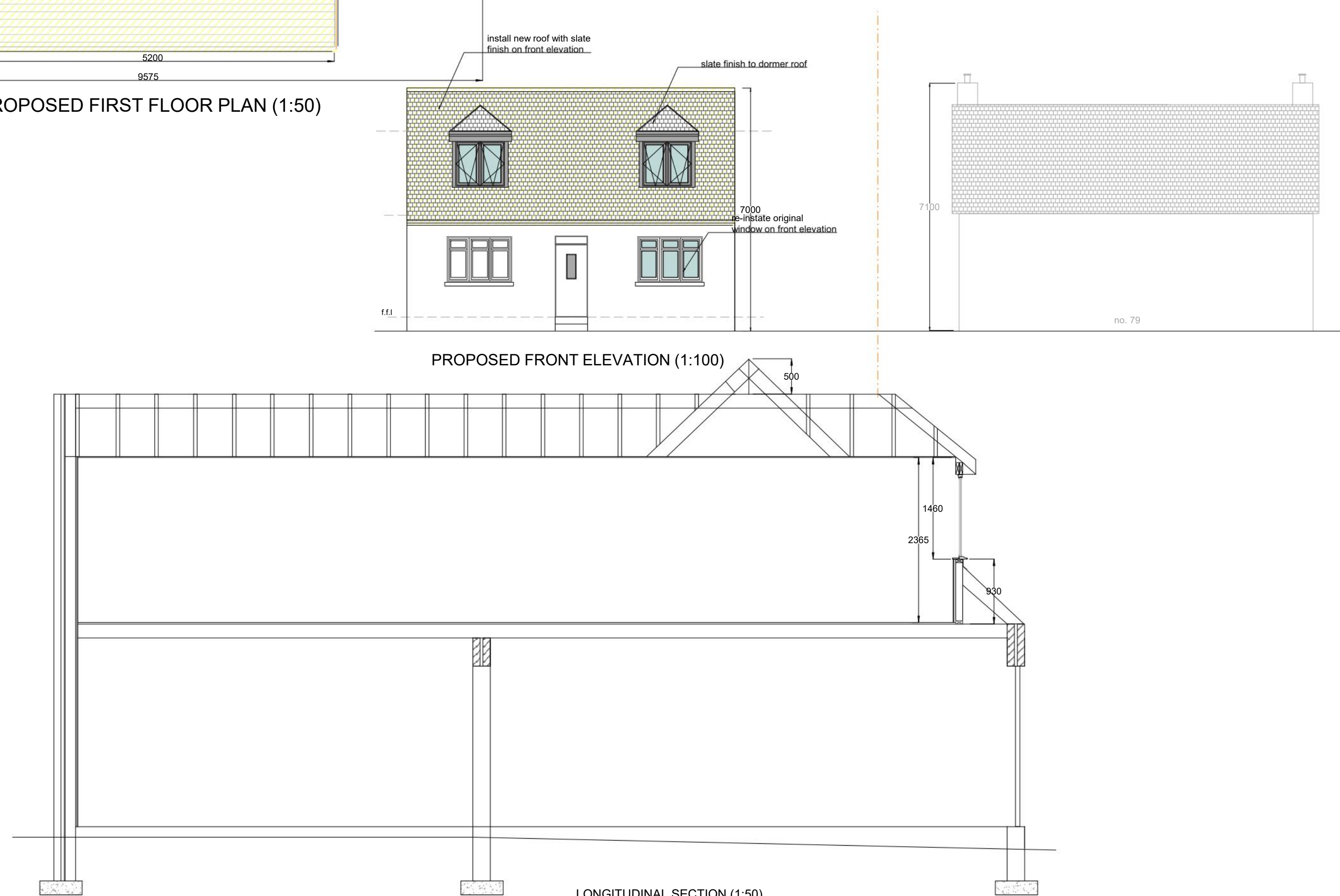
PROPOSED WEST ELEVATION (1:100)



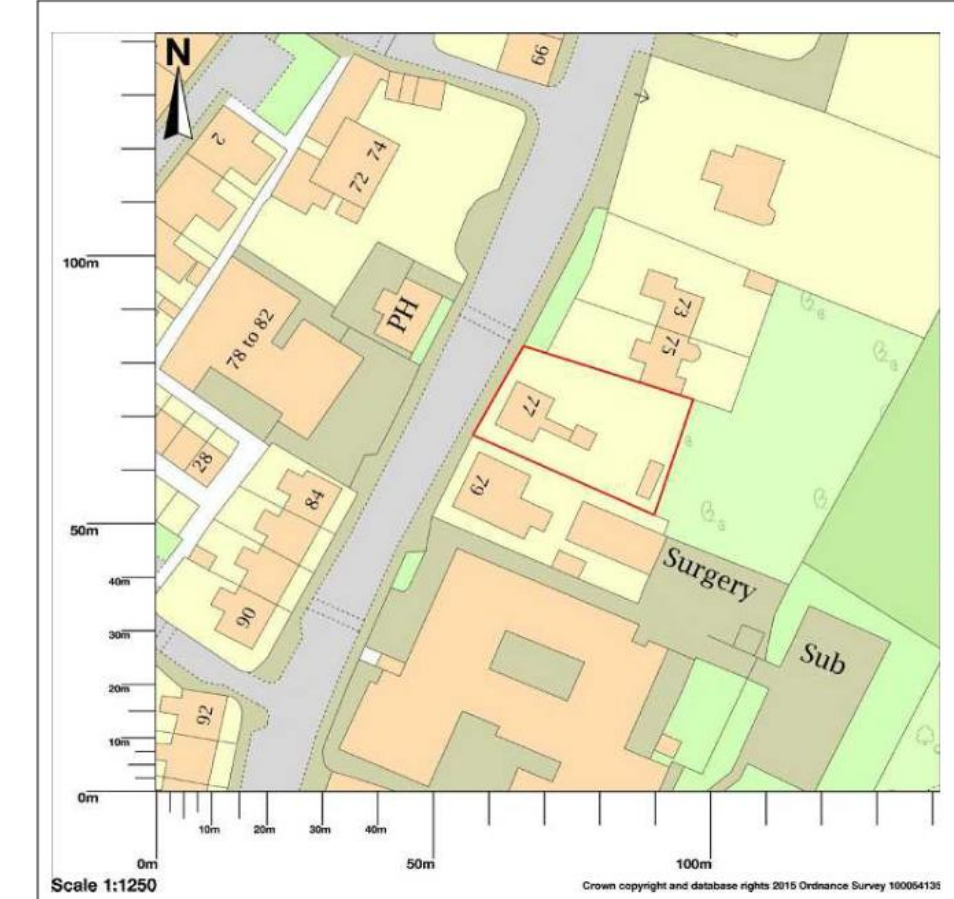
PROPOSED FRONT ELEVATION (1:100)



SECTIONAL ELEVATION INDICATING DORMERS (1:50)



LONGITUDINAL SECTION (1:50)



Scale 1:1250

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 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/002(-)



