

# Notice of Review: 19 George Drive, Loanhead Determination Report

Report by Dr Mary Smith Director of Education, Communities and Economy

### 1 Purpose of Report

1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the extension to dwellinghouse at 19 George Drive, Loanhead.

### 2 Background

- 2.1 Planning application 19/00563/DPP for the extension to dwellinghouse at 19 George Drive, Loanhead was granted planning permission subject to a condition on 21 August 2019; a copy of the decision is attached to this report. The condition on planning permission 19/00563/DPP is as follows:
  - 1. The sarnafil upstand proposed between the existing extension and the proposed extension and the sarnafil roof finish proposed on the extension are not approved: the external roof finish on the extension shall match the size, colour, texture and profile of the roof finish on the adjoining existing extension and shall be laid in a continuous plane with the roof tiles on the adjoining existing extension.

**Reason:** To safeguard the character of the existing building in terms of policy DEV2 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 advisor notes, issued on 21 August 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 agreed by the LRB, the LRB by agreement of the Chair:
  - Have scheduled a site visit for Monday 2 December 2019; and
  - Have determined to progress the review by way of 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.

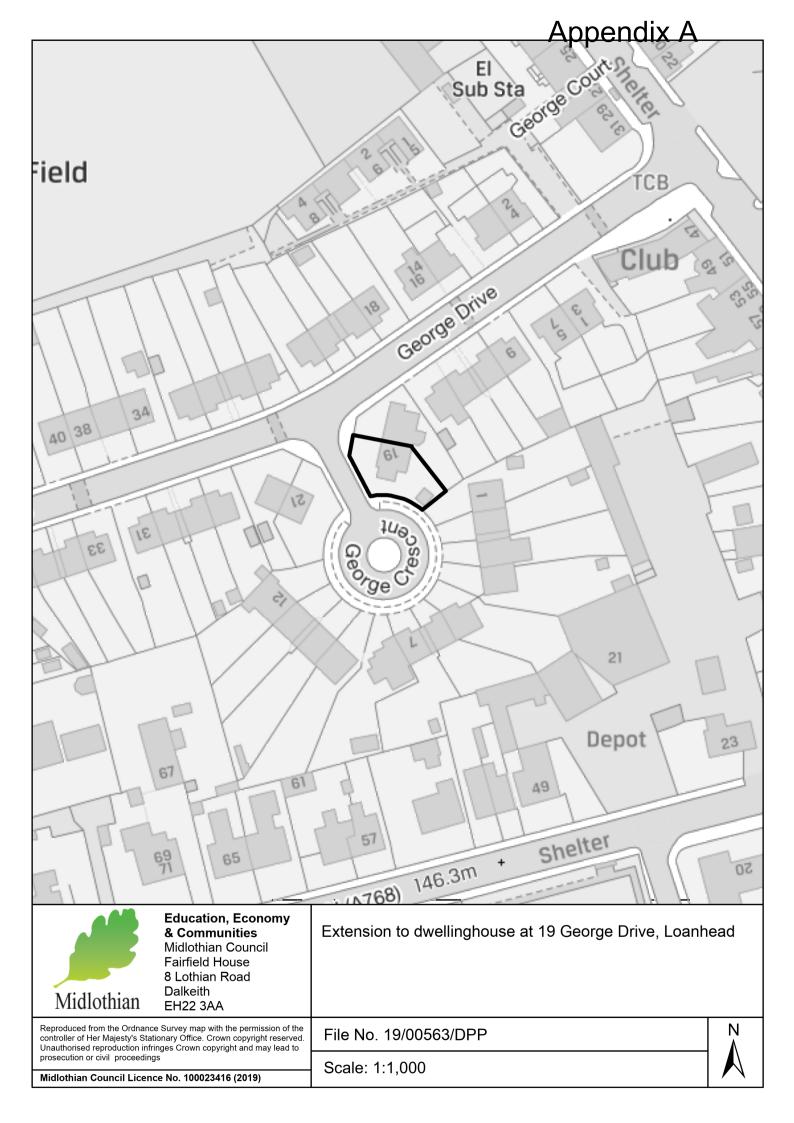
### 6 Recommendations

- 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: 21 November 2019

Report Contact:Peter Arnsdorf, Planning Manager<br/>peter.arnsdorf@midlothian.gov.ukTel No:0131 271 3310

**Background Papers:** Planning application 19/00563/DPP available for inspection online.



# Appendix B

Midlothia	n <b>///</b>	******		
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 va	alidated until all the necessary documentation	n has been submitted	I and the required fee has been paid.	
Thank you for completing	this application form;			
ONLINE REFERENCE	100169992-003			
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 XAgent	
Agent Details				
Please enter Agent detail	\$ 			
Company/Organisation:	David Paton Building Consultancy			
Ref. Number:		You must enter a B	uilding Name or Number, or both: *	
First Name: *	David Paton	Building Name:		
Last Name: *	Building Consultancy	Building Number:	13	
Telephone Number: *	0131 440 1213	Address 1 (Street): *	High Street	
Extension Number:		Address 2:		
Mobile Number:		Town/City: *	Loanhead	
Fax Number:	· · · · · · · · · · · · · · · · · · ·	Country: *	Scotland	
		Postcode: *	EH20 9RH	
Email Address: *	davidpatonbc@btconnect.com			
Is the applicant an individual or an organisation/corporate entity? *				
Individual Corganisation/Corporate entity				

<b>Applicant De</b>	tails			
Please enter Applicant d	letails	_		
Title:	Mr	You must enter a Bu	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:		
First Name: *	Thomas	Building Number:	19	
Last Name: *	Dick	Address 1 (Street): *	George Drive	
Company/Organisation	10	Address 2:		
Telephone Number: *		Town/City: *	Loanhead	
Extension Number:		Country: *	Scotland	
Mobile Number:		Postcode: *	EH20 9DL	
Fax Number:				
Email Address: *	davidpatonbc@btconnect.com			
Site Address Details				
Planning Authority:	Midlothian Council			
Full postal address of th	e site (including postcode where available	):		
Address 1:	19 GEORGE DRIVE			
Address 2:				
Address 3:				
Address 4:				
Address 5:				
Town/City/Settlement:	LOANHEAD	·		
Post Code:	EH20 9DL			
Please identify/describe	the location of the site or sites			
Northing	665616	Easting	328074	

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)
Single storey extension to the side of property and associated internal alterations to the dwelling house.
Type of Application
What type of application did you submit to the planning authority? *
<ul> <li>Application for planning permission (including householder application but excluding application to work minerals).</li> <li>Application for planning permission in principle.</li> <li>Further application.</li> </ul>
Application for approval of matters specified in conditions.
What does your review relate to? *
Grant of permission with Conditions imposed.
Statement of reasons for seeking review
You must state in full, why you are a 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 refer to separate document in the Supporting Documents section.
Have you raised any matters which were not before the appointed officer at the time the Yes No Determination on your application was made? *
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 refer to the additional Supporting Documentation that is attached to this application.

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)				
Approved existing and proposed drawings, existing views, FastFit roof details, Samafil colour options and Local Review Body additional supporting documentation.				
Application Details				
Please provide details of the application and decision.				
What is the application reference number? *	19/00563/DPP			
What date was the application submitted to the planning authority? *	21/06/2019			
What date was the decision issued by the planning authority? *	21/08/2019			
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 parties only, without any further procedures? For example, written submission, hearing sessory Yes X No	nformation provided by y sion, site inspection. *	vourself and other		
Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.				
Please select a further procedure *				
By means of inspection of the land to which the review relates				
Please explain in detail in your own words why this further procedure is required and the ma will deal with? (Max 500 characters)	tters set out in your state	ement of appeal it		
The site visit will help to establish the minor impact that the third material will have on the surrounding area.				
In the event that the Local Review Body appointed to consider your application decides to in	spect the site, in your op	pinion:		
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? *				
If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)				

4

Checklist – Application for Notice of Review				
Please complete the followir to submit all this information	ase complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure ubmit all this information may result in your appeal being deemed invalid.			
Have you provided the name	e and address of the applicant?. *	🗙 Yes 🗔 No		
Have you provided the date review? *	and reference number of the application which is the subject of this	X Yes No		
	on behalf of the applicant, have you provided details of your name whether any notice or correspondence required in connection with the or the applicant? *	X Yes No N/A		
	ent setting out your reasons for requiring a review and by what f procedures) you wish the review to be conducted? *	X 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.				
	ocuments, material and evidence which you intend to rely on hich are now the subject of this review *	X 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 Paton Building Consultancy			
Declaration Date:	11/10/2019			

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### Planning Consent for 19 George Drive, Loanhead - 19/00563/DPP

### Proposed Development:

Proposed single storey extension to allow the re-modelling of the ground floor of the property to provide an accessible shower room for the registered disabled owners of the property.

### **Reason for the review:**

The addition of the condition that the proposed extension matches the roofing material of the existing extension without any upstand detail between existing and new, as opposed to introducing a third roofing material to the site.

### Reasons for challenging the condition attached to the Planning Consent:

Our client is registered disabled and has chosen to self-fund a disabled adaptation of their home to allow the property to continue to function for them as the existing bathroom and bedrooms are on the first floor. The alterations would allow the client to futureproof their home to allow sleeping and sanitary facilities to be on the accessible level of the property, to improve their quality of life.

The roof construction of the existing sunroom is a lightweight conservatory roof replacement product (FastFit), designed to improve the thermal properties of older conservatories that are no longer thermally efficient.

The proposed extension roof is a traditional structural flat roof, joisted to allow the rooflight to be installed which will allow light into the relocated kitchen below.

As the roof pitch we are tying into is between 9.5° and 10°, traditional slate roofs as per the existing main roof of the property, cannot be constructed at such a shallow pitch.

The upstand detail between the existing and new extensions is required to provide a weathertight seal between the two roofs as standard lapping of two roof types would not guarantee a lasting solution to the issue.

The existing glazed wall between the old and new extensions must be removed and replaced with a structural wall to support the end of the existing roof which in turn will allow us to build the new roof alongside. The upstand allows the break between finishes to be lapped and a vertical barrier to prevent water ingress at the construction joints.

It is a traditional construction to provide an upstand between an extension and a conservatory / sunroom.

Sarnafil produce a dark grey single ply roof membrane, which would provide a close colour match to the existing FastFit roof covering.

We feel that a rendered blockwork extension with Sarnafil flat roof is appropriate as the existing sunroom roof construction is a lightweight replacement system from 2013 which is inappropriate for a new extension as it is unable to meet the current Building Regulations. The extension is infilling a corner of the property footprint with a solid construction and the remaining sunroom is delineated as a lightweight construction.

We note that there were no comments submitted on the portal by the 12 notified neighbouring properties, which indicates that the proposed design is not detrimental to the character of the building or local area.

The manufacturer noted the installed system on the sunroom is discontinued and replaced with a similar product. They were also not sure a suitable seal or joint, on the same plane, can be created between the new and old finishes to guarantee a watertight roof.

The sunroom roof is a FastFit system which is a cost-effective way of upgrading existing conservatories to improve thermal performance, not a product designed for new extensions.

Creating a hybrid roof with a level plane junction seems to be creating problems later down the line. This would involve puncturing the waterproof layer of the new roof to attach the coated metal sheeting products to match the sunroom.

We are looking to detail the junction so that the solid replacement gable wall between the conservatory and new extension will support both roofs and we can create a vertical upstand to separate the two finishes and allow an appropriate lap detail to prevent water ingress.

Our reason for trying to remove the planning condition is purely based on good building practice and minimising any maintenance issues further down the line for our client.

Views on a separate sheet show the limited impact the proposes extension will have on the surrounding area due to the existing boundary treatment and positioning on the site as well as aerial views of existing properties nearby on The Loan in Loanhead which have multiple roof coverings on the front, side and rear of the buildings.

#### Raised matters with appointed officer made the determination:

a) The conditioned roof finish is a coated metal sheet that will need to be fixed into the new roof of the extension, which will require the waterproof layer of the new roof to be penetrated by screws and fastenings. We are concerned that trying to match two roof constructions on the same plane will result in maintenance issues and potential water ingress in the property, especially as the sheet manufacturer has noted that the system does not support this type of connection between two independent roof types. Re-roofing the sunroom was an option the planning officer has subsequently mentioned but this is a huge expense to place on a disabled couple who are self-funding a disabled adaptation instead of applying for a disabled adaptation grant via Midlothian Council. (Grant funding would probably not cover the cost of alternative roofing for an existing part of the building that is in perfect working order)

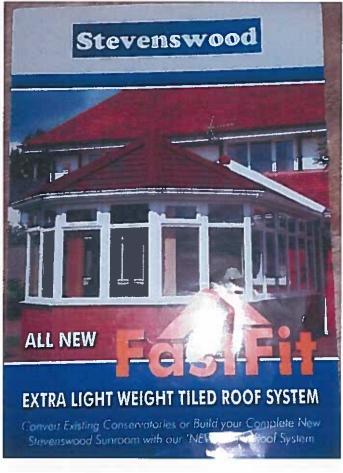
b) During the discussions with the appointed officer, before the application was determined, the issue of an upstand and third roofing material on the site was not mentioned to us.

c) If the original conservatory roof had not been replaced with the FastFit system, the application to extend the property to allow the accessible shower room on the ground floor would have required a upstand / parapet and third roofing material on the site due to the glass / metal frame of the conservatory, slate on the original house and the new extension roof. The manufacturer of the FastFit sunroom roof noted the installed system on the sunroom is discontinued and replaced with a similar product. The manufacturer is not sure a suitable seal or joint, on the same plane, can be created between the new and old finishes to guarantee a watertight roof.

Planning Consent for 19 George Drive, Loanhead - 19/00563/DPP



**Existing Roof finishes 2019** 



2013 Roofing system installed over the conservatory

Planning Consent for 19 George Drive, Loanhead - 19/00563/DPP



Aerial view of The Loan, Loanhead showing multiple roof finishes within properties.

Slate, felt, glass and membrane finishes to the front, side and rear of the buildings.

Planning Consent for 19 George Drive, Loanhead - 19/00563/DPP



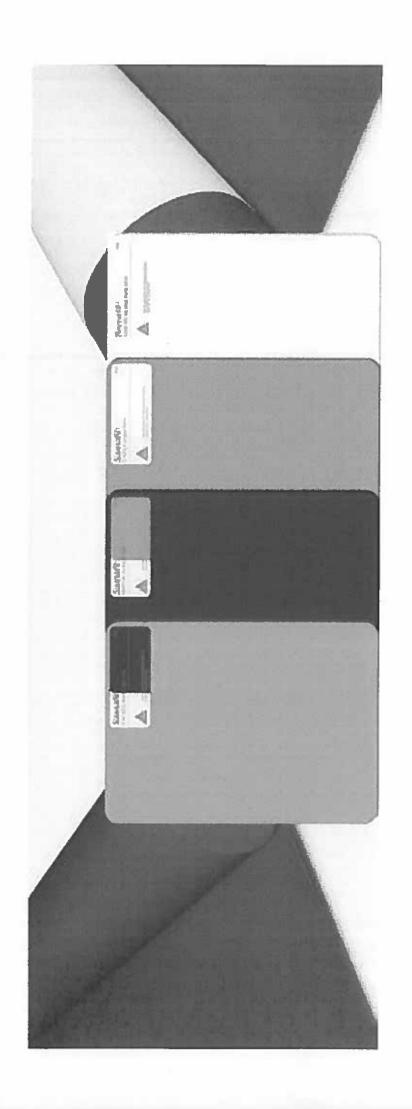
View from George Drive 2014



View from George Crescent 2014



Aerial view of The Loan, Loanhead showing multiple roof finishes within properties.



# Appendix C

### MIDLOTHIAN COUNCIL

### DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

### Planning Application Reference: 19/00563/dpp

Site Address: 19 George Drive, Loanhead

**Site Description:** The application property comprises a semi-detached 2 storey dwellinghouse on a corner plot within a residential area. There is a single storey extension attached to the south side of the house. The property is finished externally in a cream colour painted render, with white upvc windows and a slate roof.

Proposed Development: Extension to dwellinghouse

### Proposed Development Details:

It is proposed to erect a single storey extension on the south side of the property attached to the east side of the existing extension. The proposed extension will measure 2.7m deep and 2.8m wide. The proposed extension is to have a rendered finish to match the existing house and a sarnafil single ply roof with a sarnafil upstand connecting the proposed roof to that of the existing extension.

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

History sheet checked.

362/96 Erection of conservatory 19 George Drive, Loanhead Application permitted

07/00283/FUL Erection of pitched roof over existing bay window 19 George Drive, Loanhead Application permitted

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 proposed extension is of limited size and is located on the side elevation adjoining the existing extension. It is the usual practice of the Planning Authority to require matching materials on extensions. The main dwellinghouse roof is finished in natural slate. The existing extension (formerly a conservatory with a glazed roof) has been fitted with a lightweight slate effect roofing system. Correspondence with the agent confirmed the roof was installed in October 2013. Images from Google Street View show the roof as complete in June 2014. The new roof does not constitute permitted development and does not benefit from planning permission. However, under S124 of the Town and Country Planning (Scotland) Act 1997 where there has been a breach in planning control, no enforcement action can be taken after the end of a period of 4 years after works being substantially completed. The roof was installed more than 4 years ago and is now considered to be lawful in planning terms.

The roofing system on the existing extension, although now lawful, does not match the slate on the roof of the existing dwellinghouse. However, taking into account the shallow pitch of the roof of the extension, the difference in material is not overly prominent. The extension is proposed to be finished with a sarnafil roof. This would introduce a third roofing material to the application site resulting in a fragmentary piecemeal appearance detrimental to the appearance of the existing building. If planning permission is forthcoming, taking in to account the small scale of the proposed extension and its location adjacent to the existing extension it would be appropriate to condition that the proposed extension roof is in the same plane and matches the material and finish of the roof of the existing extension with the proposed upstand deleted.

A 1.8m high hedge encloses the side garden with 1.8m high double access gates leading to a driveway to accommodate 1 car. The driveway remains unaffected by the proposed extension. The hedge ensures that the extension is well screened and will not have a significant impact on the character of the surrounding area or the street scene.

Sufficient garden area will remain.

The extension will not have a significant impact on the amenity of neighbouring properties.

# Recommendation:

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Grant planning permission

# Appendix D

# Planning Permission

Town and Country Planning (Scotland) Act 1997

# Reg. No. 19/00563/DPP



David Paton Building Consultancy 13 High Street Loanhead EH20 9RH

Midlothian Council, as Planning Authority, having considered the application by Mr Thomas Dick, 19 George Drive, Loanhead, EH20 9DL, which was registered on 24 June 2019, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

### Extension to dwellinghouse at 19 George Drive, Loanhead, EH20 9DL,

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

Document/Drawing	Drawing No/Scale	<b>Dated</b>
Location Plan	19-33-004 1:1250 1:20	24.06.2019
Existing Elevations, Floor Plan And Cross Sections	19-33-EX 1:1250 1:500	24.06.2019
Proposed Elevations, Floor Plan And Cross Sections	19-33-002 1:50	24.06.2019

This permission is granted for the following reason:

The proposed extension will not have a significant impact on the character of the existing dwellinghouse or the amenity of neighbouring properties and complies with the aims of policy DEV2 of the adopted Midlothian Local Development Plan 2017

Subject to the following condition:

1. The samafil upstand proposed between the existing extension and the proposed extension and the samafil roof finish proposed on the extension are not approved: the external roof finish on the extension shall match the size, colour, texture and profile of the roof finish on the adjoining existing extension and shall be laid in a continuous plane with the roof tiles on the adjoining existing extension.

**Reason:** To safeguard the character of the existing building in terms of policy DEV2 of the adopted Midlothian Local Development Plan 2017.

Dated 21 / 8 / 2019

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



### **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: <u>www.groundstability.com</u> 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: <a href="https://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a>

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

