

## Appeal Decision Notice

T: 01324 696 400  
F: 01324 696 444  
E: [dpea@scotland.gsi.gov.uk](mailto:dpea@scotland.gsi.gov.uk)



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Decision by David Russell, a Reporter appointed by the Scottish Ministers

- Listed building consent appeal reference: LBA-290-2000
- Site address: Mauldslie West Cottage, Mauldslie, Temple, Gorebridge, EH23 4TB
- Appeal by Ms Lesley Oddy against the decision by Midlothian Council
- Application for listed building consent (ref: 11-00830-LBC) dated 13 December 2011, and refused by notice dated 8 February 2012
- The works proposed: Demolition of porch and erection of conservatory
- Application drawings: Nos. 1110/01; 1110/02; 1110/03; 1110/04A; 1110/05A and 1110/06A
- Date of site visit by Reporter: 11 April 2012

Date of appeal decision: 16 April 2012

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### Decision

I allow the appeal and grant listed building consent.

Attention is also drawn to the advisory note at the end of this notice.

### Reasoning

1. The determining issue in this appeal is whether the effect of the proposed conservatory extension to this listed building would be acceptable, in view of the duty to have special regard to the desirability of preserving the building and any of its features which are of special architectural or historic interest, while also having regard to any other material considerations which might justify listed building consent being granted or refused.
2. Although it is a part of the listed building, the 1980s rear extension along the length of the building, together with its side porch, detracts significantly from the character, appearance and interest of the main building of the cottage, which itself appears to have been converted from an original pair.
3. The proposed conservatory extension would adjoin the side of the rear extension, and therefore be set well back from the main, front elevation. Its erection would entail the removal of the incongruous 1980s side porch which provides access into the rear



extension. The conservatory would be integrated with the rear extension with two internal accesses, and would therefore mask it from view from the side.

4. The cottage as a whole is unprepossessing in appearance, and the rear extension is an incongruous addition of no apparent architectural or historic interest or merit. As the proposed conservatory would have no material impact on the retention of the original cottage, and only a beneficial effect on the extension by securing the removal of the porch and masking views of it from the side, I am satisfied that, with regard to the preservation of the original building and its features of interest, the works would be acceptable.

5. Indirect effects on the listed building would arise from the position, size and visibility of the proposed conservatory. Being set well back from the front elevation and also being significantly lower than the pitched roof of the main building, I find that the proposed conservatory would not appear dominant or incongruous in views of the building, including from the front. It may appear somewhat incongruous in relation to the flat-roofed rear extension alone. However it would not appear dominant as it would always be seen in the context of the higher pitched roof of the main building.

6. The building is very effectively screened by topography and vegetation on the only vehicular approach which is along the farm access road, but when visible in fairly close proximity the original building would be the dominant visual feature. This would remain the case despite the need to remove two existing coniferous trees in the garden. The conservatory would appear as a modern addition to the property, but I do not consider that refusal would be justified simply on the basis of its distinctive character.

7. For that reason, I do not consider that the terms of Policy ENV 1C of the Edinburgh and the Lothians Structure Plan or Policy RP24 of the Midlothian Local Plan, which seek to protect the character of listed buildings, would justify refusal either.

8. With regard to other material considerations, it is not disputed that the proposed conservatory would provide beneficial additional living accommodation, and that it would be more effective in doing so if located on the western side of the house. This may also assist in supporting the retention of this listed building in the longer term. The council's reasons for refusal did not relate to the detailed design of the proposed conservatory, and I have identified no other matters which would justify refusing to grant listed building consent.

9. As the submitted application drawings confirm that the colour of the conservatory's windows and frame would be white, and that the render would match that of the existing cottage, it is not necessary to impose conditions to the same effect.

*David A. Russell*

Principal Inquiry Reporter

**Advisory note**

**The length of the consent:** This listed building consent will last only for three years from the date of this decision notice, unless the works have been started within that period. (See section 16 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 (as amended).)

