

**Notice of Review: Land to the rear of 180 Main Street,
Pathhead****Determination Report**

Report by Ian Johnson, Head of Communities and Economy

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of a garage at land to the rear of 180 Main Street, Pathhead.

2 Background

- 2.1 Planning application 17/00420/DPP for the erection of a garage at land to the rear of 180 Main Street, Pathhead was refused planning permission on 7 July 2017; 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, issued on 7 July 2017 (Appendix D); and
 - A copy of the relevant drawings/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 9 October 2017; and
 - Have determined to progress the review by way of a written submissions.
- 4.2 The case officer's report identified that two representations have been received. As part of the review process the interested parties were notified of the review. No additional comments have been received. Comments can be viewed online on the electronic planning application case file via www.midlothian.gov.uk
- 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 condition has been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission:
1. The garage hereby approved shall be used only for domestic purposes and shall not be used in connection with any trade or business.

Reason: *To ensure the garage is for domestic use only; the application has been assessed only in terms of this restricted use and any other use may have an adverse effect on the amenity of the occupants of the surrounding 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

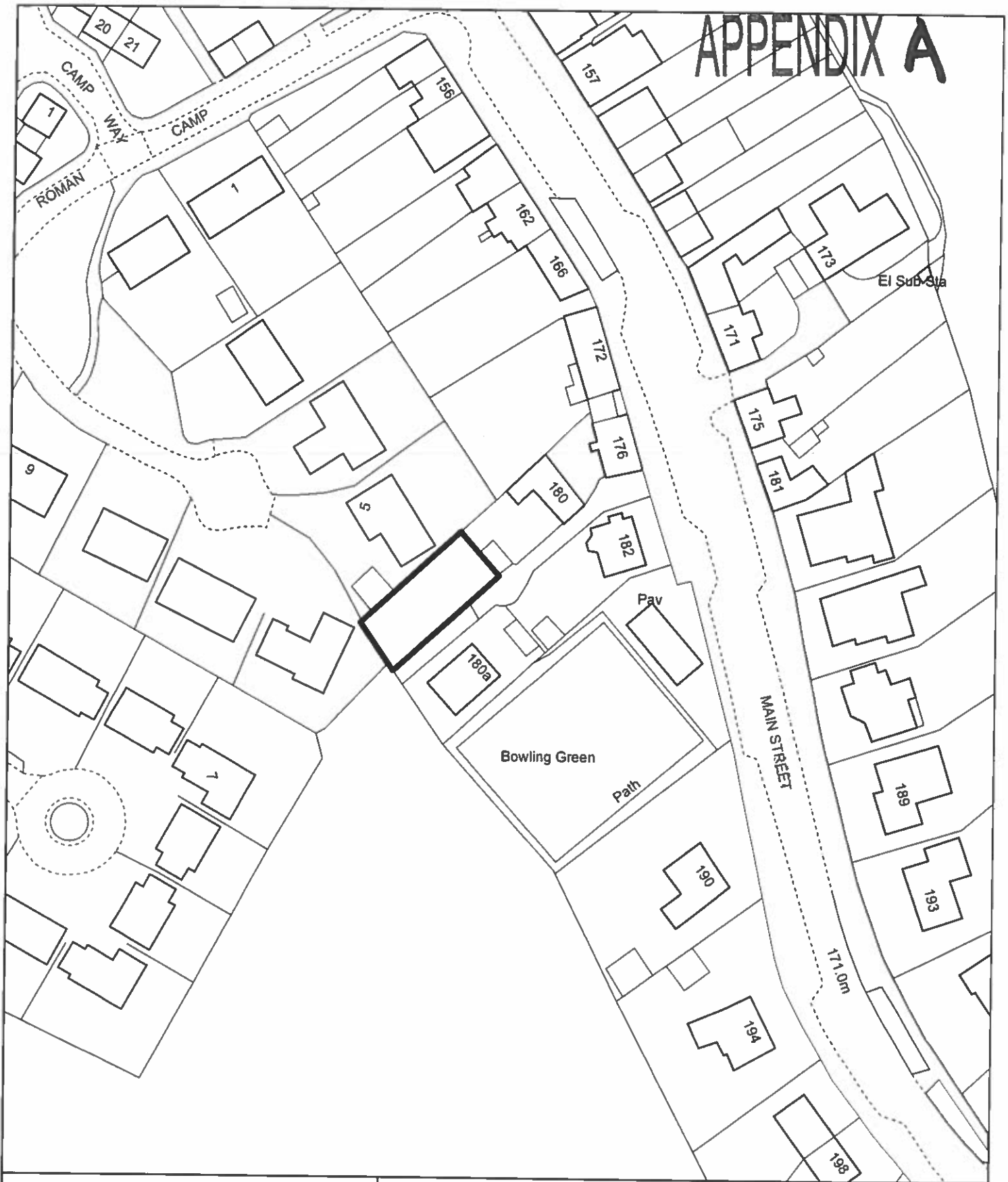
Date: 28 September 2017

Report Contact: Peter Arnsdorf, Planning Manager (LRB Advisor)
peter.arnsdorf@midlothian.gov.uk

Tel No: 0131 271 3310

Background Papers: Planning application 17/00420/DPP available for inspection online.

APPENDIX A



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

Land to rear of 180 Main Street, Pathhead

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File No. 17/00420/DPP

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Scale: 1:1,000



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 100064952-001

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: Sir Frank Mears Associates

Ref. Number:

Double Garage

You must enter a Building Name or Number, or both: *

First Name: *

Hugh

Building Name:

Lochrin Buildings

Last Name: *

Crawford

Building Number:

12-14

Telephone Number: *

0743 653 7412

Address 1
(Street): *

Gilmore PLace

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Edinburgh

Fax Number:

Country: *

Scotland

Postcode: *

EH3 9NB

Email Address: *

hwjcrawford@gmail.com

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Double Garage	Building Name:	Malcolm
First Name: *	180	Building Number:	
Last Name: *	McIntosh	Address 1 (Street): *	
Company/Organisation	15 Mitchell Street	Address 2:	
Telephone Number: *		Town/City: *	Dalkeith
Extension Number:	1	Country: *	Scotland UK
Mobile Number:		Postcode: *	EH22 1JQ
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:	Midlothian Council
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

Erection of Garage (part retrospective) to rear of 180 Main Street, Pathhead

Nothing

664656

Easting

329375

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)

Erection of Garage (part retrospective) at land to rear of 180 Main Street, Pathhead

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.

A full appeal Statement is being lodged. It relates to the refusal of a dormer window which was added to the original proposal, and for which consent is now sought. The window serves an attic space above the garage and provides light and improves headroom for the use of the attic. It does not serve a habitable space, and the attic can only be accessed by a ladder, and entered through a hatch. It is thought to be contrary to Guidelines on Dormer windows, normally applied to houses; it is not.

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 Application submission form Submission statement Refusal Delegated worksheet Planning History Letter of objection
Appeal Statement, Document Locality Plan 1/1250 Block Plan MMP/1 1/200 Garage Elevation with Dormer MMP/4R
1/50 Ground Floor Plan and Section MMP/2 1/50 Attic Floor Plan and Front Elevation MMP/3 1/50

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00420/DPP

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

24/05/2017

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

07/07/2017

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 Hugh Crawford

Declaration Date: 03/09/2017

Double Garage at rear of 180 Main Street, Pathhead, Midlothian. Proposed change of double doors to one wider door, and formation of a dormer in the roof.

Application Reference 17/00420/DPP

Appeal Against Refusal of Resubmitted Planning Application following Midlothian Council's decision to refuse the amended application for planning consent having earlier disallow the earlier appeal to LRB as being out of time.

Submitted on behalf of Malcolm Macintosh of 15 Mitchell Street, Dalkeith

The earlier planning application was submitted in response to the council's enforcement officer advising that the alterations being carried out to the building should be subject of a new planning application to take account of the variations of the existing consent.

The garage was granted consent in 1995 and work started, but later abandoned, for some years. Mr Macintosh bought the structure and the associated land; the land was put into a tidier condition. He has continued with the construction work, and with good intentions, formed the new roof structure with a dormer which was not in the earlier application approved more than 20 years ago. The roof storage space, lit by the dormer is accessed from a ladder.

Mr Macintosh uses the garage for his own purposes, in the restoration of a historic Land Rover. The roof space, with access through a ceiling hatch, is to be used for storage of his associated materials. The roof space is not of a height as can be used for domestic accommodation. It is lit by way of the new dormer window, which increases the usable floor area of the attic. He lives in Dalkeith, in a terraced house with no garage and is happy to have obtained a suitable garage for his restoration work, albeit some distance from his home, but has long associations with Pathhead.

Mr Macintosh had his application submitted, as required by the enforcement officer, and made a submission for amendment to the existing building warrant. Work on the Building Warrant submission has had to be put on hold due to the refusal of his earlier planning application. Following refusal of the earlier planning application the revised application, with modifications was made and registered on 24 May 2017. It was refused on 7th July 2017 for the same reasons as the first application. The terms of the refusal are nearly identical to the earlier refusal and likewise demonstrate no recognition of the supporting arguments which accompanied the submission. or the modification to the detail of the dormer window.

That planning application was refused on four grounds:

1. *The proposed development would not be connected to a nearby residential property and would therefore be used as general storage which would not be appropriate in this residential area as it would have a detrimental impact on amenity of nearby residential properties.*

The fact that the garage is not connected to a nearby residential property does not mean it is going to be used for general storage. It is remote from Mr MacIntosh's house, it is being used as a domestic garage, with associated attic storage of related materials, if need be; the attic is incidental to the use and enjoyment of the garage. Mr MacIntosh has long associations with Pathhead, although he lives in Dalkeith

2. *The proposed dormer window offers potential for overlooking and the perception of overlooking, to the significant detriment of nearby residential properties.*

The dormer essentially overlooks the land in the ownership of the appellant, and outward to a fine view over fields to the south east of the land. The depth of construction of the face of the window does not allow for oblique views necessary to look at neighbouring properties. The perception of overlooking from a garage, loft, storage space, with access from a ladder, owes more to speculation than to fact. The loft space is not a place to inhabit. The garage was stated by an objector to look like a house; it is clearly not, but by prudent choice is intended to be finished in a way which is in keeping with the buildings around it. Regarding any impact on sunshine in a neighbour's garden, the planning permission for the garage has been in place for many years, and there is no supporting diagram of how the dormer, or the garage itself overshadows a garden. It was further stated that the owner is using the site commercially. That is not the case, nor has there been any positive evidence to justify that statement.

3. *The proposed Dormer window is bulky and unattractive, and its size does not comply with the related Supplementary Planning Guidance for dormer windows.*

The SPG for dormer windows, sets out in clear terms the criteria by which dormer windows should be designed and appraised. Looking at these in turn it is submitted that the dormer window as has been constructed, conforms with the guidance.

The garage dormer is designed as a dormer window, and not a box extension on the roof.

The side walls of the dormer, at 180 mm, are less than the SPG recommended maximum thickness of 200 mm and the face of the side walls will be clad in slate to match the roof.

The bottom of the glazed area of the dormer is very close to the plane of the roof surface below it, as recommended in the SPG.

The dormer roof surface marries in to the roof ridge, as the roof ridge over the attic space is low, and the roof will not be seen above the ridge.

The dormer does not rise on the same plane as the wallhead, but is set 1 metre back from it, as recommended in the SPG.

The width of the glazed face of the dormer has been reduced by the introduction of a central mullion as recommended.

The width of the dormer, is shown on the plan drawings as 2.5 metres, against the recommended width of 2.0 metres given, only as a guideline. The drawing MMP 4/R has been modified to more accurately reflect the dimensioned size of the dormer at 2.5 metres, and express the form of that on the roof slope, with lead flashings and watergates. That revised drawing was included in the revised submission in place of drawing MMP 4.

The width of a dormer should not normally exceed 35% of the roof slope; and 45% when bay dormers are built. The garage dormer is 37% of the width of the roof slope, and as such is in reasonable compliance with the SPG recommendations.

The perception of intrusion on privacy of neighbours can be assessed by examining the block plan showing the plan of the garage and its roof dormer. It can readily be seen that the main outlook from this attic store is over the private land which it occupies. Straight ahead, the nearest house is more than 20 Metres away, and sits at an oblique angle. To the north west, the window in the gable of the adjacent house, may only be glimpsed at a very acute angle, likewise the house to the south east and its associated garden ground can only be seen at an acute angle.

The dormer, as has been created, is in compliance with the SPG document and provides a window which brings natural lighting to an attic store, above a garage. With quality slate cladding and lead flashings it is not detrimental to residential amenity. Those claims can be best assessed through looking at the half completed work on site.

4. The final reason for refusal of the earlier submission concludes from the Reasons 1,2, and 3, *“that the proposed development will adversely impact on the character, appearance and amenity of the area, and therefore the proposed development is contrary to the policy RP20 of the adopted Midlothian Local Plan and policy DEV2 of the emerging Local Development Plan”*.

The garage has had the benefit of planning permission for very many years with the work started on site. The letter of objection states that the site has been untidy with weeds growing up to a high level. Mr Macintosh has done much to improve the site since he bought it over. To allow the work to be completed, and the garage made available for the use and enjoyment of owner, with a

completed building, is fair and reasonable. The garage will be finished in traditional slate and roughcast, and will sit within a tidy garden area. To be allowed to achieve that is clearly not going to “adversely affect the character, appearance and amenity of the area”...making... “the proposed development contrary to policy RP20 of the adopted Midlothian Local Plan”. It is simply not the case, and has not been demonstrated through any factual assessment or interpretation of planning policy or supplementary guidelines.

The application is further said to be contrary to policy DEV2 of the emerging Midlothian Development Plan, (the Document gives background to the framing of this policy in, paragraph 3.1.5). This emerging policy “applies to all town and villages, to ensure that new development does not change or blight land uses which are already established or supported by this Plan. This can include negative impact by way of layout, appearance, unacceptable traffic, disturbance and noise.” It is not clear why the clearly stated intent of this proposed policy, as thought to apply to Mr MacIntosh’s attic dormer window, in his garage roof, can have a negative impact on the surrounding area; its appearance with slate cladding, traditional windows and lead flashings are traditional, quality finishes. The other potential effects stated, by way of layout, traffic disturbance and noise give a better indication of the considerations intended to be applied through this policy. It clearly is misquoted in an attempt to add substance to an already inadequate reason for refusal.

The application application should not have been refused on such insubstantial grounds as have been quoted. The planning officer has not engaged with the reasoning advanced with the resubmitted application. The case for refusal is unsupported and inadequate. I ask that this appeal against the refusal of this application, resubmitted with further detail and justification, be supported.

Hugh W J Crawford RIBA, FRIAS, FRTPI
Chartered Architect, Town Planner and Mediator

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 17/00420/DPP.

Site Address: Land to rear of 180 Main Street, Pathhead.

Site Description: The application site comprises an area previously associated with the house at 176 Main Street to the south. There is a hedge along the southern boundary and a wall along the north. There are houses surrounding the site which is accessed by a lane from Main Street. The site is within the Pathhead Conservation Area. There is a partially erected double garage within the site (see background section below).

Proposed Development: Erection of garage (part retrospective).

Proposed Development Details: It is proposed to complete a garage which has been under construction since 1995 (see background section below). The plans state that this measures 6.3 metres by 6.3 metres. The roof is pitched with the plans showing this to be either 4.8 or 5.1 metres high.

The design of the garage has altered slightly, replacing two smaller garage doors with one larger door and the inclusion of a dormer window on the west elevation, measuring 2.5 metres wide and the plans vary in its height, between 1.5 and 1.7 metres high. There appears to be a store at first floor level accessed by a hatch and ladder. No internal stairs are proposed. The originally approved garage measured 6 metres by 6.1 metres by 4.9 metres high so the dimensions of the garage appear to have altered from that originally approved.

The roof is slate with the dormer roof felt, the walls wet dash render and redwood cladding, the garage door metal and the dormer window frames timber painted a chestnut colour.

The garage is to be used as a garage and store for the applicant who lives in Dalkeith. They have submitted comments relating to the previous reasons for refusal.

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

Application site

16/00676/DPP Erection of garage (part retrospective). Refused – not related to a nearby residential unit so would be general storage which is not appropriate in this residential area as it would have a detrimental impact on the amenity of nearby residential properties; the dormer window offers potential overlooking to neighbouring properties; the dormer is bulky and unattractive and does not comply with the SPG for dormers; contrary to RP20.

382/91 Erection of garage. Consent with conditions – improvement of condition of site; details of and erection of fencing; restricting the use of the garage to domestic incidental to 176 Main Street; no vehicles parked or stationed outwith the garage; no parts of vehicles store within the site outwith the garage; and no vehicle repairs or maintenance within the site other than the garage.

Two applications for a house on site were refused in 1987 and 1992 over concerns of overdevelopment and impact on the surrounding area.

Consultations: No consultations were required.

Representations: Two objections have been received on the following grounds:

- The dormer windows will cause overlooking and a detrimental impact on privacy;
- The dormers should be removed;
- The height of the building appears to have been raised;
- The garage is too close to neighbouring properties and blocks light to windows;
- The garage breaches building regulations regarding proximity;
- The dormers are out of character with the size of building;
- The restoration of vehicles is inappropriate for this site as this will detract from the amenity of the surrounding occupants;
- The site has consistently been in an untidy state; and
- There is a concern that a change of use of the plot may occur given the distance of the applicant's house to the site.

Relevant Planning Policies: The relevant policies of the **2008 Midlothian Local Plan** are;

RP20 Development Within the Built Up Area states that development will not be permitted where it is likely to detract materially from the existing character or amenity of the area; and

RP22 Conservation Areas states development will not be permitted in conservation areas which would have any adverse effect on its character and appearance. In regards to new buildings, policy states that in 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.

Supplementary Planning Guidance – Dormer Windows states dormers should be windows rather than a large box extension. Recommendations are given regarding the size and position of the dormer on the roof.

The relevant policies of the **2014 Midlothian Local Development Plan Proposed Plan** are;

DEV2 Protecting Amenity Within the Built-Up Area contains similar policy requirements to RP20 of the adopted Local Plan; and

ENV19 Conservation Areas contains similar policy requirements to RP22 of the adopted Local Plan.

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.

Planning permission was previously granted for a garage at this site, which was partially erected in 1995 after which development ceased. Works began again in July 2016, which included the formation of a dormer window and alterations to the garage entrance. These changes require a new planning permission which is being assessed here.

The previous garage was approved with a number of conditions, including that it be used only as a domestic garage incidental to the enjoyment of the residents of 176 Main Street, Pathhead, the property adjacent to the access to the site. The site was previously garden ground for 176 Main Street, with the house at 180 Main Street separating the two areas. The garage was considered to be acceptable in the garden ground of 176 Main Street as, although separated from the house, it was related to a nearby residential property and not a standalone garage with no connection to any nearby property. This position is reinforced given the condition restricting the domestic use of the garage for the residents of 176 Main Street.

It appears that since the original application was approved the ownership of the garage and house have been separated. The applicant's address is in Dalkeith and they have confirmed that the use of the garage would be domestic related to the Dalkeith property. By their nature, domestic garages are located in close proximity to the related houses, generally for domestic storage or car parking. It is unusual for garages to be so remote from the associated house as currently proposed. It is a concern that the potential user of the garage is not the occupant of a nearby property and it that the garage appears to be used as general storage rather than for domestic use related to a nearby house. The applicant has refuted these concerns, stating that the garage will be in domestic use and not general storage. However given the history of why the house was initially approved, it is clear that this was considered acceptable as it was related to a nearby property. Given that the site is within a residential area with houses in very close proximity and such a distance from the related dwellinghouse, such a storage use would not be acceptable as it would likely have a detrimental impact on the amenity of neighbouring residents. There are no links to any nearby properties or means to restrict its future use to any nearby properties, thereby meaning that anyone could use it as storage which could have an adverse affect on the amenity of the area.

Notwithstanding the concerns over the use of the garage, the appearance of the garage and the potential impact on the surrounding area require to be considered. The main difference between the previously approved garage and the current proposal, which is largely built, is alterations to the garage doors and the inclusion of a dormer window. The alterations from two doors to one door are acceptable.

As noted above, the Planning Authority has produced SPG for dormer windows, giving general advice on the size and position of these features. The proposed dormer measures 2.5 metres wide, appearing large and bulky. The SPG states that box dormers, as in this case, should not exceed 2 metres and bay dormers are

permitted to 2.5 metres wide. The dormer extends from the ridge of the roof, rather than being set down 500mm as prescribed in the SPG.

The position of the dormer provides potential for overlooking to 5 and 6 Roman Camp, the objectors' properties. The applicant does not consider this the case, stating that the dormer overlooks the application site and fields to the southeast. However the Planning Authority disagrees and maintains its concerns over the impact on the privacy and amenity of the neighbouring properties. Although this could be addressed through the use of obscured glazing, there would remain a perception of overlooking to these properties from these large windows. This would have a detrimental impact on the privacy and amenity of the occupants, in particular to the first floor window of number 5 which serves a bedroom and the garden of number 6, as shown in the objector's photos.

The submitted cross sections of the garage show a floor which would provide storage at attic level, with the floor plan showing this would be accessed by a hatch. The Planning Authority would have no control over any internal works and there would appear to be sufficient room for a staircase to be accommodated within the dormer window to provide access to the attic. Dormer windows are not generally a feature of garages, as rooflights usually provide any required natural light. Given previous refused applications for a house at the site, there is a concern that the use of the garage would not be domestic as proposed but could change into another use.

The following section addresses comments made by the representors not addressed above. The garage as built is in the same position and height as previously approved. There were no concerns over loss of light raised in the previous application, nor is it a significant concern in the current application. The garage does have a slightly larger footprint than that previously approved (at 6.3 metres by 6.3 metres rather than 5.9 metres by 6 metre), however this does not have a detrimental impact on the character or appearance of the surrounding conservation area or the amenity of nearby properties.

There is a building warrant under consideration for the garage, which would assess the building regulations.

The applicant has not submitted any information to remove the Planning Authority's concerns over this development and so these remain. The siting of a garage at this site was previously considered acceptable as this was connected to a nearby residential property. The current proposal offers no such connection and it appears that the garage would be used for general storage rather than domestic which would not be in keeping with the surrounding residential area. Also, the proposed dormer window offers potential for overlooking to the significant detriment of the amenity of nearby residential properties.

Recommendation: Refuse planning permission.



Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 17/00420/DPP

Sir Frank Mears Associates
Lochrin Buildings
12-14 Gilmore Place
Edinburgh
EH3 9NB

Midlothian Council, as Planning Authority, having considered the application by Mr Malcolm McIntosh, 176, 15 Mitchell Street, Dalkeith, EH22 1JQ, which was registered on 24 May 2017 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Erection of garage (part retrospective) at Land To Rear Of 180 Main Street, Pathhead

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	24.05.2017
Site Plan	MMP/1 1:200	24.05.2017
Elevations, Floor Plan And Cross Section	MMP/2 1:50	24.05.2017
Proposed Elevations	MMP/3 1:50	24.05.2017
Proposed Elevations	MMP/4 1:100 1:50	24.05.2017
Other Statements		24.05.2017

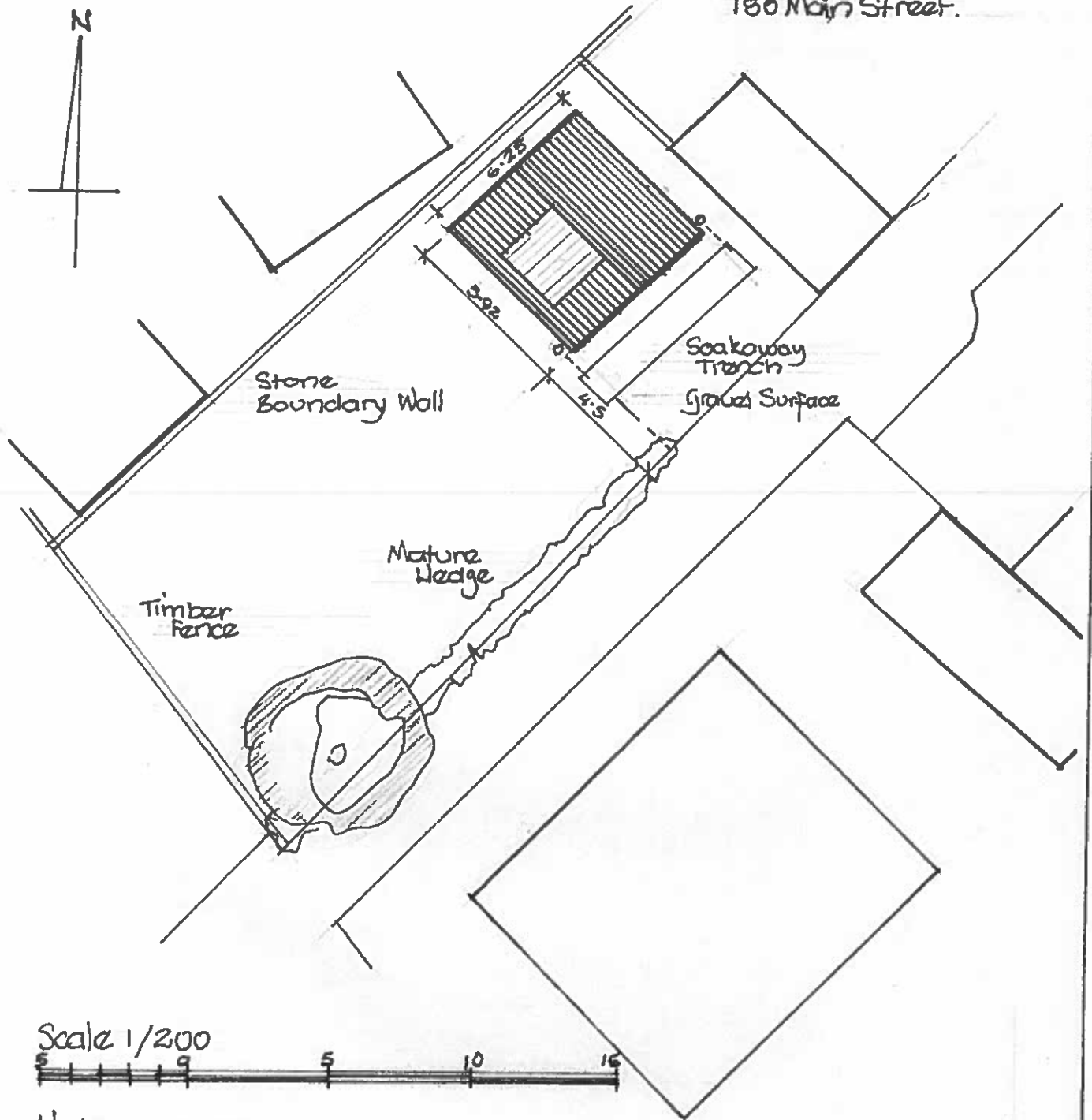
The reasons for the Council's decision are set out below:

1. *The proposed development would not be connected to a nearby residential property and would therefore be used as general storage which would not be appropriate in this residential area as it would have a detrimental impact on the amenity of nearby residential properties.*
2. *The proposed dormer window offers potential for overlooking and the perception of overlooking to the significant detriment of the amenity of nearby residential properties.*
3. *The proposed dormer window is bulky and unattractive and its size does not comply with the related Supplementary Planning Guidance for dormer windows.*
4. *For the above reasons, the proposed development will adversely impact on the character, appearance and amenity of the area and therefore the proposed development is contrary to policy RP20 of the adopted Midlothian Local Plan and policy DEV2 of the emerging Midlothian Local Development Plan.*

Dated 7 / 7 / 2017

DR

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



Scale 1/200



Notes:

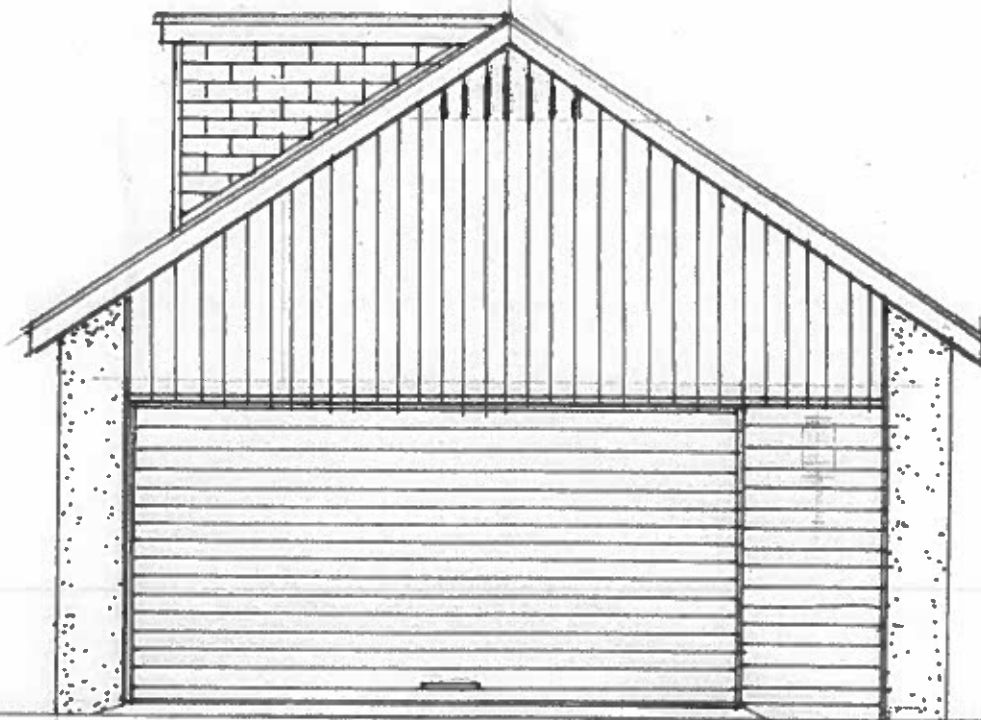
- 1/ All new works are to be in accordance with The Building (Scotland) Regulations 2004 and all current amendments.
- 2/ All new works, products and processes are to be in accordance with the relevant British Standards and manufacturers' guidance.

DOUBLE GARAGE on land at rear of 180 Main St., PATHHEAD

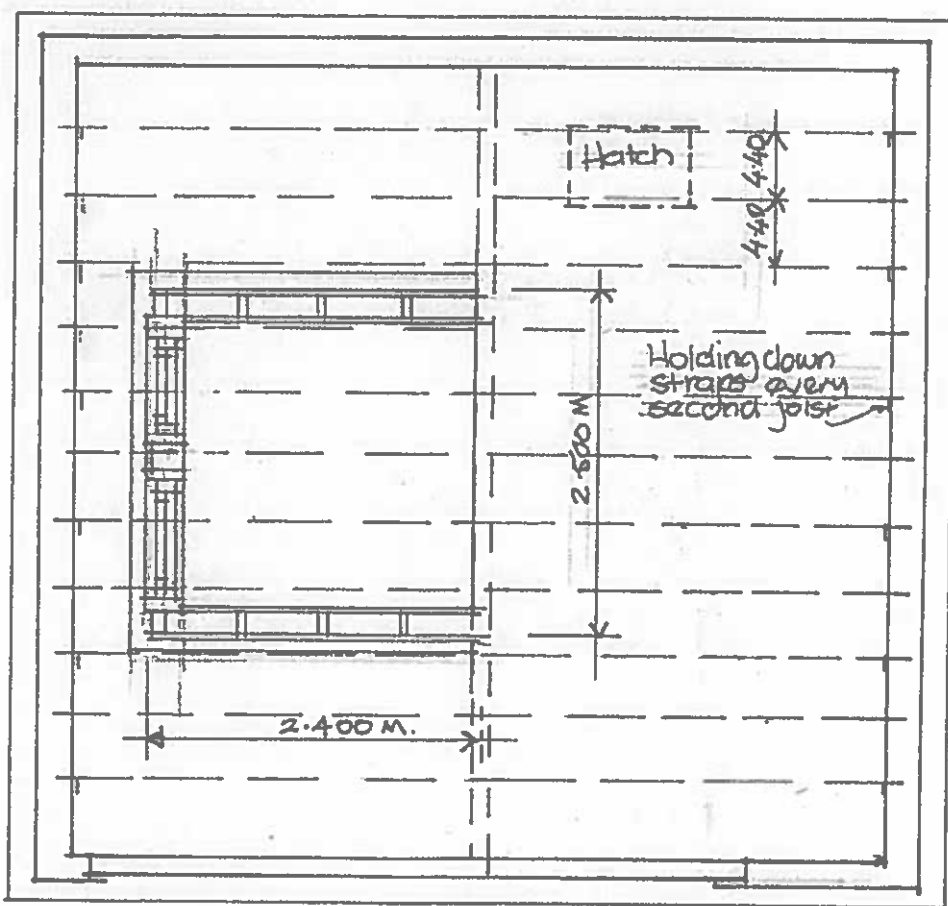
BLOCK PLAN

MMP/1

Hugh W. J. Crawford
Architect.

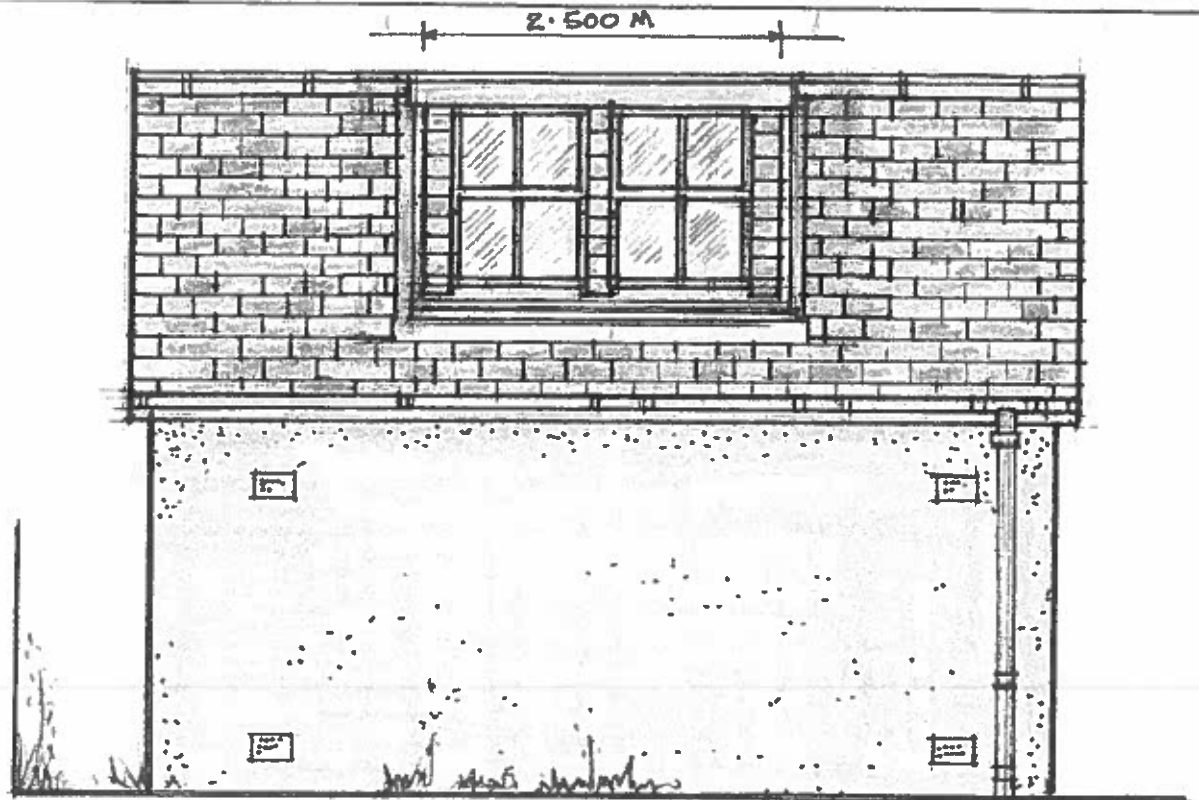


Front Elevation 1/50 Scale

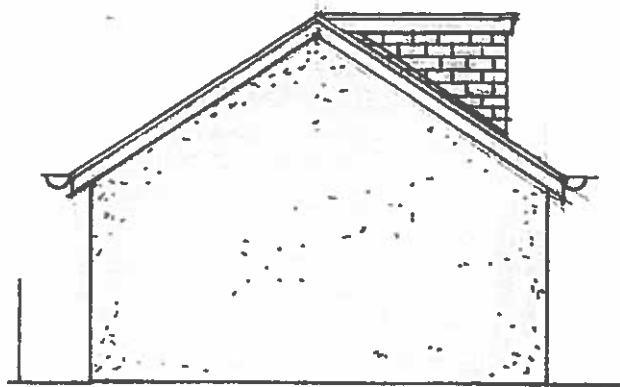
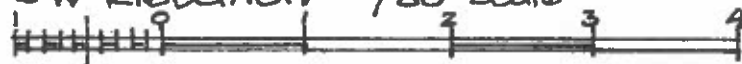


Plan of Attic Store with Dormer
DOUBLE GARAGE on land
at rear of 176 Main St, PATHHEAD.

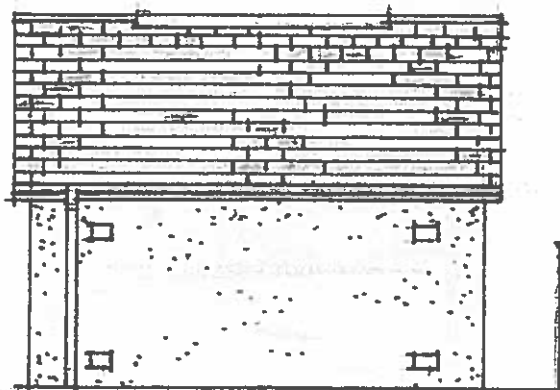
ATTIC PLAN
FRONT ELEVATION
Hughes W. J. Crawford Architect



S.W. Elevation 1/50 Scale



N.W. Elevation 1/100 Scale



N.E. Elevation 1/100 Scale

DOUBLE GARAGE on land
at rear of 180 Main St. PATHHEAD.

External Finishes:
Roof Covering, Slate
Dormer Roof, mineral
finish felt.
Ridges and Conductions
dark gray pvc.
Walls, wet dash
buff rendering
on black walls.
Garage Door, horizontal
profile, metal door.
Cable over door
redwood weather
boarding stained
chestnut colour.
Dormer Windows
timber painted
chestnut
Eaves and Verges
Redwood stained
chestnut.
Flashings, Zinc Sheet.

ELEVATIONS

MMP/A. R.
Hugh W. J. Crawford Architect