

Notice of Review: Cherrytrees, Fala, 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 demolition of existing dwellinghouse and erection of replacement dwellinghouse, garage and associated works at Cherrytrees, Fala, Pathhead.

2 Background

- 2.1 Planning application 15/00995/DPP for the demolition of existing dwellinghouse and erection of replacement dwellinghouse, garage and associated works at Cherrytrees, Fala, Pathhead was refused planning permission on 22 February 2016; 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 advisor notes, issued on 22 February 2016 (Appendix D); and
 - Copies 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 an unaccompanied site visit for Monday 6 June 2016; and
- Have determined to progress the review by way of written submissions.

4.2 The case officer's report identified that three consultation responses and 10 representations (10 support) have been received. As part of the review process the interested parties were notified of the review. No comments have been received from the original 10 representors. However, four additional representations, post decision, were received supporting the application/review. Furthermore, a post decision letter, addressed to the LRB, was submitted by Councillor Kenny Young advising the LRB that he had received representations from those parties supporting the application/review and that local residents had expressed disappointment that planning permission had been refused. All the 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 19 June 2012 and 26 November 2013, 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. Development shall not begin until details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:

- i existing and finished ground levels and floor levels for all buildings, open space and access tracks in relation to a fixed datum;
- ii existing trees, landscaping features and vegetation to be retained; removed, protected during development and in the case of damage, restored;
- iii boundary planting along the external boundaries of the application site;
- iv location and design of any proposed walls, fences and gates, including those surrounding bin stores or any other ancillary structures;
- v schedule of plants to comprise species, plant sizes and proposed numbers/density;
- vi programme for completion and subsequent maintenance of the boundary planting. The boundary planting shall be completed prior to the house being occupied. Any tree felling or vegetation removal proposed as part of the landscaping scheme shall take place out with the bird breeding season (March-August);
- vii drainage details and sustainable urban drainage systems to manage water runoff; and
- viii proposed driveway configuration and surfacing.

All hard and soft landscaping shall be carried out in accordance with the scheme approved in writing by the planning authority as the programme for completion and subsequent maintenance (vi). Thereafter any trees or shrubs removed, dying, becoming seriously diseased or damaged within five years of planting shall be replaced in the following planting season by trees/shrubs of a similar species to those originally required.

Reason: To ensure the quality of the development is enhanced by landscaping to reflect its setting in accordance with policies RP7 and RP22 of the Midlothian Local Plan and national planning guidance and advice.

2. Development shall not begin until samples of materials to be used on external surfaces of the buildings; hard ground cover surfaces; means of enclosure and ancillary structures have been submitted to and approved in writing by the planning authority. Development shall thereafter be carried out using the approved materials or such alternatives as may be agreed in writing with the planning authority.

Reason: To ensure the quality of the development is enhanced by the use of quality materials to reflect its setting in accordance with policies RP20 and RP22 of the Midlothian Local Plan and national planning guidance and advice.

3. Unless otherwise approved in writing by the Planning Authority the rooflights shall be installed so as to be flush with the plane of the roof.

Reason: In order to safeguard the visual amenity of the Fala Conservation Area.

4. Any noise associated with the air source heat pump shall comply with the product and installation standards for air source heat pumps specified in the Micro-generation Certification Scheme MCS 020(a).

Reason: To protect the residential amenity of surrounding properties.

6 Recommendations

6.1 It is recommended that the LRB:

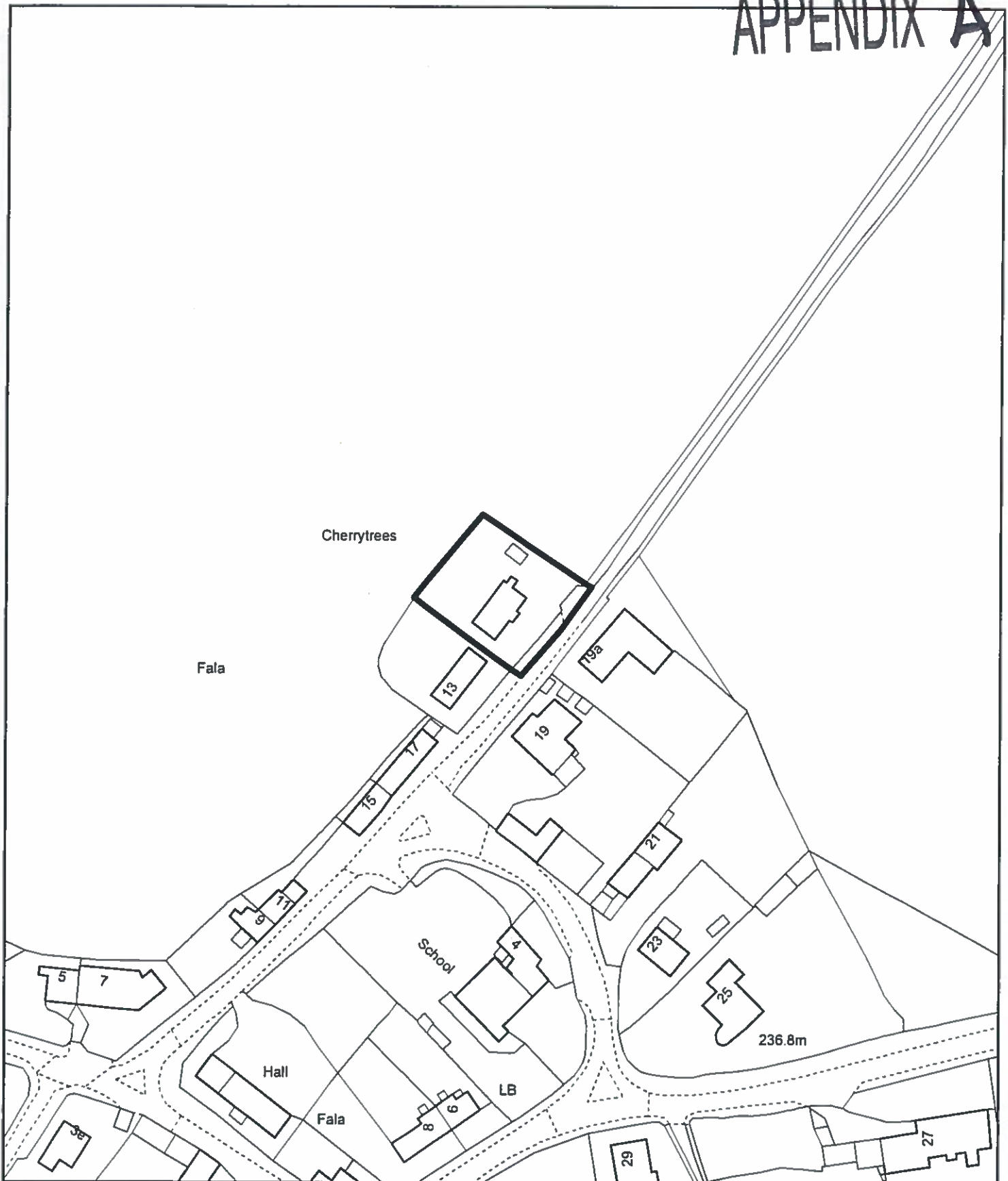
- a) determine the review; and
- b) the planning advisor draft and issue the decision of the LRB through the Chair

Date: 31 May 2016

Report Contact: Peter Arnsdorf, Planning Manager
peter.arnsdorf@midlothian.gov.uk

Tel No: 0131 271 3310

Background Papers: Planning application 15/00995/DPP available for inspection online.



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

Demolition of existing dwellinghouse and erection of replacement dwellinghouse and detached garage; erection of fence and installation of air source heat pump, bin store, decking and paving at Cherrytrees, Fala Village, Pathhead.

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File No. 15/00995/DPP

Scale: 1:1,250



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	Dr's	Ref No.	ep485
Forename	Christopher & Victoria	Forename	Derek
Surname	Rofe	Surname	Scott
Company Name		Company Name	Derek Scott Planning
Building No./Name	63	Building No./Name	
Address Line 1	Woodhall Road	Address Line 1	21 Lansdowne Crescent
Address Line 2	Colinton	Address Line 2	
Town/City	Edinburgh	Town/City	Edinburgh
Postcode	EH13 0HQ	Postcode	EH12 5EH
Telephone		Telephone	0131 535 1103
Mobile		Mobile	07802 431970
Fax		Fax	0131 535 1104
Email		Email	enquiries@derekscottplanning.com

3. Application Details	
Planning authority	Midlothian Council
Planning authority's application reference number	15/00995/dpp
Site address	
Cherrytrees Fala Hall Road Fala Pathhead EH37 5SY	
Description of proposed development	
Demolition of existing dwelling house and erection of replacement dwelling house and detached garage; erection of fence; and installation of air sourced heat pump, bin store, decking and paving.	

Date of application

21/12/15

Date of decision (if any)

22/02/16

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



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.

N/A

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:

None.

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.

Please refer to attached Statement

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 you 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.

N/A

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

Please refer to attached Statement

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.

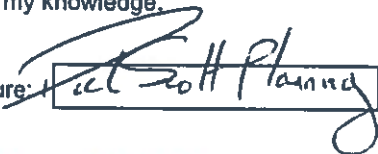


Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number,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

Signature:



Name:

Derek Scott Planning

Date:

26/04/16

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

REVIEW STATEMENT

**15/00995/DPP – DEMOLITION OF EXISTING DWELLING HOUSE AND ERECTION OF
REPLACEMENT DWELLING HOUSE AND DETACHED GARAGE; ERECTION OF FENCE; AND
INSTALLATION OF AIR SOURCE HEAT PUMP, BIN STORE, DECKING AND PAVING**

At

**Cherrytrees
Fala Village
Pathhead
Midlothian EH37 5SY**

Prepared by

**Derek Scott Planning
Planning and Development Consultants**



**21 Lansdowne Crescent
Edinburgh
EH12 5EH**

Tel No: 0131 535 1103

Fax No: 0131 535 1104

E-Mail: enquiries@derekscottplanning.com

On behalf of

Dr. Christopher Rofe & Dr. Victoria Rofe



Existing view looking towards North East



Proposed view looking towards North East

Executive Summary

15/00995/DPP – DEMOLITION OF EXISTING DWELLING HOUSE AND ERECTION OF REPLACEMENT DWELLING HOUSE AND DETACHED GARAGE; ERECTION OF FENCE AND INSTALLATION OF AIR SOURCE HEAT PUMP, BIN STORE, DECKING AND PAVING AT CHERRYTREES, FALA VILLAGE, PATHHEAD, MIDLOTHIAN EH37 5SY

- The application site is located at the northern edge of the village of Fala, near Pathhead and lies within a designated Conservation Area. Measuring approximately 925 square metres in area the site is currently occupied by a single storey dwelling house finished externally in a combination of render and reconstituted stone with timber windows and concrete roof tiles. Thought to be built in the 1960's the building is in a complete state of disrepair having undergone no renovation or upkeep for many years. Its appearance has an adverse effect on the character and appearance of this part of the village.
- The application has been submitted by Dr. Christopher Rofe and his wife Dr. Victoria Rofe. Christopher Rofe is a Consultant Radiologist in the Borders General Hospital in Melrose and his wife Victoria is a General Practitioner at the Tranent Medical Practice in Tranent. They currently have two children aged four and six. The village of Fala is viewed as an ideal location for them to establish a permanent family home, strategically located between their respective places of employment and within an acceptable distance of Tynewater Primary School where their children will be educated.
- The Planning Application sought detailed planning permission to demolish the existing dwelling house on the site and to erect a replacement dwelling house. Other aspects of the proposal include the erection of a detached garage and fencing and the installation of an air source heat pump, bin store, decking and paving. Conservation Area Consent has previously been granted by the Council for the demolition of the existing house under Conservation Area Consent Reference Number 15/00384/CAC.
- The application, which has taken due cognisance of the existing architectural vernacular of the village, proposes the use of historical forms in a modern, contemporary and highly sustainable dwelling house as the replacement property. A detached two-storey garage is also proposed within the plot which will accommodate a traditional garage and garden store on the ground floor and an office/study with WC on the first floor.
- The accommodation within the proposed dwelling house is contained within three distinct elements, reflecting, in light of the site's semi-rural location, a series of conjoined rural forms which respect the scale, massing and form of other buildings in the village. Each element of accommodation has its own parallel pitched roof staggered in height and in plan form so that it reads as a building with single, one and a half and two storey elements.
- A simple palate of high quality sustainable materials and a high standard of contemporary detailing are proposed. The house will be clad in vertical Siberian larch timber, untreated to weather in silver/grey, with zinc standing seam roofs grey in colour. High performance painted timber windows with metal head and cill flashings, metal framed low-profile roof lights and grey zinc rainwater goods are also proposed.
- A number of trees within the site require to be felled due to their existing condition or to otherwise facilitate the proposed development.

- **The application has been refused by the appointed Planning Officer for the following reasons as stated within the decision notice:**
 - (1) The design, scale and massing of the proposed house would appear incongruous in this residential setting and are out of keeping with, and would detract from, the character and appearance of the Fala Conservation Area.*
 - (2) For the above reason the proposal is contrary to policies RP20 and RP22 of the adopted Midlothian Local Plan which seek to protect the character and amenity of the built-up area and preserve or enhance the character and appearance of conservation areas.*
- **The Planning Officer's Report on the application advises that the principal concerns about the proposal relate, firstly, to the front part of the building which is considered as being unduly prominent and rendering the entire scheme out of character with the predominant scale and design of buildings within the village and secondly, to the use of zinc as a finishing material on the roof(s).**
- **We disagree with the Planning Officer's views on the prominence of the front part of the building and the alleged adverse impact that the entire building would have as a result of this on the character and appearance of the conservation area for the following reasons:**
 - **The proposed dwelling house represents a series of conjoined rural forms in reflection of its location at the interface between the village and the countryside. It also bears a visual relationship not dissimilar to the one that exists between Fala Church and the former Fala Manse (now Kirkland House) adjacent to it on the south eastern side of the village.**
 - **The proportions (scale, mass and height) of the three individual components comprised in the proposed dwelling house are reflective of and in keeping with the existing vernacular form of residential properties evident throughout the village.**
 - **The highest central component of the dwelling house, which although two storeys, has an identical ridge height to the adjacent 1.5 storey dwelling house at No. 13. The north western and south western components are subservient to this central component.**
 - **The density/plot ratio of the development falls comfortably within the parameters established by its three immediate neighbours.**
 - **The front of the proposed dwelling house is set back a similar distance from the edge of the public road as is the neighbouring dwelling house (No. 13) adjacent.**
 - **The front of the proposed dwelling house is set back c.15 metres from the existing property (No. 19a) on the opposite side of the road. This is exactly the same distance that exists between No. 19 and No 13 adjacent thus creating consistency and uniformity in the street form.**
 - **The materials proposed which consist of timber clad walls and a zinc roof will ensure that the dwelling is respectful to both the countryside and to the village context within which the site is located.**
- **Other key considerations in support of the application include the following:**

- The dwelling house currently occupying the site has a significant adverse effect on the character and appearance of the Conservation Area. The proposal, if approved, will result in the demolition of the existing structure and the erection of a modern, contemporary but entirely sympathetically designed dwelling which will substantially enhance the character and appearance of the Conservation Area.
 - The proposal will lead to the introduction of a new family within a village which has seen its population decline from the 70 specified in the Fala Conservation Area Appraisal in 2008 to 46 in 2016.
 - Ten representations have been submitted to the Council in support of the application during its consideration and a further four since the application was refused. Eleven letters have come from residents within the village with further letters being submitted by Oxenfoord Castle which has ownership interests in the village and from another party in Fala Dam who regularly visit the village. A statement has also been submitted in support of the application by a Tynewater Community Councillor. Not a single letter of opposition has been submitted to the proposal from third parties or consultees.
- Based on our consideration of the development plan and all other material considerations it is our strongly held view that that the application should not have been refused and as such it is respectfully requested that it be granted.



Existing view looking towards South West



Proposed view looking towards South West

REVIEW STATEMENT

15/00995/DPP – DEMOLITION OF EXISTING DWELLING HOUSE AND ERECTION OF REPLACEMENT DWELLING HOUSE AND DETACHED GARAGE; ERECTION OF FENCE AND INSTALLATION OF AIR SOURCE HEAT PUMP, BIN STORE, DECKING AND PAVING AT CHERRYTREES, FALA VILLAGE, PATHHEAD, MIDLOTHIAN EH37 5SY

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Document 1 -	Copy of Planning Application submitted to Midlothian Council
Document 2 -	Photographs and Photomontages showing existing and future views of application site.
Document 3 -	Fala Conservation Area Appraisal
Document 4 -	Letters submitted to Council in support of application
Document 5 -	Copies of letters submitted to Council in support of proposal since application was refused.
Document 6 -	Copy of Decision Notice
Document 7 -	Planning Officer's Report of Handling
Document 8 -	Larger scale copies of Plans referred to in Text



Existing View from Humble Road



Proposed View from Humble Road

REVIEW STATEMENT

15/00995/DPP – DEMOLITION OF EXISTING DWELLING HOUSE AND ERECTION OF REPLACEMENT DWELLING HOUSE AND DETACHED GARAGE; ERECTION OF FENCE AND INSTALLATION OF AIR SOURCE HEAT PUMP, BIN STORE, DECKING AND PAVING AT CHERRYTREES, FALA VILLAGE, PATHHEAD, MIDLOTHIAN EH37 5SY

1. INTRODUCTION & BACKGROUND

- 1.1 This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants on behalf of our clients, Dr. Christopher & Dr. Victoria Rofe. We dispute, on behalf of our clients, the appointed Planning Officer's reasons for refusing the above-mentioned application, which sought detailed planning permission to demolish an existing dwelling house and to erect a replacement dwelling house and garage, a fence, the installation of an air source heat pump, bin store, decking and paving at Cherrytrees, Fala, Pathhead. A copy of the planning application submitted to and refused by the Council is attached as **Document 1**.
- 1.2 Our clients are both doctors. Christopher Rofe is a Consultant Radiologist in the Borders General Hospital in Melrose and his wife Victoria is a General Practitioner in East Lothian. They currently have two children aged four and six. Although our clients acquired the site in August 2015 they had, prior to that, a conditional option to purchase it from February 2015. It has always been their intention to demolish the existing dwelling and to erect a new family home which would be strategically located between their respective places of employment and within an acceptable distance of Tynewater Primary School where their children will be educated.
- 1.3 Helen Lucas Architects (HLA) were appointed by our clients in February 2015 after consideration of their experience of working in contexts with challenging statutory constraints, including National Parks, National Scenic Areas, Conservation Areas and Areas of Outstanding Natural Beauty. HLA have also been commended by the Royal Incorporation of Architects in Scotland, for their use of timber cladding on a project at Stoer, and by the Saltire Society/Scottish Government for a project in Edinburgh.
- 1.4 Applications for Planning Permission (15/00362/DPP) and Conservation Area Consent (15/00384/CAC) were submitted in May 2015. Conservation Area Consent for the demolition of the existing house was granted on 27th July 2015 but the application for planning permission was withdrawn on 31st July 2015 to allow for revised design proposals to be negotiated with the Council's Planning Department. After a long period of dialogue with both the Planning Authority and local residents as well as very significant compromise from our clients a revised application was submitted in December 2015. Whilst all parties have moved considerably closer to a mutually acceptable compromise in terms of design there remain a number of outstanding issues which our clients are not prepared to compromise on any further as they would result in a house, the design of which, and accommodation within, would not be acceptable.

2. LOCATION AND DESCRIPTION OF SITE

- 2.1** The application site is located within Fala, near Pathhead approximately 15 miles to the south of Edinburgh.
- 2.2** The village is located within a Conservation Area originally designated by Midlothian Council in 1996. Its current population consists of 46 persons. Community facilities include a church, a village hall, a play park, allotments and a former school which is now used as a children's nursery.



Community Facilities

- 2.3** There is no consistent vernacular within the village and it contains a wide variety and diverse range of building styles built in different eras including single, one and a half, two and two and a half storey properties contained within a variety of plot sizes.



Wide Variety of Designs within Village



Wide variety of designs within Village

- 2.4 The site itself is located at the northern tip of the village and enjoys open views across the agricultural fields adjoining. Measuring approximately 925 square metres in area it is presently occupied by a single storey dwelling house finished externally in a combination of render and reconstituted stone with timber windows and concrete roof tiles. Thought to be built in the 1960's the building is in a complete state of disrepair having undergone no renovation or upkeep for many years. The building detracts significantly from the character and appearance of the Conservation Area in recognition of which Conservation Area Consent has already been granted by the Council for its demolition under Conservation Area Consent Reference Number 15/00384/CAC. That demolition will take place once planning permission is granted for a redevelopment proposal.
- 2.5 Surveys commissioned by our clients have also revealed that it contains significant quantities of hazardous materials in the form of asbestos.



Location Plan



Existing house detracts from character and appearance of Conservation Area

- 2.5** Hedging and a narrow grass verge currently form the site boundary to the public road to the south east. A combination of 1.1 metre high timber fencing and low hedging delineate the boundaries to the adjacent property at the south-west and the surrounding fields. The hedging is broken, sparse and generally in an unkempt state. There are a number of trees on the site. Existing access arrangements are located in the eastern corner.
- 2.6** There are three properties immediately neighbouring/in the immediate vicinity of Cherrytrees. The property to the south west (No. 13) is a one and a half storey dwelling house dating from the 1970's. It is harled in grey with a double pitch slate roof. A single storey garage sits against the boundary of the application site. There are two properties on the opposite side of the access road to the south/south east. No 19a, which is directly opposite the application site dates from the 1980's and is an art-stone clad bungalow with a double-pitched red clay pantile roof. No. 19, to the south, is a very substantial two and a half storey Victorian dwelling house with walls finished in stone and harl and the roof in natural slate.



Front and rear views of neighbouring house

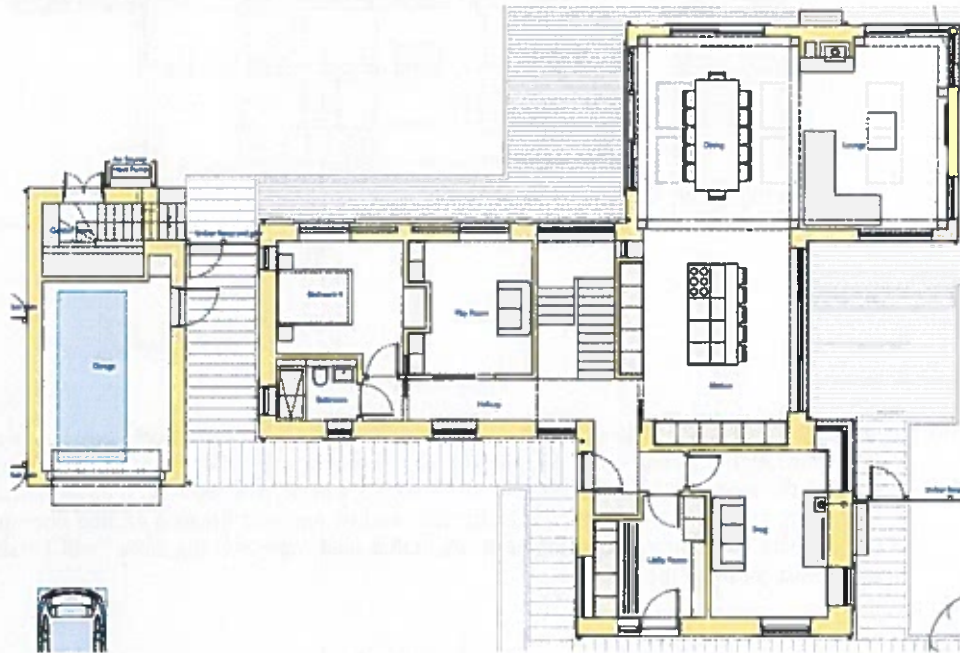


Dwelling House Opposite



Victorian House Diagonally Opposite

- 3.3 The accommodation within the dwelling house is separated into three distinct elements, reflecting, the site's semi-rural location, and a series of conjoined rural forms which respect the scale, massing and form of other buildings in the village. Each element of accommodation has its own parallel pitched roof staggered in height so that it reads as a building with single, one and a half and two storey elements. This combined with the staggering of the units in plan form mitigates visual impact from the access track to the north east and from within the village itself. As the proposed dwelling house sits on a downward slope on the edge of the village the ridge height of the 2 storey element is no higher than the ridge height of the immediately adjacent property at No. 13. The units are also of a depth analogous with the surrounding forms of vernacular buildings.



Proposed Ground Floor Plan

- 3.4 The proposed house is set back from the access road by approximately 7 metres thus having a similar relationship with the access road as the neighbouring property at No. 13. The front of the proposed dwelling house is also set back 15 metres from the existing property (No. 19a) on the opposite side of the road. This is exactly the same distance that exists between No. 19 and No 13 adjacent thus creating consistency and uniformity in the street form.



Elevation to South East

- 3.5 A gravelled parking area/driveway will be formed at the southern corner of the plot and an adjoining small area of garden space created to the north of that. Circulation within the plot is facilitated through the introduction of stone paving and timber decking. The principle area of useable private garden space will be located at the rear of the dwelling. Living spaces within the

house are also located to the rear where they can have open glazed elevations to maximise views, natural light and solar gain.



Proposed First Floor Plan

- 3.6 The north east, north west and south east boundaries of the plot will be delineated with a post and rail fence and a mixed species hedge (beech, hawthorn and wild rose). The existing fencing around the south western boundary, next to No. 13 will be retained with a mixed species hedge planted at the rear. A number of existing trees will be removed because of their poor quality and to facilitate the proposed development. A timber clad 'bins and log store' will be sited at the south east corner of the site.



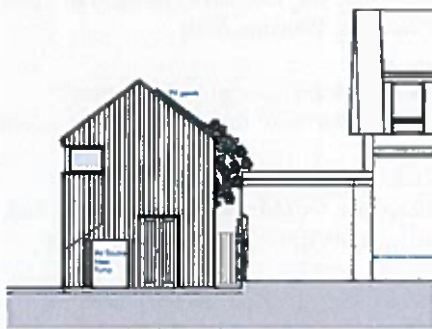
Elevation to North West from adjoining agricultural land

- 3.7 The density of the development proposed on the plot (i.e. plot ratio) is entirely in keeping with that of the immediate neighbours. The footprint of the proposed development occupies 24% of the plot area compared to 20 % at Nos 13 and 19a and 27% at No. 19.
- 3.8 A simple palate of high quality sustainable materials and a high standard of contemporary detailing are proposed. The house will be clad in vertical Siberian larch timber, untreated to weather in silver/grey, with zinc standing seam roofs grey in colour. Although zinc is the preferred material for the roof our client's would, albeit reluctantly, accept a condition requiring the roofs to be finished in natural slate if considered by the Review Body to be preferable. High performance painted timber windows with metal head and cill flashings, metal framed low-profile roof lights and dark grey zinc rainwater goods are also proposed.

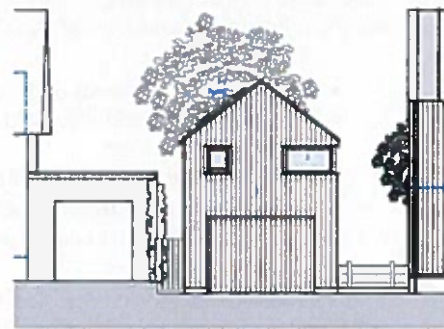
- 3.9 The overall design employs simple and sensible principles of passive design, providing slim floor plan depths for ventilation and opening towards the sun on the south with views to the north east. The super insulated timber framed envelope represents an appropriate response to environmental prerogatives. Lightweight and locally available, timber frame construction reduces foundation depths and hence excavations and concrete use. The air source heat pump will provide for hot water and heating needs supplemented by photovoltaic panels on the south facing side of the garage roof. Photographs of the site as it exists at present and photomontages showing the proposed development in context are attached as **Document 2**.



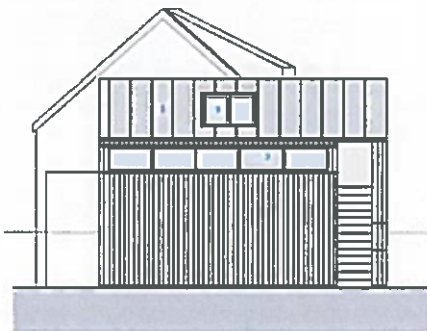
Elevation to North East from the track to Fala Hall



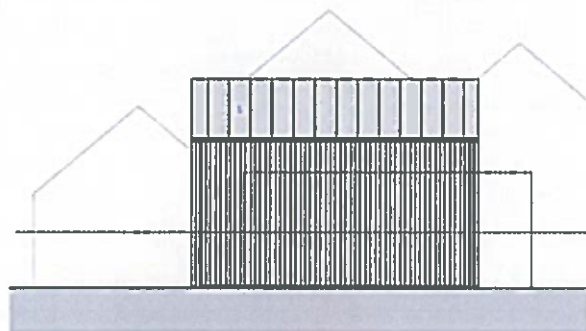
ELEVATION TO NORTH WEST



ELEVATION TO SOUTH EAST



ELEVATION TO NORTH EAST



ELEVATION TO SOUTH WEST (TO VILLAGE)

Garage Elevations

4. PLANNING POLICY

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) states that:

'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise.'

Section 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that:

'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

(2) Those provisions are—

- (a) the planning Acts, and
- (b) Part I of the Historic Buildings and Ancient Monuments Act 1953.'

4.2 In the context of the above it is worth making reference to the House of Lord's Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- 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; and
- assess whether these considerations warrant a departure from the development plan.

4.3 The relevant development plan for the area comprises the Strategic Development Plan for Edinburgh and South East Scotland (SESPlan) 2015 and the Midlothian Local Plan 2008. Other material considerations in the determination of the application include Scottish Planning Policy, the Draft Fala Conservation Area Appraisal, a previous application/appeal decision relating to the erection of a dwelling house at No. 21 Fala Village, third party representations and consultation responses.



Strategic Development Plan for Edinburgh and South East Scotland

- 4.4 The Strategic Development Plan for Edinburgh and South East Scotland (SESPlan) was approved by Scottish Ministers on 27th June 2013. This plan provides the strategic framework for the determination of planning applications and the preparation of local plans. However, it contains no specific policies or proposals of direct relevance to either the site or the proposed development and as such merits no further analysis in the context of the appeal proposals.

Midlothian Local Plan 2008

- 4.5 Midlothian Council adopted the Midlothian Local Plan on 23rd December 2008. The application site lies within the Fala Settlement Envelope as defined in the Plan and also within the Fala Conservation Area. The agricultural land surrounding the site lies within an Area of Great Landscape Value. Policies within the Plan which are of relevance to the application under consideration include the following:

Policy RP5 – Woodland, Trees and Hedges
Policy RP6 – Areas of Great Landscape Value
Policy RP7 – Landscape Character
Policy RP20 – Development within the Built-Up Area
Policy RP22 – Conservation Areas

Midlothian Local Plan Policy DP2: Development Guidelines sets out Guidance for residential dwellings but relates almost exclusively to housing layouts rather than individual housing proposals. As such we do not consider it merits any further comment in the context of the appeal proposals.

- 4.6 Policy RP5 on 'Woodland, Trees and Hedges' states the following:

'Development will not be permitted where it could lead directly or indirectly to the loss of, or damage to, woodland, groups of trees, individual trees (including areas covered by a Tree Preservation Order, areas defined as ancient and semi-natural woodland, or areas forming part of any designated landscape) and hedges which have particular amenity, nature conservation, biodiversity, recreation, landscape character, shelter or other importance.'

Where an exception to this policy is agreed, any trees lost will be replaced with equivalent.'

- 4.7 Whilst there are a number of trees requiring to be felled to facilitate the proposed development they do not contribute to the character or appearance of the Conservation Area. Our clients are proposing compensatory planting within the plot and in this respect are not at all adverse to the imposition of a condition on any planning permission granted requiring the submission and subsequent implementation of a landscaping scheme to be approved by the Council's Planning Department.



Existing Trees do not make positive contribution to Conservation Area

- 4.8 Policy RP6 on 'Areas of Great Landscape Value' states the following:

'Development will not be permitted where it may adversely affect the special scenic qualities and integrity of the Areas of Great Landscape Value (AGLVs).

The scale, siting, design, form, materials and impact on important landscape features are all aspects of a proposal that could have an adverse effect on the AGLV. These considerations will apply to developments to be located either within or affecting the setting of areas designated as AGLVs.'

- 4.9 Areas of Great Landscape Value (AGLV) are designated as such as they are considered by the Council to be of outstanding local landscape value and attractiveness. Whilst the site, itself, does not lie within the AGLV it immediately adjoins it and as such any development proposed on it has the potential to have an adverse effect on its value and attractiveness. As noted previously the application proposals have been designed to represent a series of conjoined rural buildings bearing a visual relationship not dissimilar to the one that exists between Fala Church and the building adjacent to it (No. 27) on the south eastern side of the village. The design is considered to be entirely appropriate at the juncture of the settlement and the surrounding countryside and will not have an adverse effect on the AGLV. It is significant and telling to note that the Planning Officer has not cited Policy RP6 in support of her reasons for refusing the planning application. One can only assume from this that she has no concerns about the impact of the proposal on the AGLV.

- 4.10 Policy RP7 on 'Landscape Character' states the following:

'Development will not be permitted where it may adversely affect the quality of the local landscape. Where development is acceptable, it will respect the local landscape character and contribute towards its maintenance and enhancement.

New developments will incorporate proposals to:

A. maintain the local diversity and distinctiveness of landscape character including natural and built heritage features of landscape value such as woodland, hedges, ponds, stone walls and historical sites; and

B. enhance landscape characteristics where they have been weakened and need improvement and create new landscapes where there are few existing features.

- 4.11 Our response to Policy RP6 applies equally to the terms of Policy RP7, as does the fact that the Planning Officer has not referred to this policy either, in her reasons for the refusal of the planning application. As we have outlined previously our clients are proposing to define the boundaries to the plot with a post and rail fence and a beech hedge. They are also proposing additional tree planting within the plot to assist with the integration of the proposed development into the landscape, at what is acknowledged as an important juncture between the built up area and the surrounding countryside.

- 4.12 Policy RP20 on 'Development within the Built-Up Area' states the following:

'Development will not be permitted within existing and future built-up areas, and in particular within residential areas, where it is likely to detract materially from the existing character or amenity of the area.

- 4.13 The purpose of Policy RP20 is to ensure that new development does not damage or blight land uses which are already established in the neighbourhood, particularly where residential amenity will be affected. As noted in earlier sections of this statement it is clearly evident that our clients have gone to great lengths to ensure that the proposals for the site will contribute to rather than detract from the character of the area by designing a dwelling house which pays due regard to its

setting and surrounding context with particular reference to massing, scale, density and materials. Particular points to note in this regard include the following:

- The proposed dwelling house represents a series of conjoined rural forms in reflection of its location at the interface between the village and the countryside. It also bears a visual relationship not dissimilar to the one that exists between Fala Church and the former Fala Manse (now Kirkland House) adjacent to it on the south eastern side of the village.



Offset Gable end visual form at south eastern side of village

- The proportions (scale, mass and height) of the three individual components comprised in the proposed dwelling house are reflective of and in keeping with the existing vernacular form of residential properties evident throughout the village.
- The highest central component of the dwelling house, which although two storeys, has an identical ridge height to the adjacent 1.5 storey dwelling house at No. 13. The north western and south western components are subservient to this central component.



Ridge height of proposed dwelling house matches neighbouring dwelling house

- The density/plot ratio of the development falls comfortably within the parameters established by its three immediate neighbours.
- The front of the proposed dwelling house is set back a similar distance from the edge of the public road as is the existing dwelling house (No. 13) adjacent (7.03 metres and 7.2 metres respectively, a difference of just 17 centimetres).

- The front of the proposed dwelling house is set back c.15 metres from the existing property (No. 19a) on the opposite side of the road. This is exactly the same distance that exists between No. 19 and No 13 adjacent thus maintaining consistency in the street form.



Proposed dwelling house set back similar distance from road to neighbouring property and 15 metre distance between opposite dwellings (See Document 8)

- The materials proposed which consist of timber clad walls and a zinc roof (although slate would be reluctantly accepted as a compromise) will ensure that the dwelling is respectful to the countryside and village context within which the site is located.

4.14 Policy RP22 on 'Conservation Areas' states the following:

'Within or adjacent to a Conservation Area, development will not be permitted which would have any adverse effect on its character and appearance.'

New Buildings, Extensions and Alterations

In the selection of site, scale, choice of materials and details of design, it will be ensured that new buildings, and extensions and alterations to existing 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, extensions or alterations. Particular care in the design of replacement windows and doors will be required on the public frontage of buildings.

Demolition

A. Demolition to facilitate new development of part or all of a building or other structure that makes a positive contribution to a Conservation Area will only be permitted where it can be shown that:

- *the structural condition of the building is such that it cannot be adapted without material loss to its character to accommodate the proposal; and*
- *the Conservation Area will be enhanced as a result of the redevelopment of the site; and*
- *there is no alternative location physically capable of accommodating the proposed development.*

B. Where demolition of any building or other structure within a Conservation Area is proposed, it must be demonstrated that there are acceptable proposals for the immediate future use of the site which enhance the character or appearance of the Conservation Area.

Detailed plans for an acceptable replacement building must be in receipt of planning permission before conservation area consent will be granted for demolition and redevelopment. Conditions will be applied to the planning permission to ensure that demolition does not take place in advance of the letting of a contract for the carrying out of a replacement building or alternative means of treating the cleared site having been agreed.

These requirements may not apply in circumstances where the building is of no architectural or historic value, makes no material contribution to the Conservation Area, and where its early removal would not detract from the character and appearance of the Conservation Area.'

- 4.15 It is significant to note, within the context of the above policy, that the Council, in granting Conservation Area Consent for the demolition of the existing dwelling house, has already accepted that it is of no architectural or historic value and furthermore makes no material contribution to the character of the Conservation Area. Whilst this is evident in itself; the further reality of the situation is that the existing building significantly detracts from the character and appearance of the area. Its removal and replacement with the building proposed will result in a significant improvement to that character and appearance for reasons previously mentioned. Whilst our views on the merit of the proposal differ from those of the Planning Officer, for reasons commented upon further in Section 5 of this Statement, we are very firmly of the opinion that the proposal is entirely compliant with the terms of the development plan and therefore meets the requirements of the first part of Section 25 in the Planning Act.

Other material considerations

- 4.16 There are a number of other material considerations which must be addressed in the consideration of the proposal by the Local Review Body including Scottish Planning Policy, the Draft Fala Conservation Area Appraisal, a previous application/appeal decision relating to the erection of a dwelling house at No. 21 Fala Village, third party representations and consultation responses.

Scottish Planning Policy

- 4.17 The Scottish Planning Policy Document was produced by the Scottish Government in June 2014 with its purpose stated as being 'to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land.' The document advocates the efficient use of existing capacities of land, buildings and infrastructure and as such supports, in principle, the development of new residential homes on brownfield sites as proposed by our clients. As far as development within Conservation Areas is concerned the document states the following:

'Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

Proposed works to trees in conservation areas require prior notice to the planning authority and statutory Tree Preservation Orders can increase the protection given to such trees. Conservation Area Appraisals should inform development management decisions.' (Paragraphs 143 – 144)

- 4.18 The proposed dwelling house complies with the terms of Scottish Planning Policy.

- 4.19 ***Fala Conservation Area Appraisal***
Midlothian Council produced a Conservation Area Appraisal for Fala in 2008 (See Document 3) which remains in draft form and has not been formally approved or adopted by elected members. The draft appraisal attempts to set out the main characteristics of the area, identifies where enhancement is required and where stronger controls over certain types of development are necessary. It is interesting that the population of the village was approximately 70 when the Conservation Area Appraisal was produced in 2008 and that it has declined to 46 in the intervening period. It is clearly a village in need of redressing population decline.



- 4.20 The appraisal describes, somewhat inaccurately in our opinion, that existing buildings within the village are cottages with the exception of the former school, the village hall, the large former manse (a two storey Victorian House), two 20th Century bungalows at the northern end and the Blackshiels Farm Building. Assuming the definition of a cottage in the context of the Conservation Area Appraisal relates to a 'small house of vernacular appearance' our analysis of the urban form as outlined in the following table suggests that a maximum of only twelve of the twenty four existing dwelling houses (50%) within the village should be described as such.



Buildings two storey in height or greater

Address	Building Type
1 Fala	Single Storey Vernacular Cottage
2 Fala	Single Storey Vernacular Cottage
3 Fala	2 Storey Dwelling
3e Fala	Single Storey Modern Dwelling
3 Blackshields, Fala	Single Storey Modern Dwelling
4 Fala – Former School	2 Storey Building
5-7 Fala	Single Storey Vernacular Cottage
6 Fala	1.5 Storey Vernacular Cottage
8 Fala	1.5 Storey Vernacular Cottage
9 Fala	Single Storey Vernacular Cottage
11 Fala	Single Storey Vernacular Cottage
13 Fala	1.5 Storey Modern Dwelling
15-17 Fala	Single Storey Vernacular Cottage
Cherrytrees	Single Storey Modern Dwelling
19 Fala	2.5 Storey Dwelling
19a Fala	Single Storey Modern Dwelling
Session House	Single Storey Vernacular Building
21 Fala	Single Storey Vernacular Cottage
23 Fala	1.5 Storey Vernacular Cottage
25 Fala	Single Storey Vernacular Cottage
27 Fala	2.5 Storey Dwelling
Fala West Church	2 Storey Public
29 Fala	Single Storey Modern Dwelling
31 Fala	2 Storey Dwelling
33 Fala	Single Storey Modern Dwelling
Village Hall	2 Storey equivalent Public
Blackshields/Fairshields	2.5 Storey Dwelling

Vernacular Cottage Modern Single/1.5 Storey Dwelling 2 Storey or Greater

- 4.21 More significantly perhaps is the fact that five of the existing dwellings (21%) are 2/2.5 storey in height with a further two buildings the equivalent of two storeys in height (Former School and Church).



Buildings 2 storey in height or greater (See Document 8)



Buildings two storey in height or greater

- 4.22 Setting the above aside for further comment in Section 5 below the Appraisal notes that *'well-designed buildings are evident in all ages and it is their design per se that is the critical factor. No one age has a monopoly of good build design. New building is neither always worse, nor old building necessarily better.'* It further outlines a number of design approaches that may be acceptable within the Conservation Area, one of which relates to *'modern buildings'* in respect of which it states the following *'The design is clearly of its time yet respectful of its context. It may use traditional materials in contemporary manner, or modern materials in historical forms.'* It further states that *'a high standard of contemporary design is welcomed provided careful attention is paid to scale, proportions, details and the use of materials, and that these relate to the character of the conservation area.'*

- 4.23 The dwelling house proposed by our client evokes all of the above principles particularly in the use of historical forms interpreted in a modern contemporary way. Other principles specified in the appraisal to which due respect has been paid include:

- the retention of the grass verge next to the public road;
- respecting the established pattern of low density development;
- the re-establishment of hedges to form the means of enclosure;
- the use of traditional materials such as timber on the walls and modern materials such as zinc on the roof which relate well to the countryside setting; and
- a density of development in keeping with the parameters established by its immediate neighbours.



Buildings two storey in height or greater

- 4.24 ***Appeals at 21 Fala Village (P/PPA/290/161 & P/CAC/290/004)***
Planning Permission and Conservation Area Consent were granted on appeal by the Scottish Government for the demolition of a cottage at 21 Fala Village and its replacement with a two storey dwelling house on 17th April 2008. The application had been recommended for approval by the Planning Department despite fervent and widespread opposition to the scale of the proposal but was refused by elected members. The determination of the current application/appeal will be made by locally elected representatives on the Council's Local Review Body due to legislative changes which have occurred in the intervening period. Prior to our client's application this was the only site, insofar as we are aware, that had been the subject of proposals for erection of a new dwelling house in the village since it was designated as a Conservation Area in 1996.



Permission previously granted for erection of two storey dwelling house to replace single storey cottage

- 4.25 ***Third Party Representations***
Ten written representations (See Document 4) were submitted to the Council following the submission of the application. All representations were in support. There were no objections. Nine of the supporting comments came from existing residents of the village; and one from Oxenfoord Castle which has land ownership interests within the village. Grounds of support include the following:

- The proposed building is in keeping with neighbouring houses and the semi-rural location;
- The proposed building represents a significant improvement on the existing house and garden;
- A new young family would be openly welcomed in the village;
- A modern innovative house will enhance the village and add to the variety of styles and house sizes which have been built over the years; and
- The proposed house complies with planning guidance and the conservation area appraisal.

- 4.26 Since the application was refused by the Planning Officer it has been brought to our attention that four further people have written to the Council expressing their surprise at the decision and requesting that any appeal made against the refusal be upheld. Copies of the said letters are included as Document 5. There is clearly an exceptional level of local support for the proposed scheme within the community which is reflective of the care and attention that has been taken in the development of the proposals and the enhancement that they will have on the Conservation Area.

- 4.27 ***Consultation Responses***
Consultation responses on the application have been received from the Council's Policy and Road Safety Manager; the Council's Environmental Health Department; and from the Wildlife Information Centre. There are no objections from the Policy and Road Safety Manager or from

the Wildlife Information Centre. The Council's Environmental Health Department expressed some concern in respect of noise from the air source heat pump but acknowledged that such concerns could be controlled by condition. The imposition of a condition in respect of contamination was also recommended. Our clients have no objection in principle, to the imposition of such conditions in the event of the Local Review Body being minded to support the proposal.

- 4.28 Having assessed the proposal against the terms of the development plan and all other material considerations we are firmly of the view that there are no sound reasons for refusing this application.

5. COMMENTS ON REASONS FOR REFUSAL

5.1 The application has been refused by the Planning Officer for two inter-related reasons as stated in the decision notice attached as **Document 6**

1. *The design, scale and massing of the proposed house would appear incongruous in this residential setting and are out of keeping with, and would detract from, the character and appearance of the Fala Conservation Area.*
2. *For the above reason the proposal is contrary to policies RP20 and RP22 of the adopted Midlothian Local Plan which seek to protect the character and amenity of the built-up area and preserve or enhance the character and appearance of conservation areas.*

5.2 Further reasoning for the refusal of the application can be found within the Planning Officer's Report of Handling on the application which is attached as **Document 7**. According to that report the main issue in the consideration and refusal of the application has been the design and massing of the proposed house and its impact on the character of the Conservation Area. The Planning Officer had particular concerns about the massing of the building and about the proposed use of zinc on the roof.

5.3 In terms of scale, massing and form the Planning Officer considers the central two storey and rear single storey parts of the design to be acceptable but expresses concern about the one and a half storey part of the building at the front which is described in her report as being '*unduly prominent rendering the entire scheme out of character with the predominant scale and design of buildings within the village.*'

5.4 Picking up on points made previously in Paragraph 4.20, we are of the strongly held view that the Planning Officer, in relying on the inaccurate description of the existing village as contained in the Fala Conservation Area Appraisal has come to the conclusion that all of the existing buildings, with the exception of six (i.e. the former school, the village hall, the former Manse, two 20th Century bungalows at the north end and the Blackshiels Farm Building) are cottages, which in our opinion imply small single or one and a half storey dwellings of, in this context, vernacular appearance. As previously demonstrated eight of the existing buildings in the village are two storeys or more in height. Five of those properties which are two storeys or more in height are residential properties. As a consequence of this any inference or claim that the dwelling house proposed by our client is not sympathetic to or in keeping with the wider character of the village, in terms of storey heights, cannot be supported.



Buildings 2 storey in height or greater (See Document 8)

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- 5.6 Assessing the proposal in the more immediate context of the appeal site we would point out that the highest central part of the dwelling house proposed is the same height as the neighbouring property (13 Fala) with the other components subservient in height to this. Further attention is drawn to the Victorian property to the south at No 19; the height, scale and massing of which is significantly greater than the proposal. In light of these considerations the proposed dwelling house, in terms of scale and massing, is entirely respectful to its neighbours as well as to the wider village and in no way prominent.
- 5.7 The Planning Officer acknowledges in her report on the application that the main two storey central block and the rear single storey block are acceptable. She has claimed that the front block, which is subservient in scale and height to the central block will appear as a bulky and prominent feature fixed to the front of the house when viewed from within the village and from the Humble Road. It is also claimed that the building lines of the principal elevations of houses in the village are generally in a single plane.
- 5.8 We fundamentally disagree with the Planning Officer's assessment of the front block and its impact on the overall proposal. As noted previously the front of the block respects both the established building line on the north western side of the public road and the relationship, in terms of distances between houses on the opposite side of the road in this part of the village. As far as

views from Humble Road are concerned the photomontage below clearly demonstrates that this is not the case.



View of Proposed Development from Humble Road

- 5.9 Whilst it is acknowledged that the building lines of the principal elevations are predominantly in a single plane there are examples where this is not so, in which respect we would draw specific attention to Nos 2, 3 and 31 Fala. As previously noted the village contains a wide variety of architectural styles reflecting the period within which each property has been erected. The proposed development will add further diversity and interest to the street scene by introducing a modern contemporary home which is entirely respectful to and in keeping with the form, scale and massing of existing buildings.



Not all front elevations are in a single plane

- 5.10 The Planning Officer has made reference in her report to a sketch scheme submitted by our client's architects under cover of e-mails dated 02nd and 03rd December 2015. The said sketches had been produced by our client's architect in an attempt to interpret and present to our client what, in terms of design changes, the Planning Officer would be prepared to support. What the Planning Officer's Report fails to state is that the resultant sketch designs, which in our opinion are less appropriate to the character of the Conservation Area than the appeal proposals, resulted in a significantly smaller house than originally proposed and as such did not fulfil the requirements of our client's brief in terms of the accommodation required.

- 5.11 The other concern highlighted in the Planning Officer's Report relates to the use of zinc as opposed to natural slate on the roof of the proposed dwelling house. Whilst our clients have a very strong preference to employ the use of zinc on the roof they would reluctantly agree to the imposition of a condition on any consent granted requiring it to be finished in natural slate.
- 5.12 Based on our analysis of the Planning Officer's reasons for the refusal of the application, as outlined, it is evidently clear that insufficient weight has been given in the determination of the application to the substantial visual improvement that the proposal will bring to the village and Conservation Area. Whilst the Planning Officer may be of the view that the existing house occupying the site is '*relatively discreet in terms of scale and being set back from the road*' there are few in the village who share that opinion.

6. SUMMARY AND CONCLUSIONS

6.1 Our client's appeal is summarised in the following terms:

- **The application site is located at the northern edge of the village of Fala, near Pathhead and lies within a designated Conservation Area. Measuring approximately 925 square metres in area the site is currently occupied by a single storey dwelling house finished externally in a combination of render and reconstituted stone with timber windows and concrete roof tiles. Thought to be built in the 1960's the building is in a complete state of disrepair having undergone no renovation or upkeep for many years. Its appearance has an adverse effect on the character and appearance of this part of the village.**
- **The application has been submitted by Dr. Christopher Rofe and his wife Dr. Victoria Rofe. Christopher Rofe is a Consultant Radiologist in the Borders General Hospital in Melrose and his wife Victoria is a General Practitioner at the Tranent Medical Practice in Tranent. They currently have two children aged four and six. The village of Fala is viewed as an ideal location for them to establish a permanent family home, strategically located between their respective places of employment and within an acceptable distance of Tynewater Primary School where their children will be educated.**
- **The Planning Application sought detailed planning permission to demolish the existing dwelling house on the site and to erect a replacement dwelling house. Other aspects of the proposal include the erection of a detached garage and fencing and the installation of an air source heat pump, bin store, decking and paving. Conservation Area Consent has previously been granted by the Council for the demolition of the house under Conservation Area Consent Reference Number 15/00384/CAC.**
- **The application, which has taken due cognisance of the existing architectural vernacular of the village, proposes the use of historical forms in a modern, contemporary and highly sustainable dwelling house as the replacement property. A detached two-storey garage is also proposed within the plot which will accommodate a traditional garage and garden store on the ground floor and an office/study with WC on the first floor.**
- **The accommodation within the proposed dwelling house is contained within three distinct elements, reflecting, in light of the site's semi-rural location, a series of conjoined rural forms which respect the scale, massing and form of other buildings in the village. Each element of accommodation has its own parallel pitched roof staggered in height and in plan form so that it reads as a building with single, one and a half and two storey elements.**
- **A simple palate of high quality sustainable materials and a high standard of contemporary detailing are proposed. The house will be clad in vertical Siberian larch timber, untreated to weather in silver/grey, with zinc standing seam roofs grey in colour. High performance painted timber windows with metal head and cill flashings, metal framed low-profile roof lights and grey zinc rainwater goods are also proposed.**
- **A number of trees within the site require to be felled due to their existing condition or to otherwise facilitate the proposed development.**

- The application has been refused by the appointed Planning Officer for the following reasons as stated within the decision notice:
 - (1) The design, scale and massing of the proposed house would appear incongruous in this residential setting and are out of keeping with, and would detract from, the character and appearance of the Fala Conservation Area.*
 - (2) For the above reason the proposal is contrary to policies RP20 and RP22 of the adopted Midlothian Local Plan which seek to protect the character and amenity of the built-up area and preserve or enhance the character and appearance of conservation areas.*
- The Planning Officer's Report on the application advises that the principal concerns about the proposal relate, firstly, to the front part of the building which is considered as being unduly prominent and rendering the entire scheme out of character with the predominant scale and design of buildings within the village and secondly, to the use of zinc as a finishing material on the roof(s).
- We disagree with the Planning Officer's views on the prominence of the front part of the building and the alleged adverse impact that the entire building would have as a result of this on the character and appearance of the conservation area for the following reasons:
 - The proposed dwelling house represents a series of conjoined rural forms in reflection of its location at the interface between the village and the countryside. It also bears a visual relationship not dissimilar to the one that exists between Fala Church and the former Fala Manse (now Kirkland House) adjacent to it on the south eastern side of the village.
 - The proportions (scale, mass and height) of the three individual components comprised in the proposed dwelling house are reflective of and in keeping with the existing vernacular form of residential properties evident throughout the village.
 - The highest central component of the dwelling house, which although two storeys, has an identical ridge height to the adjacent 1.5 storey dwelling house at No. 13. The north western and south western components are subservient to this central component.
 - The density/plot ratio of the development falls comfortably within the parameters established by its three immediate neighbors.
 - The front of the proposed dwelling house is set back a similar distance from the edge of the public road as is the neighboring dwelling house (No. 13) adjacent.
 - The front of the proposed dwelling house is set back 15 metres from the existing property (No. 19a) on the opposite side of the road. This is exactly the same distance that exists between No. 19 and No 13 adjacent thus creating consistency and uniformity in the street form.
 - The materials proposed which consist of timber clad walls and a zinc roof will ensure that the dwelling is respectful to both the countryside and to the village context within which the site is located.
- Other key considerations in support of the application include the following:

- The dwelling house currently occupying the site has a significant adverse effect on the character and appearance of the Conservation Area. The proposal, if approved, will result in the demolition of the existing structure and the erection of a modern, contemporary but entirely sympathetically designed dwelling which will substantially enhance the character and appearance of the Conservation Area.
- The proposal will lead to the introduction of a new family within a village which has seen its population decline from the 70 specified in the Fala Conservation Area Appraisal in 2008 to 46 in 2016.
- Ten representations have been submitted to the Council in support of the application during its consideration and a further four since the application was refused. Eleven letters have come from residents within the village with further letters being submitted by Oxenfoord Castle which has ownership interests in the village and from another party in Fala Dam who regularly visit the village. A statement has also been submitted in support of the application by a Tynewater Community Councillor. Not a single letter of opposition has been submitted to the proposal from third parties or consultees.
- Based on our consideration of the development plan and all other material considerations it is our strongly held view that that the application should not have been refused and as such it is respectfully requested that it be granted.

6.2 In light of the considerations outlined above it is respectfully requested that the appeal be upheld and planning permission granted for the proposed dwelling house and all ancillary development. We reserve the right to provide additional information in support of this appeal in the event of further representations being made by the Appointed Planning Officer or by third parties prior to its determination by the Local Review Body.

Signed



Derek Scott

Date

26th April 2016

664 FLM Cherrytrees, Fala, Midlothian
Planning & Design Statement
to accompany full Planning Application
21.12.15



helen lucas ARCHITECTS

100 FALACROFT ROAD EDINBURGH
EH10 6JH

0/ Application details

Application: Full Planning Permission to demolish existing dwelling house and erect new dwelling house

Address: Cherrytrees, Fala Village, nr. Pathhead, Midlothian, EH37 5SY

On behalf of: Dr's C. & V. Rofe

0.1 Relevant Planning policy

Listed Building:	Property not listed
Historic Scotland Building ID:	Property not scheduled by Historic Scotland
Conservation Area:	Property situated within Fala Village Conservation Area
	Designated: 28 th March 1996
Trees:	Trees within the property curtilage protected as a result of being within the Fala Village Conservation Area

0.2 Planning Application History

A previous Planning Application for the site was made on 30 April 2015 with drawings revised in June and July 2015.

The main concerns Midlothian Planning Department raised over this proposal were:

1. The scale and massing of the proposal, in particular the length of the central block.
2. The mix of materials on the elevations and the resulting visual complexity.
3. Insufficient glazing particularly on the south-east and north-east elevations.
4. The position of the garage abutting the neighbour's garage.

The application was withdrawn on 31st July 2015 to allow thorough re-investigation of the proposals.

Subsequent pre-application discussions have taken place in order to address the concerns raised resulting in this revised submission.

1/ Introduction

1.1 Executive summary

We propose to replace an existing dilapidated bungalow dating from the 1960s with a two storey house suitable for the needs of a growing young family. This statement details the planning considerations taken into account in relation to context, scale, materiality and sustainability.

2/ Context

2.1 Fala Village

Situated on a gently sloping promontory, evidence of inhabitation dates back to around 1200. Fala currently has a population of 70 (Fala Conservation Area Appraisal, pg. 5, section 12) with an average age higher than that of Scotland highlighting the need to accommodate a younger demographic. Fala is designated as a Conservation Area.

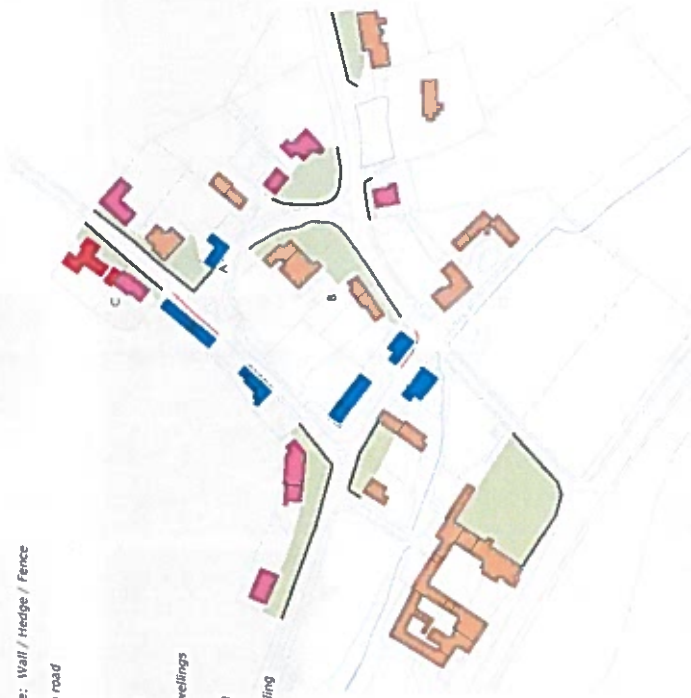
Fala village is predominantly composed of private housing diverse in scale, from single storey worker's cottages to grander, two and a half storey buildings which speak of the village's historic significance as a focus for its agricultural surroundings. More modern, detached twentieth century properties of varying quality and scale have been added, expanding the village edges. The map opposite demonstrates this diversity.

Fala is an attractive village with housing suitable for the elderly, young couples and larger families. This proposal replaces a dilapidated building with a modern house which is respectful of the conservation area's existing rural vernacular to provide a long term home for a family.

2.1 Fala village analysis

KEY

	Protective Edge: Wall / Hedge / Fence
	Houses built to road
	Private Garden
	Older cottages
	Larger older dwellings
	C20th Dwelling
	Proposed Dwelling



(A) Example of older cottage built to road edge



(B) Example of larger older dwelling set back from road with wall



(C) Example of C20th dwelling set back from road with hedge / fence

2.2 Neighbouring Houses

The houses immediately neighbouring the site are briefly described with the images opposite.

Number 13 and 19a are late twentieth century additions to the village. Neither are of historical significance and use a mix of materials and massing somewhat out of keeping with the agricultural cottage vernacular, as described in the Fala Conservation Area appraisal document.

Number 19 is a historic building of significant scale, being a two and a half storey ex-manse house of stone, harling and slate roofing.

The buildings in this small group at the north edge of the village are all set back from the road in the established village pattern.



neighbouring houses layout

2.3 Existing Site & Property

The site is on the edge of the village of Fala with open views to the fields surrounding Fala to the north.

The existing structure, built in the 1960's, is in a complete state of disrepair having undergone no renovation or upkeep for many years. It is considered an eyesore by the local community and the neighbours in particular. In addition, surveys have revealed a large volume of hazardous material. In its current run-down and uninhabitable state, any potential repair and renovation as advocated by the conservation area guidance are non-viable. Given the lack of historical standing and intrinsic aesthetic value demolition and replacement would enhance the conservation area.

Conservation Area Consent has already been granted for the demolition of the existing house (ref. 15/00384/CAC).

Hedging and a narrow grass verge currently form the site boundary to the access road on the south east. A mixture of 1.1m high timber fencing and low hedging delineate the boundaries to the adjacent property at the south-west, and the surrounding fields. The hedging is broken, sparse and generally in an unkempt state.



location plan excerpt

2.2 Neighbouring house photographs



No. 19a Fala Village
Dating from the 1980's. An art-stone clad bungalow with a double-pitched red clay pantile roof



No. 13 Fala Village
A one-and-a-half storey house dating from 1970's. Grey-harled with a slate double pitched roof. A single storey garage sits against the boundary of the application site.



No. 19 Fala Village
Two-and-a-half storey stone, harl and slate roofed Victorian house.

2.3 Existing site photographs



North West Elevation



North East Elevation



Unkempt boundary vegetation



Vegetation to boundary



Vegetation to boundary



South East Elevation

3/ Proposal

3.1 Brief

The brief is for a contemporary, sustainable family house with adequate provision for secure and separate home working, due to the nature of our clients' work as a consultant radiologist and a general practitioner. The clients are keen to create a property of suitable size and flexibility to allow for a growing family intending to establish themselves as part of the community of Fala.

3.2 Massing

Accommodation has been divided into three elements. Each element has its own parallel pitched roof staggered in height to reduce impact and scale when approaching the village from the access track to the north east.

The units are also staggered in plan to mitigate visual impact from the village. Living spaces are located to the rear where they can have open glazed elevations to maximise the views, natural light and solar gain whilst retaining privacy.

The building housing the garage and study is separate to reduce the impact of the house length to the street side.

3.3 Scale

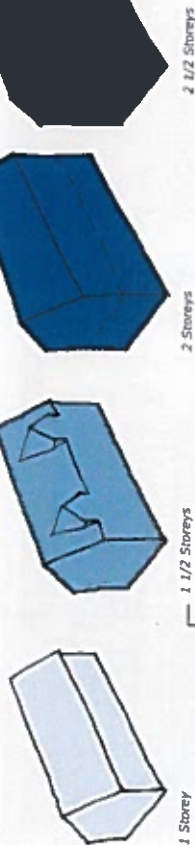
The proposal is appropriate in scale for its context and sitting on the downward slope at the village edge. The ridge height of the 2 storey element proposed is no higher than the adjacent property at No. 13 and, in plan, the three units are of a depth analogous with surrounding vernacular 'cottage' forms.

Whilst the proposed does increase the density of construction on the plot it is an appropriate density in the village context. The proposed footprint occupies 24% of the plot, with the buildings in the immediate vicinity occupying 20% (13, 19a) to 27% (19).



A A: North East View
Elements of differing scales to break elevation
(Larger version on drawing 664 FLH 125)

3.2 Massing represented in village



2 1/2 Storeys

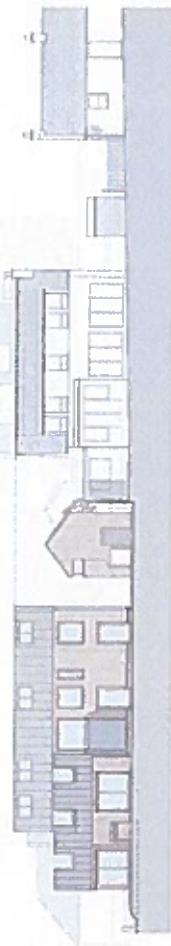
2 Storeys

1 1/2 Storeys

1 Storey

Proposed building elements utilise a diversity of massing based on the village context.

3.3 Scale in context



B-B: North West View
(Larger version on drawing 664 FLH 125)



3.4 Position

The house is positioned set back from the access road by 7m, similar to its neighbour at no. 13, and in a position on the site to enable use of both front and back gardens. The distance across the access road between the proposed house and no 19a is 15m, the same as that between no. 13 and no. 19. Therefore the positioning of the property will maintain views along the access road to the north east and continue the established streetscape of this part of the village.

3.5 Materiality and Detailing

A simple palette of high quality sustainable materials and a high standard of contemporary detailing are proposed. The house will be clad in vertical Siberian larch timber, untreated to weather silver, with zinc standing seam roofs grey in colour, in keeping with traditional slate, to nestle discreetly within the countryside and village context.

High performance painted timber windows with metal head and sill flashings, metal framed low-profile rooflights and grey zinc rainwater goods are proposed.

The aesthetic is reminiscent of agricultural buildings and there are many successful examples of this approach to new building in the countryside, as illustrated below.

Helen Lucas Architects have demonstrated the use of this materiality successfully in a number of contexts with challenging statutory constraints such as National Parks and Areas of Outstanding Natural Beauty.

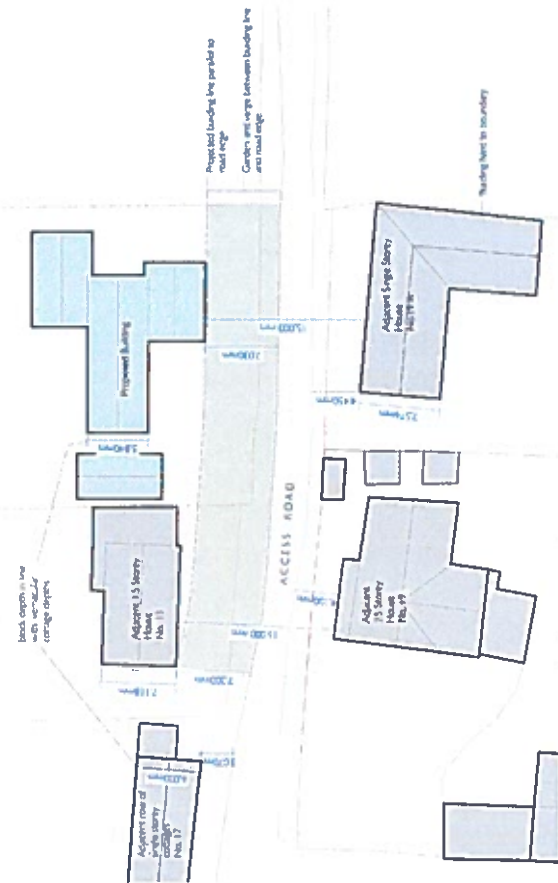
3.6 Sustainability

This house aims to deliver excellence in sustainable local development and to reap the rewards of doing so. In open dialogue with neighbours and residents of the local village, the design has evolved with local consultation and aims to provide a complementary and engaging addition to the village.

Invoking strategies of sustainability in its approach to this unoccupied village site, prioritising efficient use of resources and looking at the impact of products and materials across their whole life-cycle. Orientated in three linked but discrete volumes across the site, it employs sensible principles of passive design, providing slim plan floor depths for ventilation and opening towards the sun on the south with views to the north east.

Its super insulated, timber framed envelope is an appropriate response to these environmental prerogatives. Light weight and locally available, timber frame construction reduces foundation depths and hence excavations and concrete use. An air source heat pump provides for the hot water and heating needs, supplemented by photovoltaic panels discreetly located on the garage roof. The positive, long-term economic and environmental benefits of these design decisions are a fundamental tenet of the resultant form.

3.4 Position in streetscape



3.5 Examples of Helen Lucas Architects' detailing and materiality



3.5 Examples of contemporary rural buildings



3.7 Landscaping

A new access will be formed adjacent to the neighbour at No. 13's access. The remainder of the site will comprise soft landscaped gardens, areas of timber decking and paving. Grass verges will be retained to the road edge in keeping with the rest of the village and the site boundary will have a 900mm high post and rail fence with planted hedges in Beech, Hawthorne and Wild Rose.

Conservation Area Consent has already been granted (ref. 15/00384/CAC) for removal of self-seeded trees on the site and the remaining boundary hedges and trees will be preserved and supplemented with new planting of appropriate species.

Reduction in height and volume of the existing boundary vegetation is proposed in combination with planting and ongoing boundary management. The result will be to open up and enhance the views to the landscape, particularly along the access road to the north-east.

Front View
pitched agricultural forms



North East View



4/ Summary

We have clearly illustrated a considered and sympathetic approach to the planning context. The resultant proposal is a discreet, but strong, contemporary approach to a village edge condition, maintaining site and property boundaries, respecting adjacent materiality, massing and scale.

Our proposal offers a committed, high quality solution to replace a dilapidated and unoccupied house on an important village approach. The new house is conversant with the local vernacular, using familiar, modestly sized pitched roof forms to provide shelter and define gardens.

Its high quality contemporary detailing takes its place amongst the best of the village's historic houses. All efforts have been made to respect and refresh the village, in order to house a young family who wish to become an active part of Fala's ongoing community.



FALA CONSERVATION AREA



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Fax: 0131 271 3239



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Fala

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PREFACE

Conservation Areas

- 1 It is widely accepted that the historic environment is important and that a high priority should be given to its conservation and sensitive management. This includes buildings and townscapes of historic or architectural interest, open spaces, historic gardens and designed landscapes, archaeological sites, and ancient monuments. These contribute to the distinctive character of the urban and rural environment, are a valuable part of our heritage and have an important role to play in education, recreation and the wider economy.
- 2 The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that local authorities determine if there are "areas of special architectural or historic interest, the character of which it is desirable to preserve or enhance", and if so, to designate these as conservation areas.

Character Appraisals

- 3 A character appraisal is an effective tool in defining the character and appearance of conservation areas and their special interest. The appraisal sets out the main characteristics of the area, identifies where enhancement is required and where stronger controls over certain types of development are necessary. The appraisal forms Supplementary Planning Guidance and will be a material consideration in the determination of development proposals.
- 4 Once a conservation area has been designated it becomes the duty of

Midlothian Council to pay special attention to the character and appearance of the area when exercising its powers under planning legislation. Conservation area status means that the character and appearance of the conservation area will be afforded additional protection through development plan policies and other planning guidance that seeks to preserve and enhance the area whilst managing change. This does not mean that development will be prohibited but that proposals should be of an appropriate character, scale and appearance to the area.

Additional Controls

- 5 The additional powers automatically conferred by designation of the conservation area extend only to the demolition of unlisted buildings and to the protection of trees. Minor developments, such as small alterations to unlisted buildings, still do not require consent. The cumulative effect of such changes can greatly erode the character and appearance of the conservation area. Midlothian Council therefore intends to make a Direction under Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 which will bring these small alterations under planning control. This control is set out in greater detail in Section 10. Before carrying out any tree work within the conservation area prior written notice must be given to Midlothian Council detailing the nature and extent of the proposed work and identifying the trees. Failure to notify the Council is an offence under the 1997 Town and Country Planning Act.
- 6 Separate legislation exists with respect to Listed Buildings and Scheduled and Ancient Monuments.

PLANNING CONTEXT

- 7 The character appraisal is important to the formulation and information of planning policy and proposals for the conservation, protection and positive management of the natural and built heritage. Management is achieved through non-statutory and statutory planning policy, enhancement schemes and Article 4 Direction Orders.

National Guidance

- 8 **National Planning Policy Guideline 18: *Planning and the Historic Environment*** requires conservation area character appraisals to be prepared when local authorities are reconsidering existing conservation area designations, promoting further designations or formulating enhancement schemes. Article 4 Direction Orders will not be confirmed by the Scottish Ministers unless a character appraisal is in place (NPPG18, 1999, para 40).
- 9 **Planning Advice Note PAN 71: *Conservation Area Management*** complements existing national policy and provides further advice on the management of conservation areas.

Statutory Policies

- 10 The Edinburgh and the Lothians Structure Plan 2015 (ELSP) provides

the strategic context for development until 2015 and contains a policy (ENV1D) that seeks to protect and enhance the character of conservation areas. Policy ENV1D states development affecting conservation areas or their setting will only be permitted where it can be demonstrated that the objectives and overall integrity of the designated area will not be compromised, or the social or economic benefits to be gained from the proposed development outweigh the conservation or other interest of the site.

- 11 **The Adopted Midlothian Local Plan (2003)** seeks to guide development while protecting the environment. The Plan seeks to protect the character and appearance of the natural and built heritage. Within the Fala village envelope the Plan envisages no further development other than the development of brownfield / infill land and / or conversion of buildings within the conservation area. The Plan allows for sensitive alteration and/or extension of existing properties in the Conservation Area (policy RP20). Outwith the built up area, the remaining part of the Conservation Area is covered by the Protection of the Countryside policy (RP1) which limits development, and Areas of Great Landscape Value policy (policy RP6). Other policies apply.

Fala Conservation Area



LOCATION AND POPULATION

- 12 Fala (population 70) lies on the A68 at the south-most edge of Midlothian, some 22 km south east of Edinburgh.

DATE OF DESIGNATION

- 13 Fala Conservation Area was designated by Midlothian District Council on 28th March 1996.

ARCHAEOLOGY AND HISTORY

Ancient Monuments

- 14 There are no Scheduled Ancient Monuments within the Fala conservation area.

History

- 15 Fala is an old settlement located near a branch of the Roman road "Dere

Street". By 1200 there was evidence of a farming settlement here and there are references to Fala Kirk as early as 1137. Fala was also an important stopping place as a stage on the road south from Edinburgh. Blackshiels Inn with its adjacent steading operated as a coaching inn until the 1880s.



Former Blackshiels Inn

Dr Johnson and James Boswell stayed at Blackshiels Inn on 23 November 1772 towards the end of their Scottish tour. At one time 31 Fala was

also an inn. The nearby A68 was laid out in 1834 by Thomas Telford to speed the mail coaches between Edinburgh and Lauder. As the centre of an agricultural community and a stage point Fala possessed some commercial vitality with its two inns and associated services. In the 19th century houses were lost to the village by the burning of the thatched 18th century cottages known as Long Row. William Adam built Fala House known also as Hamilton Hall, demolished c.1830. Today Fala is largely a commuter village.



31 Fala, Category B Listed Building

CHARACTER ANALYSIS

Setting and Views

- 16 Fala although close to the A68 main road lies just far enough away to be in a quiet rural setting on the northern foothills of the Lammermuir Hills. There are many views outward from the settlement to the surrounding landscape, especially where the land falls away to the east. The view along the road northwards to Fala Dam is pleasingly enclosed by a gentle curve and rise in the road at the boundary of the village. The view out from the village to the A68 is terminated by a mature tree belt. Fala is set on rising ground and the village is therefore viewable from a distance around.



View out of the village on Fala Dam Lane

Urban Structure

- 17 Fala has an irregular plan, the three main approaches being not quite at right angles to each other. The central road is circular containing cottages, the village hall and the former school, now converted to a children's nursery. Cottages and other buildings are grouped informally. The two most substantial buildings are the church, set prominently on a knoll on the eastern edge, and Blackshiels Farmhouse and steading, the house now returned to hospitable use as a bed and breakfast establishment.



Cottages up to the edge of the road give a sense of enclosure to the street scene

Architectural Character

- 18 Building Types and Use** The layout is informal both in plan and construction. Roadways are often unbound without pavements and with wide grass verges. Buildings are cottages with the exception of the former school, the village hall, the large former manse (a two storey Victorian house), two 20th century bungalows at the north end and the Blackshiels farm building. Almost all the buildings are vernacular.



Slate roofed cottage with skew gable and rendered chimney



Former Fala School

Scale, Massing and Composition The scale is domestic, single or two storey with buildings mostly individually sited although some houses are joined. Walls are largely rubble sandstone with plain detailing and dressed stone quoins, the predominant use of stone giving a unity to the village. The stone colour varies from yellow through terracotta

to pink. Older buildings are harled the newer having a pebbledash finish. Doors have frequently been replaced but some traditional vertically boarded and panelled doors have survived.



A bipartite sash with astragals

Windows are mainly timber sash and case many having lost their astragals. Some (including the school) have been replaced with UPVC. Both door and window openings are in the correct scale and proportion with their buildings. Roofs are of natural slate, gabled with skewes on the vernacular buildings.



Detailed gable dormer & 'corbie-steps'

Chimney stacks and pots have usually been retained and give skyline interest.



Variety of rooflines at Fala School

Rain Water Goods Some cast iron gutters and down pipes survive. Others are plastic replacements. **Details** Barge boarding and timber finials on the former school and a ball finial on the gable of 18 Fala. **Floorscape** There are significant unbound surfaces without kerbstones and sometimes wide grass verges. These form an important part of the rural character of the village. **Walls, Fences and Hedges** Low stone walls fronting gardens are a continuous and attractive part of the street scene.

Substantial hedges predominate. **Street Furniture** Lighting is by modern concrete columns with standard lanterns. An Edwardian wall-set pillar box "GR" survives. A cast iron village water pump remains opposite the school.



Original cast iron water pump

Key Buildings

Blackshiels farmhouse and steading	17 th century. An extensive and dominant group and much larger in scale than the other village buildings.
2 Fala	Single storey, slated skews, stone hood moulds. Key corner building.
31 Fala	Later 18 th century traditional 1 ½ storeys, harled and skew gabled cottage with a slated roof. Four gabled dormers. Single storey additions at the ends.
Fala Primary School	1875. Two storey Victorian, gabled and barge boarded primary school with bell tower provides a visual focus for the village
Fala Church	A landmark building in an elevated and prominent position.
Kirkland House (former Fala Manse)	1792. Traditional 2 storeys and garret, 5 bay front, harled and skew gabled house with slated roof. Piended dormers. Single storey offices added in 1831 with subsequent additions in 1889.



The former Blackshiels Inn

Landscape Character

- 19 Despite the proximity of the A68, the landscape character of the Fala conservation area is unmistakably rural. The largest part of the conservation area comprises well managed agricultural fields which surround the village on three sides. This is a rolling agricultural landscape which rises from the north-east to the south-west. It has well kept hedges, often beech, and well maintained verges.



Elevated views from the north of Fala

Panoramic views are afforded of the Forth Estuary to the north and north-west and of the Lammermuir Hills to the east. Views to the south are restricted by landform and woodland. Fala Church and the adjacent former manse sit in a prominent location on a small knoll above the rest of the village. The churchyard contains a group of magnificent mature

sycamore trees. Other significant groups of trees include a mixed mature woodland to the south west of the village and a large area of coniferous woodland along the western boundary of the conservation area. Other small tree groups and individual garden trees are scattered throughout the village.



Fala Churchyard

Issues

- 20 Fala is a little-altered rural settlement with a natural edge which relates well to the attractive surrounding countryside. The small village occupies a significant position on rising ground in the foothills of the Lammermuirs and the setting of the village should be safeguarded.



Skyline view of Fala seen from the north-east

The village has an informal layout with few urban elements such as pavements and kerbs. It is important that this predominantly rural character of Fala is maintained. The roadways should remain informal and unbound. The layout is sporadic the intervening spaces contributing to the open character of the village. This sense of informality and spaciousness should be retained with very careful consideration being given to any proposal for infill.



Boundary walls on a grassy slope

The natural building materials of stone, slate and timber provide cohesiveness and relate well to the countryside setting. This should not be eroded by the use of unsympathetic building materials. The smallness of scale and good proportions of the buildings should be retained in any extension or new building as should the appropriate detailing of doors, windows and other elements to the facades. Means of enclosure, mainly stone walls and hedges are suitable to their setting and should be retained and emulated. Any new development should be of a low density similar to the existing. Landmarks such as the telephone box and letter box should be retained and vernacular detail should not be lost. The building conservation principles

set out in paragraphs 36-42 should be observed.



Traditional boarded & studded door at former Blackshiels Inn



Traditional panelled door with drip mould cover

Enhancement Opportunities

- 21 Midlothian Council has a duty to draw up proposals for the preservation and / or enhancement of conservation areas. The Council may also take action to secure the repair of unoccupied and unlisted buildings within the conservation area.
- 22 The extension to the former primary school is unsympathetic and should be removed when the opportunity arises. The village hall (an ex-army hut) might be replaced or improved and the adjacent car park improved with sensitive landscaping. The street lighting is insensitive both in height and design and the opportunity should be taken to provide new lighting that has the proper scale and character when possible. Overhead lines detract from amenity in several parts of the hamlet. When possible these should be placed underground or re-sited more unobtrusively.
- Landscape Enhancements** Although most hedges in the conservation areas are in good condition there are parts where the hedges are more broken and sparse. Hedges are an important feature of the area and a programme of hedgerow replacement and enhancement would be very beneficial. The sycamore trees adjacent to Fala Church are now at or past maturity. Some under planting has already taken place, but more should be encouraged. Urbanisation of the village landscape should be resisted.

substantial improvement to the conservation area. For alterations, extensions and new building it is essential that the existing character of the area is respected. Important architectural detail should be retained. Materials for all new building must be of a high quality. A high standard of contemporary design is welcomed provided careful attention is paid to scale, proportions, details and the use of materials, and that these relate to the character of the conservation area. Important details should be retained. Street furniture should be of an appropriate design, and lighting standards should be of an appropriate height. Any new development should be of an appropriate density. The building conservation principles set out in paragraphs 36-43 should be observed

- 24 Development briefs should be prepared for new development, and planning applications should include a design statement indicating how the proposed development is sympathetic with the character of the conservation area.



Village Hall

GENERAL ISSUES

- 23 Maintenance, repair and re-use of existing buildings is the preferred option to redevelopment unless this can be demonstrated to bring

Midlothian

Fala

Midlothian Council

CONSERVATION AREA CHARACTER ASSESSMENT

LEGEND

- ★ KEY BUILDINGS
- ♦ SIGNIFICANT VIEW POINTS
- CONSERVATION AREA
- MAIN TREE GROUPS

SCALE : 1 : 5 000

Metres

0 50 100 200

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LISTED BUILDINGS

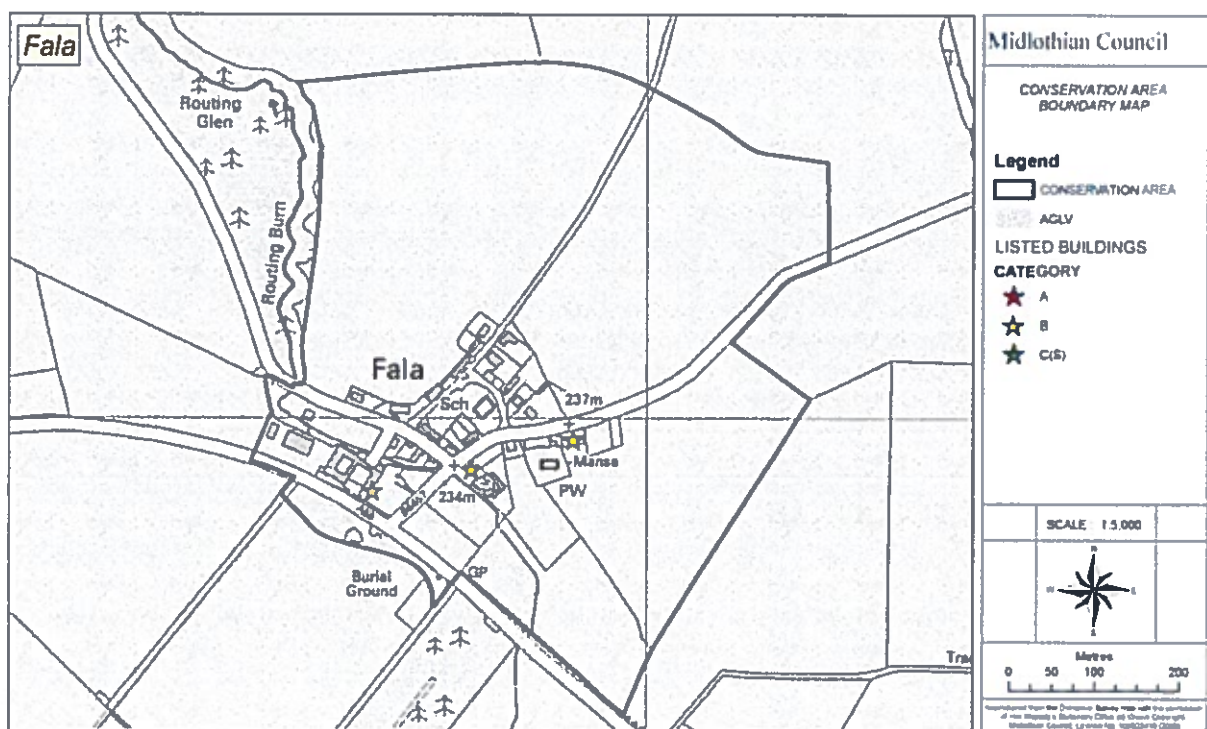
- 25 The following is extracted from the List of Buildings of Architectural or Historic Interest for the Fala Conservation Area.

Fala	Category	Fala and Soutra Parish Item No.
Former Blackshiels Inn (now farmhouse) 17 th century 1 ½ storeys with laigh floor, rubble, skew gabled, slated roof, shed dormers and corbie-stepped gabled. 19 th century addition at the west end. Offices 1 ½ storeys to the north with two arms around a yard. An elliptical arch to the pend.	B	3
31 Fala, cottage Later 18 th century traditional 1 ½ storeys, harled and skew gabled cottage with a slated roof. Four gabled dormers. Single storey additions at the ends.	B	2
Fala Manse (former now Kirkland House) 1792. Traditional 2 storeys and garret, 5 bay front, harled and skew gabled house with slated roof. Piended dormers. Single storey offices added in 1831 with subsequent additions in 1889.	B	1

CONSERVATION AREA BOUNDARY

- 26 The Conservation Area boundary includes the whole village. The rising fields to the north and south east have been included to protect the setting of the village as viewed from these directions.

CONSERVATION AREA BOUNDARY MAP



ARTICLE 4 DIRECTION ORDER

- 27 By making a Direction under Article 4 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, Midlothian Council may, following approval from the Scottish Ministers, direct that general planning permission granted for certain classes of development through the Order shall not apply within the Conservation Area. Midlothian Council now intends to seek the approval of the Scottish Ministers to introduce a Direction to cover the Conservation Area for the following classes of development (as defined in the General Permitted Development Order 1992) for the undernoted reasons. The following classes of development would then require planning consent within the Conservation Area. Such development is not precluded but careful attention will be given to the effect on the Conservation Area of such proposals.

Development within the curtilage of a dwellinghouse (Classes 1, 3 and 6)

- 28 The conservation area contains a number of unaltered traditional buildings. The cumulative effect of new development and inappropriate alterations, even though each should be small in scale, could have a negative impact on the architectural quality of buildings in the conservation area. Unlisted buildings provide a complementary backdrop for their listed counterparts and any erosion of unifying elements such as the replacement of doors and windows could have an adverse impact on the character of the conservation area.

Sundry minor operations (Classes 7 and 8)

- 29 Traditional means of enclosure to areas, such as walls and fences, are crucial in establishing the character and appearance of a conservation area. Insensitive alterations or unsuitable new means of enclosure could visually damage the conservation area. The use of inappropriate material for the construction of new accesses could be visually damaging.

Caravan sites (Classes 16, 17)

- 30 A caravan site, however small in scale, carelessly located and inappropriately landscaped will spoil the quality and rural character of the Conservation Area.

Agricultural buildings (Class 18)

- 31 The Conservation Area includes an area of agricultural activity. Without this control large barns and storage sheds could be erected without planning permission which could significantly adversely effect the character and appearance of the Conservation Area.

Land drainage works (Class 20)

- 32 Land drainage works required for agricultural operations could cause severe damage and detract from views across the landscape surrounding the village.

Repairs to private roads and private ways (Class 27)

- 33 The present appearance of private roads, lanes and paths is predominantly rural and in keeping with the surrounding historic buildings and rural character of the conservation area. Inappropriate repairs to and surfacing of these traditional features (such as the renewal of a track in tarmac and with concrete kerbstones) could have an adverse impact on the visual amenity of the Conservation Area.

Development by statutory undertakers (Classes 38, 39, 40 43 and 43a)

- 34 Development by statutory undertakers can be contemporary in nature and visually obtrusive. All such development should be controlled and be sensitively sited.

Development by telecommunications operators (Class 67)

- 35 Telecommunications apparatus could have an adverse effect on the character and appearance of the conservation area.

BUILDING CONSERVATION PRINCIPLES

- 36 Well-designed buildings are evident in all ages and it is their design per se that is the critical factor. No one age has a monopoly of good building design. New building is neither always worse, nor old building necessarily better.
- 37 Building within an historic context requires particular sensitivity. This sensitivity however, may be expressed through a number of different styles the appropriateness of which will depend on both the quality of the design and its relationship to its setting.
- 38 There can be no substitute for the skill of the individual designer. It is possible to apply the "rules" of good design and yet to produce a building that is bland in the extreme.
- 39 A number of design approaches are possible and Conservation Areas can be capable of absorbing a range of these. Diversity can enrich an area and variety is frequently desirable. Design approaches may be broadly categorised under the following headings:

Pastiche This is an exact copy of an old building as is possible. To be successful this relies on excellent knowledge and careful choice of details.

Traditional This is often used to follow the local vernacular. Form, materials and detailing are borrowed from the past but are slightly contemporary in style.

Modern The design is clearly of its time yet is respectful of its context. It may use traditional materials in contemporary manner, or modern materials in historical forms.

- 40 Which of these styles is used will depend upon the skill and philosophy of the architect and patron, as well as the particular setting. In all cases, however, quality of design must be allied to quality of materials.
- 41 As a general rule, old buildings should be conserved as found with original architectural detail respected. It can be hard to replace the design and building quality found in many traditional buildings. Old buildings and their surroundings have a great visual appeal and reinforce local identity. They are of immense importance for education, recreation, leisure, tourism and the wider economy. Equally, well-designed modern development forms an important part of our heritage.
- 42 A very large number of buildings in Midlothian were built in the 18th and 19th centuries. This is certainly the case within the many conservation areas. These buildings exhibit in the main

the following characteristics. Which should be respected in all repairs, alterations and new buildings.

Masonry Walls	Masonry walls are important both in building and as space enclosures. They contribute to character and are difficult to replicate and should therefore be retained wherever possible. They are commonly of rubble (random or coursed), occasionally ashlar. Original masonry surface coverings such as harling should be kept. Pointing should be correctly carried out. Stone cleaning should only be carried out where an entire façade is being cleaned and is a demonstrable improvement to the appearance of a building. Stone cleaning must not harm stonework.
Doors	Original door openings invariably possess the current proportions for a building and should be retained to preserve the architectural integrity of the building. Doors themselves should be repaired rather than replaced. Where replacement doors are required these should be replaced in timber or another suitable material. UPVC is incongruous with the historic environment.
Windows	Original window openings invariably possess the correct proportions for a building and should be retained to preserve the architectural integrity of the building. Original mullions should always be retained. Additional window openings should be of an appropriate size and proportion and should not spoil symmetry. Timber sash and case windows and their astragals should almost always be retained. Where replacement windows are required these should be in timber or another suitable material. UPVC is incongruous to the historic environment.
Roofs	Roofs are dominant elements that give a building its profile. Original roof pitches and coverings should be preserved. Chimney stacks and pots should be retained. Dormers are often important features and new dormer windows should be carefully designed to relate to existing in scale, design and materials. Where appropriate consideration should be given to the use of rooflights rather than new dormers which can alter the character of the building. It may be preferable for rooflights and dormers to be located on less visible elevations.

Conservation-style rooflights, which are smaller and have a lower profile than standard rooflights, should be used in the conservation area.

Where there are soil vent pipes or extractor vents at roof level consideration should be given to locating these at the rear of the property or on less visible elevations. This will minimise visual impact. Where soil stack or extract vents in the roof cannot be avoided a slate or tile vent is preferable. The vent colour should be matched to the roof.

The same applies to rooflights and skylights.

Details A wide range of details contributes immensely to the character of a conservation area and, if its good appearance is to be retained, these must not be incrementally eroded. The loss of one detail may not make a substantial difference but the loss of many will. Important details include:

- external guttering and pipework, and finials;
- stone details including skews, door and window surrounds, cornices, balustrades and other ornamentation.

Care should be taken to ensure that that all new detailing accurately reflects the scale, material and context of traditional detailing.

Floorscape Original paving and other floorscapes should always be retained.

Enclosures Stone garden and field walls, fences and railings add to the overall character of the conservation area and should be retained.

Street Furniture Street furniture including lampposts, telephone boxes, bins and benches should be retained where original and where new must be in character with the area.

- 43 Further advice on the repair and extension of buildings and the construction of new buildings within the conservation area is available from the Strategic Services Division of Midlothian Council.

GLOSSARY OF TERMS

Abutments	The solid part of a pier or wall against which an arch abuts	Canted	Any part of a building on a polygonal plan
Architrave	The lowest of 3 main parts of entablature. The moulded frame surrounding a door or window.	Capitals	The head of a column, pilaster etc in classical architecture
Archivolts	The continuous architrave moulding on the face of an arch, following its contour	Castellated	Decorated with battlements
Arrises	A sharp edge produced by the meeting of 2 surfaces.	Cat slide	A single pitch roof
Ashlar	Hewn blocks of masonry wrought to even faces and square edges lain in horizontal courses with vertical, fine joints, usually polished on the face.	Classical	Greek and Roman architecture and any subsequent styles inspired by this.
Astragals	A glazing bar for subdividing a window into small panes	Coadstone	Artificial cast stone, widely used in the 18 th and early 19 th century for all types of ornamentation.
Balustrading	Short posts or pillars in a series supporting a rail or coping	Coping	A capping or covering to a wall

Barge boards	Projecting boards placed against the incline of the gable of a building and hiding the ends of roof timbers	Corbelling	Brick or masonry course, each built out beyond the one below to support a chimney stack or projecting turret
Bartizan	A corbelled turret at the top angle of a building.	Corbie or crow stepped gables	Stepped ends on top of a stone gable taking the place of a stone cope on a skew.
Bell-cote	A framework on a roof from which to hang bells	Cornice	A moulded projection at the top of an opening or wall.
Bipartite	Double eg bipartite sash windows – 2 sash windows side by side	Corps de logis	A French term commonly used to describe the main building as opposed to the wings or pavilions.
Buttress	A mass of masonry or brickwork projecting from or built against a wall to give extra strength	Coursed stone	Stone laid in horizontal courses
Canopy	A projection or hood over a door, window, tomb, altar, pulpit niche etc	Crenellated	A parapet with alternating indentations and raised portions, for example a battlement.
Cruciform	A cross shaped plan form, for example in a church	Machicolations	A gallery or parapet projecting on brackets and built on the outside of castle towers and walls (with openings for pouring lead on the enemy)
Dentil	A small square block used in series in Ionic, Corinthian and Composite columns.	Mullion	Vertical member between the lights of a window.
Doric	The earliest of the Greek classical orders of architecture	Mutulated	From mutule – the projecting square block above the triglyph under the corona of a Doric cornice.

Dormer window	Window standing up vertically from the roof.	Nave	The western limb of a church, west of the crossings flanked by aisles.
Drip stone or hood mould	A projecting moulding to throw off the rain on the face of a wall, above an arch, doorway or window.	Ogee	A double curved line made up of a convex and concave curve.
Droved	An approximately parallel series of grooves in stone work made by a hammer and bolster	Pantiles	A roofing tile of curved s-shaped sections
Eaves	Overhanging edge of the roof.	Parapet	A low wall placed to protect any spot where there is a sudden drop for example a house top
Finial	A formal ornament at the top of a canopy, gable or pinnacle (often in the form of a fleur de lys)	Pastiche	Generally used as a derogatory term to describe a poor copy of an architectural element
Gable	The triangle at the end of a double pitched roof.	Patina	The weathered appearance of a building material
Gable head stack	A chimney stack rising directly from the gable wall of a building	Pediment	a low pitched gable over a portico, door or window
Gothic arched window	A window with a pointed arch	Pepper pot turret	Turret with conical or pyramid roof.
Harling	A thrown wall finish of lime and aggregate.	Pilaster	A shallow pier or column, projecting very slightly from a wall
Hip roof	A roof with sloping ends instead of vertical ends (or piend - Scots)	Plinth	The projecting base of a wall or column pedestal usually chamfered or moulded at the top
Hipped dormer	A window placed vertically in a sloping roof with a sloping roof.	Portico	A roofed space, open or partly closed, forming the entrance and centre-piece of the front of a building

Hopper	The enlarged entrance at the head of a down pipe.	Quoins	The dressed stone at the corner of buildings, usually laid so that their faces are alternatively large and small
Impost	A member in a wall, usually in the form of a projected bracket-like moulding upon which an arch rests.	Rainwater goods	Gutters and down pipes which channel rainwater from the roof of a building.
Random rubble	Uncoursed stone work with rough faces.	Stucco	A kind of plaster work.
		Stugged Ashlar	Stone with a punched finish.
Reconstructed stone	Artificial stone	Thack stane	Projecting stone on a chimney to cover a thatch.
Reveal	That part of the surround which lies between the glass or door and outer wall surface.	Timpany gable	Gable in the middle of a house front generally for carrying up the flue and provides a small attic apartment.
Romanesque	The style current until the advent of Gothic, origins conjectured between 7 th and 10 th centuries AD	Tempietto	A small temple.
Rusticated	Masonry cast in large blocks separated from each other by deep joints	Tooled	Marks made by tooling or cutting into stone
Skew putts	The lowest stone at the foot of a skew built into the wall for strength, sometimes moulded.	Traceried	The ornamental intersecting work in the upper part of a window.
Skews	Sloping stones upstanding above a roof and finishing a gable.	Turret	Small tower, usually attached to a building.
Squared dressed stone	Stones squared and worked to a finished face	Vernacular	Nature or indigenous, not designed or taught

Street scene	The street seen as a whole, defined by its constituent parts e.g. buildings, walls, roads etc	Vista	View of features seen from a distance
String course	Intermediate stone course or moulding projecting from the surface of a wall.	Voussoirs	A brick or wedge shaped stone forming one of the units of an arch

REFERENCES

Jane Thomas 1995 – *Midlothian – An Illustrated Architectural Guide* – (published by the Rutland Press).

Nikolaus Pevsner, Colin McWilliam 1978 – *Lothian (except Edinburgh)* – (published by Penguin Books).

MIDLOTHIAN COUNCIL**DEVELOPMENT MANAGEMENT
PLANNING APPLICATION DELEGATED WORKSHEET:**

Planning Application Reference: 15/00995/dpp

Site Address: Cherrytrees, Fala, Pathhead

Site Description:

The application property comprises a single story dwellinghouse finished externally in a mix of render and reconstituted stone with timber windows and concrete roof tiles and its associated garden. The house measures approximately 15m wide and 8m deep. There are a number of trees within the garden and along the site boundaries. There are fields to the north east and north west of the site, a residential property to the south west and to the south east on the opposite side of the road.

The application property is located within the Fala Conservation Area.

Proposed Development:

Demolition of existing dwellinghouse and erection of replacement dwellinghouse and detached garage; erection of fence and installation of air source heat pump, bin store, decking and paving

Proposed Development Details:

It is proposed to demolish the existing house, clear the site and erect a new house in its place. The new house comprises of three blocks with roof ridge lines running parallel to the road. The front block is over 1 ½ storeys high and measures 7.5m wide by 5.4m deep. The main central block is 2 storeys high and measures 15m wide and 5.8m deep. The rear block is single storey and measures 9m wide by 6m deep. The house is to be finished externally in vertical timber cladding with timber framed windows, timber boarded doors and with a zinc standing seam roof incorporating rooflights. The accommodation comprises 4 bedrooms, 1 en-suite, a kitchen, dining/living room, playroom, snug, utility room, 2 bathrooms and a mezzanine study.

Timber decking is proposed at the rear and north east side of the house with stone paving around the south west and south east sides of the house.

The proposals include a separate garage with an office/study above to the west of the site close to the boundary with no. 13. It measures 4.3m wide and 8m deep. It is to be finished externally in the same materials as the house with solar panels on the west facing roof slope and an air source heat pump to the rear of the building. A timber log/bin store is proposed towards the east end of the site frontage. It measures 2.6m wide, 1.1m deep and a maximum of 1.6m high.

The proposals also include relocating the driveway from the north east end of the site to the south east end of the site. The drive way is to be surfaced in gravel. It is proposed to remove a number of trees and vegetation from the site and erect a

900mm high post and rail fence along with hedge planting along the north west, north east and south east boundaries of the site.

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

History sheet checked.

15/00384/CAC – Demolition of dwellinghouse at Cherrytrees – granted 27.07.15
15/00362/dpp – Demolition of existing dwellinghouse, erection of replacement dwellinghouse, erection of fence and installation of decking and paving at Cherrytrees – withdrawn.

Two meetings were held with the applicant's agent with regard to the proposed house at the site at which concern was raised with regard to, amongst other things the scale and massing of the proposed house. Subsequent to the original application being withdrawn the applicant's agent submitted a number of alternative schemes for comment, one of which was not dissimilar to the current scheme. Concern was expressed regarding the bulky nature of the front block and consequently the massing of the building overall. Also slate was suggested for the roof of the house. On 11 December 2015 the applicant's agent was advised that the sketch scheme submitted under cover of e-mails dated 2 and 3 December 2015 appeared to be acceptable. This included a single storey flat roof entrance incorporating a utility room 2.8m deep rather than the current 1 ½ storey 5.4m deep current front block with the result that the main part of the building remained the dominant element the linear form of which respects the form of the majority of the traditional properties in Fala.

The applicant's agent has submitted statements in support of the application describing the proposals the main points of which are summarised as follows:

- There is a need to accommodate a younger demographic in Fala
- There is a diverse mix of housing in Fala including single storey workers cottages, grander two and a half storey buildings and more modern twentieth century properties
- The proposals replace a dilapidated building with a modern house which is respectful of the conservation areas existing rural vernacular and which would enhance the conservation area
- Conservation Area consent has already been granted for the demolition of the existing building
- The accommodation has been divided into three elements in order to reduce its scale and massing and respects the density of surrounding development
- The block depth respects that of vernacular cottages within the village
- The house is set back from the road similar to the neighbouring property therefore retaining views along the access road
- A simple palette of high quality sustainable materials are proposed – Siberian larch timber, zinc standing seam roof and painted timber windows the design of which has evolved with local consultation
- Site boundaries will comprise of 900mm post and rail fences with hedges.

Biodiversity and asbestos surveys have also been submitted. It is the responsibility of the land owner to comply with legislation with regard to asbestos.

Consultations:

Policy and Road Safety Manager – No objection.

The Wildlife Information Centre – no objection.

Environmental Health – Concern regarding noise from air source heat pump - conditions recommended. Condition also recommended in relation to any contamination of the site.

Representations:

Ten written representations have been received in relation to the application, 9 from residents of Fala and one from Oxenfoord Castle, all in support of the application on the following grounds:

- Proposed building is in keeping with neighbouring houses and the semi-rural location and is an improvement on the current house and garden;
- Welcome a young family in Fala;
- Welcome a modern house/innovation which will enhance the village which has seen different styles and house sizes built over the years; and,
- The proposed house complies with planning guidance and the conservation area appraisal.

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.

The relevant policies of the **2008 Midlothian Local Plan** are;

Policy RP5 - Woodland Trees and Hedges - does not permit development that would lead to the direct or indirect loss of woodland/trees/ hedges which has a particular value in terms of amenity, nature conservation, recreation, landscape character or shelter

Policy RP7 - Landscape Character - which advises that development, will not be permitted where it may adversely affect the quality of the local landscape. Provision should be made to maintain local diversity and distinctiveness of landscape character and enhance landscape characteristics where improvement is required.

RP20 – Development within the built-up area - seeks to protect the character and amenity of the built-up area.

RP22 – Conservation Areas - seeks to preserve or enhance the character and appearance of conservation areas. It states that 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.

The fields surrounding the site are covered by policy RP6 – Areas of Great Landscape Value - development will not be permitted where it may adversely affect the special scenic qualities and integrity of the Areas of Great Landscape Value.

Midlothian Local Plan Policy DP2: Development Guidelines sets out Development Guidelines for residential developments. The policy indicates the standards that should be applied when considering applications for dwellings.

There is a draft Conservation Area Appraisal for Fala which describes the character of the conservation area as being domestic with single or two storey buildings set within a rural context. It states that the smallness of scale and good proportions of the buildings should be retained in any extension or new building. A high standard of contemporary design is welcomed provided careful attention is paid to scale, proportions, details and the use of materials, and that these relate to the character of the conservation area.

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.

There is currently a house at the application site. It is not the normal practice of the Planning Authority to attach conditions regarding contaminated land unless a particular site specific issue has been raised which is not the case in this instance.

The demolition of the existing house at the site will not have a significant impact on the character of the conservation area. Conservation area consent has been granted for its demolition.

The main issue in the consideration of the application is the design and massing of the proposed house and its impact on the character of the settlement of Fala and the surrounds which is designated as a conservation area. The issue of the occupancy of the house by a young family is not a material planning consideration in the assessment of the application.

Fala is made up of a mix of two storey, 1 ½ storey and single storey buildings finished in predominantly random rubble stone and render with predominantly slate roofs. The Conservation Area appraisal notes that buildings are cottages with the exception of the former school, the village hall, the large former manse (a two storey Victorian house), two 20th century bungalows at the north end and the Blackshiels farm building. Almost all the buildings are vernacular. The scale is domestic, single or two storey with buildings mostly individually sited although some houses are joined.

Whilst the existing house does not make a positive contribution to the character of the conservation area it is relatively discreet in terms of its scale and being set back from the road.

As noted above it is acknowledged that there are a few larger buildings in Fala included as key buildings in the conservation area appraisal. These generally had a community role or reflected the position of the occupant in the community eg Blackshiels – a former coaching inn, Fala church and the former manses including no.19 Fala. Also generally the building lines of the principal elevations of houses in the village are in a single plane.

The currently submitted scheme is the same as a previous scheme submitted at pre-application stage albeit set back 1m further within the site. With regard to this proposal the applicant's agent was advised that the proposed scheme did not address the concerns raised in relation to the original application with regard to the massing of the building particularly at the front and that slate should be used on the roof in order to be more in keeping with the character of the village.

The agent states that the house has been spilt in to three blocks in order to break up its massing. During the processing of the original planning application and subsequent pre-application discussions it was established that subject to its massing and detailed design treatment a two story house may be acceptable at the site. As stated in the conservation area appraisal, in order to preserve the character of the conservation area the smallness of scale should be retained with careful attention to be paid to scale, details and the use of materials. Subject to details the main central two storey block and the rear single storey block are acceptable. However as a result of its depth/forward projection and height the front block will appear as a very bulky feature fixed on to the front of the main part of the house. This part of the building will appear unduly prominent with the overall effect of the design and massing of the building being out of character with the predominant domestic scale and design of the buildings within the village.

The applicant's agent states that the proposed house is respectful of the existing rural vernacular. The use of timber cladding and a metal roof gives the house a barn like appearance. However the massing, proportions and architectural detailing including the number and arrangement of the openings do not reflect traditional vernacular barns and are clearly residential in nature. Whilst it is acknowledged that the application site is on the edge of the village which is set within a rural context the site itself is domestic in both size and character with a barn like complex appearing out of scale and character within this context.

The building will be very prominent from the B6457 road to Humble and from the access to Fala Hall.

The current proposal will detract from the established historic character and integrity of the conservation area contrary to Government and local plan policy.

Set back behind the front building line of the neighbouring property the proposed garage building will not have a significant impact on the character of the conservation area. Similarly albeit fronting the road due to its small scale the proposed bin and log store will not have a significant impact on the conservation area.

The proposed surface materials within the site are in keeping with the proposed residential use of the site and will be softened by the proposed hedge planting. The details of the proposed boundary fence and hedge planting are appropriate to this location and the house would have a sufficient garden area. The north east boundary would benefit from additional tree planting.

Noise emissions from the air source heat pump and any necessary screening could be covered by condition.

Impact on neighbours

No 19a on opposite side of road.

No 19a is set back approximately 5.5m from the road and sits at an elevated level 0.8m (approx) above the road. The proposals will not have a significant impact on the amenity of this property. (Windows on the elevation facing the application site serve a bathroom, bedroom and living room the latter of which is also served by windows on the other side of the house.

No 13

There is a bathroom window on the side of the gable of the house at no 13 facing the application site with a flat roof garage attached to the gable adjacent to the boundary with the application site. The proposals will not have a significant impact on the amenity of this property.

Recommendation:

Refuse planning permission.



Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 15/00995/DPP

Helen Lucas Architects
31-35 Marchmont Road
Edinburgh
EH9 1HU

Midlothian Council, as Planning Authority, having considered the application by Dr's Christopher And Victoria Rofe, 63 Woodhall Road, Colinton, Edinburgh, EH13 0HQ, which was registered on 22 December 2015 in pursuance of their powers under the above Acts, hereby refuse permission to carry out the following proposed development:

Demolition of existing dwellinghouse and erection of replacement dwellinghouse and detached garage; erection of fence and installation of air source heat pump, bin store, decking and paving at Cherrytrees, Fala Village, Pathhead, EH37 5SY

In accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	664/FLM 101 1:1250	22.12.2015
Site Plan	664/FLM 102 1:100	22.12.2015
Existing elevations	664/FLM 103 1:100	22.12.2015
Site Plan	664/FLM 105 1:100	22.12.2015
Site Plan	664/FLM 106 1:100	22.12.2015
Elevations	664/FLM 107 1:100	22.12.2015
Site Plan	664/FLM 108 1:200	22.12.2015
Site Plan	664/FLM 111 1:100	22.12.2015
Proposed floor plan	664/FLM 112 1:50	22.12.2015
Proposed floor plan	664/FLM 113 1:50	22.12.2015
Roof plan	664/FLM 114 1:50	22.12.2015
Proposed elevations	664/FLM 121 1:50	22.12.2015
Proposed elevations	664/FLM 122 1:50	22.12.2015
Proposed elevations	664/FLM 124 1:100	22.12.2015
Proposed elevations	664/FLM 125 1:100	22.12.2015
Proposed elevations and floor plan	664/FLM 131 1:20	22.12.2015
Proposed cross section	664/FLM 132 1:25	22.12.2015
Proposed elevations	664/FLM 133 1:50	22.12.2015

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

1. *The design, scale and massing of the proposed house would appear incongruous in this residential setting and are out of keeping with, and would detract from, the character and appearance of the Fala Conservation Area.*
2. *For the above reason the proposal is contrary to policies RP20 and RP22 of the adopted Midlothian Local Plan which seek to protect the character and amenity of*

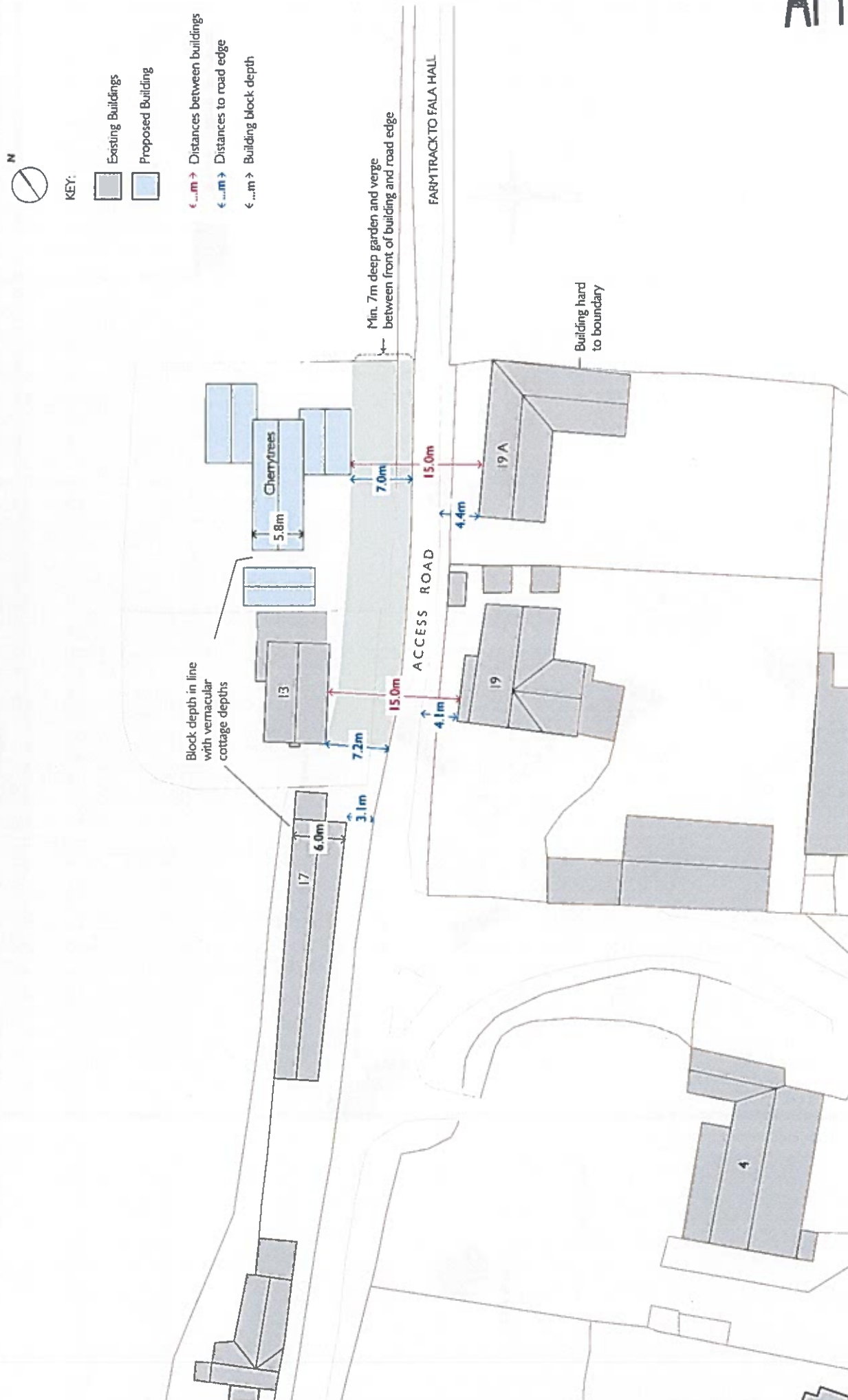
the built-up area and preserve or enhance the character and appearance of conservation areas.

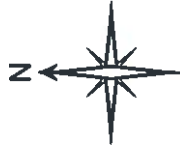
Dated 22 / 2 / 2016

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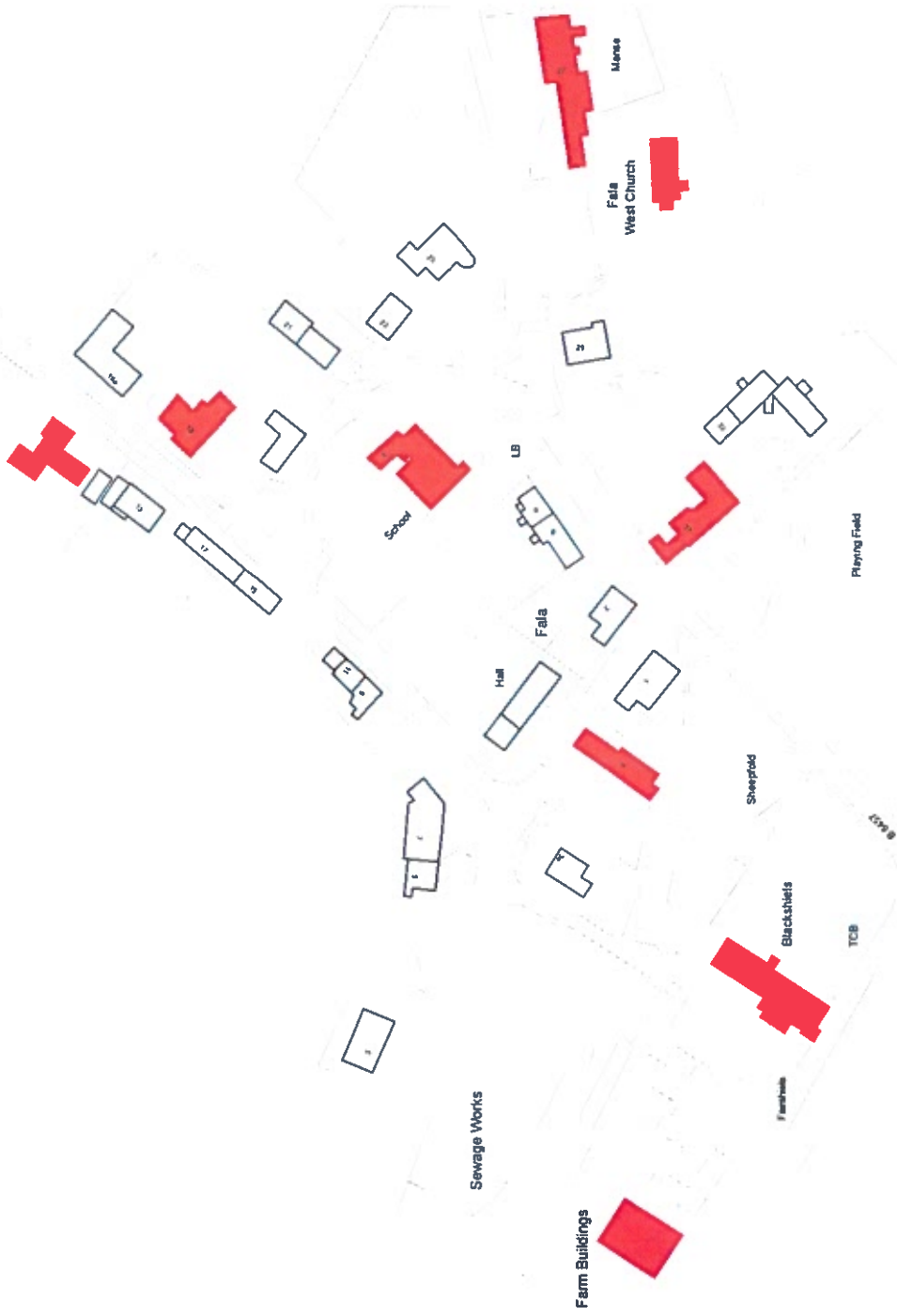
.....
Duncan Robertson
Senior Planning Officer, Local Developments
Fairfield House, 8 Lothian Road, Dalkeith, EH22 3ZN

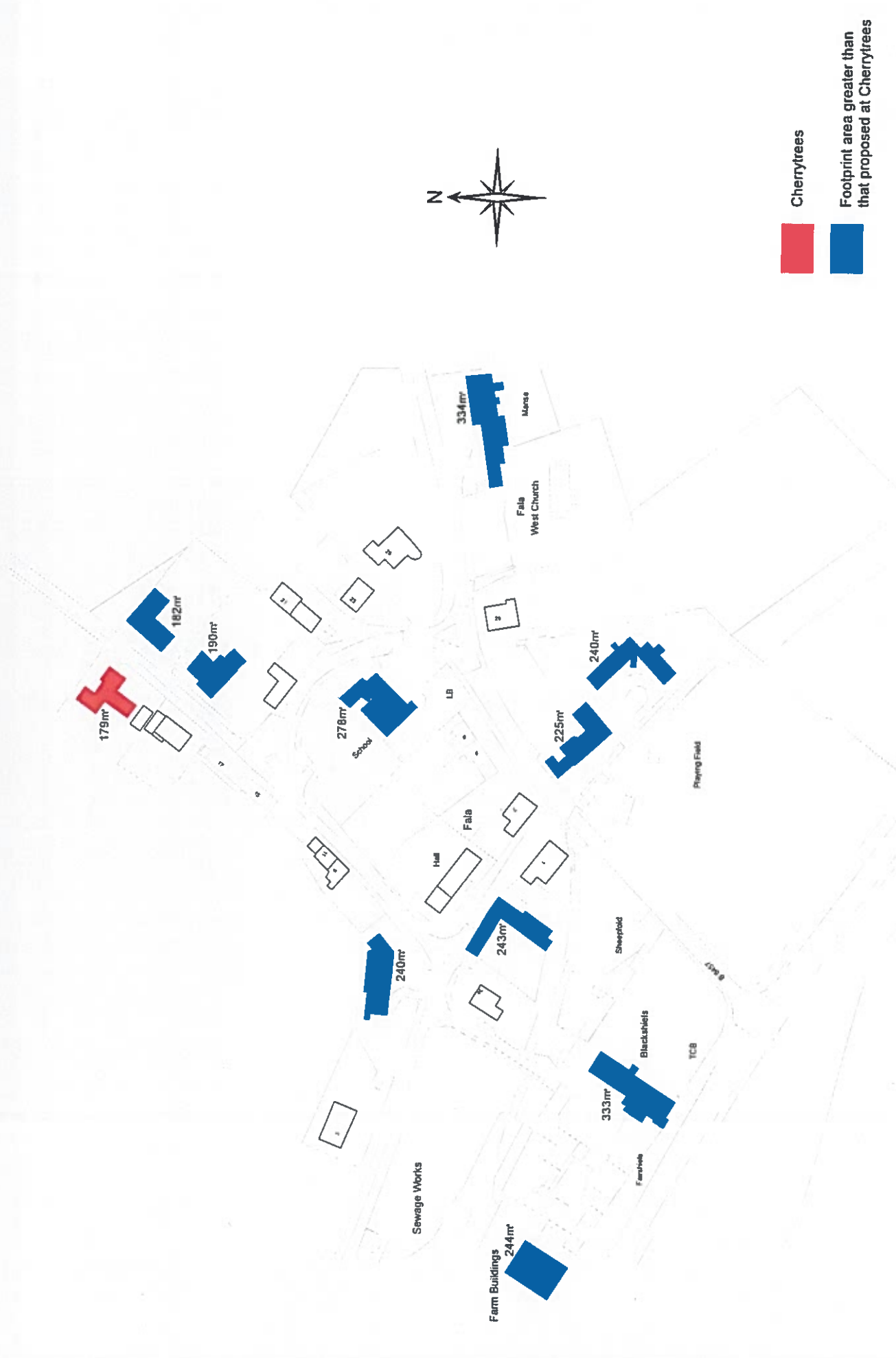
APPENDIX E

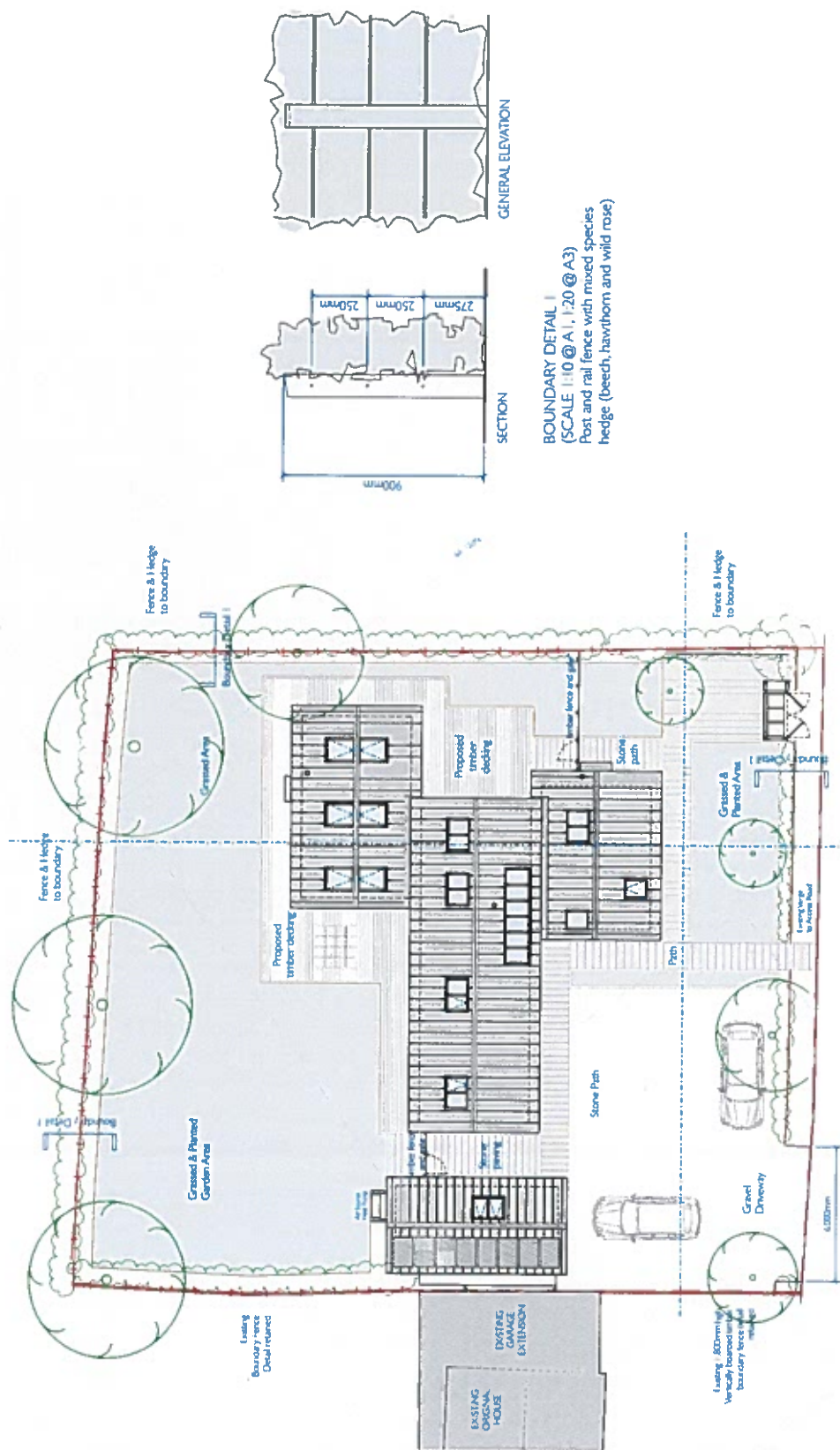




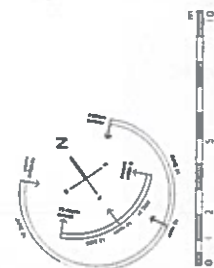
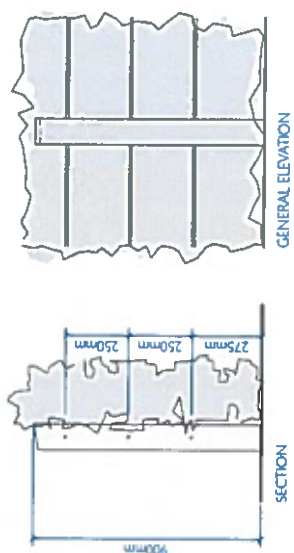
2 storey building or greater







BOUNDARY DETAIL
(SCALE 1:10 @ A1, 1:20 @ A3)
Post and rail fence with mixed species
hedge (beech, hawthorn and wild rose)





REVISION	DATE	NOTES
	2/15/2015	

PLANNING APPLICATION

helen lucas ARCHITECTS

7. *Trifolium repens* L.

Cherrytrees, Fala Village.

Streetscape Comparison

664 / FLM 108

1:200 @ A1, 1:400 @ A3

[illegible]

1. Vertical Timber Cladding
2. Grey Engineering brick base course
3. High-performance Painted Timber-framed Triple glazed Windows
4. Timber-Boarded Doors
5. Pre-patinated Zinc Standing Seam Roofing
6. Pre-patinated Zinc Half-round Gutters
7. Pre-patinated Zinc Circular Rainwater Pipes
8. Roof windows by Velux, Glazing Visions or The Rooflight Company with recessed flashings
9. St. steel stove flue



01 June 1998

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REASON	DATE	NOTES
	11/11/11	Year for Planning

helen lucas ARCHITECTS

706

Cherryvees, Fala Village,
Pathhead, Midlothian, EH37 5SY
Proposed Drawings
GA Elevations, Sheet 2
664 / FL1122

150 @ A1, 1:100 @ A3

MATERIALS LEGEND

- 1 Vertical Timber Cladding
- 2 Grey Engineered brick base course
- 3 High performance Painted Timber-framed Triple-glazed Windows
- 4 Timber-Boarded Doors
- 5 Pre-patinated Zinc Standing Seam Roofing
- 6 Pre-patinated Zinc Half round Gutters
- 7 Pre-patinated Zinc Circular Rainwater Pipes
- 8 Roof windows by Velux, Cladding Vision or The Rooflight Company, with recessed flashings
- 9 5% steel stone flue



ELEVATION TO NORTH EAST (TO ACCESS ROAD AND FIELDS)



ELEVATION TO SOUTH EAST (TO PUBLIC HIGHWAY)



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REVISION DATE NOTES
2/11/16

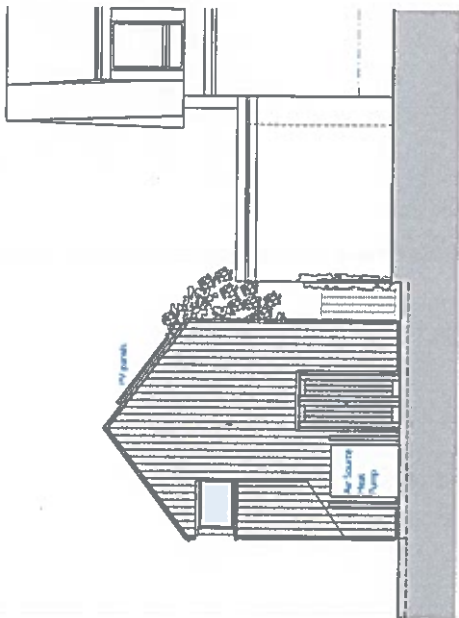
PLANNING APPLICATION

helen lucas ARCHITECTS

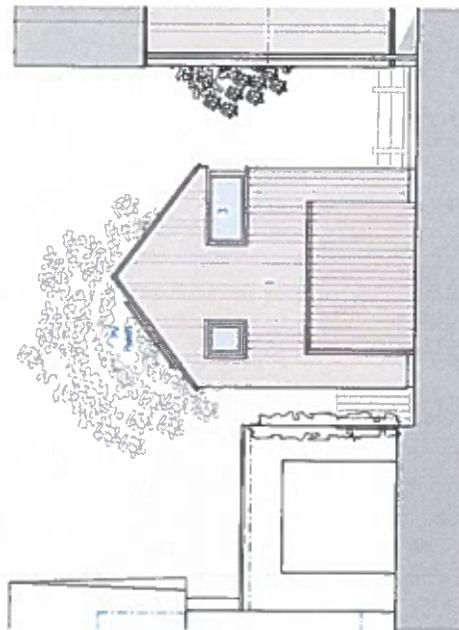
0479 344444
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MATERIALS LEGEND

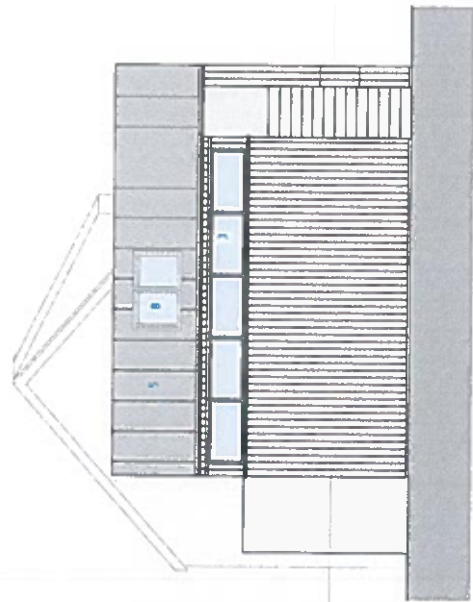
- 1 Vertical Timber Cladding
- 2 Grey Engineering brick base course
- 3 High-performance Painted Timber-framed Triple-glazed Windows
- 4 Timber-boarded Doors
- 5 Pre-painted Zinc Standing Seam Roofing
- 6 Pre-painted Zinc Half-round Guttering
- 7 Pre-painted Zinc Crook Hammer Pile
- 8 Road windows by Velux Glazing System or The Rooflight Company with recessed fittings
- 9 55 steel stone flue



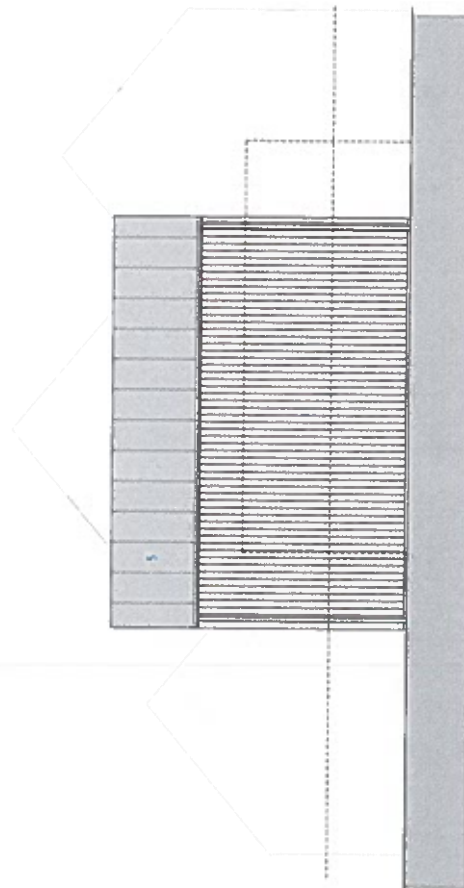
ELEVATION TO NORTH-WEST



ELEVATION TO SOUTH-EAST



ELEVATION TO NORTH-EAST



ELEVATION TO SOUTH-WEST (TO VILLAGE)



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REVISION DATE NOTES
21/12/11

PLANNING APPLICATION

helen lucas ARCHITECTS

17, BARNWOOD ROAD, BIRMINGHAM, B4 7DQ
0121 454 5555

Cherryhess, Fala Village,
Puththead, Midlothian, EH37 5SY

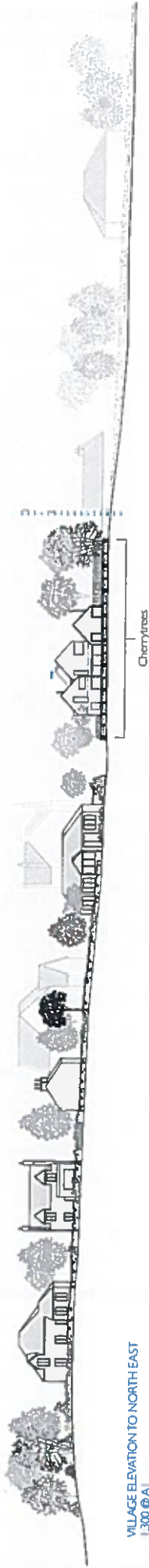
Proposed Drawings

Garage Elevations

664 / FLH 133

1:50 @ A1, 1:100 @ A3

1. The drawings are prepared in accordance with the provisions of the Building Regulations 2010 and the Building (Scotland) Regulations 2006. The drawings are not to be used for any other purpose without the written consent of the architect.



VILLAGE ELEVATION TO NORTH EAST
1:300 @ A1



ELEVATION TO NORTH EAST

REVISION DATE NOTES
23/11/15

PLANNING APPLICATION

helen lucas ARCHITECTS

Tel: 01452 866666
15, 17 & 19 Church Street, B20 1JG, Birmingham, B14 4JG
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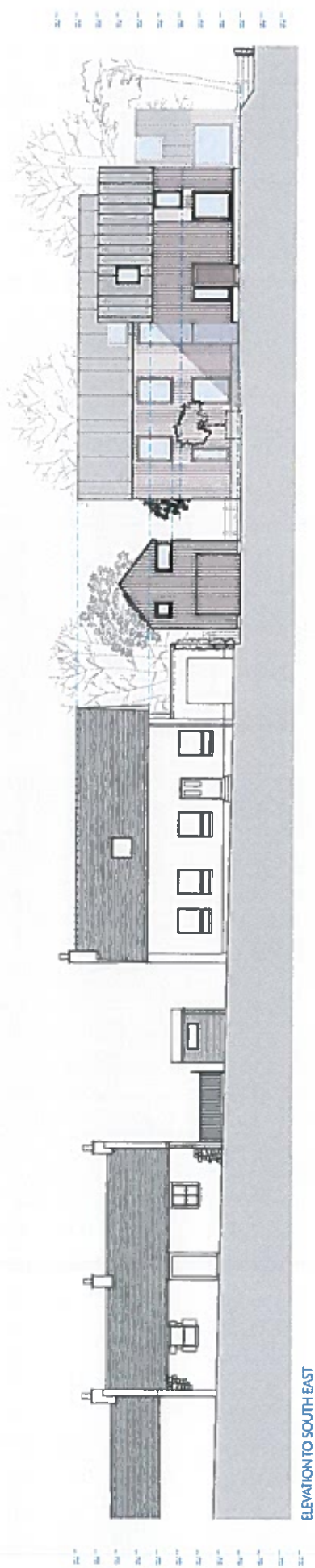
Cherryrees, Fala Village,
Pathhead, Midlothian, EH37 5SY

Proposed Drawings
Contextual Elevations NE
664 / FL1125

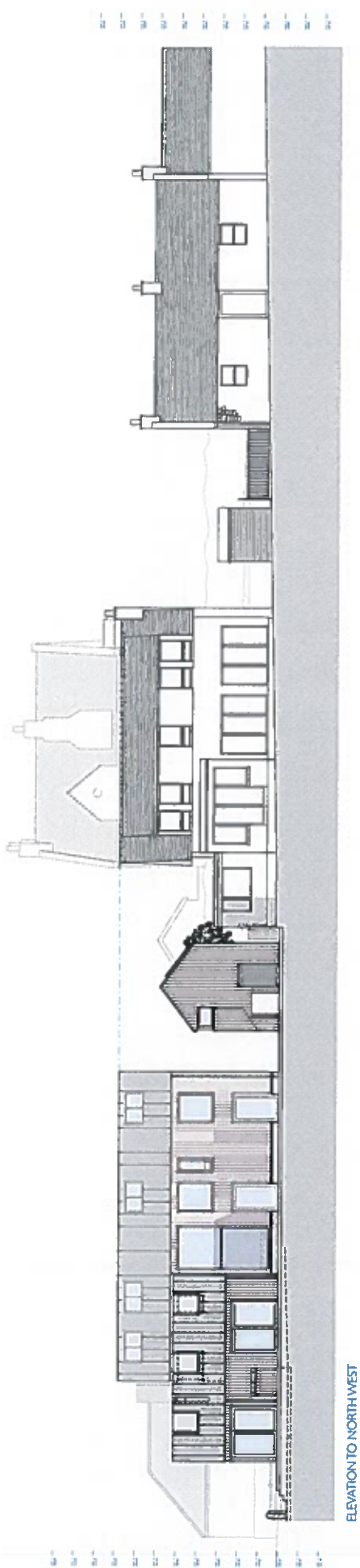
1:100 @ A1, 1:200 @ A3

This drawing is not to be used for any other purpose without the written consent of Helen Lucas Architects.
It is the responsibility of the client to ensure that the drawing is used for the intended purpose.
Helen Lucas Architects Ltd. 2015





ELEVATION TO SOUTH EAST



ELEVATION TO NORTH WEST

REVISION DATE NOTES
1/1/18
PLANNING APPLICATION

helen lucas ARCHITECTS

Cherryrees, Fala Village,
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Cherryrees, Fala Village,
Pathhead, Midlothian, EH37 5SY
Proposed Drawings
Contextual Elevations
664 / FLM 124

1:100 @ A1, 1:200 @ A3





Existing view looking towards North East



Existing view looking towards North East



Existing view looking towards South West



Proposed view looking towards South West