

Notice of Review: 31A Eldindean Road, Bonnyrigg

Determination Report

Report by Ian Johnson, Head of Communities and Economy

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of an extension at 31A Eldindean Road, Bonnyrigg.

2 Background

- 2.1 Planning application 17/00758/DPP for the erection of an extension at 31A Eldindean Road, Bonnyrigg was refused planning permission on 14 November 2017; a copy of the decision is attached to this report.
- 2.2 The review has progressed through the following stages:
- 1 Submission of Notice of Review by the applicant.
 - 2 The Registration and Acknowledgement of the Notice of Review.
 - 3 Carrying out Notification and Consultation.

3 Supporting Documents

- 3.1 Attached to this report are the following documents:
- A site location plan (Appendix A);
 - A copy of the notice of review form and supporting statement (Appendix B). Any duplication of information is not attached;
 - A copy of the case officer's report (Appendix C);
 - A copy of the decision notice, issued on 14 November 2017 (Appendix D); and
 - A copy of the relevant drawings/plans (Appendix E).
- 3.2 The full planning application case file and the development plan policies referred to in the case officer's report can be viewed online via www.midlothian.gov.uk

4 Procedures

- 4.1 In accordance with procedures agreed by the LRB, the LRB by agreement of the Chair:
- Have scheduled an unaccompanied site visit for Monday 15 January 2018; and
 - Have determined to progress the review by way of written submissions.
- 4.2 The case officer's report identified that there were no consultations required and no representations received.

- 4.3 The next stage in the process is for the LRB to determine the review in accordance with the agreed procedure:
- Identify any provisions of the development plan which are relevant to the decision;
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;
 - Consider whether or not the proposal accords with the development plan;
 - Identify and consider relevant material considerations for and against the proposal;
 - Assess whether these considerations warrant a departure from the development plan; and
 - State the reason/s for the decision and state any conditions required if planning permission is granted.
- 4.4 In reaching a decision on the case the planning advisor can advise on appropriate phraseology and on appropriate planning reasons for reaching a decision.
- 4.5 Following the determination of the review the planning advisor will prepare a decision notice for issuing through the Chair of the LRB. A copy of the decision notice will be reported to the next LRB for noting.
- 4.6 A copy of the LRB decision will be placed on the planning authority's planning register and made available for inspection online.

5 Conditions

- 5.1 In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, the following condition has been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.

1. The quoin detail on the front and side of the eastern end of the existing house shall be repositioned and replicated at the front and side of the eastern end of the new extension.

Reason: To ensure the extension matches the external appearance of the existing building and the wider street scene.

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: 5 January 2018

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

Tel No: 0131 271 3310

Background Papers: Planning application 17/00758/DPP available for inspection online.

APPENDIX A



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

31A Eldindean Road, Bonnyrigg, EH19 2HP

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Midlothian Council Licence No. 100023416 (2017)

File No. 17/00758/DPP

Scale: 1:500



Midlothian



Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: planning-applications@midlothian.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100075568-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:

Mrs

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

Other Title:

Building Name:

First Name: *

Margaret

Building Number:

31a

Last Name: *

Anderson

Address 1
(Street): *

31a Eldindean Road

Company/Organisation

Address 2:

Telephone Number: *

Town/City: *

Bonnyrigg

Extension Number:

Country: *

Midlothian

Mobile Number:

Postcode: *

EH19 2HP

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

Midlothian Council

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

Address 1:

31A ELDINDEAN ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

BONNYRIGG

Post Code:

EH19 2HP

Please identify/describe the location of the site or sites

Northing

665590

Easting

331143

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *

(Max 500 characters)

17/00758/DPP | Extension to dwellinghouse | 31A Eldindean Road Bonnyrigg EH19 2HP

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The first and second set of plans were refused, both were refused for the issue of overdevelopment, the second set of plans had removed the garage, leaving adequate garden space, and retaining off street parking, as these were the factors that the first plans were refused. I feel that the garden space that would be retained would be more than adequate with the retention of the off-street parking, and feel that this needs to be reviewed further.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Both sets of completed plans (1st - 17/00335/DPP & 2nd - 17/00758/DPP) Rough Outline of current site

Application Details

Please provide details of the application and decision.

What is the application reference number? *

17/00758/DPP

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

25/09/2017

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

14/11/2017

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☐ Yes ☒ No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

We have now submitted plans twice, both sets have been refused, and now feel that it needs a further inspection, carried out by the individuals of the Local Review Body.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☐ Yes ☒ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☐ Yes ☒ No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Due to security issues, the rear of the property is secured with a locked gate, to which it can be unlocked if given notice of when the Local Review Body intent to visit, the visit will still be unaccompanied by us.

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Margaret Anderson

Declaration Date: 15/11/2017



m.s.sim
Building Design

3, Castle Craig Gardens • Blyth Bridge • Peebles • EH46 7DH

Tel: 01721 752207 • Mobile 07786 166 689 • info@mssim-buildingdesign.com • www.mssim-buildingdesign.com

Planning Department
Midlothian Council
Fairfield House
8 Lothian Road
Dalkieth
EH22 3ZN

CORPORATE RESOURCE	
FILE:	17/00758/DDP
RECEIVED	25 SEP 2017

21st September 2017.

Dear Sir/Madam,

Re : Proposed Extension to House, 31A, Eldindean Road, Bonnyrigg, EH19 2HP.

Please find enclosed Householder Application for Planning Permission.

This application has now been amended since it was refused on 2/6/2017,
Application Reference : 17/00335/DDP.

The previous application was refused on the grounds that the proposal was over development and resulting in the loss of off-road carparking. The proposed garage has now been removed from the application, freeing up garden ground, which now results in 'adequate garden' and compliance with Policy DP6, section 2, subsection i.

There is sufficient space for car parking on the street outside the house however off road car parking can still be achieved if necessary and remains as existing.

We hope that the Planning Department will be more sympathetic in their decision with this application on this occasion.

A Planning Fee has not been included with the application as the previous application was less than one year ago.

Yours Faithfully,

M.S.Sim



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

Planning Application Reference: 17/00758/dpp

Site Address: 31A Eldindean Road, Bonnyrigg

Site Description:

The application property comprises a semi-detached single storey dwellinghouse. It is finished externally in drydash render with a slate roof and brown coloured framed windows.

Proposed Development:

Extension to dwellinghouse

Proposed Development Details:

It is proposed to extend the house by 4m on the east side continuing the form of the existing building. External materials are to match existing.

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

History sheet checked.

Planning permission was refused for two houses at the site of nos 31A and 31B in 1999 (0512/97) including on the grounds of the poor standard of amenity with only a small strip of ground to the rear of the property. The decision was upheld at appeal.

Planning permission was subsequently granted for two houses in 2001 (01/00176/ful). Planning permission was granted subject to conditions including a restriction on permitted development due to the space standards of the houses being of a reduced nature, in the interests of the amenity of the area and the character of the development.

Planning permission was refused for a 7.5m wide extension on the east side of the house earlier this year (17/00335/dpp) on the grounds of overdevelopment.

In support of the application the agent states that the garage has been removed from the scheme freeing up garden ground and that off road car parking can be achieved and remains as existing. He also states that there is space for parking on the street outside the house.

Consultations:

None required.

Representations:

None received.

Relevant Planning Policies:

The relevant policy of the **2017 Midlothian Local Development Plan** is;

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

It is noted that policy DP6 House Extensions, from the now superseded 2008 Midlothian Local Plan, set out design guidance for new extensions requiring that they are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines contained in DP6 also relate to size of extensions, materials, impact on neighbours and remaining garden area. It also states that front porches to detached or semi-detached houses are usually acceptable provided they project less than two metres out from the front of the house. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

Planning Issues:

The main planning issue to be considered is whether or not the proposal complies with the development plan policies and, if not, whether there are any material planning considerations which would otherwise justify approval.

The original house at the application property is symmetrical with no. 31b. 31b has a conservatory attached to its west side. Whilst the extension would affect the symmetry the application property and no. 31b are a more recent infill development in the street and the proposed extension will not have a significant impact on its overall character or the visual amenity of the street scene.

The extension will not have a significant impact on the amenity of neighbouring properties. (A window on the side of no 33 serves a bathroom and it will not be overbearing to the rear garden of this property.)

As stated above permitted development rights were restricted at this site including due to space standards of the houses being of a reduced nature. The useable garden area of the property is already limited and the extension would extend over half the width of the side garden. After the erection of the extension the remaining garden area would comprise a 13.35m long 2.65m deep strip at the rear of the house and a small garden area at the side measuring 3.6m wide and 6m deep. It is noted that policy DP2 Development Guidelines, from the now superseded 2008 Midlothian Local Plan, set out design guidance for new developments. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted. The space standards for new houses contained in policy DP2 require that houses suitable for families should be provided with adequate useable private gardens. It goes on to state that such spaces serve a multitude of different household purposes and should be of sufficient size to perform such functions satisfactorily whilst also being able to allow for the reasonable extension of a new house without reducing the availability of private open space to an unacceptable level. Policy DP6 – House Extensions of the now

superseded 2008 Midlothian Local Plan also requires that an adequate garden area must remain after the house has been extended. In this case the remaining garden would be of very limited use especially in the context of a family home where you may expect a sitting out/outside dining area and space for children to play.

The useable side garden area could be increased in size albeit would still be narrow at 3.6m wide however this would involve the removal of the off road parking space at the site.

The proposal constitutes overdevelopment resulting in a very restricted useable private garden to the detriment of the occupiers of the property, including future occupiers and could effectively result in the removal of off street parking at the site.

Recommendation:

Refuse planning permission.

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 17/00758/DPP

MS Sim Building Design
3 Castlecraig Gardens
Blyth Bridge
West Linton
EH46 7DH

Midlothian Council, as Planning Authority, having considered the application by Mrs Margaret Anderson, 31A Eldindean Road, Bonnyrigg, EH19 2HP, which was registered on 25 September 2017 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Extension to dwellinghouse at 31A Eldindean Road, Bonnyrigg, EH19 2HP

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Existing Floor Plan	1. 1:50	25.09.2017
Existing Elevations	2. 1:50	25.09.2017
Proposed Floor Plan	3A. 1:50	25.09.2017
Proposed Elevations	4A. 1:50	25.09.2017
Proposed Elevations	5A. 1:50	25.09.2017
Location Plan	6A. 1:200 1:1250	25.09.2017

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

- The proposed extension constitutes overdevelopment resulting in a very restricted private useable garden of limited use to the detriment of the occupiers of the property, including future occupiers and could result in the removal of off street parking at the site*
- For the above reason the proposal is contrary to policy DEV2 of the adopted 2017 Midlothian Local Development Plan which seeks to protect the character and amenity of the built-up area.*

Dated 14 / 11 / 2017



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



**The Coal
Authority**

[authority](http://www.coalauthority.gov.uk)

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: [www.gov.uk/government/organisations/the-coal-](http://www.gov.uk/government/organisations/the-coal-authority)

INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

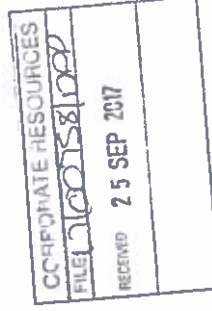
If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

This Informative Note is valid from 1st January 2017 until 31st December 2018

APPENDIX E



LOCATION PLAN Scale 1:1250.



'A' - amended for Planning Application - Sept. 2017.

Scale as shown. April 2017.

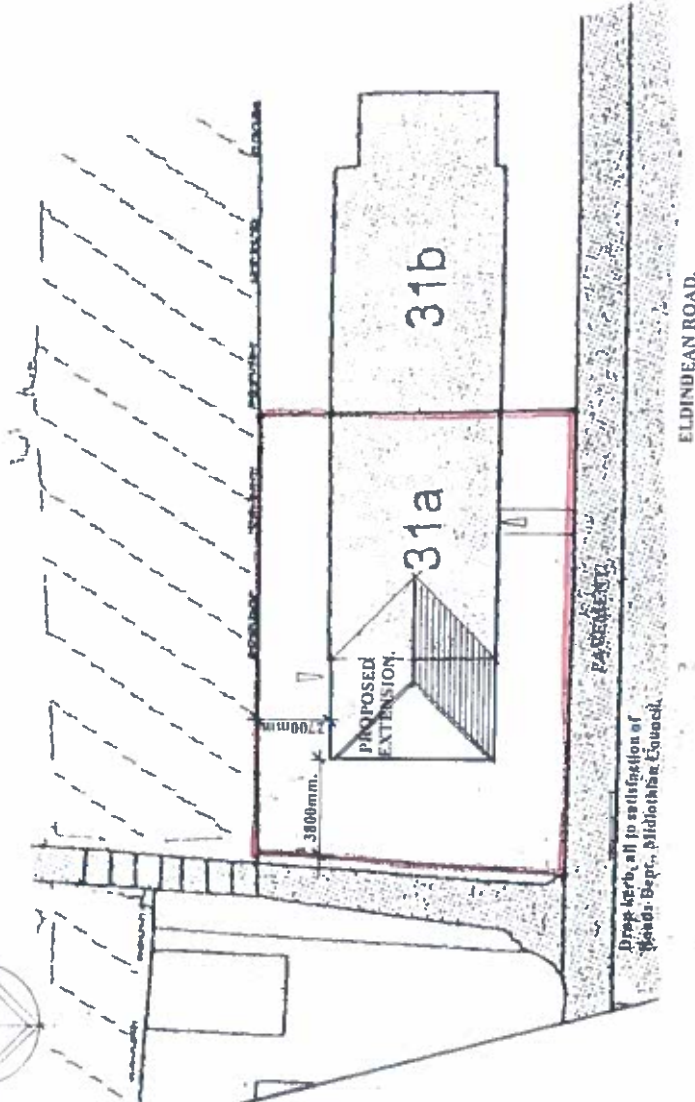
Location & Site Plan.

Proposed Alterations and Extension to House 31a, Eldindean Road, Bonnyrigg, Mrs Margaret Anderson.

m.s. sim

Architectural Consultant
Building Design

3. Castle Craig Gardens • Blyth Bridge • Peebles •
EH46 7DH • Tel. 01721 752207



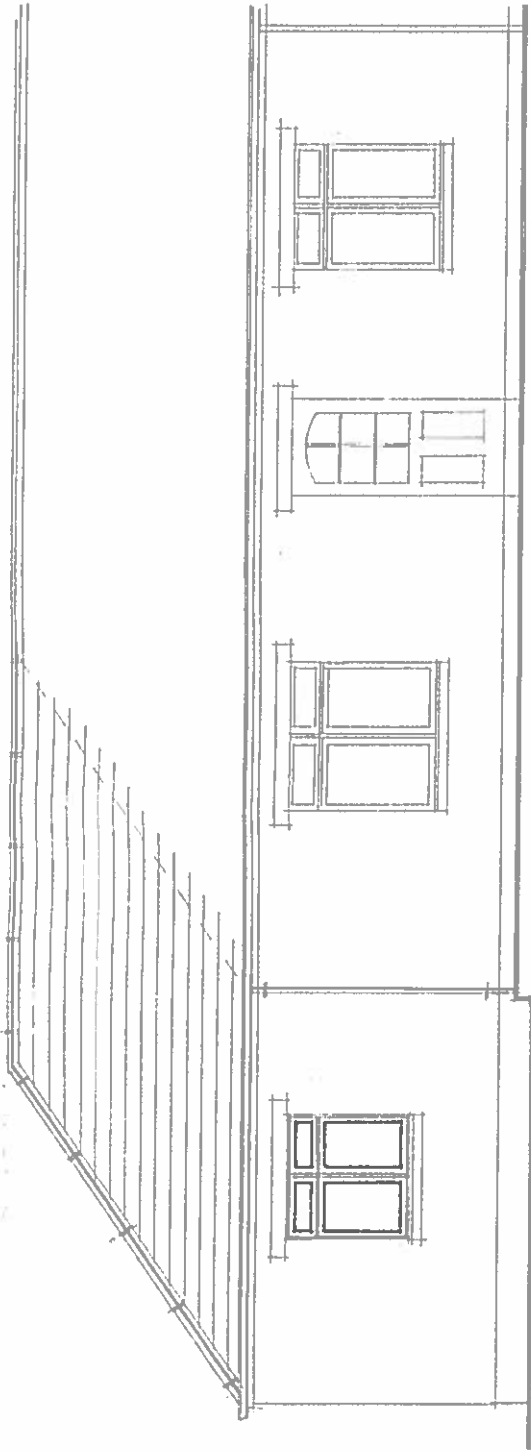
SITE PLAN Scale 1:200.

Driveway:

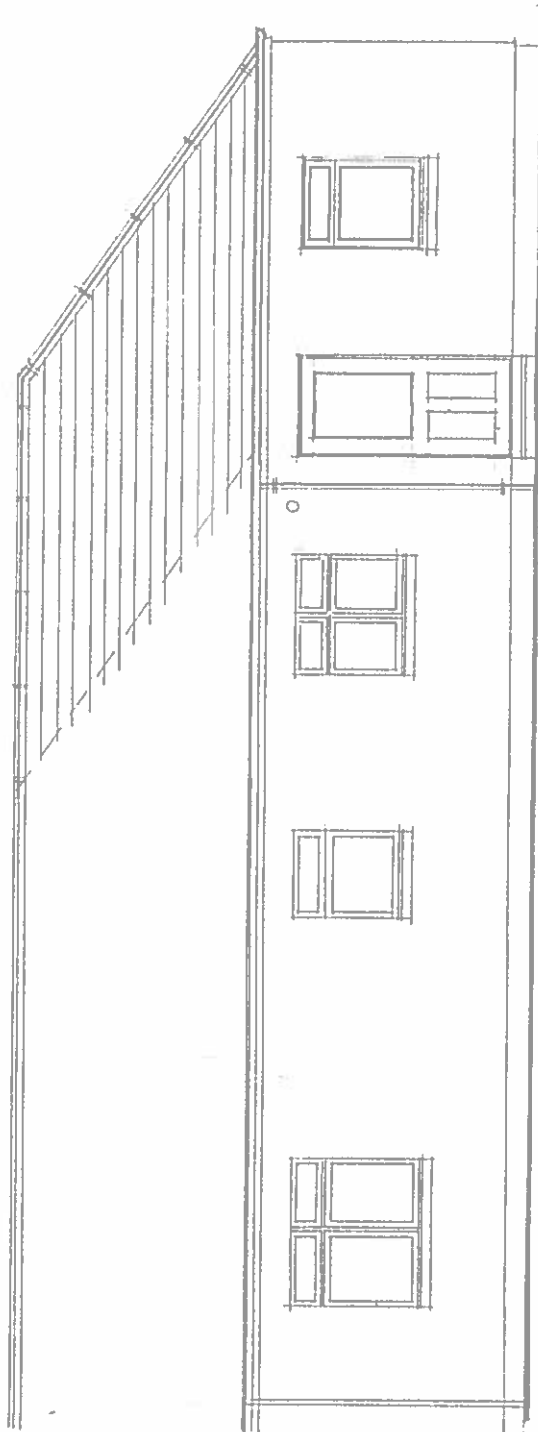
- To be formed with either:
- 50mm concrete slabs on sand bed on 150mm consolidated hardcore.
- or:
- Concrete paving blocks to BS 6717:Part 1:1993, laid in accordance with BS 6677:Part 2:1986 on 150mm consolidated hardcore.

Finishes :

Roof – natural slates to match existing.
Walls – Dry dash render to match existing.
Windows – Brown uPVC casement to match existing.
Gutters & Downpipes – Black uPVC to match existing.



PROPOSED FRONT ELEVATION.



PROPOSED REAR ELEVATION.

4.
A.

CORPORATE RESOURCES	25 SEP 2017
RECEIVED	

Scale 1:50. April 2017.
Proposed Alterations and Extension to House,
31a, Eldindean Road, Bonnyrigg,
Mrs Margaret Anderson.

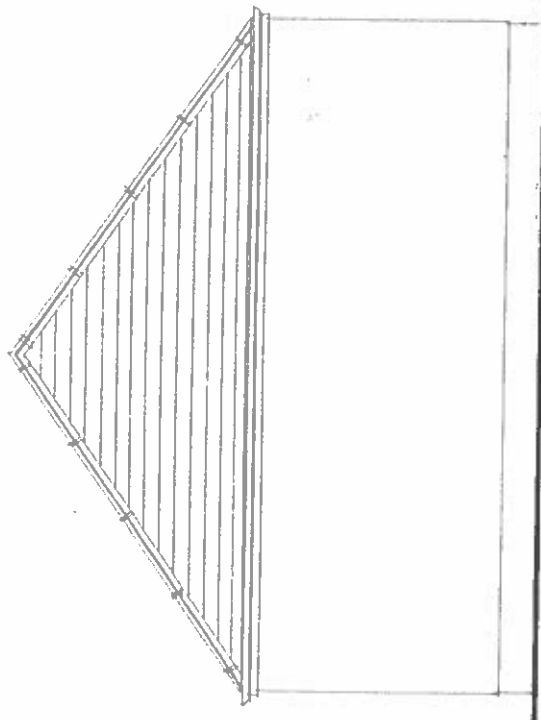
*A' – amended for Planning Application – Sept 2017.

m. s. sim
Architectural Consultant
Building Design

3 Castle Craig Gardens • Blyth Bridge • Peebles
EH46 7DH • Tel 01721 752207

CORPORATE RESOURCES
FILE: 1710075810X
RECEIVED
25 SEP 2017

Manufactured roof trusses at 600mm centres, pitch to be 35 degrees, all trusses to be sized and certified by manufacturer.



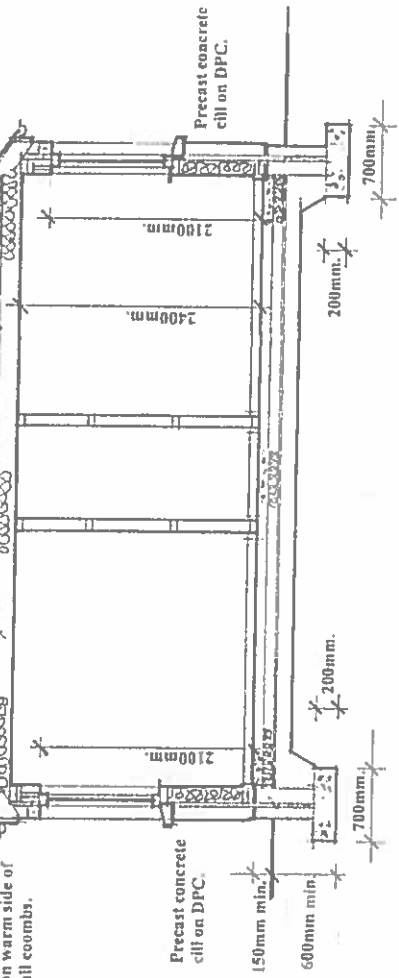
PROPOSED SIDE ELEVATION.

Ensure 500 gauge vapour barrier is fitted between insulation and plasterboard (on warm side of insulation), at all eaves.

35 degrees.

300mm insulation quilt between ceiling ties at all horizontal roof areas.

Ensure min. 50mm airspace between insulation and sarking.



SECTION A - A.

ROOF INSULATION -
Fit 300mm Crown Loft Roll 40 insulation quilt between ceiling ties at all horizontal ceiling areas, (100mm between ceiling ties, 200mm over), ensure min. 50mm vented airspace between insulation and sarking. All to be finished in 12.5mm plasterboard with plaster skim finish.
This construction gives a 'U' value of 0.13 W/m²K.

WALL INSULATION -
Fit 145mm Kingspan Thermawall TW55 zero ODP insulation between studs and fit 500 gauge vapour barrier over between insulation and plasterboard (timber frame to be finished internally with 12.5mm plasterboard).
All to give 'U' value of 0.17 W/m²K.

FLOOR INSULATION -
Form 150mm well consolidated hardcore, sand blind and fit 1200 gauge Visqueen DPM, all joints lapped 150mm and taped, dressed up walls and taken above height of proposed DPC in walls. Lay 100mm oversite concrete. Fit 140mm Kingspan Thermafloor TF70 zero ODP insulation, laid as per manufacturers instructions, include for perimeter edge insulation. Lay 1000 gauge Visqueen DPM over insulation and lay 100mm concrete screed, finished with power float finish.
This construction gives a 'U' value of 0.14 W/m²K.

'A' - amended for Planning Application - Sept. 2017.

Scale 1:50. April 2017.

Elevation & Section.

A.
5.

Proposed Alterations and Extension to House,
31a, Eldindean Road, Bonnyrigg,
Mrs Margaret Anderson.

m s sim

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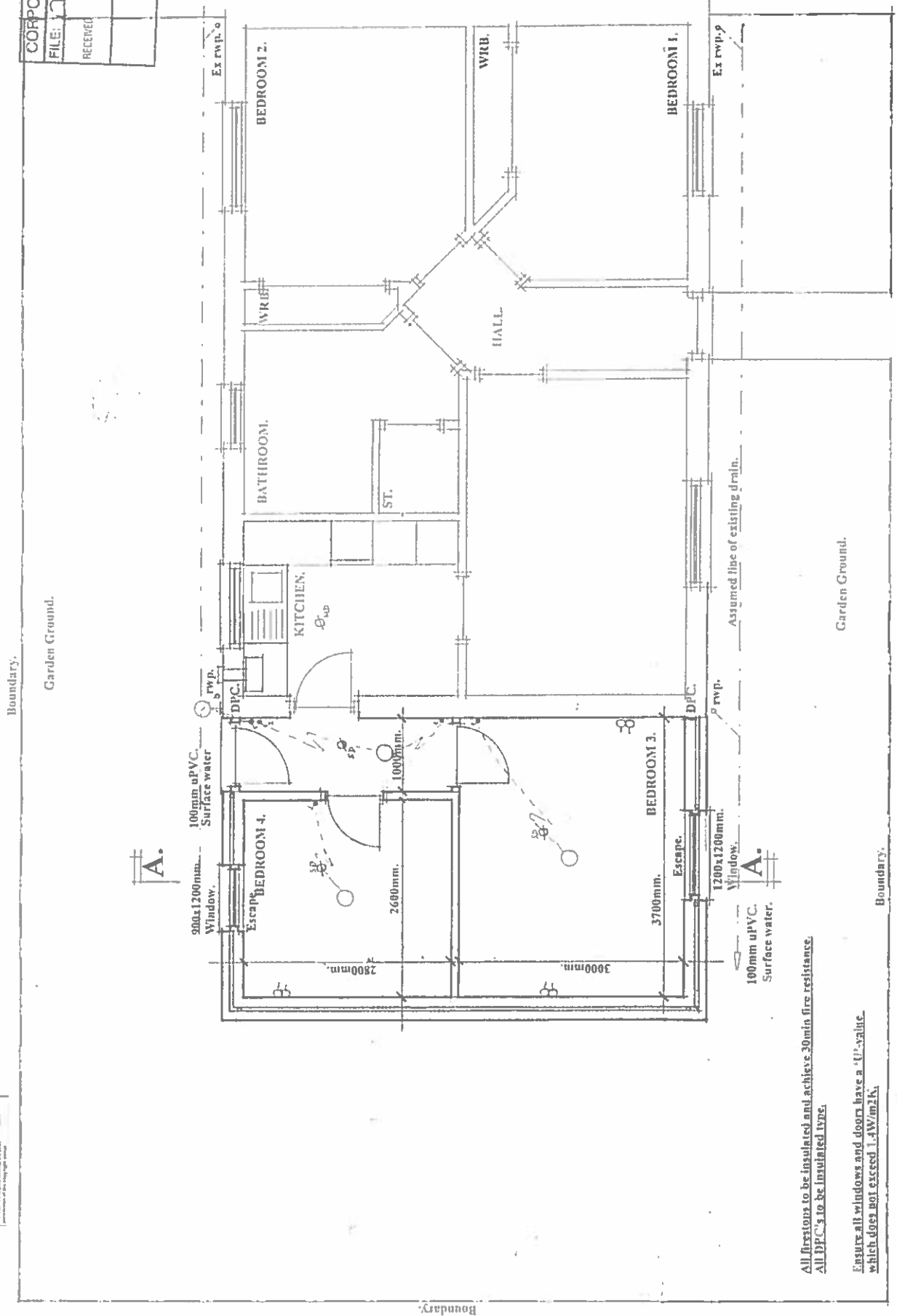
CORPORATE RESC	FILE: 1706215100P
RECEIVED	25 SEP 2017

m.s. sim
Architectural Consultant
Building Design

'A' - amended for Planning Application

3.A.

Scale 1:50. April 2017.
Proposed Alterations and Extension to House,
31a, Eldindcan Road, Bonnyrigg,
Mrs Margaret Anderson.



All fire doors to be insulated and achieve 30min fire resistance.
All DPC's to be insulated type.

Ensure all windows and doors have a 'U'-value
which does not exceed 1.4W/m²K.

PROPOSED FLOOR PLAN.