

# Refuse of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body  
Tuesday 27 February 2018  
Item No 5.3

## Local Review Body: Review of Planning Application Reg. No. 17/00758/DPP

Mrs Margaret Anderson  
31A Eldindean Road  
Bonnyrigg  
Midlothian  
EH19/2HP

Midlothian Council, as Planning Authority, having considered the review of the application by Mrs Margaret Anderson, 31A Eldindean Road, Bonnyrigg, EH19 2HP, which was registered on 15 November 2017 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

**Extension to dwellinghouse at 31A Eldindean Road, Bonnyrigg**, in accordance with the application and the following plans:

<u>Drawing Description.</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 reason for the Council's decision is 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 contrary to policy DEV2 of the Midlothian Local Development Plan 2017 which seeks to protect the character and amenity of the built-up area.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 16 January 2018. The LRB carried out a site visit on the 15 January 2018.



In reaching its decision the LRB gave consideration to the following development plan policies and material considerations:

Midlothian Local Development Plan Policies:

1. Policy DEV2: Protecting amenity within the built-up area

Material considerations:

1. The individual circumstances of the proposal

Dated: 16/01/2018

A handwritten signature in black ink, appearing to read 'Peter', with a large, stylized initial 'P' and a flourish at the end.

Peter Arnsdorf  
Planning Manager (Advisor to the Local Review Body)  
Communities and Economy  
Midlothian Council

On behalf of:

Councillor R Imrie  
Chair of the Local Review Body  
Midlothian Council



## NOTICE TO ACCOMPANY REFUSAL ETC.

### TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

***Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions, or***

***Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)***

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the town and Country Planning (Scotland) Act 1997.

*Advisory note:*

*If you have any questions or enquiries regarding the Local Review Body procedures or this decision notice please do not hesitate to contact Peter Arnsdorf, Planning Manager tel: 0131 2713310 or via [peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)*