

Notice of Review: 6 Gorton Loan, Rosewell

Determination Report

Report by Chief Officer Place

1 Purpose of Report

- 1.1 The purpose of this report is to provide a framework for the Local Review Body (LRB) to consider a 'Notice of Review' for the erection of a single and two storey extension to dwellinghouse; and formation of dormer windows at 6 Gorton Loan, Rosewell.

2 Background

- 2.1 Planning application 22/00734/DPP for the erection of a single and two storey extension to dwellinghouse; and formation of dormer windows at 6 Gorton Loan, Rosewell was refused planning permission on 21 November 2022; 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 advisory notes, issued on 21 November 2022 (Appendix D); and
 - A copy of the key plans/drawings (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 agreed procedures, the LRB:

- Have determined to undertake a site visit (only elected members attending the site visit can participate in the determination of the review); and
 - Have determined to progress the review by 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 back to the 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 20 June 2022, 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. The development to which this permission relates shall commence no later than the expiration of three years beginning with the date of this permission.

Reason: To accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019).

2. The following details:
 - a. the colour of the render proposed on the walls of the extension;
 - b. the colour of the timber cladding on the walls of the extension;

- c. the colour of the aluminium window and door frames on the extension;
 - d. the colour of the timber fascia on the dormers; and
 - e. colour of the stone cope on the extension
- shall be submitted to the planning authority for written approval prior to the commencement of construction. The approved details shall thereafter be implemented and retained in perpetuity unless otherwise agreed in writing with the planning authority.
3. Any roof vents on the front elevation of the original cottage shall be flush fitting so as to not project beyond the plane of the roof.

Reason for conditions 2 and 3: To safeguard the character of the existing building and the visual amenity of the surrounding area.

4. Planning permission is not hereby granted for the erection of any boundary walls or fences at the site.

Reason: For the avoidance of doubt as to what is approved. The submitted plans are annotated that there are existing timber fences surrounding the site details of which were not provided as part of the application submission and were not present on site at the time of the case officer's site visit and have not been assessed.

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

Peter Arnsdorf
Planning, Sustainable Growth and Investment Manager

Date: 10 April 2023
Report Contact: Ingrid Forteath, Planning Officer
ingrid.forteath@midlothian.gov.uk

Background Papers: Planning application 22/00734/DPP available for inspection online.

Appendix A



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

Extensions and formation of dormer windows 9 Gorton Loan, Rosewell

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File No.22/00734/DPP

Scale: 1:1,250





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 100617481-001

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

Applicant or Agent Details

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

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Suzanne McIntosh Planning Limited"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Suzanne"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="McIntosh"/>	Building Number:	<input type="text" value="45C"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Address 1 (Street): *	<input type="text" value="Bath Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Portobello"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="EH15 1HB"/>
Email Address: *	<input type="text" value="REDACTED"/>		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Colin"/>	Building Number: <input type="text" value="9"/>
Last Name: *	<input type="text" value="McCurdy"/>	Address 1 (Street): * <input type="text" value="Gorton Loan"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Rosewell"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH24 9AB"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="smcintoshplan@gmail.com"/>	

Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="9 GORTON LOAN"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ROSEWELL"/>
Post Code:	<input type="text" value="EH24 9AB"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="662583"/>	Easting	<input type="text" value="328774"/>
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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)

Single and Two Storey Extension to Dwellinghouse; and formation of dormer windows

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

A separate Grounds for Review Document is provided

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)

All submission documents/ drawings; Photographs and Drone Photo images, A topographical Survey and a Grounds for Review Document containing a list of docs and reference numbers

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/00734/DPP

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

10/10/2022

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

21/11/2022

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)

A site visit is essential to see the relationship of the new houses constructed adjacent to the rear garden and the degree of overlooking the cottage garden now has from these houses. The case officer must not have seen these or viewed the site from google maps/ street view - which has older pre-construction images on it. The LRB must be in full possession of the setting around the house to be able to assess the proposals and understand why they are designed as they are.

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)

Purely in terms of health and safety - that the appellant would want to be able to point out areas that might not be suitable for walking on

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?. *

T Yes ≤ No

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

T 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? *

T 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? *

T 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 *

T 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 Suzanne McIntosh

Declaration Date: 15/02/2023

GROUNDS FOR REVIEW

9 GORTON LOAN, ROSEWELL,
MIDLOTHIAN

MR COLIN MCCURDY

SUZANNE MCINTOSH PLANNING LIMITED

1. INTRODUCTION

- 1.1 An application for planning permission, under Midlothian Council reference 22/00734/DPP, was lodged by Craig Dougall of Urban Design Limited on 10th October 2022.
- 1.2 The application and supporting information set out a well designed proposal for a single and two storey extension to a dwellinghouse and formation of dormer windows at 9 Gorton Loan, Rosewell.
- 1.3 No objections were received from neighbours, the general public or the community council, no consultees raised any objections or queries and no site visit appears to have been undertaken by the officer.
- 1.4 Despite that Planning Permission was refused on 21/11/22, under powers delegated to the officer, for the following reasons:

1. *The proposed extensions are unsympathetic to the traditional character of the original building, in terms of their design, in particular their massing. Neither do the extensions constitute a high quality example of contemporary design. They would appear as a very bulky addition, detracting from the character of the building.*
2. *The proposed dormer on the west elevation and the glazing at first floor level at the rear of the extension would result in direct overlooking of neighbouring gardens with an overbearing detrimental impact on the privacy and consequently the amenity of the occupiers.*
3. *For the above reasons the proposal is contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017 which seeks to protect the character and amenity of the built-up area*

2. SITE AND LOCATION

- 2.1 The property is located on Gorton Loan, Rosewell where the applicant has lived for many decades with his family. The cottage is directly opposite his family home. He purchased the cottage for his daughter when it came up for sale - she describes it as her 'forever home'.
- 2.2 The original cottage is small and requires significant investment and upgrading. An option would have been to demolish the cottage and build a new house on the site – which would have complied with the council's LDP policies. However, instead the appellant wanted to be respectful of the history of the village and therefore keep and restore the cottage, given it dates from 1894.
- 2.3 The setting of the cottage has completely changed over the past few years given the new houses that have been built so close to the cottage but still contributes positively to the street scene despite all the landscaped setting on the neighbouring land having been removed by others.
- 2.4 The proposals are to extend the cottage at the rear to achieve a more flexible family style layout and give the added benefit of creating more privacy than exists for the rear area at present.
- 2.5 Direct overlooking from the new Avant houses being constructed at present at a new higher ground level some 14m from the cottage means that the rear garden of no 9 has no privacy at all. The extension will go some way to resolving this issue and creating more of a focus on the side garden as the private family garden – on the opposite side from the new houses. The side garden is contained by a newly restored stone wall – there is limited visibility into it from the street.
- 2.6 The cottage is a typical Scottish stone cottage from the late Victorian period – slate roof, stone front although the windows have been altered to Upvc, rear has been rendered and painted and the cottage has been extended and is in such a poor state of repair. The cottage is surrounded by vast volume builder development currently under construction. Planning permission was granted to Bett Homes for 290 dwellings in 2005 and is currently being built out by Avant Homes.

- 2.7 The layout and design of the new houses is not particularly memorable or note worthy. It is typical of a profit rather than design driven volume builder type of layout. It is clear that little thought to the relationship of the new houses to the existing buildings of character around the site has been given.
- 2.8 Since the granting of that permission the ground levels closest to the cottage have been raised to a level that are higher than the council granted consent for. Our topo survey, provided with this appeal shows that the ground level on the Avant side has been increased by a material extent and is sitting 1.2m higher than shown on the approved drawings.
- 2.9 The impact of the siting of the houses on the Avant side on the cottage is therefore considerably greater than the proposal when it was at grade and ran through at the same level as the ground was previously. The owners of the cottage commented on the proposals at the time. The changes in level were not part of that application; therefore no public consultation on that element was undertaken as these houses have been built – clearly a planning enforcement issue.
- 2.10 It is proposed to remove the existing rear extension to the cottage and remodel the internal layout at ground floor and create an open plan family room/ kitchen extension at ground level. The upper floor will be extended in part to create a home office space. The garden area around the property is substantial and is triangular in shape.
- 2.11 The shape of the extension responds to the shape of the garden and the degree to which it would be visible from the road to the front. The extension is to be finished with a smooth render and timber cladding, and a slate roof – giving it a contrasting contemporary quality design that sits comfortably with the existing house. The dormers proposed to the front elevation are traditional in design, proportions and materials with timber framed sash and case windows.
- 2.12 To assist the LRB drone footage stills, 3D computer generated images of the proposal and an up to date topographic survey area provided.

3. MATERIAL PLANNING CONSIDERATIONS

- 3.1 S25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the council to take their decision in line with the development plan unless material considerations indicate otherwise. From today 13/2/23 the National Planning Framework 4 (NPF4) policies form part of the development plan. These issues are therefore relevant in the determination of this review.
- 3.2 The relevant policy in the development plan is DEV 2 (Development within the Built Up Area) Midlothian LDP 2017 which states that: *'Development will be permitted within existing and future built-up areas and in particular within residential areas, unless it is likely to detract materially from the existing character of amenity of the area.'*
- 3.3 Policy 1 of the NPF4 advises that when considering all development proposals significant weight will be given to the global climate and nature crises. In this case the proposal represents a sustainable solution for the site – extending the lifespan of a building which embodies a carbon footprint from its original build.
- 3.4 Demolition and rebuild would have created a greater carbon footprint than restoration and extension – therefore the solution presented in this application is in line with NPF4 and the climate crisis emergency.
- 3.5 The LRB are asked to note that this Grounds for Review presents an up to date consideration of the proposal. The Planning Officer's assessment presents out of date policy in reaching their conclusion. This same issue has arisen on a number of other LRB reviews and has been highlighted previously – yet the issue continues.
- 3.6 The officer makes reference to detailed policy/ guidance that is out of date and uses this as a basis to assess the proposals. There is quite a substantial difference in interpretation of the relevant policies today compared to the situation in 2008 which the officer refers to. It is concerning that the refusal is based on out of date policy.
- 3.7 The application of out of date policy and guidance from 2008, some 15 years old, is entirely irrelevant to the case. The officer has essentially misdirected themselves in applying these aged tests to this proposal.

The LRB is asked to discount the out of date policy references in the officer report of handling.

- 3.8 The appellant, if he had been appealing to the Reporter at DPEA, would be making a claim for expenses relating to this appeal on that point alone as it amounts to maladministration in the process. However, one of the shortcomings of the LRB process is that no claim for expenses can be made. The LRB is therefore asked to base their decision on current policy and ignore out of date policy.
- 3.9 In addition, the appellant has been in touch with the Development Management Manager to raise a number of issues relating to the case. He has raised the issue as to whether a site visit was ever done by the officer. The reason being – there are workmen on site restoring the walls of the cottage and have been for the duration of the application – they did not report any visitors to the site from Planning. Plus the applicant's house is directly opposite the appeal site.
- 3.10 The other reason is that the report fails to take account of the Avant Houses in close proximity to the site – overbearing and looking into the cottage's garden. The nature of the extension and positioning of windows has been designed to create privacy for the occupiers of no9 where it has been eroded to such an extent by the Avant Houses – rather than the other way around. The LRB will see this on site for themselves or view it clearly in the supporting documentation.
- 3.11 The relevant policy in the Midlothian LDP 2017 is DEV2. DEV2 seeks to protect amenity within the built-up area and the character and amenity of the built-up area.
- 3.12 The officer sets out their rationale and refers to *the Council's Supplementary Guidance on Quality of Place which is currently being drafted*. We have been told for a decade now that this Place guidance is being drafted. Until it is approved by committee and adopted etc – it is irrelevant to this case and we must consider it on the basis of the information that presents the council's settled policy. In addition, NPF4 changes the relevance and status of SPG anyhow, making reference to it is even more questionable now.
- 3.13 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.

- 3.14 The Planner states that *'One of the main issues in the consideration of this application is the design of the proposed extensions, in particular their massing and effect on the character and appearance of the original house.'* This is not entirely correct – it is the impact of the proposal on its context and degree to which the original building is visible in its context, from the road, from paths etc.... – what must be the obvious question in this case is the volume of new development that has subsumed the original cottage – negatively impacting on its setting. The degree of overlooking introduced by the Avant Homes that have been positioned so close to the boundary with the cottage rear garden must be viewed to be appreciated... there isn't a respectful distance between the two.
- 3.15 To compound matters Avant have not built the houses at the correct, approved ground levels – instead they have changed the ground levels raising them by 1.2m. However, the original cottage which has been on site since 1894 is being penalised for this fault in the builders scheme.
- 3.16 The LRB will be aware that within the built up area large extensions may be acceptable where, as a result of their design, they do not have a significant impact on the character of the original property or are of a very high quality design finished in high quality materials. This case is one such case where the original house and garden will be complemented by the extension and the overall sustainability benefits over-ride any concerns the Planner may have had.
- 3.17 The size of the extension can be adequately accommodated on the site. It is in the main single storey, it responds to its context by trying to maintain the privacy of the occupiers. Given the catastrophic effect of the Avant Houses on the privacy of the cottage's rear garden – the design of the extension seeks to maintain privacy for the occupiers – they don't want to feel completely overlooked by the Avant Houses. The amount of private, useable garden remaining for the cottage's post extension – is substantial. The extension isn't readily visible from Gorton Loan due to the stone boundary wall along the front of the cottage's garden obscuring views in.
- 3.18 The extension is designed to respond to its context and seeks to maintain the important front elevation of number 9, visible from the road, as the primary feature of character on the cottage. The restoration of the stonework is being undertaken at considerable cost

to the applicant to maintain those elements of character. The walls and copes etc have all been restored.

- 3.19 The extensions are not of a high quality or bold contemporary design sufficient to warrant approval.
- 3.20 The Planner alleges the quality is not what they'd approve - the extension however is what the family want and is respectful and responsive to its setting. The extension will not be overbearing to the outlook from or have a significant impact on light to neighbouring properties. So we find ourselves asking – why was it refused?
- 3.21 Regarding privacy - the cottage is entirely overlooked by the new Avant properties as shown on the submission materials. The proposals do not result in a poorer situation for the houses under construction.
- 3.22 The LRB will note the additional layout drawing prepared by Urban Design to illustrate the additional land purchased by the appellant which will form part of the cottage's extended garden to the east. It also shows the exact survey distances from the Avant Houses to the boundary with the cottage.

4. CONCLUSION

- 4.1 The matters relevant in the determination of this review are set out above and in the drawing pack lodged to the LRB.
- 4.2 The LRB is requested to visit the property and overturn the decision of the officer and grant planning permission for this sympathetic extension to the property.
- 4.3 We look forward to providing any further assistance or clarification or access to the property that will help in the consideration of the case.

Suzanne C McIntosh MRTPI HonFRIAS

13.2.23

LIST OF SUPPORTING DOCUMENTS

- All application docs as submitted by Urban Design originally
- Decision Notice
- Report of Handling
- Drone photos x 7
- Photos x12
- 3d visuals x 7
- Topographical survey

MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 22/00734/dpp

Site Address: 9 Gorton Loan, Rosewell

Site Description:

The application property comprises a traditional stone built single storey detached cottage. It has a slate roof and white upvc windows. There is a hipped roof outshot at the rear of the cottage finished externally in weathered render. The application property has a triangular shaped garden at the rear of the house. The site is currently surrounded by a timber fence along the boundary with 11 Gorton Loan next door and heras fencing along the remainder of the western boundary and along the eastern boundary with a stone wall along part of the front boundary. There is new housing to the west of the site including new housing currently under construction. To the east of the site is the yard of Rosewell Mains.

Proposed Development:

Single and two storey extension to dwellinghouse; and formation of dormer windows

Proposed Development Details:

It is proposed to take down the existing hipped roof outshot at the rear of the house and replace it with an extension comprising accommodation at ground floor level and accommodation within the roofspace at first floor level within a pitched roof with a 3.9m wide and 7.8m deep flat roof section at ridge level with a dormer window to either side of the roof and full height glazing at first floor level on the rear gable elevation. This part of the extension measures 9.5m wide and 3.6m deep. It is to be finished externally in a mix of smooth render and timber cladding with an aluminium framed window at ground floor and a slate roof. The dormers are to be finished in slate on the cheeks and roof with a timber fascia and timber framed sash and case windows. A flat roof single storey extension is proposed to the rear of and wrapping around the west side of the two storey extension. The part of the extension to the rear of the pitched roof extension measures a maximum of 6.6m deep and 16.5m wide projecting 5.9m in to the garden on the east side of the house. The part to the west of the pitched roof extension measures 3.8m deep and 1.5m wide. The extension is irregular in shape running parallel with the angle of the west and east boundaries of the rear garden. It is to be finished externally in smooth render with a stone cope and aluminium framed windows and doors.

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

History sheet checked.

14/00518/dpp - Erection of 290 dwellinghouses; formation of access roads and suds features; and associated works at land south of Gorton Loan, Rosewell – pp 17.12.15

Consultations:

None required.

Representations:

None received.

Relevant Planning Policies:

The relevant policy of the **Midlothian Local Development Plan 2017** 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. It also allowed for novel architectural solutions. 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.

One of the main issues in the consideration of this application is the design of the proposed extensions, in particular their massing and effect on the character and appearance of the original house.

The original cottage is traditional in design and quite modest in scale and in spite of the existing single storey flat roof extension at the rear the form of the original cottage is still evident. The footprint of the original cottage is approximately 76m². The footprint of the proposed extensions is approximately 133m².

Large extensions may be acceptable where, as a result of their design, they do not have a significant impact on the character of the original property or are of a very high quality design finished in high quality materials.

The proposed two storey extension would be a very prominent feature at the rear of the house. It would dominate the rear elevation of the house and its massing, in particular the flat roof section at ridge level resulting in a very bulky gable end at the rear, does not respect the traditional pitched form of the roof or the traditional character of the original house. Also the flat roof of the proposed two storey extension projects above the ridge of the original cottage weakening and similarly detracting from the traditional pitched form of the roof and the character of the original house. The large flat roof extension wrapping around the side and rear of

the proposed two storey extension further obliterates the character of the original cottage and adds to the overall bulk of the proposals. As a result of their overall size and design the extensions will appear as clumsy stuck on bulky additions, paying little respect to the original modest cottage, out of character with the original cottage and would detract from the character and appearance of the host building.

The extensions are not of a high quality or bold contemporary design sufficient to warrant approval.

There is a 1.8m high stone wall along the front of the garden on the east side of the house with garden ground behind. Whilst the extension will occupy a large part of the rear garden sufficient private garden will remain at the side of the house.

The extension will not be overbearing to the outlook from or have a significant impact on light to neighbouring properties.

The proposed dormer on the west elevation of the rear extension will directly overlook the garden of no. 11 Gorton Loan at relatively close proximity with a detrimental impact on the amenity of this property.

The large area of glazing at first floor level on the rear of the extension will afford direct views of the rear gardens of the new houses currently under construction to the rear of the site with a detrimental impact on the amenity of future occupiers of these properties.

The design of the front dormers is sympathetic to the character of the existing house. They will be approximately 16.5m from the houses on the other side of the road with views towards the front windows of these properties. The fronts of these properties are already open to public view and on balance the impact of overlooking from the dormers is not sufficient to warrant refusal of planning permission.

Recommendation:

Refuse planning permission

Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 22/00734/DPP

Urban Design Limited
80 Newhailes Crescent
Musselburgh
EH21 6EG

Midlothian Council, as Planning Authority, having considered the application by Mr Colin McCurdy, 9 Gorton Loan, Rosewell, Midlothian, EH24 9AB, which was registered on 10 October 2022 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Single and two storey extension to dwellinghouse; and formation of dormer windows at 9 Gorton Loan, Rosewell, EH24 9AB

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

<u>Document/Drawing.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	10.10.2022
Existing Floor Plans And Elevations	UD22/010/EXIST/001 1:1250 1:200 1:50	10.10.2022
Proposed Floor Plans	UD22/010/PLAN/102 1:50	10.10.2022
Proposed Elevations	UD22/010/PLAN/103 1:50	10.10.2022
Proposed Roof Plan	UD22/010/PLAN/104 1:200 150	10.10.2022
Proposed Site Plan	UD22/010/PLAN/105 1:200 1:50	10.10.2022
Proposed And Existing Site Plan	UD22/010/PLAN/106 1:1250 1:200	10.10.2022

The reason(s) for the Council's decision are set out below:

- The proposed extensions are unsympathetic to the traditional character of the original building, in terms of their design, in particular their massing. Neither do the extensions constitute a high quality example of contemporary design. They would appear as a very bulky addition, detracting from the character of the building.*
- The proposed dormer on the west elevation and the glazing at first floor level at the rear of the extension would result in direct overlooking of neighbouring gardens with an overbearing detrimental impact on the privacy and consequently the amenity of the occupiers.*
- For the above reasons the proposals are contrary to policy DEV2 of the adopted Midlothian Local Development Plan 2017 which seeks to protect the character and amenity of the built-up area.*

Dated 21 / 11 / 2022

A handwritten signature in dark ink, appearing to be 'DR' with a stylized flourish.

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



**The Coal
Authority**

Any Planning Enquiries should be directed to:

Planning and Local Authority Liaison
Direct Telephone: 01623 637 119 (Planning Enquiries)
Email: planningconsultation@coal.gov.uk
Website: www.gov.uk/coalauthority

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 at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former 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 new development taking place.

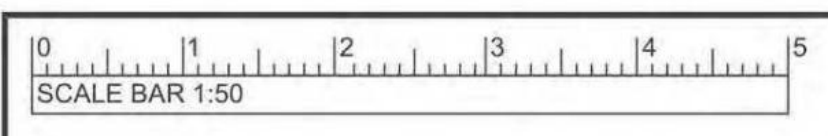
It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Warrant approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

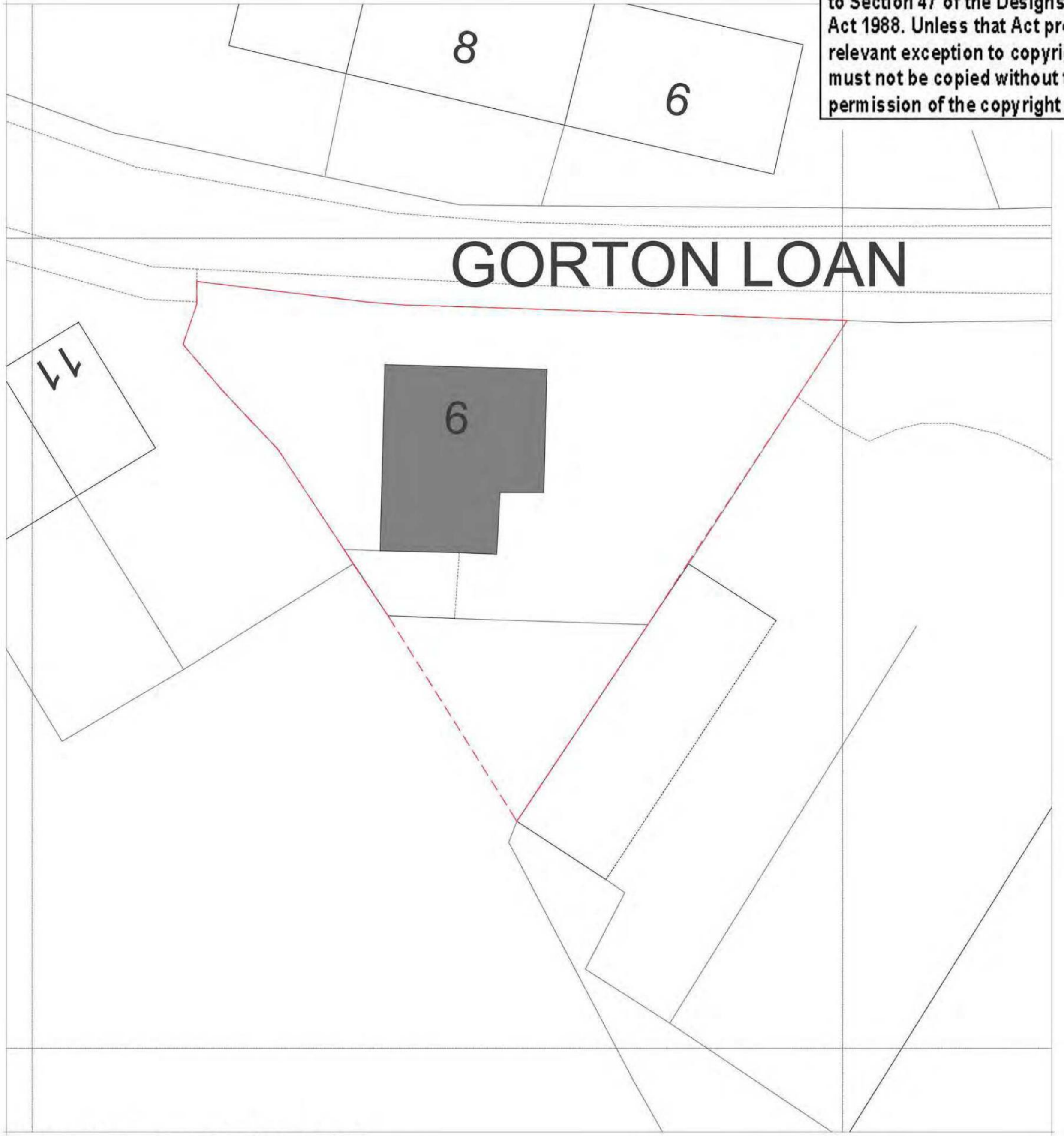
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent 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.

If any 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

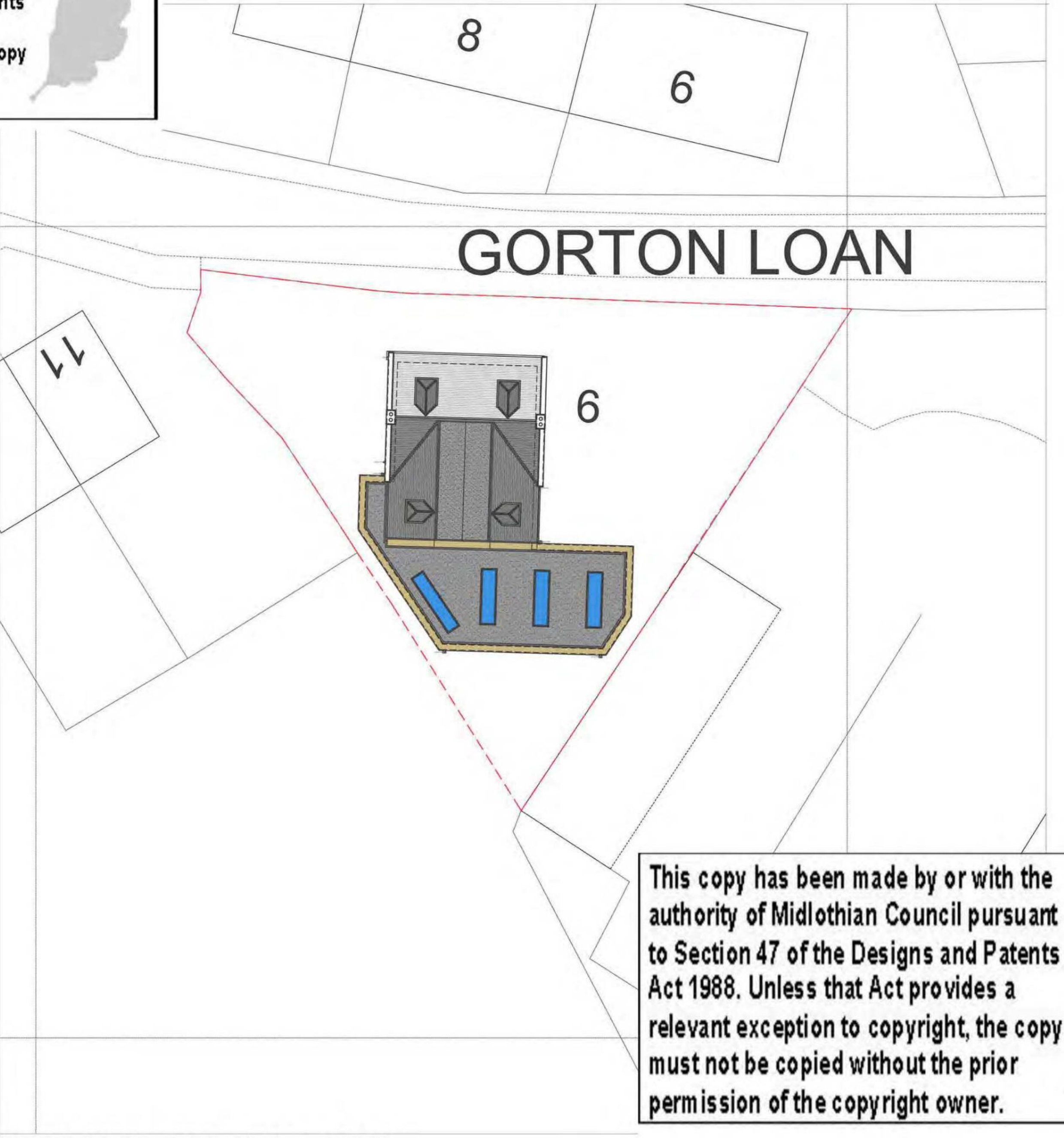
Informative Note valid from 1st January 2021 until 31st December 2022



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EXISTING SITE PLAN - 1:200



PROPOSED SITE PLAN - 1:200

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EXISTING LOCATION PLAN - 1:1250

REFUSED
22.00734.DPP
21.11.2022



PROPOSED LOCATION PLAN - 1:1250



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Tel: 07886 113 817
www.urbandesignlimited.com

DRAWING STATUS :-		
FEASIBILITY STUDY	<input type="checkbox"/> TENDER ISSUE	<input type="checkbox"/>
BUILDING WARRANT	<input type="checkbox"/> CONSTRUCTION ISSUE	<input type="checkbox"/>
PLANNING APPROVAL	<input checked="" type="checkbox"/> AS BUILT	<input type="checkbox"/>
CLIENT: MR & MRS McCURDY		
PROJECT: PROPOSED ALTERATIONS AND EXTENSION TO HOUSE		
ADDRESS: 9 GORTON LOAN, ROSEWELL, MIDLOTHIAN, EH24 9AB		
DRAWN BY: CSD	CHECKED BY: CM	DATE: AUGUST 2022
DRAWING SCALE (A1): 1:200 & 1:1250		DRAWING NUMBER: UD22/010/PLAN/106

GORTON LOAN

DRAWING KEY:

--- SITE BOUNDARY LINE

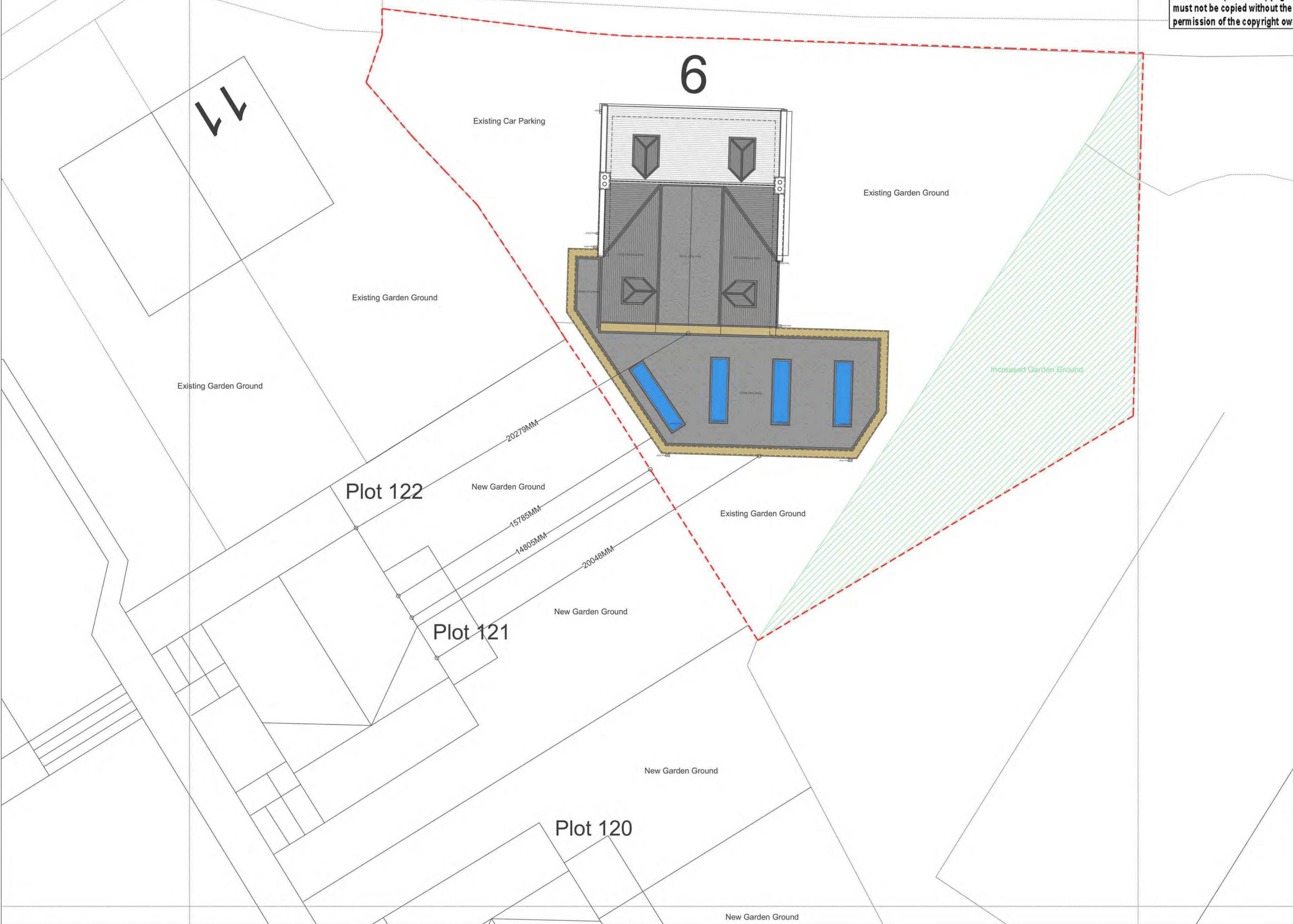
EA: 848 SQUARE METERS

1: 184 SQUARE METERS

4 SQUARE METERS
SQUARE METERS
SQUARE METERS

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HOUSE AREAS:
EXISTING HOUSE FLOOR AREA: 102 SQUARE METERS
EXTENSION FLOOR AREA: 108 SQUARE METERS
PROPOSED HOUSE FLOOR AREA: 210 SQUARE METERS



ILLUSTRATIVE ONLY

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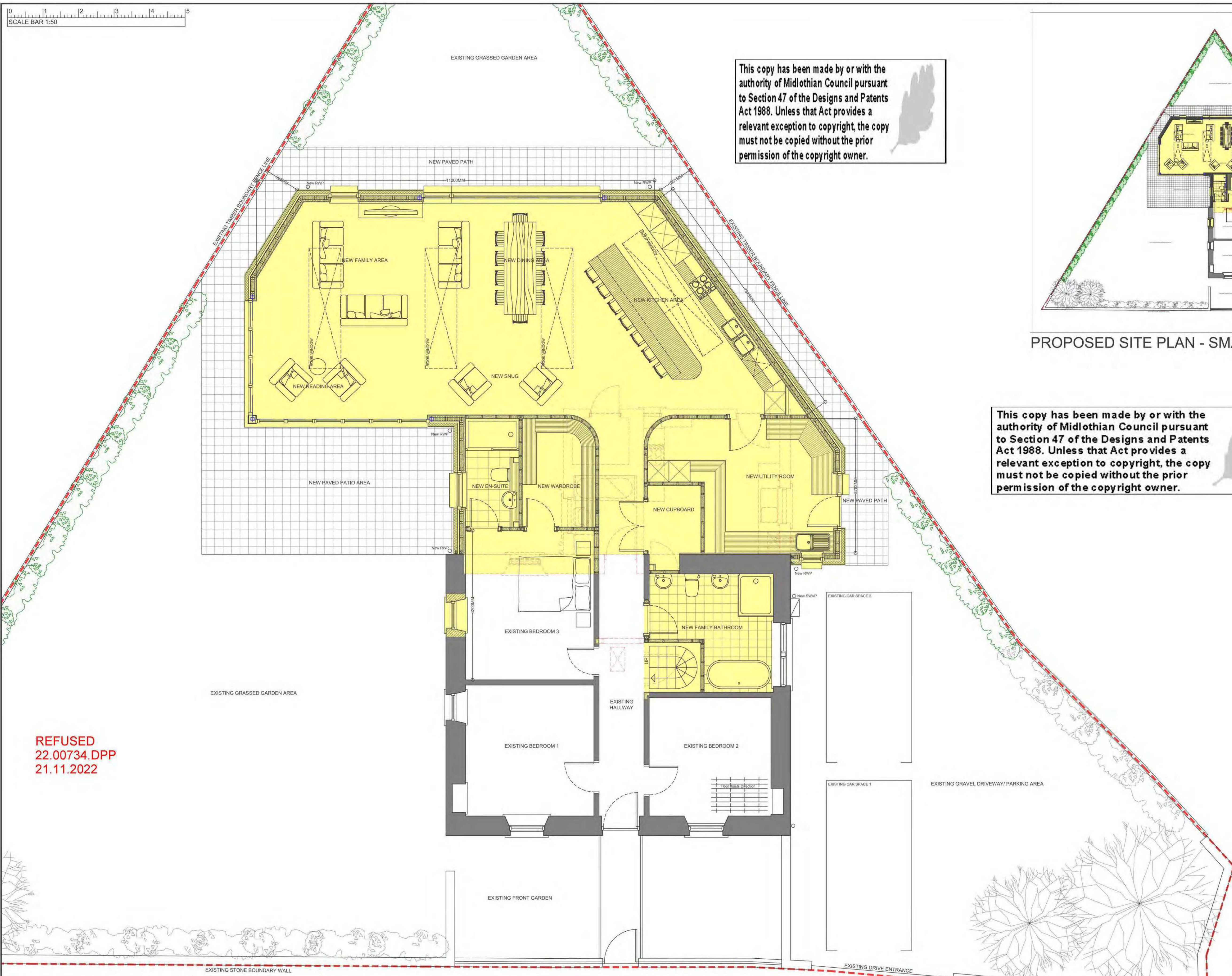
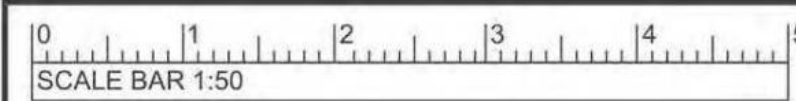
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BUILDING WARRANT	<input type="checkbox"/> CONSTRUCTION ISSUE	<input type="checkbox"/>
PLANNING APPROVAL	<input checked="" type="checkbox"/> AS BUILT	<input type="checkbox"/>

CLIENT:
MR & MRS McCURDY

PROJECT:
PROPOSED ALTERATIONS AND EXTENSION TO HOUSE

ADDRESS:
9 GORTON LOAN, ROSEWELL, MIDLOTHIAN, EH24 9AB

DRAWN BY: CSD	CHECKED BY: CM	DATE: JANUARY 2023
DRAWING SCALE (A1): 1:100		DRAWING NUMBER: UD22/010/PLAN/106



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PROPOSED SITE PLAN - SMALL SCALE - 1:200

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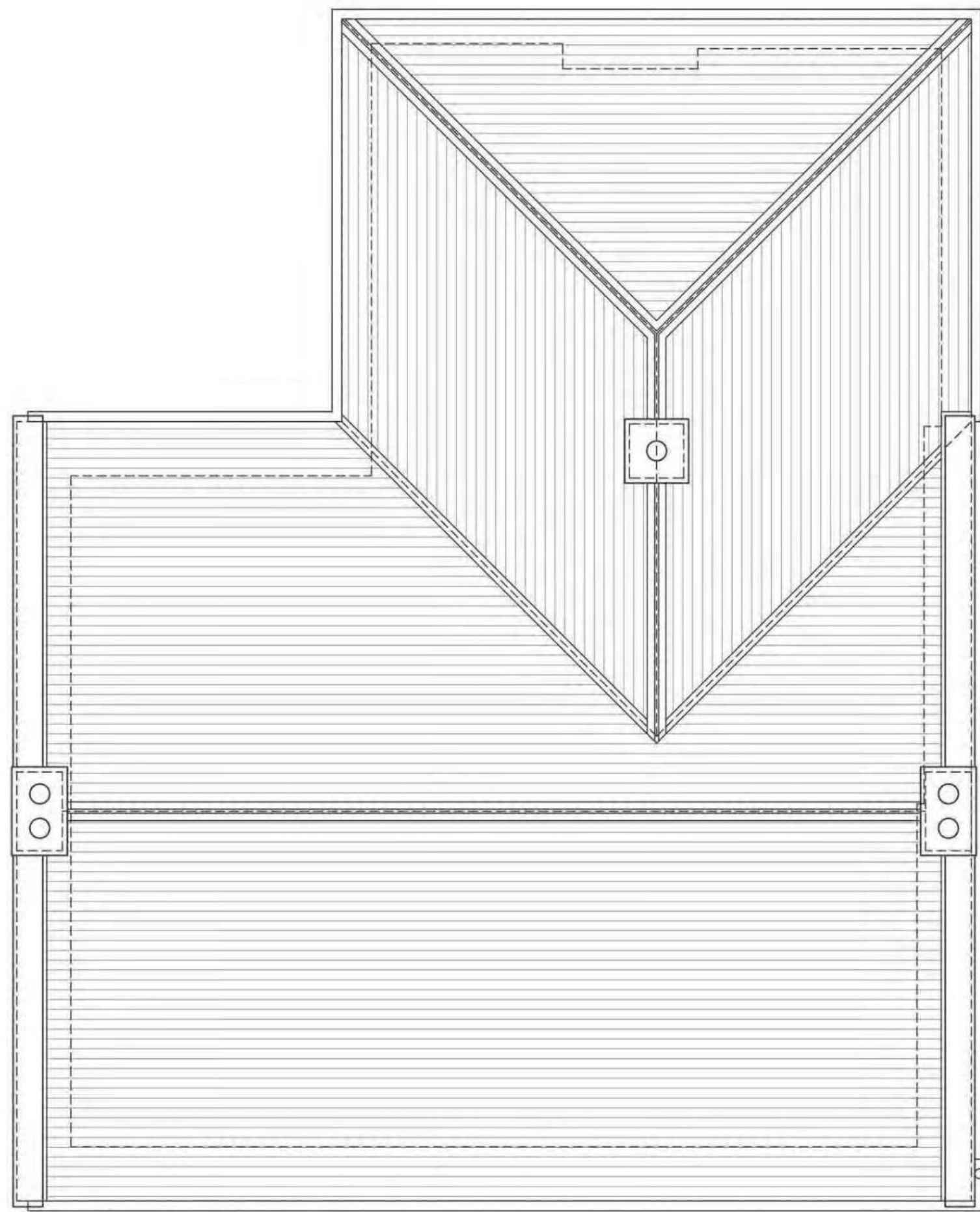
REFUSED
22.00734.DPP
21.11.2022

PROPOSED SITE PLAN - LARGE SCALE - 1:50

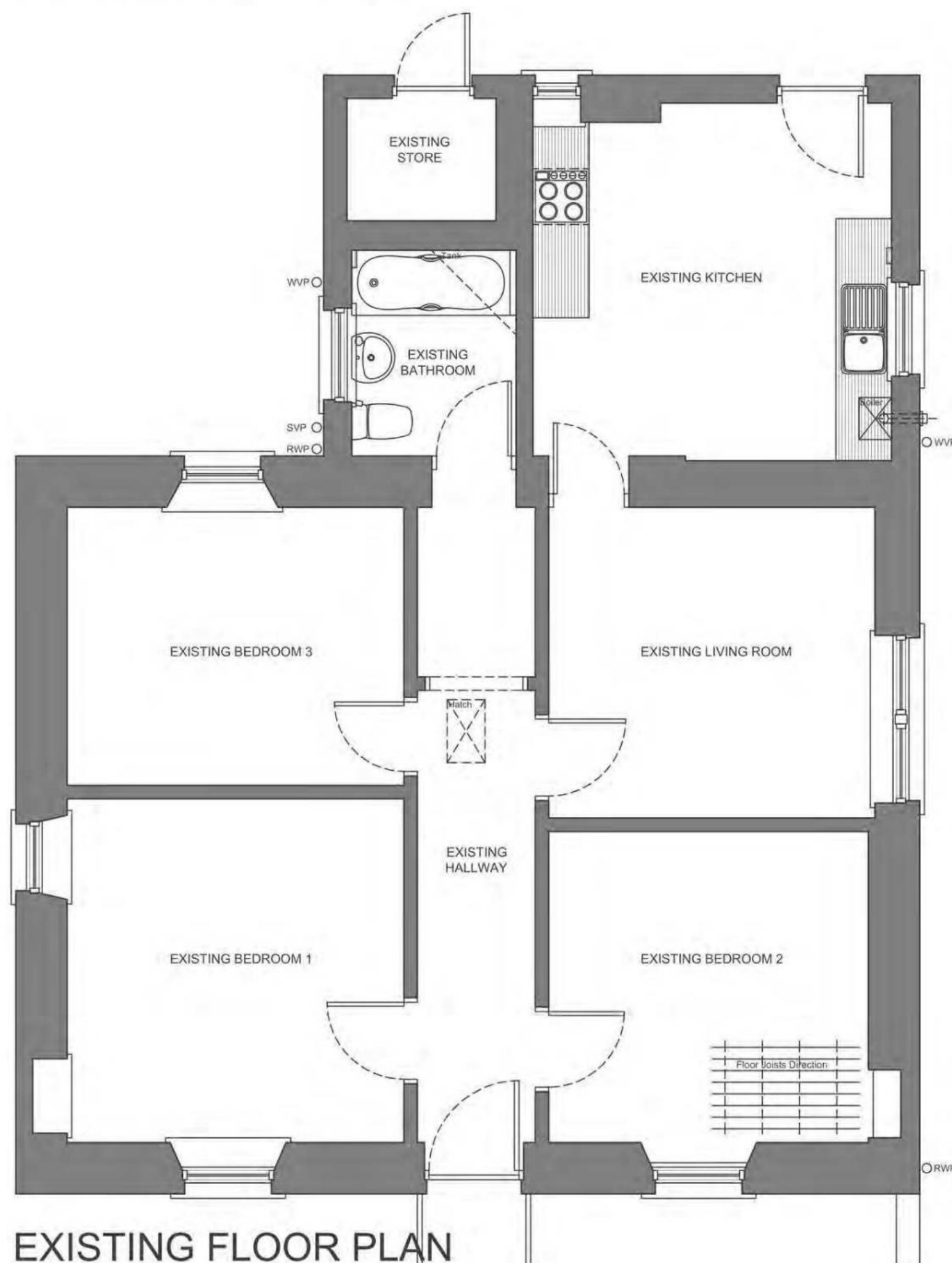


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DRAWING STATUS :-		
FEASIBILITY STUDY	<input type="checkbox"/> TENDER ISSUE	<input type="checkbox"/>
BUILDING WARRANT	<input type="checkbox"/> CONSTRUCTION ISSUE	<input type="checkbox"/>
PLANNING APPROVAL	<input checked="" type="checkbox"/> AS BUILT	<input type="checkbox"/>
CLIENT: MR & MRS McCURDY		
PROJECT: PROPOSED ALTERATIONS AND EXTENSION TO HOUSE		
ADDRESS: 9 GORTON LOAN, ROSEWELL, MIDLOTHIAN, EH24 9AB		
DRAWN BY: CSD	CHECKED BY: CM	DATE: OCTOBER 2022
DRAWING SCALE (A1): 1:50 & 1:200		DRAWING NUMBER: UD22/010/PLAN/105



EXISTING ROOF PLAN



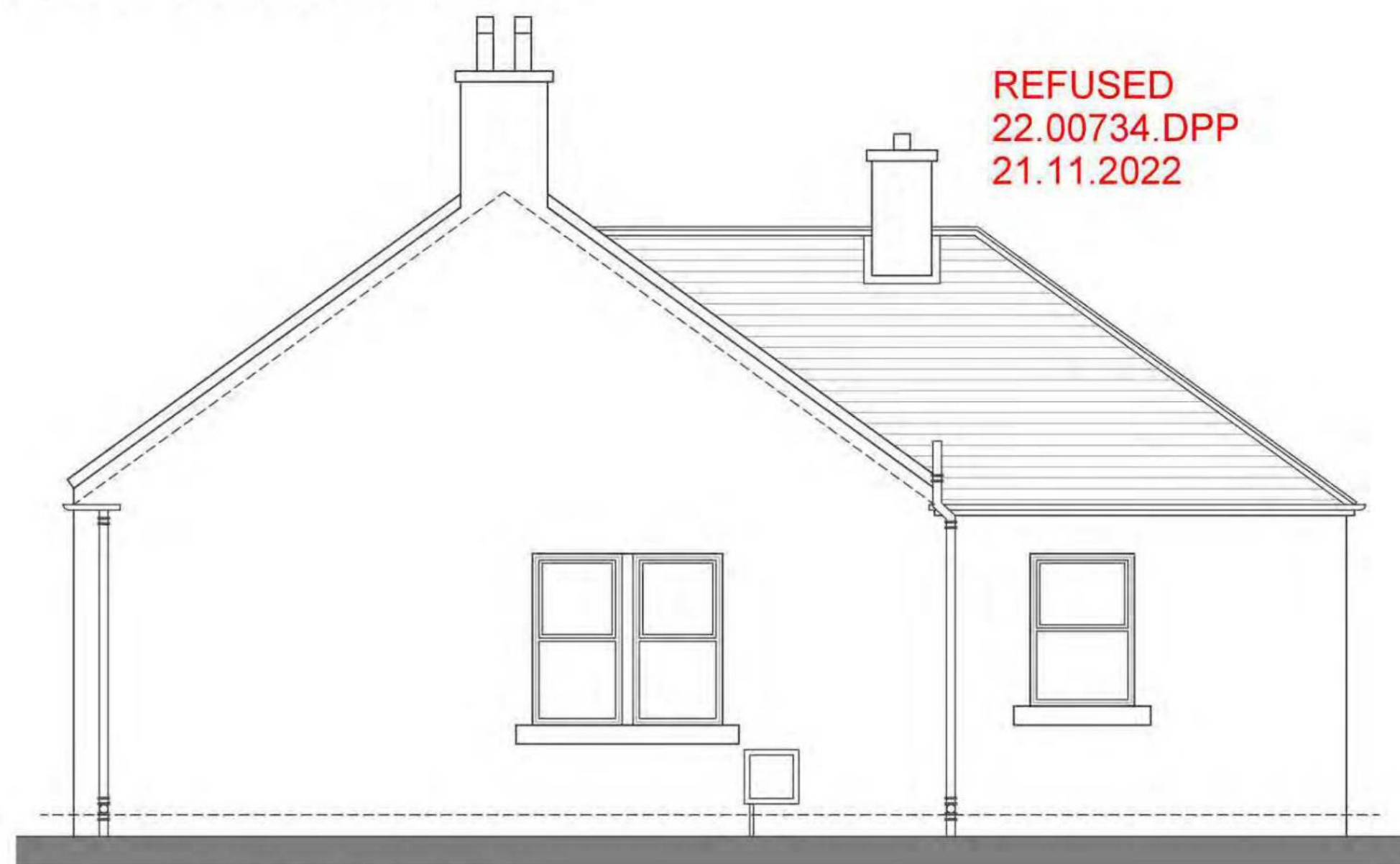
EXISTING FLOOR PLAN



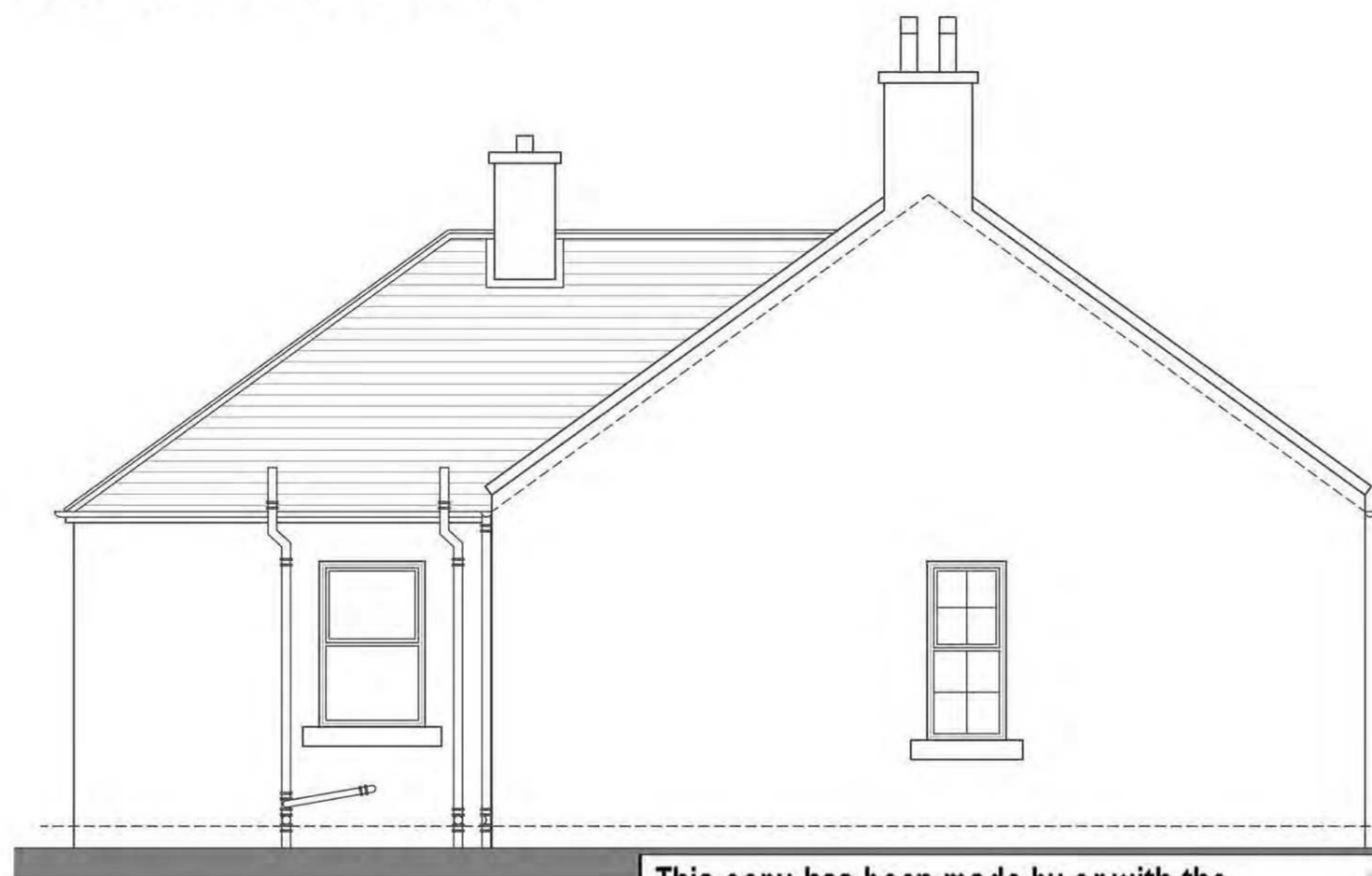
EXISTING FRONT ELEVATION



EXISTING REAR ELEVATION



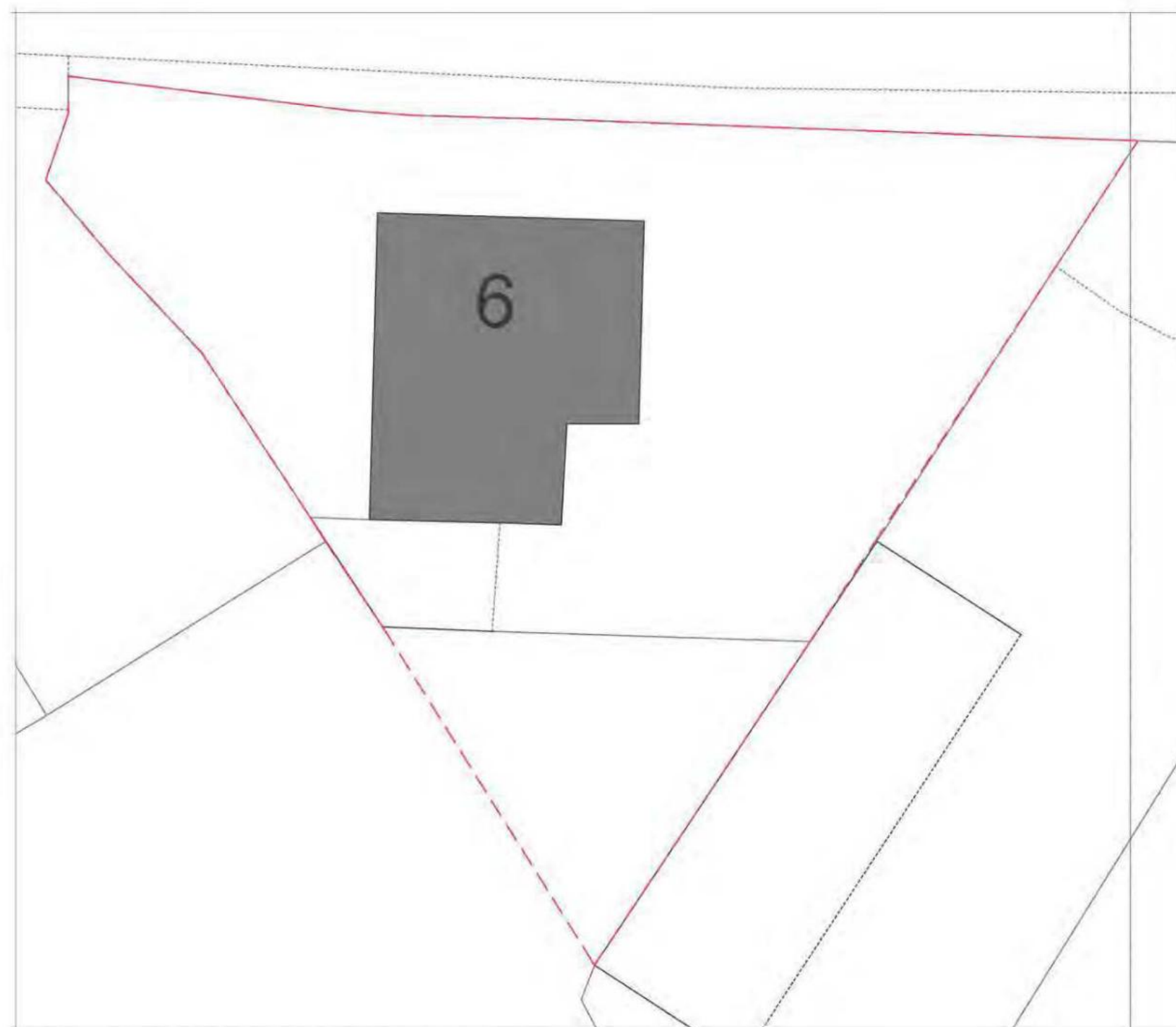
EXISTING SIDE ELEVATION



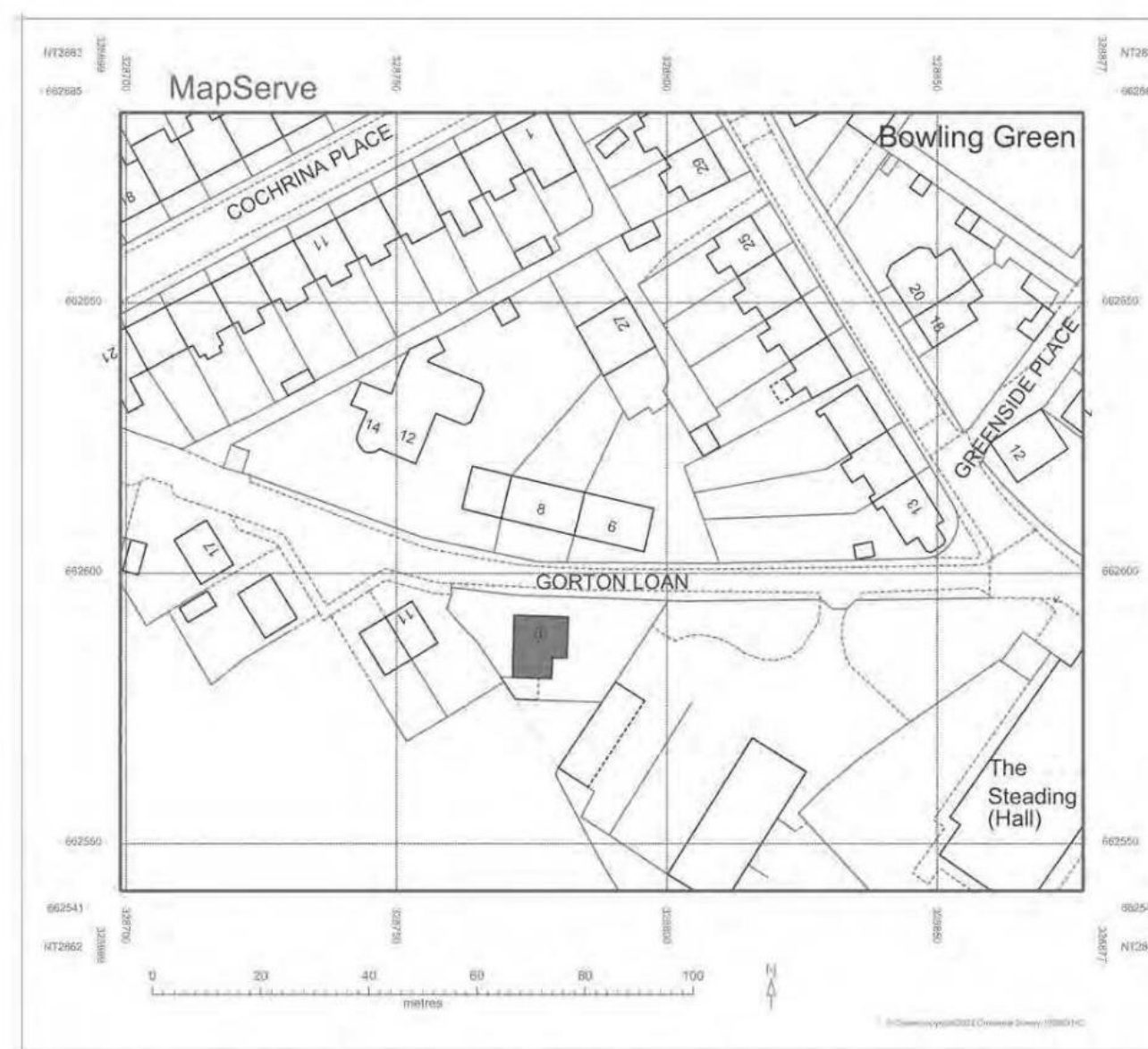
EXISTING SIDE ELEVATION

REFUSED
22.00734.DPP
21.11.2022

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EXISTING SITE PLAN - 1:200

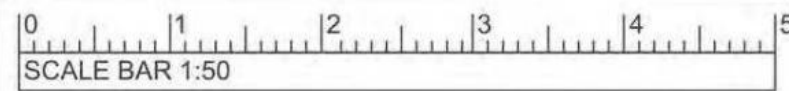


EXISTING LOCATION PLAN - 1:1250



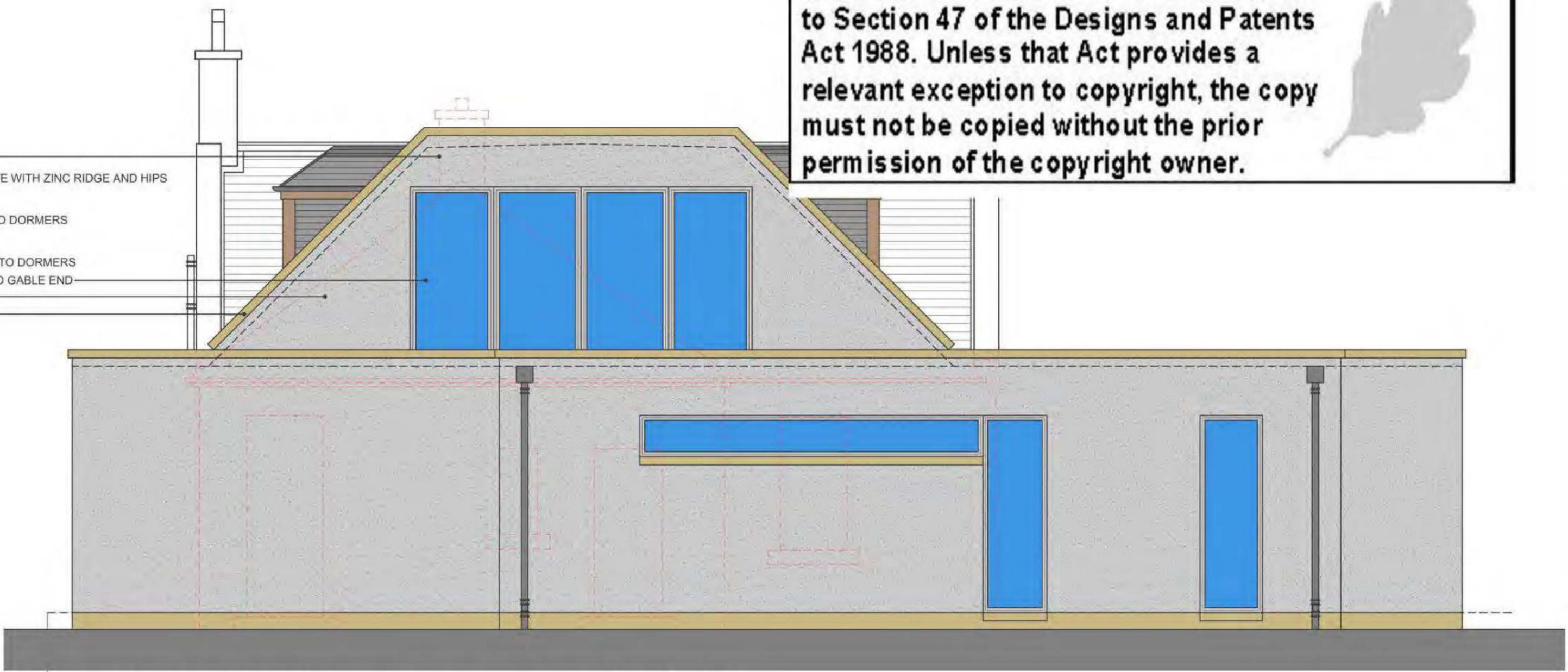
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Tel: 07886 113 817
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DRAWING STATUS :-		
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BUILDING WARRANT	<input type="checkbox"/> CONSTRUCTION ISSUE	<input type="checkbox"/>
PLANNING APPROVAL	<input checked="" type="checkbox"/> AS BUILT	<input type="checkbox"/>
CLIENT: MR & MRS McCURDY		
PROJECT: PROPOSED ALTERATIONS AND EXTENSION TO HOUSE		
ADDRESS: 9 GORTON LOAN, ROSEWELL, MIDLOTHIAN, EH24 9AB		
DRAWN BY: CSD	CHECKED BY: CM	DATE: APRIL 2022
DRAWING SCALE (A1): 1:50, 1:200 & 1:1250		DRAWING NUMBER: UD22/010/EXIST/001



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- ALL REMOVALS ARE SHOWN BY A DOTTED RED LINE
- NEW PITCHED ROOFS TO DORMERS FINISHED IN SLATE WITH ZINC RIDGE AND HIPS
- NEW BLACK UPVC GUTTERING TO DORMERS
- NEW HARDWOOD TIMBER PAINTED FASCIA BOARDS TO DORMERS
- NEW LEAD WATERGATES TO ROOF EDGES
- NEW HARDWOOD TIMBER SASH AND CASE WINDOWS TO DORMERS
- NEW ALUMINUM FRAMED DOUBLE GLAZED SCREEN TO GABLE END
- GABLE END TO BE FINISHED IN SMOOTH RENDER
- NEW DRESSED STONE COPES TO WALLHEADS

PROPOSED FRONT ELEVATION

PROPOSED REAR ELEVATION



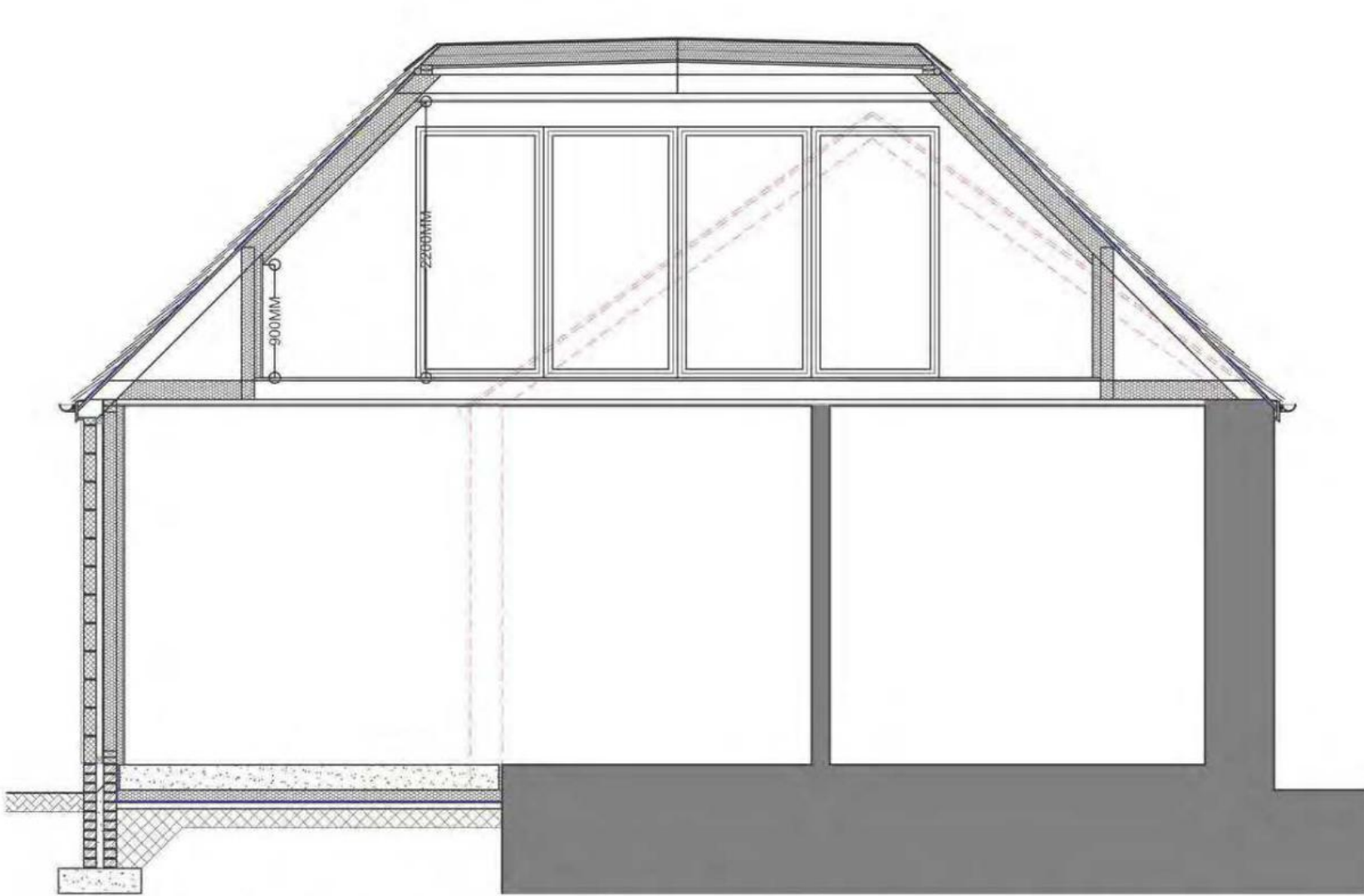
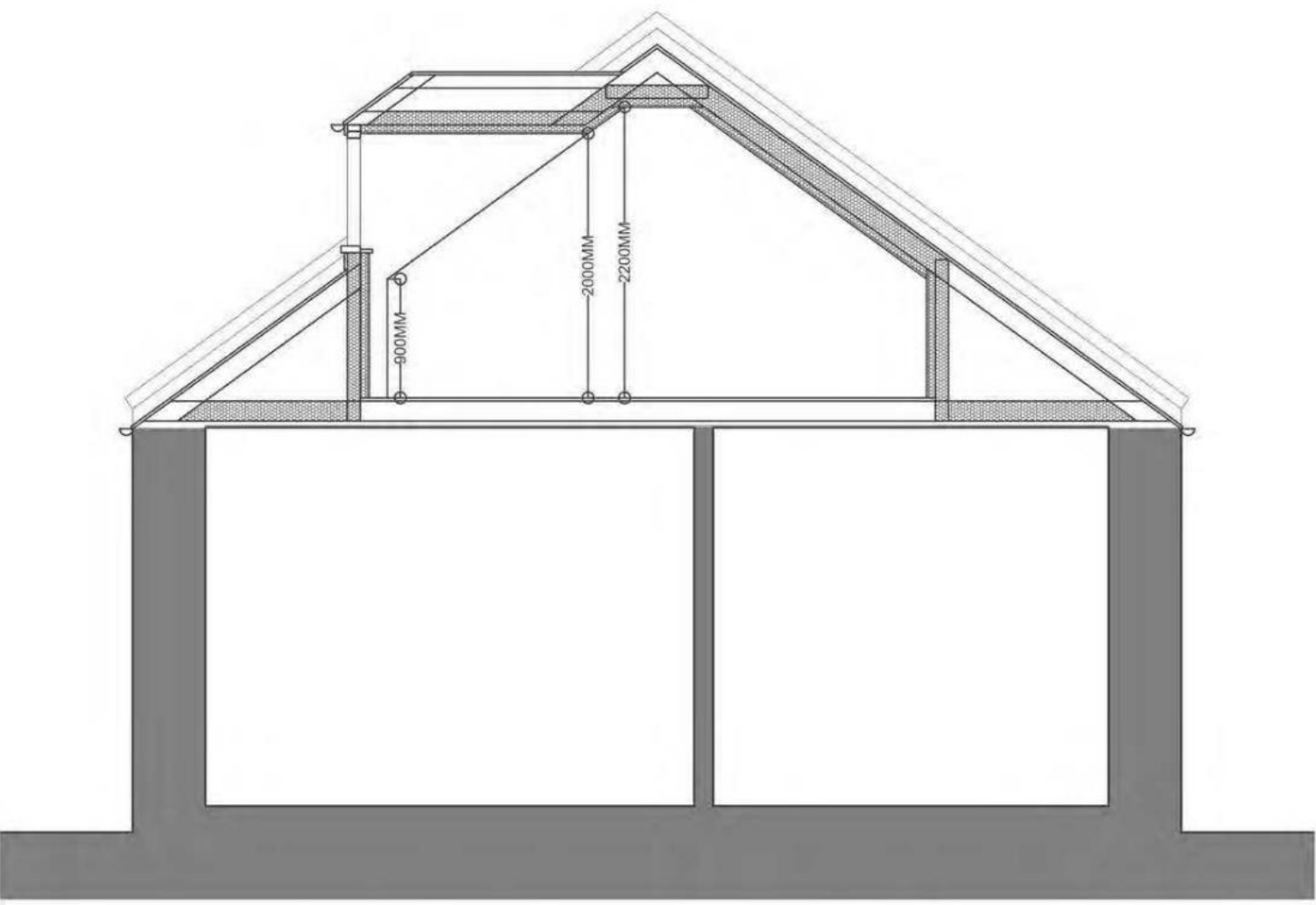
- EXISTING REAR ROOF PITCH AND CHIMNEY TO BE REMOVED AS SHOWN IN RED
- NEW PITCHED ROOFS TO DORMERS FINISHED IN SLATE WITH ZINC RIDGE AND HIPS
- NEW BLACK UPVC GUTTERING TO DORMERS
- NEW HARDWOOD TIMBER PAINTED FASCIA BOARDS TO DORMERS
- NEW LEAD WATERGATES TO ROOF EDGES
- NEW PITCHED ROOF WITH 40 DEGREE PITCH FINISHED IN NATURAL SLATE TO MATCH EXISTING SLATING TO FRONT PITCH OF COTTAGE
- NEW HARDWOOD TIMBER SASH AND CASE WINDOWS TO DORMERS
- NEW DRESSED STONE COPES TO WALLHEADS

PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION

REFUSED
22.00734.DPP
21.11.2022



- EXTENSION SPECIFICATION:**
- EXTENSION EXTERNAL WALLS:**
NEW EXTERNAL WALLS TO BE CONSTRUCTED FROM AN INSULATED TIMBER KIT WITH OUTER BLOCKWORK WALLS FINISHED WITH A SMOOTH RENDER. EXACT COLOUR TO BE AGREED WITH THE PLANNING DEPARTMENT. EXTERNAL WALL TO NEW EN-SUITE TO BE FINISHED IN HARDWOOD VERTICAL TIMBER BOARDING.
- EXTENSION FLAT ROOF:**
NEW EXTENSION ROOF TO BE FINISHED IN A GREY GRP MEMBRANE LAIN OVER INSULATION BOARDS WITH FALLS TO NEW INLETS. FLAT ROOF OVER NEW ATTIC ROOM TO BE FORMED IN THE SAME GREY GRP MEMBRANE. WALLHEADS TO HAVE NATURAL DRESSED STONE COPES AS SHOWN. NEW PITCHED ROOF TO ATTIC ROOM TO HAVE A 40 DEGREE ROOF AND TO BE FINISHED IN NATURAL SLATE TO MATCH THE EXISTING COTTAGE.
- NEW DORMER WINDOWS:**
NEW DORMERS TO BE FORMED TO FRONT AND SIDE ELEVATIONS USING TIMBER FRAMING. SMALL PITCHED ROOFS AND DORMER CHEEKS TO BE FINISHED IN NATURAL SLATE TO MATCH EXISTING. ALLOW FOR ZINC RIDGES AND LEAD WATERGATES WHERE NEW DORMERS ABUT PITCHED ROOF. SUPPLY AND INSTALL HARDWOOD TIMBER VERTICALLY SLIDING SASH AND CASE WINDOWS WITH DOUBLE GLAZED UNITS. COLOUR TO BE WHITE.
- EXTENSION WINDOWS AND DOORS:**
NEW WINDOWS AND DOORS TO EXTENSION TO BE PRE-MANUFACTURED ALUMINUM FRAMED DOUBLE GLAZED UNITS. NEW ROOF WINDOWS TO BE ALUMINUM FRAMED DOUBLE GLAZED UNITS. FRAME COLOUR TO BE AGREED WITH THE PLANNING DEPARTMENT.
- EXTERNAL PAVING:**
NEW PAVING AROUND EXTENSION TO BE FORMED USING PRECAST PAVIORS AS PER THE CLIENTS CHOICE.
- DOWNTAKINGS:**
EXISTING DILAPIDATED REAR EXTENSION TO BE DEMOLISHED INCLUDING FLOOR, EXTERNAL WALLS, PITCHED ROOF, CHIMNEY ETC ALL AS SHOWN BY DOTTED RED LINE. ALL DEBRIS AND MATERIALS TO BE REMOVED FROM SITE.

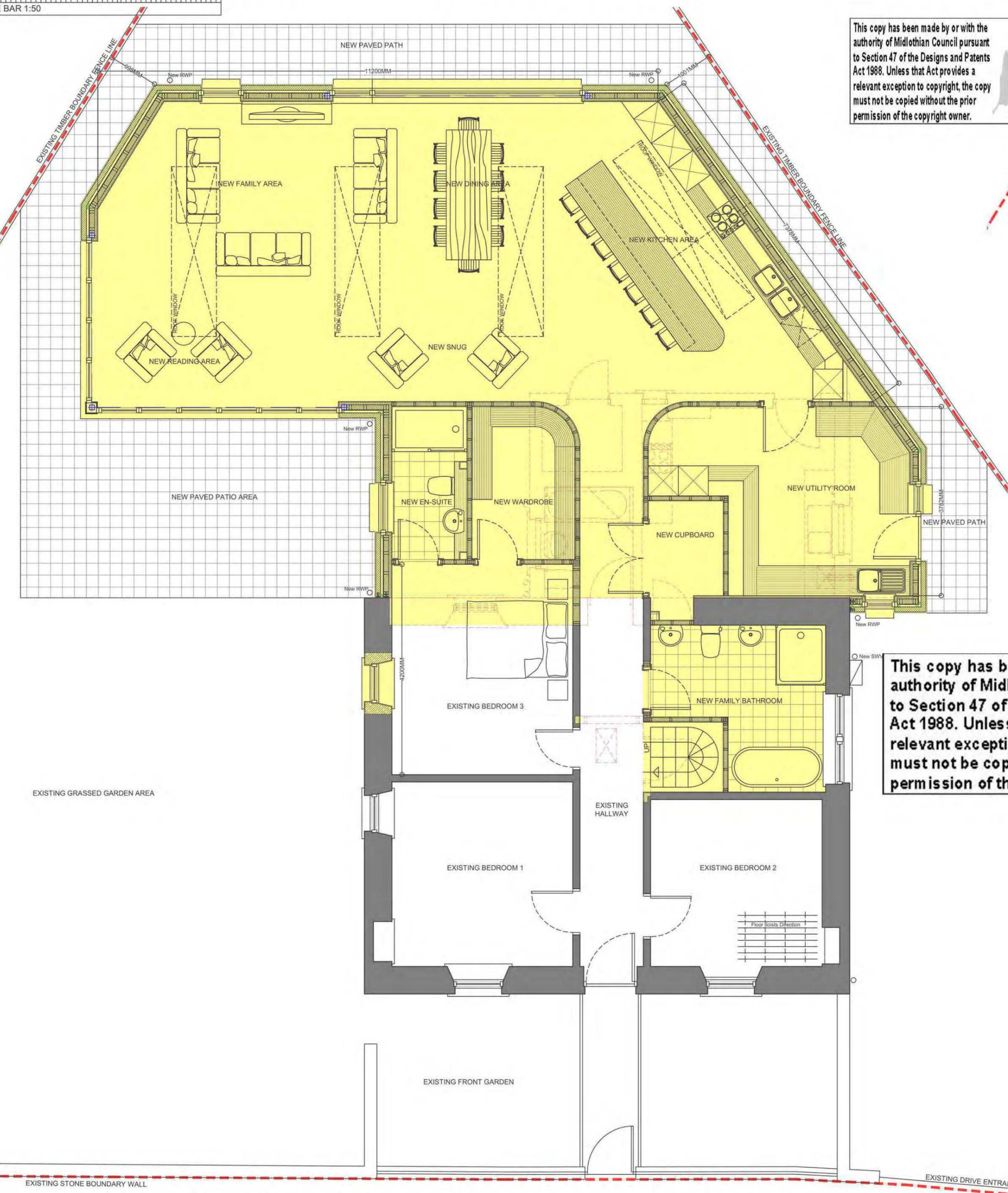
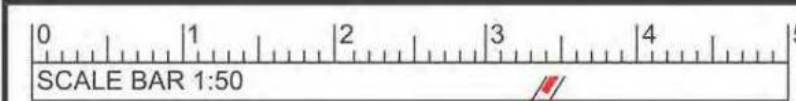
SECTION THROUGH DORMER

SECTION THROUGH NEW ATTIC



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Tel: 07886 113 817
www.urbandesignlimited.com

DRAWING STATUS :-		
FEASIBILITY STUDY	<input type="checkbox"/> TENDER ISSUE	<input type="checkbox"/>
BUILDING WARRANT	<input type="checkbox"/> CONSTRUCTION ISSUE	<input type="checkbox"/>
PLANNING APPROVAL	<input checked="" type="checkbox"/> AS BUILT	<input type="checkbox"/>
CLIENT: MR & MRS McCURDY		
PROJECT: PROPOSED ALTERATIONS AND EXTENSION TO HOUSE		
ADDRESS: 9 GORTON LOAN, ROSEWELL, MIDLOTHIAN, EH24 9AB		
DRAWN BY: CSD	CHECKED BY: CM	DATE: OCTOBER 2022
DRAWING SCALE (A1): 1:50		DRAWING NUMBER: UD22/010/PLAN/103



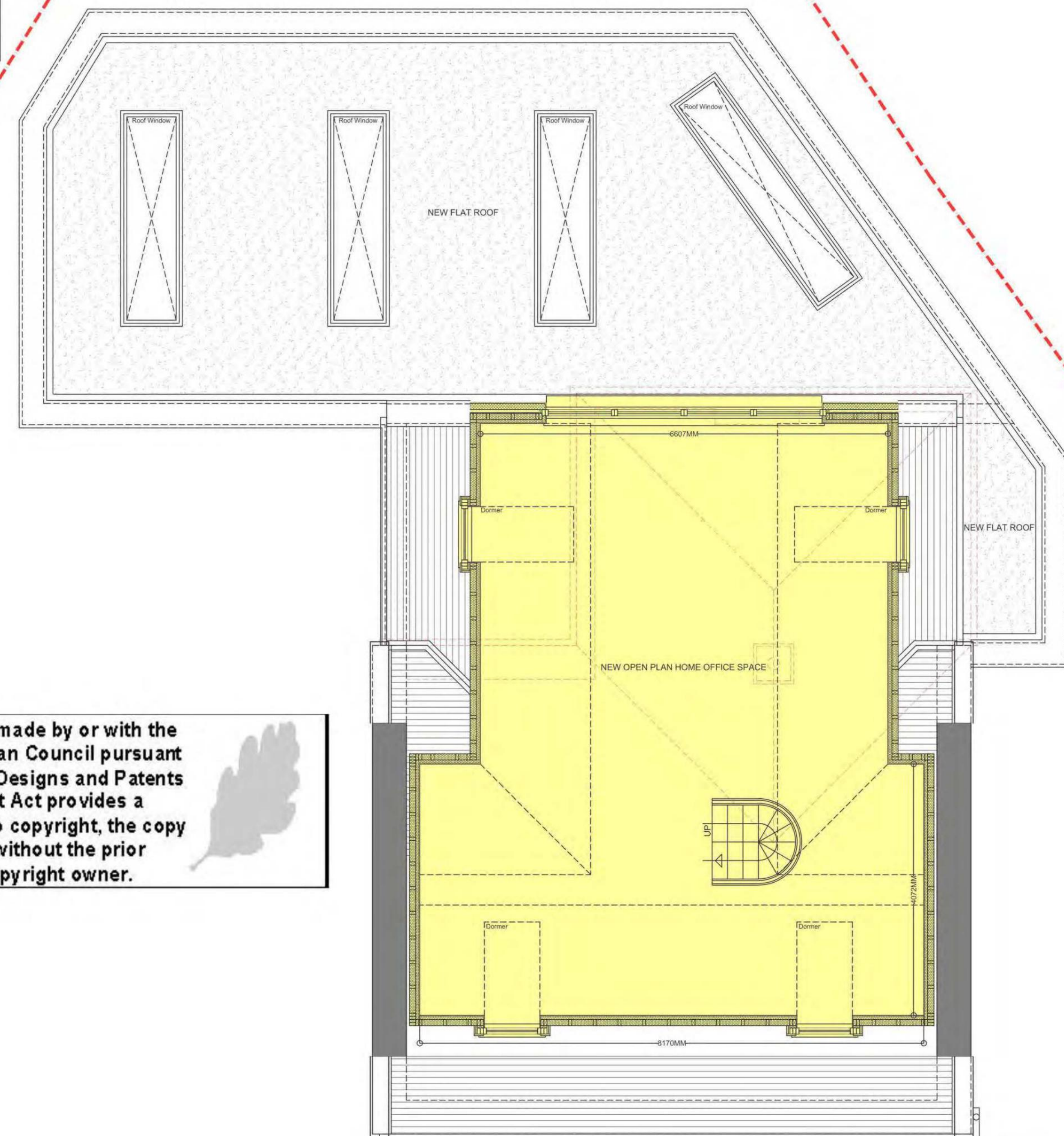
PROPOSED GROUND FLOOR PLAN

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PROPOSED ATTIC FLOOR PLAN

REFUSED
22.00734.DPP
21.11.2022



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DRAWING STATUS :-
FEASIBILITY STUDY ☐ TENDER ISSUE ☐
BUILDING WARRANT ☐ CONSTRUCTION ISSUE ☐
PLANNING APPROVAL ☒ AS BUILT ☐

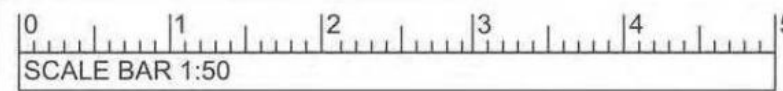
CLIENT:
MR & MRS McCURDY

PROJECT:
PROPOSED ALTERATIONS AND EXTENSION TO HOUSE

ADDRESS:
9 GORTON LOAN, ROSEWELL, MIDLOTHIAN, EH24 9AB

DRAWN BY: CSD
CHECKED BY: CM
DATE: OCTOBER 2022

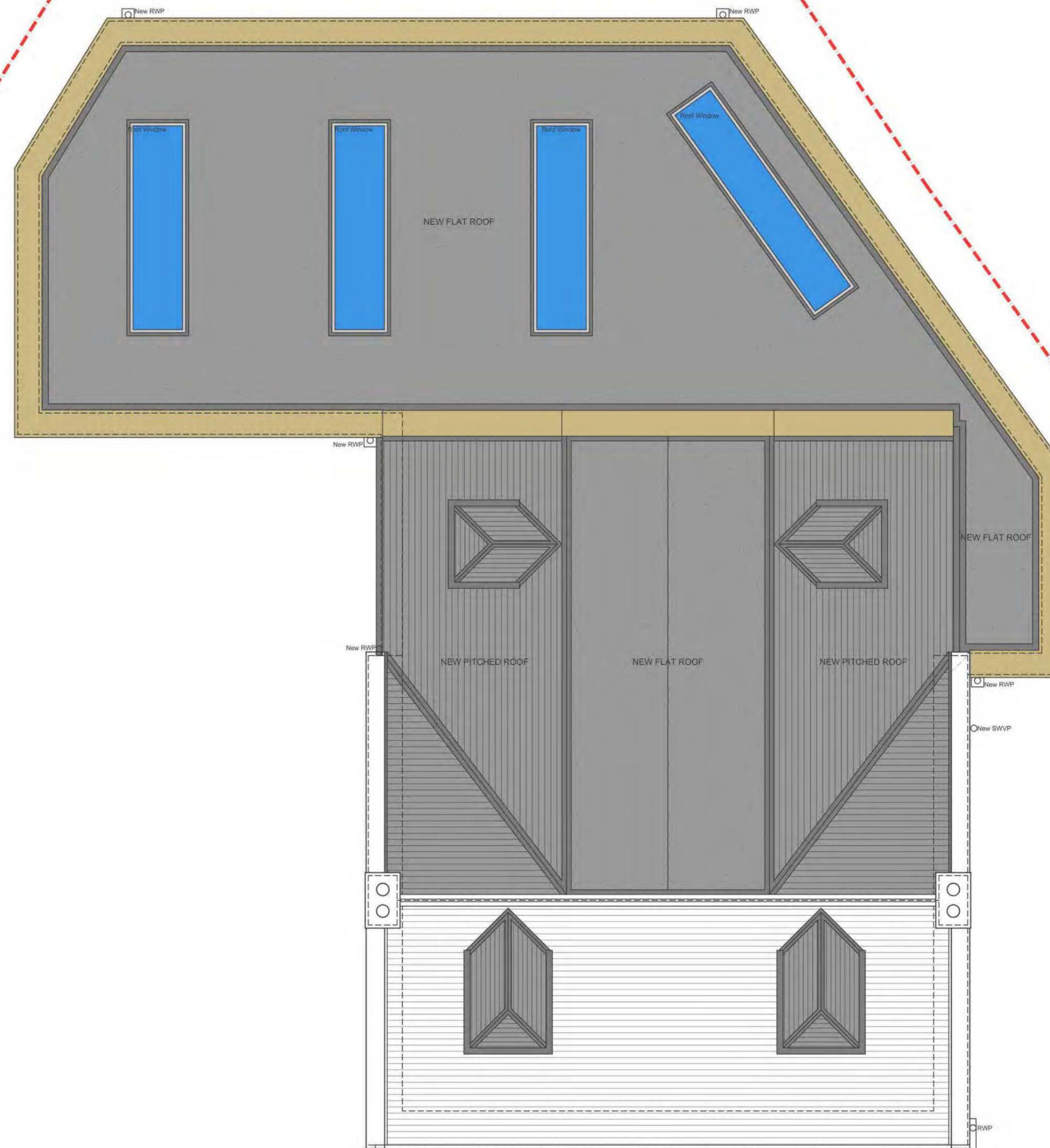
DRAWING SCALE (A1): 1:50
DRAWING NUMBER: UD22/010/PLAN/102



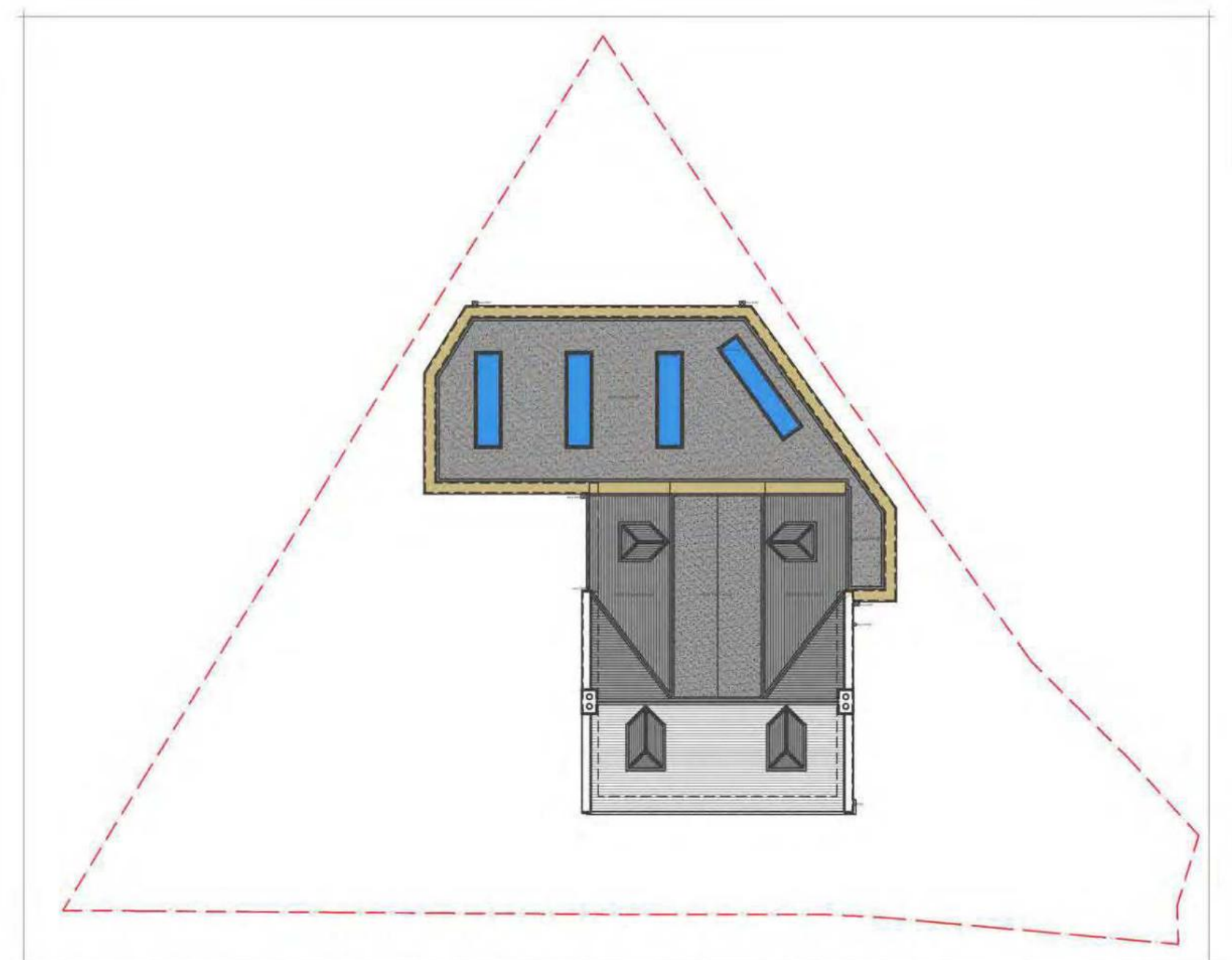
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REFUSED
22.00734.DPP
21.11.2022



PROPOSED ROOF PLAN



PROPOSED SITE PLAN - 1:200



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Tel: 07886 113 817
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DRAWING STATUS :-		
FEASIBILITY STUDY	<input type="checkbox"/> TENDER ISSUE	<input type="checkbox"/>
BUILDING WARRANT	<input type="checkbox"/> CONSTRUCTION ISSUE	<input type="checkbox"/>
PLANNING APPROVAL	<input checked="" type="checkbox"/> AS BUILT	<input type="checkbox"/>

CLIENT:
MR & MRS McCURDY

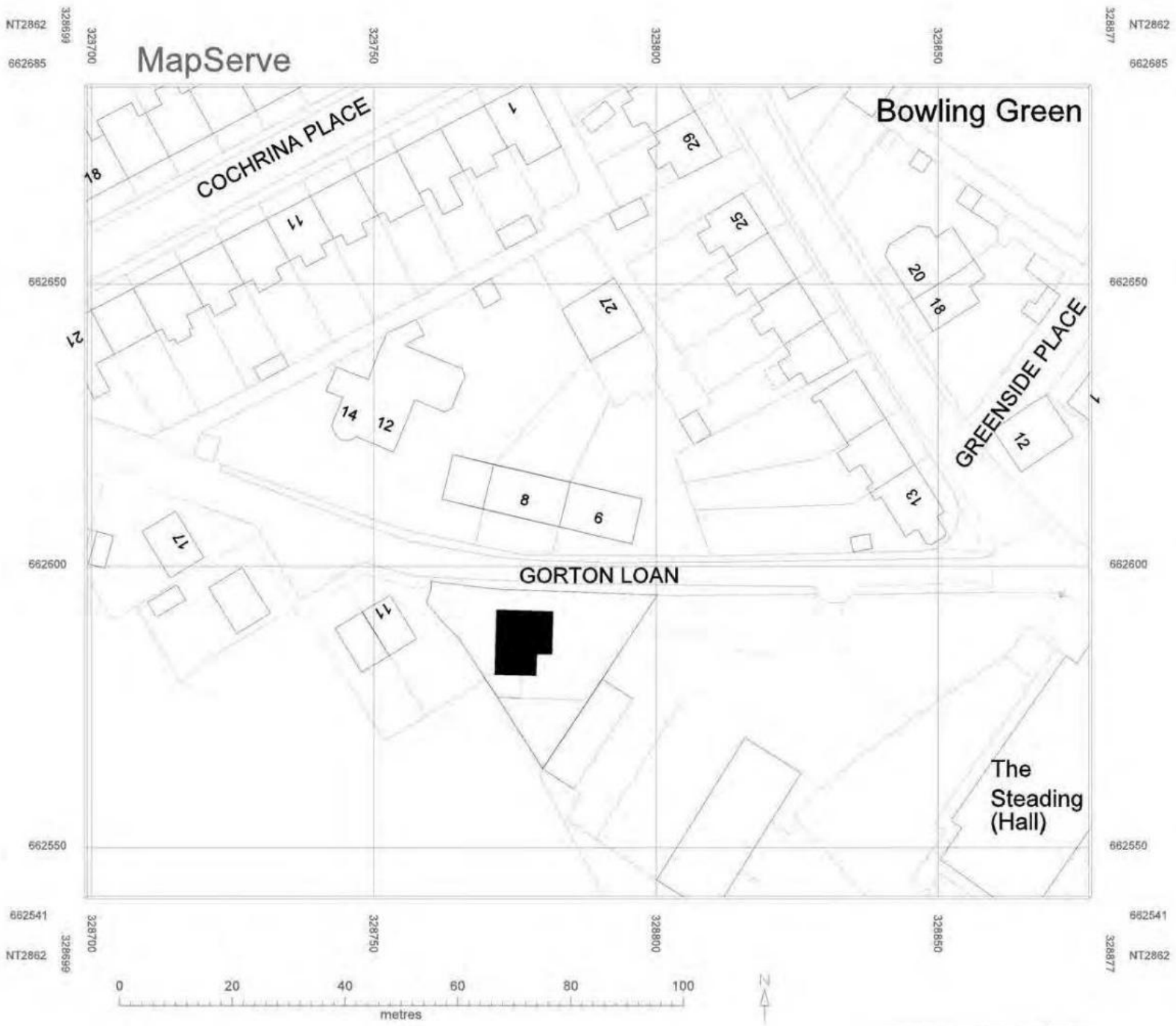
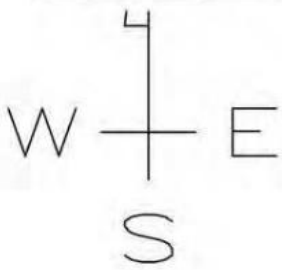
PROJECT:
PROPOSED ALTERATIONS AND EXTENSION TO HOUSE

ADDRESS:
9 GORTON LOAN, ROSEWELL, MIDLOTHIAN, EH24 9AB

DRAWN BY: CSD	CHECKED BY: CM	DATE: OCTOBER 2022
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DRAWING SCALE (A1): 1:50 & 1:200	DRAWING NUMBER: UD22/010/PLAN/104
-------------------------------------	--------------------------------------

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SITE PLAN

REV	DATE	BY	CHK	APP	REVISION DETAILS
	09.02.23	GS	MM	MM	
FIRST ISSUE					
DRAWING STATUS					
FOR INFORMATION ONLY					
<div></div> <div>ZENITH CONSULTANTS</div> <div>www.zenith-consultants.co.uk enquiries@zenith-consultants.co.uk Head Office: 38 Dryden Road, Loanhead, Midlothian, EH20 9LZ Tel: 0131 440 3000 Offices in Edinburgh and London</div>					
CLIENT					
COLIN MCCURDY					
PROJECT					
GORTON LOAN					
TITLE					
UAV TOPOGRAPHIC SURVEY					
SCALE					
1:200					
DRAWING No					
CM-GL-TS					
REV					
A					

























