

Refuse of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 21 November 2017
Item No 5.2

Local Review Body: Review of Planning Application Reg. No. 17/00292/DPP

Scott Allan
36 Wallace Avenue
Wallyford
East Lothian
EH21 8BZ

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Shaun Ramsay, 13 Burnbrae Crescent, Bonnyrigg, EH19 3FQ, which was registered on 1 August 2017 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Erection of two storey extension at 13 Burnbrae Crescent, Bonnyrigg, in accordance with the application and the following plans:

| <u>Drawing Description.</u> | <u>Drawing No/Scale</u> | <u>Dated</u> |
|--|---|--------------|
| Location Plan | 2016-36-000 1:1250 | 18.04.2017 |
| Elevations, floor plan and cross section | 2016-36-001 1:1250 1:500 1:100 1:50 1:10 | 18.04.2017 |

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

- The proposed extension would be an overly dominant feature with an overbearing impact on the outlook of no. 12 Burnbrae Crescent, to the detriment of the amenity of the occupiers of this property.*
- The proposed extension would result in direct overlooking of no. 12 Burnbrae Crescent to the detriment of the amenity of the occupiers of this property.*
- For the above reasons the proposal is contrary to policies RP20 and DP6 of the Midlothian Local Plan and policy DEV2 of the proposed Midlothian Local Development Plan which seek to protect the amenity of residential areas and require that in providing additional space for the existing building there should be no material loss of amenity for adjoining houses. If the proposal were approved it would undermine the consistent implementation of these policies.*

4. *The proposed development would result in the loss of onsite parking potential which would have a detrimental impact on local on-street parking and local amenity.*
5. *The proposed extension by means of its siting in relation to the existing garage building will result in an incongruous built form which will be detrimental to the local streetscape contrary to policies RP20 and DP6 of the Midlothian Local Plan and policy DEV2 of the proposed Midlothian Local Development Plan.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 10 October 2017. The LRB carried out a site visit on the 9 October 2017.

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

Development Plan Policies:

1. RP20 Midlothian Local Plan – Development within the built-up area
2. DP6 Midlothian Local Plan – House extensions
3. DEV2 Proposed Midlothian Local Development Plan - Protecting amenity within the built-up area

Material considerations:

1. The individual circumstances of the proposal
2. The potential impact on neighbouring properties

Dated: 10/10/2017



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