

## **Notice of Review: 1D Dalhousie Avenue, 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 a porch at 1D Dalhousie Avenue, Bonnyrigg.

### **2 Background**

- 2.1 Planning application 16/00762/DPP for the erection of a porch at 1D Dalhousie Avenue, Bonnyrigg was refused planning permission on 6 January 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 6 January 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](http://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 a site visit for Monday 6 March 2017; and
- Have determined to progress the review by way of a written submissions.

- 4.2 The case officer's report identified that no consultations were required and no representations have been 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 It is considered that no conditions would be required if the LRB is minded to grant planning permission. The reasons for refusing the application relate to its potential impact on the neighbouring property and it is considered that this cannot be mitigated by conditions if the LRB are minded to support the review on the basis that the proposed development is acceptable.

## **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

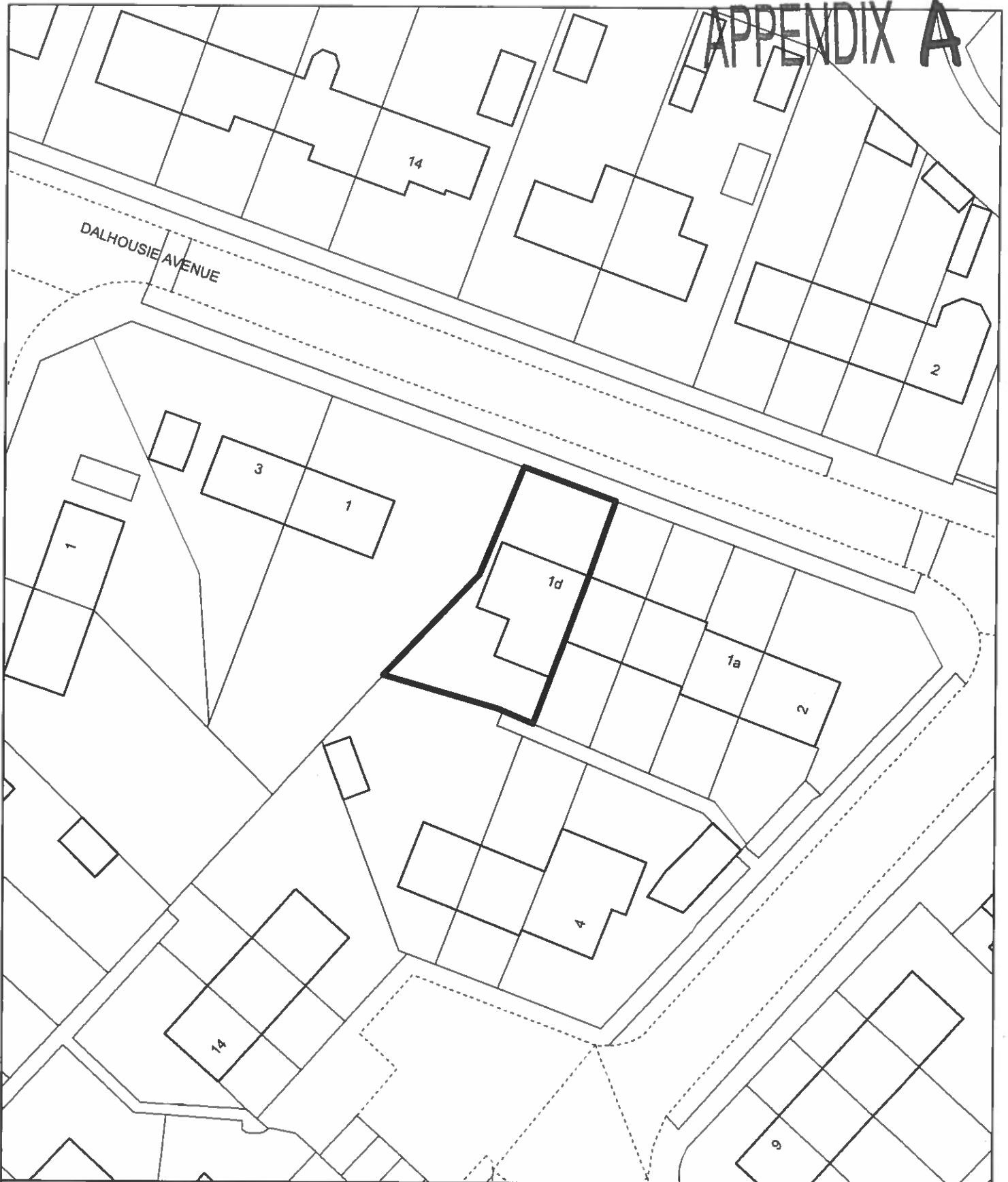
**Date:** 21 February 2017

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

**Tel No:** 0131 271 3310

**Background Papers:** Planning application 16/00762/DPP available for inspection online.

# APPENDIX A



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

Erection of porch at 1D Dalhousie Avenue, Bonnyrigg,

File 16/00762/DPP

Scale: 1:500



Reproduced from the Ordnance Survey map with the permission of the controller of Her Majesty's Stationary Office. Crown copyright reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings

Midlothian Council Licence No. 100023416 (2017)



Midlothian



Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: [planning-applications@midlothian.gov.uk](mailto: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 100037478-001

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:

Mr

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

Other Title:

Building Name:

First Name: \*

Richard

Building Number:

1D

Last Name: \*

McKenna

Address 1  
(Street): \*

Dalhousie Avenue

Company/Organisation

Address 2:

Telephone Number: \*

Town/City: \*

Bonnyrigg

Extension Number:

Country: \*

Scotland

Mobile Number:

Postcode: \*

EH19 2ND

Fax Number:

Email Address: \*

## Site Address Details

Planning Authority:

Midlothian Council

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

Address 1:

1D DALHOUSIE AVENUE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

BONNYRIGG

Post Code:

EH19 2ND

Please identify/describe the location of the site or sites

Northing

664772

Easting

330312

## 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)

Proposal was for a front facing porch with shower room. This would extend approximately 2.4m from the house with a width of 3m. This porch included a new front door with entrance through to the property. There would also be a small shower room with toilet, wash basin and shower.

## 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.

My wife and I have 3 children of our own plus 2 foster children ages 6 and 11 as Midlothian council foster carers. We intend to keep these children long term. The property currently only has one small bathroom and we really need a second, ideally with a shower facility, to manage this long term. Due to the layout of the house with existing extensions a front porch really was the only way to accommodate this shower room.

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)

Additional considerations

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

16/00762/DPP

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

02/11/2016

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

06/01/2017

## 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

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

## 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: Mr Richard McKenna

Declaration Date: 25/01/2017



Additional consideration:

I understand that careful consideration has to be taken when looking at front of house modifications.

We do require a second toilet in a household of seven people. I feel it would be extremely difficult to continue with a single bathroom/toilet in a house of seven people.

There was no alternative option for us to build a toilet / shower room due to the property layout which has previously been extended.

Our immediate neighbours have not expressed any concerns or reservations about this proposal.

There would still be more than adequate room between the proposed porch and the property boundary.

Finally, we are in a row of four similar houses. However the appearance of the street and surrounding area is not uniform in that there are various house designs different to ours.

I did want to add that we would happily agree to finish the exterior of the porch in white render to match the existing property, as opposed to the white weatherboard finish submitted in the original plans, provided the architect can accommodate this into the proposal. I know this was one of the concerns raised.



## **MIDLOTHIAN COUNCIL**

### **DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:**

**Planning Application Reference:** 16/00762/dpp

**Site Address:** 1D Dalhousie Avenue, Bonnyrigg

**Site Description:**

The application property comprises an end terraced two storey house finished externally in drydash render with brown/grey contoured concrete roof tiles and white plastic framed windows.

**Proposed Development:**

Erection of porch

**Proposed Development Details:**

It is proposed to erect a pitched roof extension on the front of the house incorporating a shower room. It measures 2.4m deep and 3m wide. The external walls are to be finished in white painted timber weather boarding with white upvc windows and concrete roof tiles.

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

History sheet checked.

16/00087/dpp – Erection of porch measuring 2.7m deep and 3.5m wide finished in white painted timber weatherboarding with white upvc windows and concrete roof tiles. Refused.

There is an existing two storey extension on the west side of the house – planning application ref: 06/0048/ful and a single storey extension at the rear – planning application ref: 12/00165/ dpp.

**Consultations:**

None required.

**Representations:**

None received.

**Relevant Planning Policies:**

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

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

DP6 – House Extensions - requires that extensions are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines 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.

**Planning Issues:**

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

There are no other porches on this terrace and there is nothing similar apparent in the immediately surrounding area. Extensions to the fronts of houses are generally approved if they are small and sympathetically designed; in these cases the existing character of the individual house and of the street scene is retained. The majority of such extensions are front porches, a main purpose of which is to give added protection to the entrance door to the house, and usually these do not project more than 2 metres from the front wall of the original house which is anyway quite large.

The porch has only been reduced in depth by 30cm since the previous submission and reduced in width by 0.5m. At 2.4m deep and 3m wide the proposed porch with its gable running perpendicular to that of the house would still appear as a bulky prominent addition at the front of the house and would be very prominent in the streetscene detracting from both the appearance of the application property and the street scene. As in relation to the previous planning application the prominence of the porch would be exacerbated by the proposed use of white painted timber weather boarding on the walls making it appear stuck on rather than integral to the house. The proposal has not been amended to such an extent as to warrant approval of planning permission.

Driveway unaffected.

The extension will not have a significant impact on the amenity of neighbouring properties.

**Recommendation:**

Refuse planning permission.

## Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 16/00762/DPP

Whitelaw Associates  
Kitleybrig  
Kitleyknowe  
Carlops  
Penicuik  
EH26 9NJ

Midlothian Council, as Planning Authority, having considered the application by Mr And Mrs R McKenna, 1D Dalhousie Avenue, Bonnyrigg, EH19 2ND which was registered on 22 November 2016 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

### Erection of porch at 1D Dalhousie Avenue, Bonnyrigg, EH19 2ND

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Site plan, location plan and elevations	01 1:100	22.11.2016

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

1. *The proposed extension would appear over-dominant on the public front elevation of the dwelling, to the detriment of its appearance with a detrimental impact on the street scene.*
2. *For the above reasons the proposal is contrary to policies RP20 and DP6 of the adopted Midlothian Local Plan. If the proposal were approved it would undermine the consistent implementation of the policies, the objective of which is to protect the character and amenity of the built-up area.*

Dated 6 / 1 / 2017



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



**The Coal  
Authority**

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

**Any Planning Enquiries should be directed to:**

Planning and Local Authority Liaison

Direct Telephone: 01623 637 119

Email: [planningconsultation@coal.gov.uk](mailto: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.

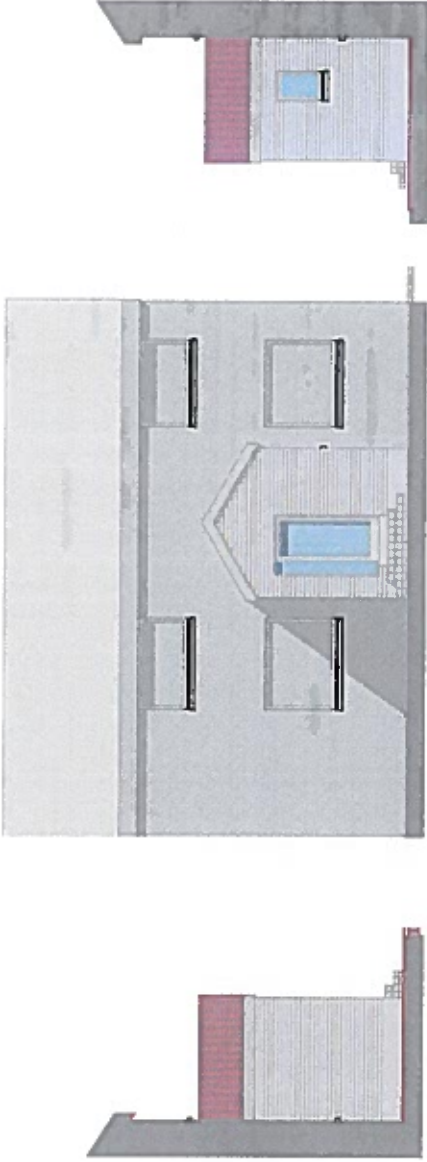
Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

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

*This Informative Note is valid from 1<sup>st</sup> January 2017 until 31<sup>st</sup> December 2018*

proposed new porch  
**1D DALHOUSIE AVENUE**  
**BONNYRIGG, EH19 2ND**  
**general arrangement**

scale 1:100 February 2016 drg. 01  
 Whiteleaf Associates 01968 660452  
 see A.100 for notes

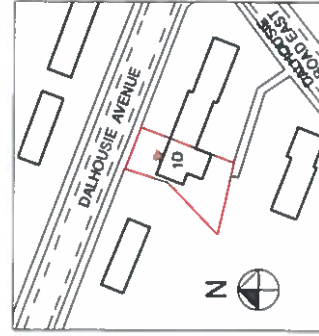


**north west**

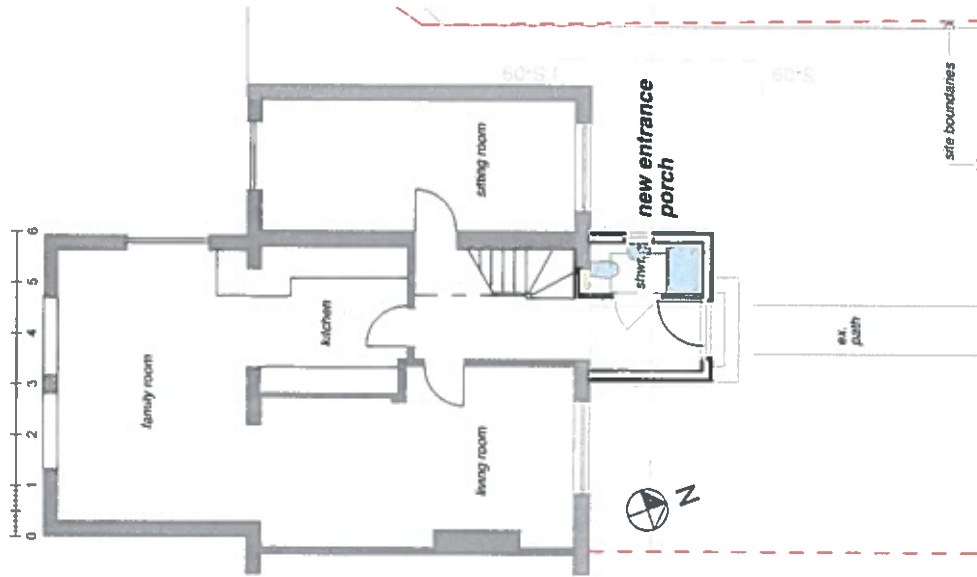
**north east**

**south east**

external finishes :  
 concrete roof tiles to match existing  
 timber weatherboarding painted white  
 white uPVC door & window



**location plan**



**floor and part site plan**

