

Refuse of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body: Review of Planning Application Reg. No. 12/00486/DPP

Ms M. MacKinnon
5 Lothian Bank
Eskbank
Dalkeith
EH22 3AN

Midlothian Council, as Planning Authority, having considered the review of the application by Ms M. MacKinnon, 5 Lothian Bank, Eskbank, EH22 3AN, which was registered on 31 October 2012 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

Installation of replacement windows at 5 Lothian Bank, Dalkeith, EH22 3AN

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	W5395/01 1:100	06.08.2012

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

- 1. The installation of uPVC glazing units on the front elevation of No. 5 Lothian Bank will be detrimental to the character and appearance of the building, the surrounding area and The Eskbank and Ironmills Conservation Area. The proposal is therefore contrary to policies RP20 and RP22 of the Midlothian Local Plan which seek to protect the character and amenity of the built-up area and that of Conservation Areas.*
- 2. Should approval be given to the proposed replacement windows it would be difficult to resist the installation of uPVC glazing units in surrounding properties. The cumulative effect of such development would degrade the visual quality of the surrounding area contrary to policies RP20 and RP22 of the Midlothian Local Plan, which seek to protect the character and amenity of the built-up area and that of the Conservation Areas.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 22 January 2013. The LRB carried out an unaccompanied site visit on the 21 January 2013.

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 in the built-up area
2. RP22 Midlothian Local Plan – Conservation Areas

Material Considerations:

1. The sites location in a Conservation Area; and
2. The traditional form and design of the property.

Dated 22/01/2013

Councillor J Bryant
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:

Please note that all correspondence, plans and supporting information relating to this application and subsequent review can be viewed online via the Council's website: www.midlothian.gov.uk.

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, Development Management Manager tel: 0131 2713310 or via peter.arnsdorf@midlothian.gov.uk