

## Refusal of Planning Permission

Town and Country Planning (Scotland) Act 1997



### Local Review Body: Review of Planning Application Reg. No. 11/00677/DPP

Mr Les McCaskey  
15 Boswall Terrace  
Edinburgh  
EH5 2EE

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Mark Robertson, 15 Dundas Street, Bonnyrigg, EH19 3AT was registered on 22 February 2012 in pursuance of their powers under the above Acts, hereby **refuse** permission to carry out the following proposed development:

#### **Extension to dwellinghouse (retrospective) at 15 Dundas Street, Bonnyrigg, Midlothian, EH19 3AT**

in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Proposed floor plan	01	06.10.2011
Proposed floor plan	02	06.10.2011
Proposed cross section	03	06.10.2011
Proposed cross section	04	06.10.2011
Location Plan		06.10.2011
Site Plan		06.10.2011

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

- The dormers, by reason of their size and position, occupy an excessive proportion of the roof plane, and have a significant adverse impact upon the rear elevation of the house, and in particular the character and appearance of the listed building, and the dormers are contrary to local plan policies RP22 and RP20 as well as the Council's approved supplementary planning guidance on dormer extensions.*
- The dormers by reason of the width and horizontal emphasis of the window units have a significant adverse impact upon the rear elevation of the house and in particular the character and appearance of the listed building, and the proposal is contrary to local plan policies RP22 and RP20 as well as the Council's approved supplementary planning guidance on dormer extensions.*

The Local Review Body (LRB) considered the review of the planning application at its meeting of 17 April 2012. The LRB carried out an unaccompanied site visit on the 16 April 2012.

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

Development Plan Policies:

1. RP20 of the Midlothian Local Plan – Development within the built-up area.
2. RP24 of the Midlothian Local Plan – Listed Buildings.
3. DP6 of the Midlothian Local Plan – House Extensions.
4. ENV1 of the Edinburgh and Lothians Structure Plan 2015 – Listed Buildings

Material Considerations:

1. The Council's approved Supplementary Planning guidance on dormer extensions.

Dated: 17/04/2012

Councillor R Imrie  
Chair of the Local Review Body  
Midlothian Council

**IMPORTANT**

As the application (11/00677/DPP) subject to this review was retrospective it is important that you secure the removal of the unauthorised works. The Council will contact you separately under its planning enforcement powers to agree an appropriate time scale to carry out the required works.

## 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***

## NOTICE TO ACCOMPANY REFUSAL ETC.

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

***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, Development Management Manager tel: 0131 2713310 or via [peter.arnsdorf@midlothian.gov.uk](mailto:peter.arnsdorf@midlothian.gov.uk)*