

Refuse of Planning Permission

Town and Country Planning (Scotland) Act 1997

Local Review Body
Tuesday 21 November 2017
Item No 5.1

Local Review Body: Review of Planning Application Reg. No. 17/00420/DPP

Sir Frank Mears Associates
Lochrin Buildings
12-14 Gilmore Place
Edinburgh
EH3 9NB

Midlothian Council, as Planning Authority, having considered the review of the application by Mr Malcolm McIntosh, 176, 15 Mitchell Street, Dalkeith, EH22 1JQ, which was registered on 4 September 2017 in pursuance of their powers under the above Act, hereby **refuse** permission to carry out the following proposed development:

Erection of garage (part retrospective) at land to rear of 180 Main Street, Pathhead, in accordance with the application and the following plans:

<u>Drawing Description.</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	24.05.2017
Site Plan	MMP/1 1:200	24.05.2017
Elevations, Floor Plan And Cross Section	MMP/2 1:50	24.05.2017
Proposed Elevations	MMP/3 1:50	24.05.2017
Proposed Elevations	MMP/4 1:100 1:50	24.05.2017
Other Statements		24.05.2017

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

1. *The proposed development would not be connected to a nearby residential property and would therefore be used as general storage which would not be appropriate in this residential area as it would have a detrimental impact on the amenity of nearby residential properties.*
2. *The proposed dormer window offers potential for overlooking and the perception of overlooking to the significant detriment of the amenity of nearby residential properties.*
3. *The proposed dormer window is bulky and unattractive and its size does not comply with the related Supplementary Planning Guidance for dormer windows.*

4. *For the above reasons, the proposed development will adversely impact on the character, appearance and amenity of the area and therefore the proposed development is contrary to policy RP20 of the adopted Midlothian Local Plan and policy DEV2 of the emerging 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. RP22 Midlothian Local Plan – Conservation areas
3. DEV2 Proposed Midlothian Local Development Plan - Protecting amenity within the built-up area
4. ENV19 Proposed Midlothian Local Development Plan - Conservation areas

Material considerations:

1. The individual circumstances of the proposal
2. The use of the land

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.

Important Advisory Note:

The partially erected building on site does not benefit from planning permission and as such shall be demolished and the resulting material removed from the site – the Council will contact you separately under its Planning Enforcement powers regarding this breach of planning control.

Furthermore, the vehicles and parts thereof, building materials and equipment and other items stored on the site without the benefit of planning permission shall be removed – the Council will contact you separately under its Planning Enforcement powers regarding this breach of planning control.

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