

Notice of Review: 17 Tipperwell Way, Penicuik Determination Report

Report by Dr Mary Smith Director of Education, 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 extension to dwellinghouse; infilling of window opening and installation of replacement windows and door at 17 Tipperwell Way, Howgate, Penicuik.

2 Background

- 2.1 Planning application 19/00326/DPP for the extension to dwellinghouse; infilling of window opening and installation of replacement windows and door at 17 Tipperwell Way, Howgate, Penicuik was granted planning permission subject to two conditions on 27 May 2019; a copy of the decision is attached to this report. Condition 2 on planning permission 19/00326/DPP is as follows:

2. Notwithstanding the plans hereby approved, the replacement windows proposed on the front elevation are hereby not approved.

Reason: *The windows proposed on the front elevation will result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area contrary to policy ENV19 of the adopted Midlothian Local Development Plan 2017.*

The applicant is requesting that this condition is removed from the grant of planning permission.

- 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, excluding the standard advisor notes, issued on 27 May 2019 (Appendix D); and
 - A copy of the relevant 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

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 Tuesday 10 September 2019; and
 - Have determined to progress the review by way of 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 In accordance with the procedures agreed by the LRB at its meeting of 13 June 2017, and without prejudice to the determination of the review, the following condition has been prepared for the consideration of the LRB if it is minded to uphold the review and grant planning permission.

1. Details of the material and colour of the frames of the windows on the extension and of the proposed new door at the rear of the house shall be submitted to the Planning Authority and they shall not be installed until these details have been approved in writing by the planning authority.

Reason: *For the avoidance of doubt as to what is approved: in order to safeguard the character of the existing building.*

2. The design of the replacement windows proposed on the front elevation of the application property shall match that of the existing windows which they are to replace.

Reason: *In order that the design of the windows is in keeping with surrounding properties in order to reduce their visual impact on the character and appearance of this part of the Howgate Conservation Area.*

6 Recommendations

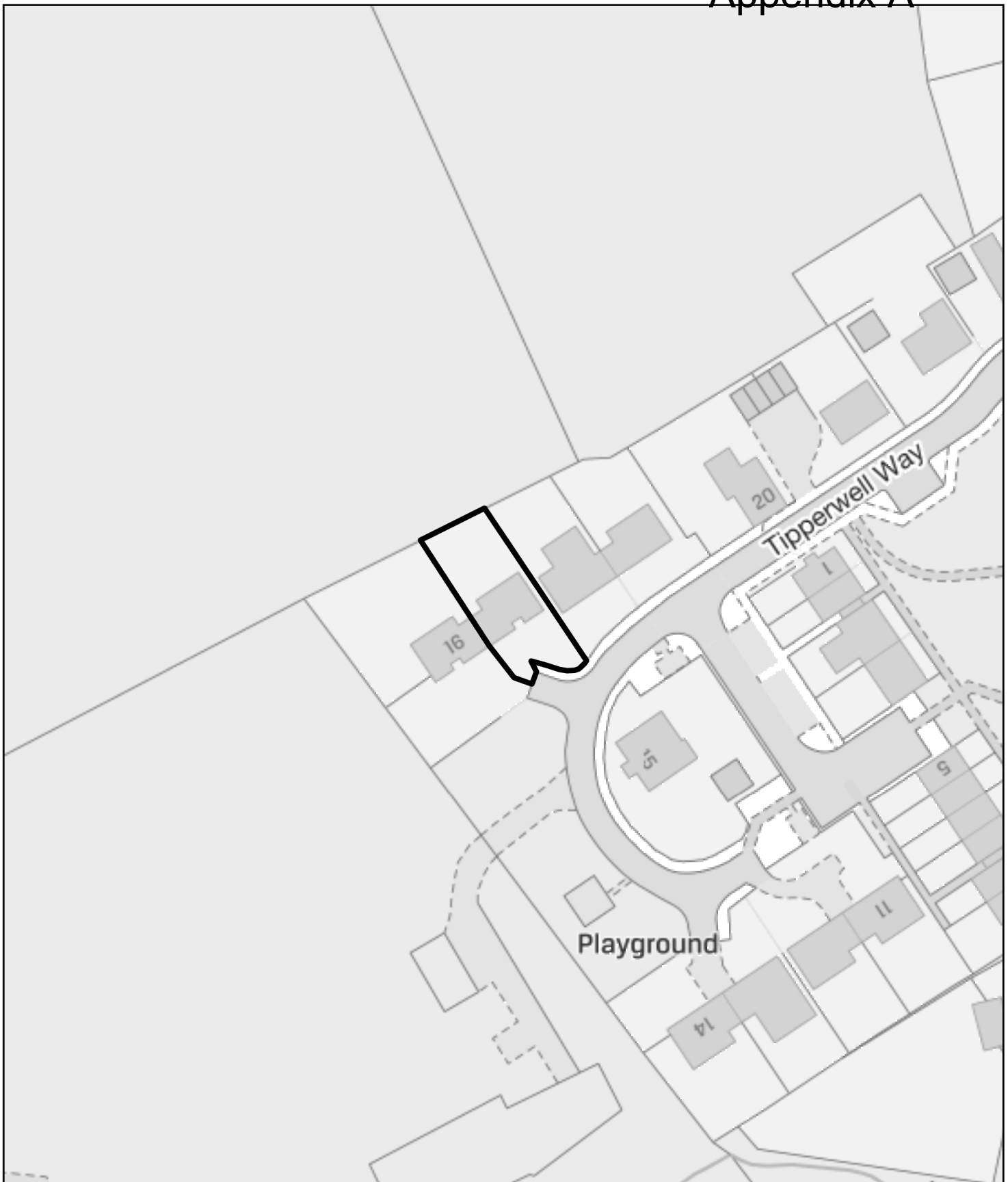
- 6.1 It is recommended that the LRB:
 - a) determine the review; and
 - b) the planning advisor draft and issue the decision of the LRB through the Chair

Date: 3 September 2019

Report Contact: Joyce Learmonth, Lead Officer Major Developments and Enforcement
joyce.learmonth@midlothian.gov.uk

Tel No: 0131 271 3311

Background Papers: Planning application 19/00326/DPP available for inspection online.



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

Extension to dwellinghouse; infilling of window opening and installation of replacement windows and door at 17 Tipperwell Way, Penicuik

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File No 19/00326/DPP

Scale: 1:1,000



Midlothian

Fairfield House 8 Lothian Road Dalkeith EH22 3ZN Tel: 0131 271 3302 Fax: 0131 271 3537 Email: 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 100160666-003

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

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

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

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Donna"/>	Building Number:	<input type="text" value="17"/>
Last Name: *	<input type="text" value="Drew"/>	Address 1 (Street): *	<input type="text" value="Tipperwell Way"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Howgate"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH26 8QP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Midlothian Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="17 TIPPERWELL WAY"/>
Address 2:	<input type="text" value="HOWGATE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PENICUIK"/>
Post Code:	<input type="text" value="EH26 8QP"/>

Please identify/describe the location of the site or sites

Northings	<input type="text" value="658124"/>	Easting	<input type="text" value="324684"/>
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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)

Extension to dwellinghouse; infilling of window opening and installation of replacement windows and door at 17 Tipperwell Way, Penicuik, EH26 8QP

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.

We are appealing against the decision to refuse the replacement windows to the front elevation..There are several of the cottages within the conservation village of Howgate which have PVC windows which are clearly visible from the main road. All proposed replacement windows will be a replica of the existing window frames with slimline white PVC frames and astragals. The current window frames are not fit for purpose and the overall reason to change to PVC is to be more energy efficient.

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)

Photographs of uPVC window frames within Howgate.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/00326/DPP

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

15/04/2019

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

27/05/2019

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

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Inspection of all properties in Howgate which have uPVC windows.

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 Scott Ritchie

Declaration Date: 31/07/2019

PLANNING REFERENCE - 19/00326/DPP.
17 Tipperwell Way, Howgate
Replacement of Existing Windows to Front Elevation

NOTICE OF REVIEW SUPPORTING STATEMENT

Further to receiving the approved planning permission for the above property, I have discussed the decision not to approve the replacement windows to the front elevation with the client who would like to appeal this decision.

As per my clients telephone conversation with Ingrid Forteath, we would advise that several of the cottages within the conservation village of Howgate have PVC windows which are clearly visible from the main road.

Please see attached images for your information.

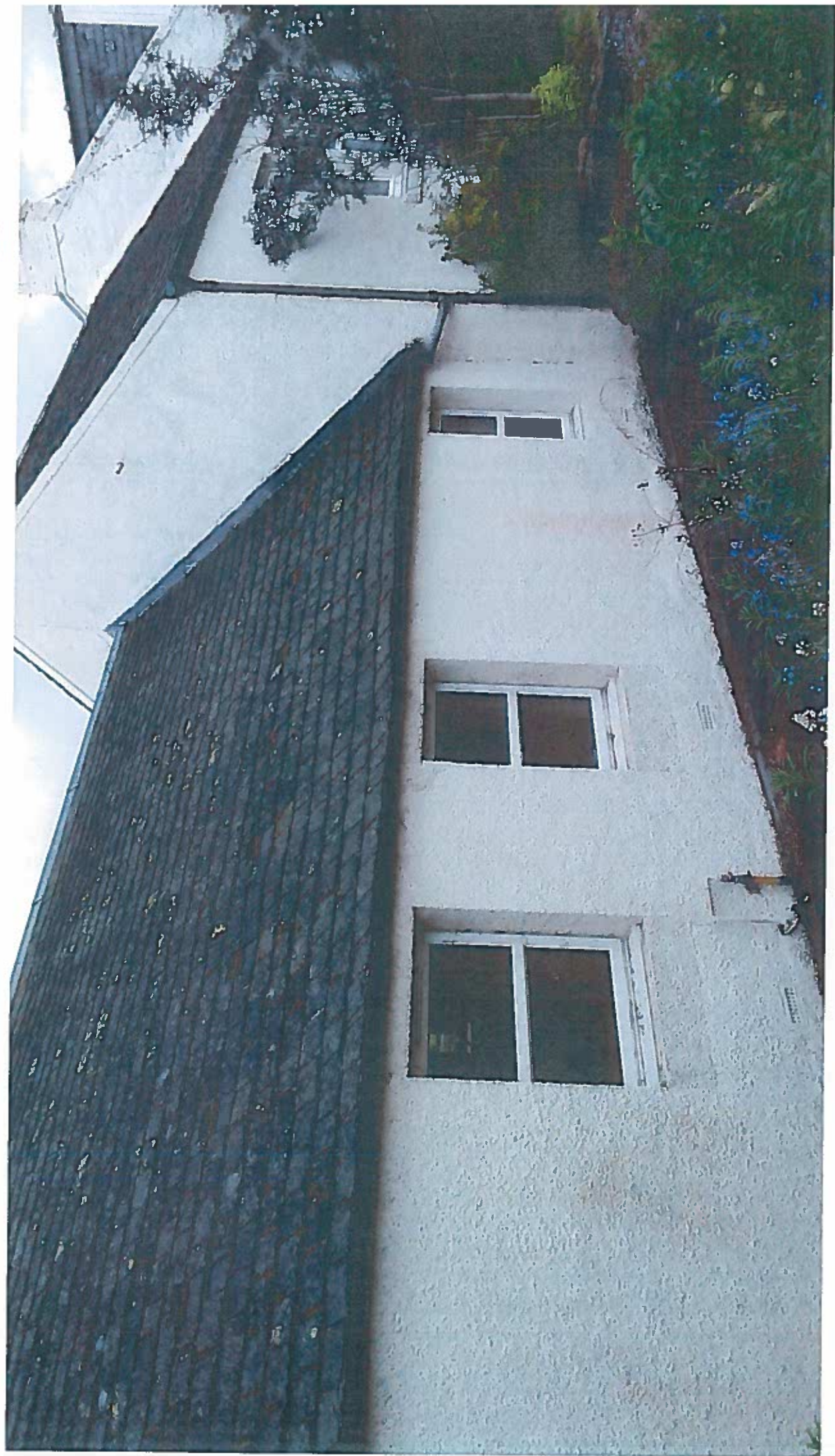
I do not see why this cannot be approved given the fact many other properties within the conservation area have PVC windows.

We would also like to add that all proposed replacement windows will be a replica of the existing window frames with slimline white PVC frames and astragals and would not have an adverse visual impact upon the character and appearance of the dwelling house and conservation area.

On closing, the current window frames are not fit for purpose and the overall reason to change to PVC is to be more energy efficient.

Kind regards,

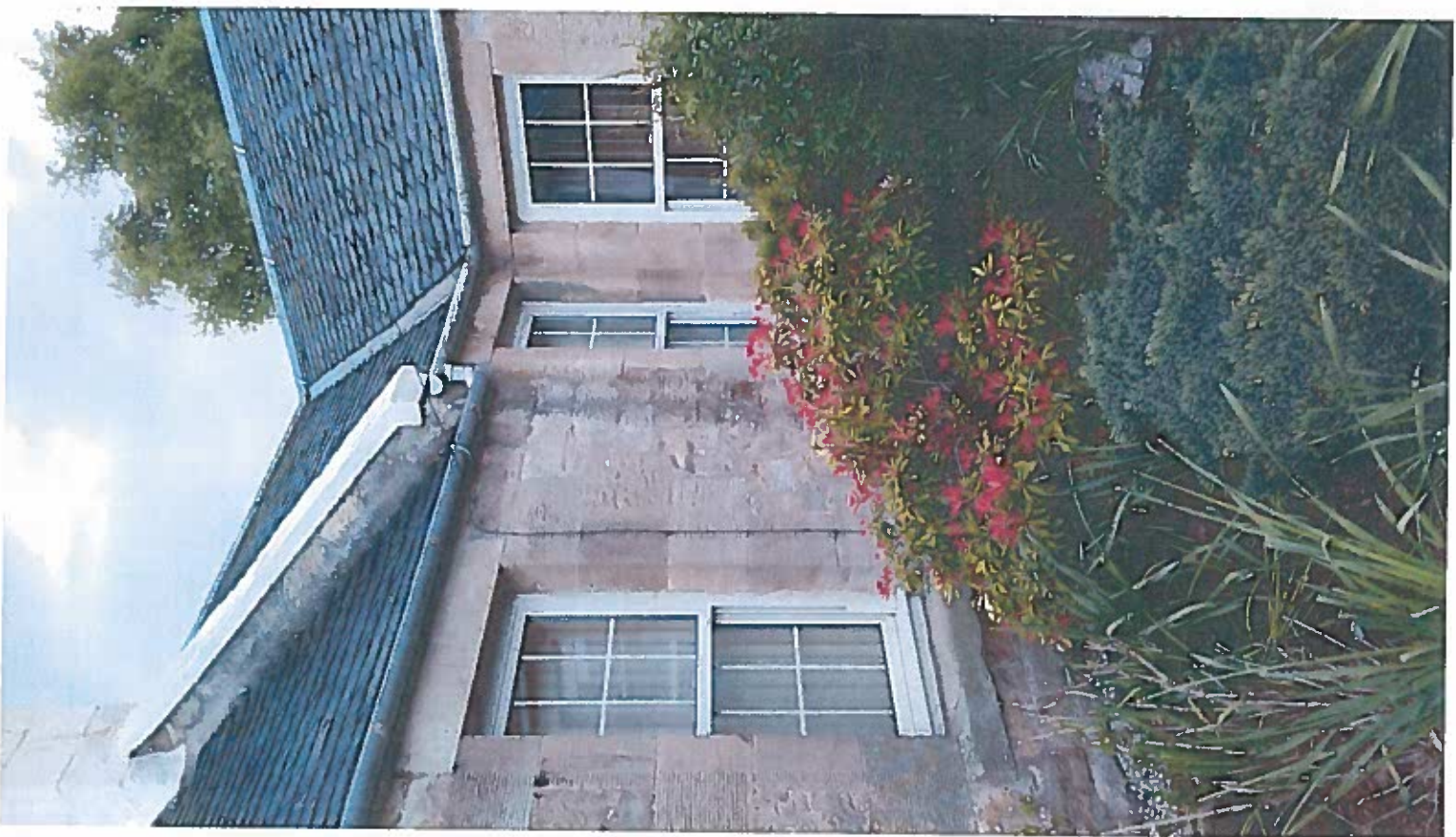
Scott Ritchie













MIDLOTHIAN COUNCIL

DEVELOPMENT MANAGEMENT PLANNING APPLICATION DELEGATED WORKSHEET:

Planning Application Reference: 19/00326/dpp

Site Address: 17 Tipperwell Way, Howgate, Penicuik

Site Description:

The application property comprises a semi-detached two storey dwellinghouse. It is finished externally in cream coloured wetdash render with a stone basecourse with a slate roof and white painted timber framed windows incorporating astragals on the front elevation.

Tipperwell Way comprises of two storey dwellings finished in similar materials.

The application property is located within the Howgate Conservation Area.

Proposed Development:

Extension to dwellinghouse; infilling of window openings and installation of replacement windows and door

Proposed Development Details:

It is proposed to erect a single storey flat roof extension at the rear of the house measuring 5.7m wide and 3.8m deep. It is to be finished externally in render to match existing. The material of the frames of the windows on the extension have not been specified.

It is also proposed to infill a ground floor window on each of the side elevations of the existing building.

It is proposed to replace the existing timber framed windows on the front of the house with white upvc framed windows without astragals. It is also proposed to replace a door at the rear of the house the materials of which have not been specified.

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

History sheet checked.

Consultations:

None required.

Representations:

None received.

Relevant Planning Policies:

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

The relevant policies of the **Midlothian Local Development Plan 2017** are;

DEV2 – Protecting amenity within the built-up area - seeks to protect the character and amenity of the built-up area.

ENV 19 - Conservation Areas - seeks to preserve or enhance the character and appearance of conservation areas.

It is noted that policy DP6 House Extensions, from the now superseded 2008 Midlothian Local Plan, set out design guidance for new extensions requiring that they are well designed in order to maintain or enhance the appearance of the house and the locality. The policy guidelines contained in DP6 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. It also allowed for novel architectural solutions. The guidance set out within this policy has been successfully applied to development proposals throughout Midlothian and will be reflected within the Council's Supplementary Guidance on Quality of Place which is currently being drafted.

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.

The flat roof design of the extension is unsympathetic to the character of the existing building and neither does it constitute a high quality contemporary design. However on balance at single storey the extension will appear subservient to the existing building and will not have a significant impact on the overall character of the building and located at the rear will not have a significant impact on the character and appearance of the conservation area. Also the extension is not dissimilar to what could ordinarily be erected as permitted development had the site not been located within the conservation area.

The existing windows contain double glazing; the use of double glazing within the windows is acceptable and won't have a harmful impact on the conservation area. Albeit the house is of relatively recent construction the timber frames of the windows are in keeping with the traditional finishes used on the houses at Tipperwell Way. The use of uPVC fenestration is not encouraged within conservation areas. All of the dwellings at Tipperwell Way appear to have timber framed fenestration of a similar design which contributes towards the character of this part of the conservation area. The use of white uPVC fenestration is out of character for the immediately surrounding area and will result in a negative visual impact on the dwelling and conservation area. Also the lack of astragals is out of keeping with the surrounding properties. During her site visit the case officer noted upvc windows at some of the older properties in Howgate specifically nos 6, 20, 22 and 25 Howgate.

There is no record of planning permission having been granted for these back to 1975 and as such they should not be considered to set a precedent for upvc windows at Tipperwell Way. The proposed replacement windows at the front of the house should be deleted from the scheme. This can be covered by condition.

The infilling of the windows on the side of the existing building and the new door proposed on the rear will not have a significant impact on the character of the house or conservation area.

Sufficient garden area will remain after the erection of the extension.

Set off the boundary the extension will not have a significant impact on the amenity of the occupiers of no. 16 next door.

The extension will be prominent to the outlook of both the garden and a ground floor bedroom window at the rear of no. 18 however on balance will not be overbearing. It will also be prominent to the outlook from glazing on the side of a dining room extension at the rear of no. 18. However this room also has glazing on the rear elevation with unobstructed views over the garden associated with this property. The extension will not overshadow no 18's garden to a significant degree or have a significant impact on sunlight or daylight to the house at no. 18. An existing 1.8m high fence on the boundary with the application property will minimise overlooking from the side windows on the extension.

Recommendation:

Grant planning permission

Planning Permission

Town and Country Planning (Scotland) Act 1997

Reg. No. 19/00326/DPP



Scott Ritchie
5 Kilngate Brae
Edinburgh
EH17 8UU

Midlothian Council, as Planning Authority, having considered the application by Mrs Donna Drew, 17 Tipperwell Way, Howgate, EH26 8QP, which was registered on 15 April 2019, in pursuance of their powers under the above Acts, hereby grant permission to carry out the following proposed development:

Extension to dwellinghouse; infilling of window opening and installation of replacement windows and door at 17 Tipperwell Way, Penicuik, EH26 8QP

In accordance with the application and the following documents/drawings:

<u>Document/Drawing</u>	<u>Drawing No/Scale</u>	<u>Dated</u>
Location Plan	1:1250	15.04.2019
Floor Plan	160/01 1:50	15.04.2019
Elevations	160/02 1:50	15.04.2019

This permission is granted for the following reason:

The proposed extension, infilling of windows and the new door will not have a significant impact on the character of the house or this part of the Howgate Conservation Area or the amenity of neighbouring properties and comply with the aims of policies DEV2 and ENV19 of the adopted Midlothian Local Development Plan 2017.

Subject to the following conditions:

1. Details of the material and colour of the frames of the windows on the extension and of the proposed new door at the rear of the house shall be submitted to the Planning Authority and they shall not be installed until these details have been approved in writing by the Planning Authority.

Reason: For the avoidance of doubt as to what is approved: in order to safeguard the character of the existing building.

2. Notwithstanding the plans hereby approved, the replacement windows proposed on the front elevation are hereby not approved.

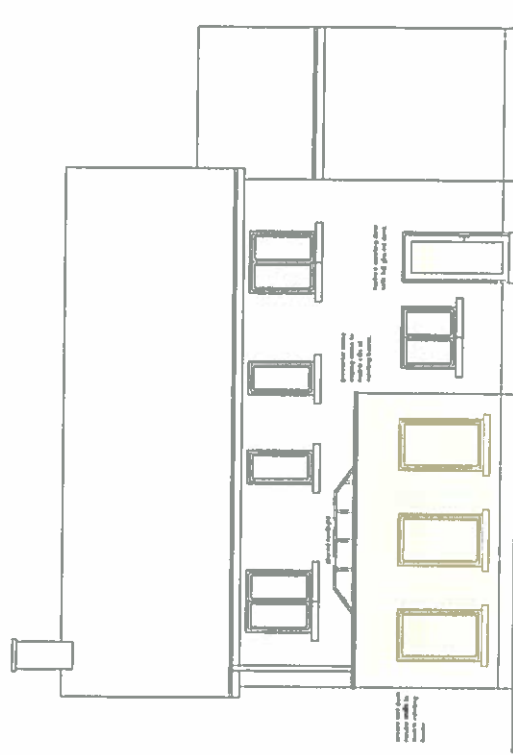
Reason: The windows proposed on the front elevation will result in an adverse visual impact upon the character and appearance of the dwellinghouse and conservation area contrary to policy ENV19 of the adopted Midlothian Local Development Plan 2017.

Dated 27 / 5 / 2019

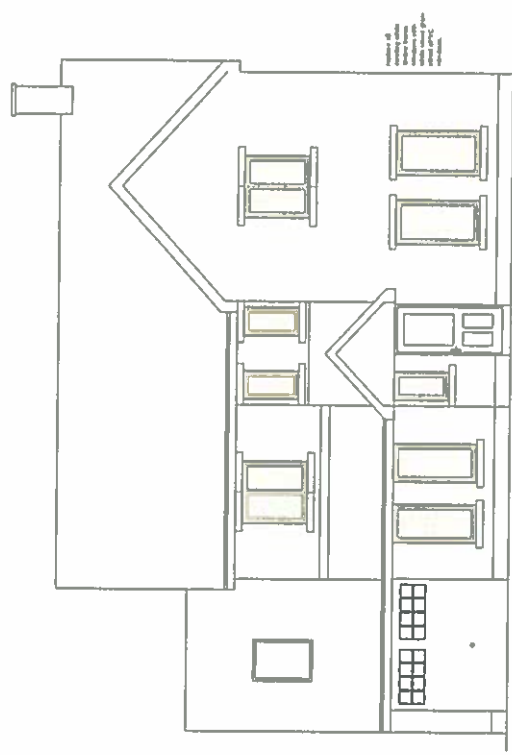
A handwritten signature in black ink, consisting of a stylized 'D' and 'R'.

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

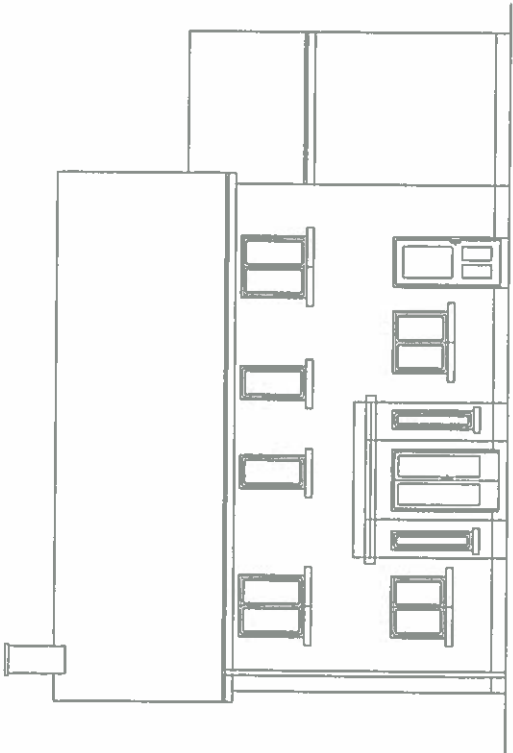
Appendix E



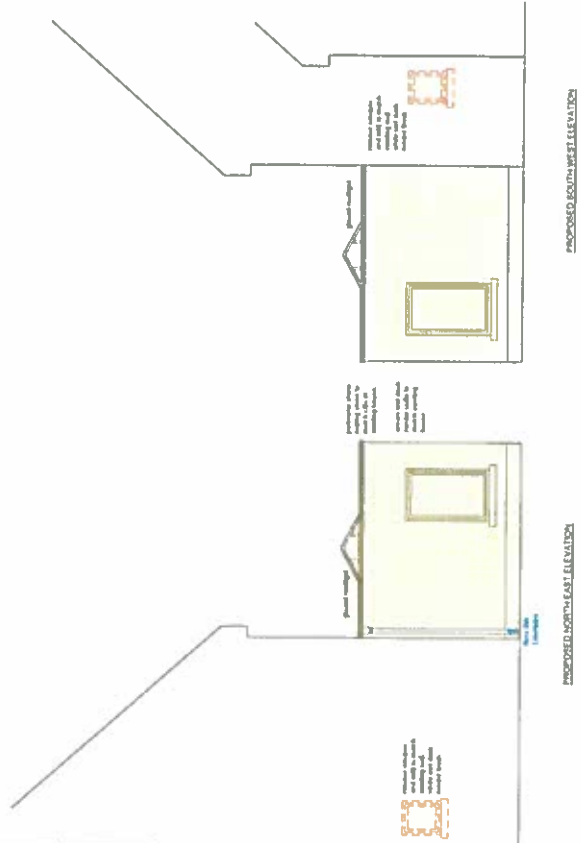
PROPOSED NORTH WEST ELEVATION



PROPOSED SOUTH EAST ELEVATION



EXISTING NORTH WEST ELEVATION



PROPOSED NORTH EAST ELEVATION

PROPOSED SOUTH WEST ELEVATION

Scott Radcliffe
15 Kingsway House
Edinburgh
EH1 1JF
Tel: 07916 20999
Email: scott@11114.com

Client
Steven Winkel &
Donna Drew

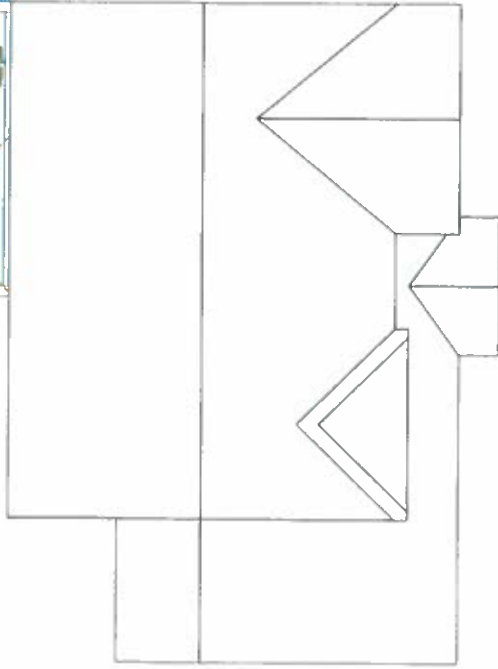
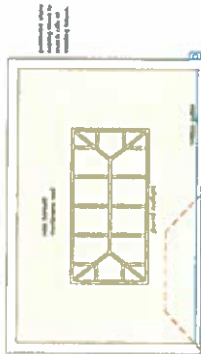
Project
Extension to
17 Tipperwell Way
Hawgate

File
Existing & Proposed Elevations

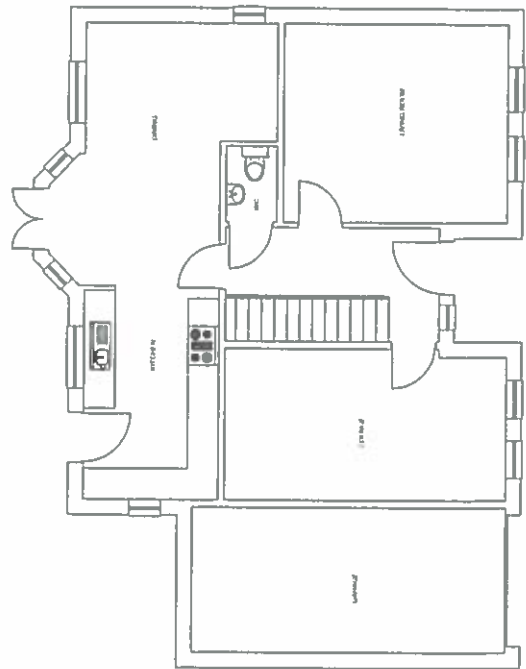
Scale
1:50
Date
18
June 18

Drawing Number
160/02

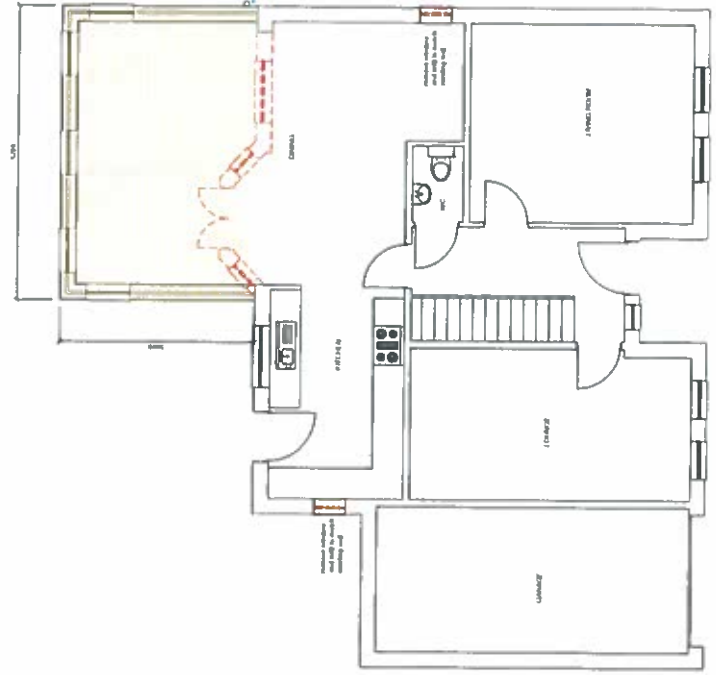
0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150
Metres



PROPOSED GROUND FLOOR PLAN



EXISTING GROUND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



5000 Rukh
55 Knapton Lane
Ealing, London
W5 1PU
Tel: 0181 873 2999
Email: info@5000rukhs.co.uk

Steven Winkel &
Donna Draw

Extension to
17 Tipperwell Way
Howgate

Existing & Proposed Floor Plans,

Scale
1:50

Drawing Number
160/01