

APPENDIX I

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY DECISION NOTICE

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND
LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 17/00038/RREF

Planning Application Reference: 17/00472/FUL

Development Proposal: Alterations and extension to dwellinghouse

Location: 1 Glenkinnon, Ashiestiel Bridge, Clovenfords

Applicant: Mr & Mrs Rutherford

DECISION

The Local Review Body (LRB) reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice and subject to the direction, condition and informative set out below.

DEVELOPMENT PROPOSAL

The application relates to alterations and extensions to a dwellinghouse at 1 Glenkinnon, Ashiestiel Bridge, Clovenfords. The application drawings consisted of the following:

Plan Type	Plan Reference No.
Location Plan	P462/LOC
Floor Plan	P462/002
Elevations	P462/003

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 20th November 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Consultation; e) Representation and f) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case.

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

- Local Development Plan policies: PMD1, PMD2, HD3, EP5, EP13 and IS8

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010, Privacy and Sunlight 2006 and Trees and Development 2008

The Review Body noted that the proposals related to a dwellinghouse situated within a small group of houses near to Ashiestiel Bridge, south of Clovenfords. They noted that there were two extensions proposed to the rear of the dwellinghouse and that it was the larger centrally positioned rear extension that had led to the decision of the Appointed Officer. This extension proposes a second floor of accommodation with a sloping roof rising above the existing roof ridge, behind the existing chimney.

The Review Body noted that, whilst the extension roof would be higher than the existing ridge of the dwellinghouse, the extension was well designed and the impacts on the property and on the surrounding area would be minimal. Members noted that views of the property and of the extension would be limited as a result of tree screening, the position of other properties and the existing chimney on the property. They did not consider that the additional section of sloping roof behind the chimney was of sufficient concern to justify refusal of the scheme.

The Review Body also noted from photographs provided by the Appointed Officer and applicant's agent that there were one and a half storey properties and roof extensions in the existing group which provided a stronger context for the proposal. Furthermore, the Review Body agreed with the Appointed Officer that the extensions did not cause unacceptable residential amenity impacts on nearby properties.

Members noted that the Appointed Officer was not concerned about tree impacts and they did not feel a condition protecting trees was necessary. However, final agreement on external materials and advice on flood resilient measures would still be necessary.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was consistent with the Development Plan and that there were no other material considerations that would justify departure from the Development Plan.

Consequently, the application was approved subject to the direction, condition and informative stated.

DIRECTION

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

CONDITION

1. No development shall commence until further details of all external materials are submitted to, and approved by, the Planning Authority. Once approved, the development then to proceed in accordance with the approved details.

Reason: In the interests of the character of the property and the visual amenity of the area.

INFORMATIVE

The applicant should be aware that the property is located within the 1 in 200 year (0.5% annual probability) flood extent of the River Tweed and may be at medium to high risk of flooding. It is recommended that the applicant adopts water resilient materials and construction methods as appropriate in the development and the applicant reviews the SEPA Online Planning Advice on Flood Risk.

It is also recommended that, to receive flood warnings for 'The Tweed from Peebles to Yair Bridge' from SEPA, the applicant signs up to FLOODLINE at www.sepa.org.uk or by telephone on 0845 988 1188. It would also be advisable for the applicant to develop an evacuation plan for the building during times of flood warning.

Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.

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 the 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.

Signed...Councillor T Miers
Chairman of the Local Review Body

Date...24 November 2017