

APPENDIX III

**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: 18/00005/RREF

Planning Application Reference: 17/01409/FUL

Development Proposal: Extension to form new living room

Location: 16 Craig Brown Avenue, Selkirk

Applicant: Mr Harry Thomson

DECISION

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission as explained in this decision notice and on the following grounds:

1. The proposed extension would reduce the available off-street parking below the minimum standard specified in the Local Development Plan 2016. The extension would also not relate well to the adjoining proposed property to the north east, and would be potentially detrimental to its amenity. The development is, therefore, contrary to Policies PMD2, HD3 and IS7 of the Local Development Plan 2016.

DEVELOPMENT PROPOSAL

The application relates to the extension of a dwellinghouse. The application drawings and documentation consisted of the following:

Plan Type

Plan Reference No.

Location Plan
Elevations

HT/EX/01

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 16th April 2018.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Papers referred to in Officer's Report; e) Consultations; f) Objections; g) general Comment; and h) List of Policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. They noted the applicant's suggestion for a site visit but did not consider this necessary after viewing photographs and plans of the site and surroundings.

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: PMD2, HD3, EP7, and IS7.

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006

The Review Body noted that the proposal was to erect an extension to the front of the dwellinghouse to form a living room, creating an additional 28 square metres of floorspace and occupying an area currently used for off-street car parking. It was noted that the extension would be single storey to match with the existing dwellinghouse and that one car parking space would be removed as a result.

Members were also made aware of the details of the proposed dwellinghouse on adjoining land at 3 Tait's Hill (application reference 17/01308/FUL) which was approved under delegated powers by the Appointed Officer on 7th December 2017, subject to conclusion of a legal agreement.

The Review Body firstly considered the issue of loss of a parking space as a result of the extension. They noted the planning history of the site and the fact that two off-street parking spaces met with Council standards and were required to be provided and maintained by planning condition on the original approval for the existing house. Whilst they considered the applicant's comments about the nature of the cul-de-sac and neighbouring parking provision, they agreed with the Appointed Officer that the removal of one parking space would contravene the Council's established standards that require two off-street parking spaces for a new house. Members also considered that the amenity of adjoining properties would be adversely affected through the loss of the parking space, given the nature of the surrounding area.

The Review Body then considered the impacts of the extension on adjoining properties, paying particular regard to both the history of the site itself and also the details of the dwellinghouse to be erected on land adjoining to the rear of 3 Tait's Hill. They noted that permitted development rights had been removed when the house on the application site was originally approved, reflecting the concern that the house could cause issues of overdevelopment if enlarged. They considered that the extension would represent overdevelopment of the site, causing not only detrimental impacts on the street scene when viewed from the cul-de-sac but also residential amenity impacts in relation to the proposed house on the land adjoining the site. Whilst they understood privacy impacts could be partly addressed through window repositioning, reflecting the comments of the owner of the adjoining site, they still considered the extension would cause problems of proximity to the proposed house with insufficient space for satisfactory screening.

The Review Body, therefore, agreed with the Appointed Officer that the extension represented overdevelopment of the site to the detriment of the amenity of adjoining property.

CONCLUSION

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

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.....19 April 2018

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