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SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY

MINUTE of Meeting of the LOCAL REVIEW BODY held in the Council Chamber, Council Headquarters, Newtown St Boswells, TD6 0SA on Monday, 21 May 2018 at 10.00 am

Present:- Councillors T. Miers (Chairman), A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small

Apologies:- Councillor S. Aitchison

In Attendance:- Principal Planning Officer – Major Applications/Local Review, Solicitor (E. Moir), Democratic Services Team Leader, Democratic Services Officer (F. Walling).

1. **REVIEW OF 17/01685/PPP**

There had been circulated copies of the request from Mr John Huck, per Jayne Huck, 61 High Street, Loftus, Redcar and Cleveland, to refuse the planning application in respect of erection of a dwellinghouse on land south of The Bungalow, Blacklee Brae, Bonchester Bridge. The supporting papers included the Notice of Review; Decision Notice; officer's report; papers referred to in the officer's report; consultations; and a list of relevant policies. In their initial discussion Members accepted that there was a building group at Blacklee Brae and that The Bungalow was part of that group. They then moved on to consider whether the site for the proposed dwellinghouse was a suitable addition to the building group, having particular regard to any impact the development may have on the surrounding landscape and local biodiversity.

DECISION

AGREED that:-

- (a) **the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) **the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) **the proposal would be in keeping with the Development Plan; and**
- (d) **the officer's decision to refuse the application be reversed and planning permission be granted subject to conditions and a legal agreement, for the reasons detailed in Appendix I to this Minute.**

(Note: The decision was taken subject to a legal agreement for payment of developer contributions. However, subsequent information was received from the Appointed Officer which clarified that no education contributions were required for the development. Consequently, there was no requirement for a legal agreement.)

2. **REVIEW OF 17/01617/PPP**

There had been circulated copies of the request from Mr and Mrs A. Matthew, The Gables, Gattonside, to review the decision to refuse the planning application in respect of erection of dwellinghouse on land north west of The Gables, Gattonside. The supporting papers included the Notice of Review; Decision Notice; officer's report; papers referred to

in the officer's report; consultations; objections; general comments; further representations and response from applicant; and a list of relevant policies. Members firstly looked at new evidence in the form of two letters of support submitted with the appeal and concluded that this evidence did not meet the test under Section 43B of the Town and Country Planning (Scotland) Act 1997. These letters were not therefore referred to in their deliberations. After discussion the Review Body was satisfied that in principle the site of the proposed development was an acceptable infill site within the settlement boundary. The proximity with the listed building to the west of the site was discussed but Members' attention focused mainly on the condition of the road system serving the site and in particular the road safety risks at the junction of Priors Road with the B6360. In their discussion Members took into account the fact that the access to a recently approved dwellinghouse on a site near to the proposed development also used a section of Prior's Road. After a lengthy debate Members' opinion remained divided as to whether the road system could safely accommodate the additional traffic that was likely to be generated by the proposal.

VOTE

Councillor Fullarton, seconded by Councillor Hamilton, moved that the decision to refuse the application be upheld.

Councillor Mountford, seconded by Councillor Laing, moved as an amendment that the decision to refuse the application be reversed and the application approved.

On a show of hands Members voted as follows:-

*Motion - 4 votes
Amendment - 3 votes*

The motion was accordingly carried and the application refused.

DECISION

DECIDED that:-

- (a) the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) in accordance with Section 43B of the Town and Country Planning (Scotland) Act 1997 the review be determined without reference to the new evidence submitted with the Notice of Review documentation;**
- (c) the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (d) the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (e) the officer's decision to refuse the application be upheld for the reasons detailed in Appendix II to this Minute.**

3. REVIEW OF 17/01731/FUL

There had been circulated copies of the request from Lynne Marshall, per A.D. Architectural Design, Hillview, Greenside, Peebles, to review the decision to refuse the planning application in respect of extension to dwellinghouse at 34 Edinburgh Road, Peebles. The supporting papers included the Notice of Review; Decision Notice; officer's report; papers referred to in the officer's report; consultation; and a list of relevant policies.

Whilst sympathetic to the applicant's wish to enlarge the accommodation within the house, Members were concerned at the scale and design of the proposed extension in relation to the character of the existing building and surrounding area. In their discussion they took into account the design of other roof extensions in the area and noted that the visual impact from Edinburgh Road would be limited. Members also considered the impact of the proposed extension on residential amenity and the impacts on neighbours that could arise during its construction.

DECISION

AGREED that:-

- (a) the request for a review had been competently made in terms of Section 43A of the Town and Country Planning (Scotland) Act 1997;**
- (b) the review could be considered without the need for any further procedure on the basis of the papers submitted;**
- (c) the proposal would be contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan; and**
- (d) the officer's decision to refuse the application be upheld for the reasons detailed in Appendix III to this Minute.**

The meeting concluded at 11.40 am

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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: 18/00008/RREF

Planning Application Reference: 17/01685/PPP

Development Proposal: Erection of dwellinghouse

Location: Land South of The Bungalow, Blacklee Brae, Bonchester Bridge

Applicant: Mr John Huck

DECISION

The Local Review Body reverses the decision of the appointed officer and grants planning permission for the reasons set out in this decision notice subject to conditions and informatives as set out below.

The decision was taken subject to a legal agreement for payment of developer contributions. However, subsequent information was received from the Appointed Officer which clarified that no education contributions were required for the development. Consequently, there was no requirement for a legal agreement.

DEVELOPMENT PROPOSAL

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

Plan Type	Plan Reference No.
Location Plan	OS Mastermap

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 21 May 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; and f) List of Policies, the Review Body proceeded to determine 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: PMD1, PMD2, HD2, HD3, EP1, EP2, EP3, EP13, EP16, IS2, IS7 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Trees and Development 2008

The Review Body noted that the proposal was for planning permission in principle to erect a dwellinghouse on a plot to the south of a property known as The Bungalow, Blacklee Brae, Bonchester Bridge.

The Review Body firstly considered whether a building group was present to which addition would be possible. They accepted that Blacklee Brae constituted a building group in terms of Local Development Plan Policy HD2 and noted that new development had occurred within the group. Whilst accepting that The Bungalow was on the opposite side of the public road from the majority of the houses in the group, they agreed with the assessment of the Appointed Officer that it was still part of the building group.

The Review Body then considered whether the site was a suitable addition to the building group. Members gave weight to the fact that the site was part of the established curtilage of The Bungalow and that the beech hedging along the boundary of the site formed a natural and strong boundary to the group, the site being contained by the hedge and not breaking into the undeveloped field beyond. They considered that an additional house on this side of the road was well related to the building group and would reduce, rather than emphasise, the detachment of The Bungalow in relation to the building group.

Although Members noted that the applicant had suggested the site could form a micro-holding, no business case had been submitted to support the suggestion. As they considered the site to be a natural addition to the building group, they gave no weight to this matter.

There was some concern expressed in relation to landscape impact and the loss of trees. However, the Review Body considered that sufficient tree cover and hedges could be retained by a landscaping condition requiring a tree survey and new planting. They were content that the site was large enough to allow a new house to sit within tree cover and still preserve the landscape setting of the group. Members noted that similar development within woodland had occurred opposite the site. It was also considered that the landscape setting would be enhanced by a well-designed house.

Members considered other issues could be addressed through planning conditions, including a suspensive condition in relation to the need for a bat survey and in relation to breeding birds and red squirrel.

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.

DIRECTIONS

1. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
 - a. the expiration of three years from the date of this permission, or
 - b. the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

CONDITIONS

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority.

Thereafter the development shall only take place in strict accordance with the details so approved.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and trees to be retained, protected and, in the case of damage, restored. This should include a full tree survey and arboricultural assessment.
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

4. No development shall commence until the details of the access and the parking and turning facilities within the site have been submitted to and approved in writing by the Planning Authority. Thereafter, the works shall be implemented in accordance with the agreed details and within an agreed timescale. The junction with the public road should achieve the following:
 - Visibility splays of 2.4 by 70 metres in both directions onto the public road from the proposed access to be provided.
 - Verge crossing to be constructed to the following specification “75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1.”

Reason: To ensure the site is adequately serviced.

5. No development shall commence until further details of the provision of foul and surface water drainage are submitted to, and approved in writing by, the Planning Authority. The details shall include evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

6. No water supply other than the public mains shall be used to supply the Development without the prior written agreement of the Planning Authority.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

7. No development shall commence until a survey for bats, by a suitably qualified person, is carried out for all mature trees that require felling and submitted to, and approved in writing by, the Planning Authority. If evidence of bats or their roosts is found in the surveys, a mitigation plan for bats will also be required. No development shall commence until the surveys and any mitigation plan have been approved in writing by the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved mitigation plan.

Reason: To safeguard Protected Species at the site.

8. No development shall commence until a survey for protected species, including breeding birds and red squirrel, is submitted to, and approved in writing by, the Planning Authority. If evidence of protected species, including breeding birds and red squirrel, is found in the surveys, a mitigation plan for protected species and habitats will be required. No development shall commence until a Species and Habitats Protection Plan, which shall include any mitigation plan and which shall also incorporate details of enhancements for biodiversity, has been submitted to, and approved in writing by, the Planning Authority. Any works shall, thereafter, be carried out in accordance with the approved mitigation plan and Species and Habitats Protection Plan.

Reason: To safeguard ecological interests at the site.

INFORMATIVES

Bats

Impacts on bats will be assessed against the three key tests. Surveys likely to involve disturbance to bats or their roosts can only be carried out by a licensed bat worker. Activity surveys for maternity roosts and occasional roosts in trees should be conducted between May and September (optimally May - August). Preliminary Roost Assessment can be undertaken at any time of year.

Private Drainage Systems

Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

Stoves and Use of Solid Fuel

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on

- [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

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.....23rd May 2018

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APPENDIX II

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: 18/00010/RREF

Planning Application Reference: 17/01617/PPP

Development Proposal: Erection of dwellinghouse

Location: Land North West of The Gables, Gattonside

Applicant: Mr & Mrs A Matthew

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. It is considered that the proposed development would not comply with policies PMD2 and, PMD5 of the Local Development Plan 2016 in that adequate access to the site cannot be achieved resulting in an adverse impact on road safety, for the following reasons:
 - The junction of the private road (Priors Road), serving the site and the B6360 is not suitable for additional traffic due to the acute angle at which Priors Road joins the B6360, its width, steep gradient, visibility, loose material and uneven surface making it difficult for vehicles enter and exit the junction and for each other to pass at the junction.
 - Priors Road itself, between the B6360 and The Loan, suffers from poor construction make-up, tight geometry, lack of width combined with limited forward visibility, inadequate passing provision, absence of on-street parking and inadequate street lighting.
 - The junction of the road serving the site and The Loan is substandard in geometry making a left turn out of Priors Road or a right turn in extremely difficult.

DEVELOPMENT PROPOSAL

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

Plan Type	Plan Reference No.
Location Plan	1
Site Plan	2

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 21 May 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 Comments; h) Further Representations; i) Response from Applicant to Further Representations; and j) List of policies, the Review Body considered whether new information included by the applicant within the review documents constituted new evidence under Section 43B of the Act. This related to two letters of support submitted by the developers of a plot with planning permission to the south-east of the application site. The Review Body considered that the information could have been submitted before the application was determined by the Appointed Officer and that there were no exceptional circumstances why the information could not have been lodged before that time. The letters were, therefore, not accepted and the Review Body proceeded to determine the case without reference to them.

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: PMD1, PMD2, PMD5, HD3, EP4, EP7, EP8, EP9, EP13, IS2, IS3, IS7 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006

The Review Body noted that the proposal was for planning permission in principle to erect a dwellinghouse on a plot to the north-west of a property known as The Gables, Gattonside. The plot was shown in more detail on the Site Plan indicating a house position to the rear of the site and access shared with The Gables from Priors Road. Members were also made aware of the details of the approved dwellinghouse on a nearby site, to the south-east of Abbotscroft, which would also use a section of Priors Road (application reference 17/00680/FUL) and which was approved under delegated powers by the Appointed Officer on 28th July 2017.

The Members firstly considered whether the site was an acceptable infill site within the terms of Policy PMD5 of the Local Development Plan. They noted that the site was within Gattonside settlement boundary and had surrounding residential properties. Given the location, context and size of the proposed plot, the Review Body were satisfied that the site was a suitable infill opportunity in principle.

However, Members also noted that Policies PMD2 and PMD5 require sites to be capable of safe access and that there were significant issues with the road system serving the site. Members carefully considered all the submissions made about the existing traffic using the road system, including the traffic to be generated by the approved plot. They noted that there were identified problems throughout the road system and that there were no improvements proposed that could reduce the road safety risks resulting from increased traffic. Members did consider what the effects could be of improved stretches of construction along the site frontage or restrictive signage on the B6360, but, ultimately, did not feel that there was any evidence that sufficient improvement could be achieved.

The Review Body agreed with the Appointed Officer that, whilst the proposal may generate limited additional traffic, the road system serving the site was unsuitable and exhibited significant problems, especially at the junction with the B6360 where visibility was poor. It was also considered that Priors Road was narrow with tight bends, poor construction and inadequate passing opportunities. On balance, Members considered that the road system was not capable of safely accommodating the additional traffic associated with the construction or occupation of a house on the proposed plot. They, therefore, agreed with the Appointed Officer that the proposal was contrary to Policies PMD2 and PMD5 for this reason.

The Review Body also considered other material issues relating to the development, including impacts on The Rig adjoining the site to the west, both in terms of impacts on residential amenity and the setting of a listed building. Whilst there were some concerns expressed about these impacts, it was accepted that they could have been addressed at the detailed design stage had the site been otherwise acceptable.

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

Date...23rd May 2018



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: 18/00011/RREF

Planning Application Reference: 17/01731/FUL

Development Proposal: Extension to dwellinghouse

Location: 34 Edinburgh Road, Peebles

Applicant: Ms Lynne Marshall

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 development would be contrary to Policy PMD2 of the Local Development Plan 2016 in that the proposed extension would not be sympathetic to the existing building in its form and scale and it would, therefore, have an adverse visual impact on the building and surrounding area.

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	706/01
General Floor Plans	706/02
Sections	706/05
Sections	706/06
Additional Information	706/PP
Elevations	706/07
Roof Plan	706/08
Both Views to West	

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 21 May 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) Consultation; and f) 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 and HD3.

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 rear of the property creating two floors of accommodation and allowing development within the existing roofspace. It was noted that the extension would be of mansard design with rendered lower walls, slate upper walls, uPVC windows and roof windows.

The Review Body firstly considered the issues of scale and design of the extension in relation to the character of the existing house and surrounding area. They noted that, whilst there were other examples of roof extensions in the vicinity of the site along Edinburgh Road, these were generally limited to roof extensions whereas the current proposals were to extend out from the rear of the house on two floors and create a scale of extension that was considered to be overdominant and too large in relation to the character and scale of the property. They accepted that visual impacts from the Edinburgh Road, itself, would be more limited.

Members also felt that the design was poor, resulting in massing which was bulky and out of character with the existing house. They agreed with the Appointed Officer that Local Development Plan Policy PMD2 was aimed at improving the quality of design and that the proposal should not be accepted on the basis of other poorly designed roof extensions that pre-dated the Policy. Whilst members had no objections to the principle of a rear extension

and sympathised with the owner's wishes to enlarge the accommodation, a better design was needed that reduced the scale of the extension.

Members also expressed some concern over the impacts of the extension on the residential amenity of adjoining residents and the impacts that could arise as a result of construction, including the removal of material.

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

Date...23rd May 2018

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