

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: 17/00011/RNONDT

Planning Application Reference: 17/00011/FUL

Development Proposal: Erection of detached garage with first floor studio,
alterations and extension to dwellinghouse

Location: Danderhall Cottage, St Boswells, Melrose

Applicant: Ms Evelyn Brown and Mr John Kirk

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 the conditions listed below.

DEVELOPMENT PROPOSAL

The application relates to the erection of a detached garage with first floor studio within the garden ground of Danderhall Cottage, St Boswells and alterations and extension to dwellinghouse.

The application drawings consisted of the following drawings:

Plan Type	Plan Reference No.
Location Plan	815P-01
Existing Elevations	815P-03
Existing Floor Plans	815P-02
3D Views	815P-07
Elevations	815P-08
Floor Plans	815P-05
Elevations	815P-06
Floor Plans	815P-04

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 19th June 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review; b) Consultation; c) Officer's report; d) Response to officer's report and e) 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 most relevant of the listed policies were:

- Local Development Plan policies: PMD2 and HD3.

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Householder Development 2006

The Review Body considered the proposed two storey extension was well designed and would be complementary to the existing dwellinghouse in terms of its scale and form. Members were also content that the proposed external materials were appropriate and that the extension would be an attractive contemporary addition to this traditional cottage.

The Review Body debated, in some detail, the relationship of the existing house and the garage/studio building. Whilst there was some concern expressed about the height and scale of the garage/studio Members were satisfied that the height could be controlled by a suitably worded condition. The condition would set the finished floor level of the new building such that its ridge height would be, as far as was practicably possible, no higher than the existing dwellinghouse.

The Review Body also accepted that a building of the scale proposed could be satisfactorily accommodated on the site, without detriment to the existing property or the locality. Whilst the building was large it would be situated in a large garden, behind the house and would only have limited visibility from the public domain. The distance the building would be from the public road and the extent of tree cover along the road side meant that there would be no adverse visual impact.

Members acceptance of the development was on the condition that the building was used for purposes incidental to the enjoyment of Danderhall Cottage only and not as a separate dwellinghouse or for any other purpose.

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.

CONDITIONS

1. The garage/studio building, hereby approved, shall only be used for purposes incidental to the enjoyment of the existing dwellinghouse Danderhall Cottage and shall be used for no other purpose.
Reason: To ensure that the development is compatible with the residential nature of the site and the use of the garage/studio building for other purposes would not be appropriate in this location.
2. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the garage/studio building and the extension have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
3. No development shall commence on site until details of the finished floor level of the proposed garage/studio have been submitted to and approved by the Planning Authority. The finished floor level shall be set to ensure that, as far as is practicable, the ridgeline of the building is no higher than that of Danderhall Cottage. Thereafter, no development shall take place except in strict accordance with those details, unless agreed in writing by the Planning Authority.
Reason: To ensure a satisfactory relationship between the buildings and that the garage/studio building is subservient to the existing dwellinghouse.

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.....27 June 2017