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**Site to North West of Alderbank  
Macbiehill  
West Linton  
OCTOBER 2017 SUBMISSION**

## BACKGROUND.

This application is a further detailed planning application following a refusal of a previous request for consent 17/00530/FUL which was also unsuccessful at review (17/00027/RREF).

I refer to the 'Local Review Body Decision Notice' in support of this further application for planning consent.

***The review body were satisfied that there is a building group at Macbiehill as defined in policy HD2.***

Contrary to the view of the planning officer who assessed the planning application 17/00530/FUL, ***they were also satisfied that the application site fell within the development envelope of the building group at Macbiehill Farm.***

***They were also satisfied that the limits set by policy HD2 for additional housing are in compliance with that allowed within the current local plan period.***

***They also stated that the design and appearance of the new house was satisfactory.***

They were, however, unable to support the proposal in application 17/000530/FUL as they felt it would be '**unacceptable and harmful**' in its relationship to Alderbank, and therefore contrary to policy HD3.

## METHODOLOGY

Having considered the Review Body Decision Notice, I felt that the majority of argument against the development of this site had been satisfied. I therefore felt a further detailed design-analysis was appropriate, applying what we now know to have been supported by the review board.

From historic discussions with the planning officer regarding development of the site, we were always advised that if development were to be successful the site would have to be tucked into the adjacent boundary of Alderbank therefore restricting the extension of the building group boundaries. We now know that the principle boundary considered to encompass the building group is indeed the formal North-West boundary which traditionally and historically was the Macbiehill estate boundary.

Having a site hugging the Alderbank boundary was always contrary to our view - the natural level area for the house is further to the North West (see photo 1) which would result in any new house being further from Alderbank and therefore not dominating it.

I also felt that the information we had supplied in the application 17/00530/FUL was somewhat lacking in content as we had neither supplied or been asked for any detail regarding site levels and floor heights.

I therefore commissioned a detailed topographical survey (see drawing OGS 265 02) so as I could be in full understanding of the relationship of all aspects. This survey is a quality document which analyses ridge and eaves levels of existing buildings relative to the application site, boundaries and the access driveway (see photo 6)

## REDESIGN

Noting that the design of the building presented in application 17/00530/FUL was generally acceptable, I decided to maintain the same format in the current submission. However, looking at the roof heights of the other buildings I could see that the width of the proposed house made the building very 'roofoy' in character and by redesigning this with a mansard with a pitch to match the other buildings in the steading I have achieved 'cottage' massing in keeping and very much following precedents set elsewhere in the steading.

In order to satisfy myself that policy HD3 was not being breached, I looked at the heights and the distances by preparing a 'streetscape' showing the relationship of Juniper Cottage, the adjacent workshop, Alderbank and the proposed house (see drawing OGS 265 05). I have adopted the same roof levels as Juniper (although these are not the highest within the entire complex). I was heartened to note that the juxtapositions of Juniper/Alderbank and Alderbank/New House are more or less identical, helping to maintain the existing pattern of building-space-building-space-building.

Finally when the topographical survey was commissioned I had asked that the edges of the planted areas were recorded. The house has been designed and positioned to acknowledge the undernoted:

Not cause any conflict or detriment to existing tree planting (see photos 2,3,5)  
Respect the need not to breach the building line established by the SW elevation of Alderbank (see drawing OGS 265 02)  
Hide parking and vehicular movement zones from the exposed SE/SW view into the site (see photo 4).

Furthermore, the survey picked up an existing ditch which is now the natural South West boundary for the proposed site, beyond which the ground will be reserved for more agricultural and less domestic use. By establishing the NW boundary using a natural ridge, the entire site loses the formal 'box or rectilinear' site plan and is more aesthetically placed within the landscape.

Kanak Bose  
8<sup>th</sup> October 2017

## SUPPORTING INFORMATION

Lodgement forms, cheque and ownership certificate.

Drawings	OGS 265 01	Location Plan
	OGS 265 02	Site Plan
	OGS 265 03	General Arrangemnt
	OGS 265 04	Elevations
	OGS 265 05	North West/South East Section along access track

Copy Scottish Borders Council Review Body Decision Notice 12/00027/RREF

Photographs 1-6 incl including captions.





**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY DECISION NOTICE**

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**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**

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**Local Review Reference: 17/00027/RREF**

**Planning Application Reference: 17/00530/FUL**

**Development Proposal: Erection of dwellinghouse with attached garage and  
workshop**

**Location: Land North West of Alderbank, Macbiehill, West Linton**

**Applicant: Mr & Mrs D Gold**

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**DECISION**

The Local Review Body (LRB) varies the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice and on the following ground:

1. The proposals do not comply with Local Development Plan Policy HD3 and the Supplementary Planning Guidance on Privacy and Sunlight in that the proximity and change in levels in relation to "Alderbank" would result in significant adverse effects on the residential amenity enjoyed by that property, creating an overbearing impression.

**DEVELOPMENT PROPOSAL**

The full application relates to the erection of dwellinghouse with attached garage and workshop at land north west of Alderbank, Macbiehill, West Linton. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Site Plan	Document 1
Location Plan	Document 2
General	Document 3
General	OGS 173 30

## **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<sup>st</sup> August 2017.

After examining the review documentation at that meeting, which included: a) Notice of Review (including the Decision Notice and Officer's Report); b) Papers referred to in Report; c) Consultations; and d) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to this decision Members considered the applicants' request for further procedure in the form of a site visit and one or more hearing sessions.

## **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: PMD1, PMD2, HD2, HD3, EP13, IS2 & IS7

### **Other Material Considerations**

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

The Local Review Body was satisfied there was a building group at Macbiehill, as defined in Local Plan Policy HD2 and in the approved Supplementary Planning Guidance on New Housing in the Borders Countryside.

The Review Body then turned its attention to whether the site was a suitable addition to the group. They considered the site to be well related to the pattern of development at Macbiehill and that it was contained by the existing landscape setting of the building group. Members noted that there was a difference in level between the site and the adjoining property "Alderbank" which had been accentuated through the creation of the development platform for that property. They also noted that there had been some tree planting along the south eastern boundary of the site between it and Alderbank. In their view this did not constitute a substantial boundary or edge to the building group. Consequently, it was concluded that the site in question was within the development envelope of the building group.

In terms of the number of residential units proposed, this was within the limits set by Policy HD2 of 2 or 30% within a Local Plan period.

The Review Body was content with the design and appearance of the new house but felt that its relationship to Alderbank was unacceptable and harmful. In their view the

new house would have an overbearing and dominating impact on the existing property due to its proximity and elevation. The proposal was therefore contrary to Policy HD3 and the second ground for the appointed officer's decision was upheld.

**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.

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**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.....  
Chairman of the Local Review Body

Date..... 30.8.17 .....







