

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 17/01230/FUL

**APPLICANT :** Mr Greg Blacklock

**AGENT :**

**DEVELOPMENT :** Erection of boundary fence and formation of parking area (retrospective)

**LOCATION:** 1 Eildon Terrace  
Newtown St Boswells  
Scottish Borders  
TD6 0PY

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
1	Location Plan	Refused
2	Site Plan	Refused
3 - 5	Photos	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

There are no representations.

**CONSULTATIONS**

Roads Planning Service: Whilst I have no objections to this proposal in principle, having seen the fence which has been erected on-site, the following matters shall have to be addressed to the Councils satisfaction:

1. The vehicular footway crossing must be constructed to the Council's satisfaction. This will require the existing dropped kerb being extended to allow for double vehicular access. I would recommend that the dropped kerbing be extended to a minimum of 5m.
2. The footway crossing must be carried out as per standard detail DC 10.
3. The section of fencing on the eastern boundary must be curtailed at the last straining post. This is approx. 2.2m from the edge of the carriageway. This is to ensure the fencing does not interfere with the visibility available to drivers when exiting the adjacent access.
4. All work within the existing footway must be carried out by a contractor first approved by the Council.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Council Local Development Plan 2016

PMD2: Quality Standards

### HD3: Protection of Residential Amenity

#### Supplementary Planning Guidance:

Placemaking and Design January 2010  
Guidance on Householder Development July 2006

**Recommendation by** - Julie Hayward (Lead Planning Officer) on 7th November 2017

#### Site and Proposal

The property is a semi-detached dwellinghouse situated on the corner of Eildon Terrace and Bowden Road in Newtown St Boswells. This is a retrospective application for fencing that has been erected around the property:

- o A 1.82m (6ft) high timber fence has been erected on the Bowden Road boundary;
- o A 1.52m (5ft) fence and gates has been erected along the Eildon Terrace boundary and around an off-street parking area that has been formed adjacent to Bowden Road;
- o A 1.52m fence has been erected along the boundary with the neighbouring property between the house and Eildon terrace;
- o A 1.82m high panel has been erected on the boundary with the access to the Council's car park, which then drops down in height towards Bowden Road.

#### Siting and Design and Impact on Visual Amenities

Policy PMD2 of the Local Development Plan requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

Normally high fences are discouraged on road frontages due to the impact such fences have on the visual amenities of the area. The preferred means of enclosure is normally a 1m fence and/or hedge, which are the types of enclosure seen on Bowden Road and was the previous boundary treatment for this property. The only exception is a similar fence at 29 Bowden Road granted planning permission in 2016 (16/01185/FUL). This does not appear as high as the fence on the Bowden Road boundary of 1 Eildon terrace and is slatted, allowing light through, which reduces the visual impact.

It is considered that the fencing that has been erected on the side boundary with no.3, along Eildon Terrace, to the rear of the on-site car parking area and along the boundary with the Council's car park access can be supported as these are shorter sections of a lower fence, with some sections set back from the adjacent road and footpath.

The main issue with this application is the 1.8m high fence along the Bowden Road boundary. This is a high, solid fence that abuts the pavement. It appears unnecessarily high adjacent to the pavement and has a significantly negative impact upon the visual amenities of the area. The fence is out of keeping with the character of this residential area. A fence of this height is more appropriate for rear gardens that are not prominent in the streetscene.

The applicant has been given the opportunity to submit a revised scheme with a lower fence on the Bowden Road boundary but wishes to have the application determined as submitted. It is considered that the application cannot be supported in its current form and the recommendation will be one of refusal, which includes the other sections of fencing and the access from the public road onto the on-site parking area.

#### Impact on Residential Amenities

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The property is situated on a corner plot. The only property that could be affected by the fence is the adjoining property, no.3. It is considered that the fence does not impact on the light or outlook of the occupants of no3.

#### Access and Road Safety Issues

The Roads Planning Service has no objections to the fence or parking area, provided that the footway crossing and dropped kerb is provided in accordance with the Council's specifications and that the section of fencing on the eastern boundary is curtailed at the last straining post. This is approx. 2.2m from the edge of the carriageway. This is to ensure the fencing does not interfere with the visibility available to drivers when exiting the adjacent access. These issues can be controlled by conditions.

#### **REASON FOR DECISION :**

The proposed fence along the boundary with Bowden Road is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it represents an overbearing structure in relation to the adjacent footpath and is a prominent and incongruous form of development in the wider streetscene that is harmful to the visual amenities of the area.

#### **Recommendation:** Refused

- 1 The proposed fence along the boundary with Bowden Road is contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it represents an overbearing structure in relation to the adjacent footpath and is a prominent and incongruous form of development in the wider streetscene that is harmful to the visual amenities of the area.

**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**

