

**APPENDIX III**

**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:** 18/00011/RREF

**Planning Application Reference:** 17/01731/FUL

**Development Proposal:** Extension to dwellinghouse

**Location:** 34 Edinburgh Road, Peebles

**Applicant:** Ms Lynne Marshall

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**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:

| <b>Plan Type</b>       | <b>Plan Reference No.</b> |
|------------------------|---------------------------|
| 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.

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

**Date...**23<sup>rd</sup> May 2018

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