

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 18/01215/FUL
APPLICANT : Mr Kevin Patterson
AGENT : Richard Amos (Duns)
DEVELOPMENT : Extension to dwellinghouse
LOCATION: 10 Townhead Way
Newstead
Scottish Borders
TD6 9BU
TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
18/B608/LC01	Location Plan	Refused
18/B608/SK02	Elevations	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

There are no representations.

CONSULTATIONS:

Principal Officer (Heritage and Design): No response.

Archaeology Officer: There are no known archaeological implications for this proposal.

Environmental Health: No comments.

Community Council: No Comments.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2: Quality Standards

HD3: Protection of Residential Amenity

EP4: National Scenic Area

EP9: Conservation Areas

Supplementary Planning Guidance:

Placemaking and Design 2010

Householder Development (Privacy and Sunlight) 2006

Recommendation by - Julie Hayward (Lead Planning Officer) on 31st October 2018

Site and Proposal

The property is a two storey, terraced dwellinghouse within a modern development within the Conservation Area. It has rendered walls and a slate roof.

The proposal is to erect a single storey extension on the rear elevation. This would accommodate a shower room and boot room. It would have dry dash rendered walls and a slate roof.

Planning Policy

Policy PMD2 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.

Policy EP4 states that development that may affect the National Scenic Area will only be permitted where the objectives of the designation and overall landscape value of the site and its surroundings will not be compromised and any significant adverse effects on the qualities for which the site or its surrounds have been designated are clearly outweighed by social or economic benefits of national importance.

Policy EP9 states that the Council will support development proposals within or adjacent to Conservation Areas which are located and designed to preserve and enhance the special architectural or historic character and appearance of the Conservation Area, respecting the scale, proportions, alignment, density, materials and boundary treatments of nearby buildings and open spaces.

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. The Council's Supplementary Planning Guidance on Householder Developments contains advice on daylight and privacy.

Siting and Design

This is a small scale development on the rear elevation of the building. The materials would match the existing house. It is considered that the design and materials are acceptable.

Impact on the Conservation Area and National Scenic Area

The rear garden is well screened by walls and fences. In addition, the garden is terraced as the ground level rises up to the rear. The extension would not be visible from the street and so would not harm the character or appearance of the Conservation Area or special qualities of the National Scenic Area.

Impact on Residential Amenities

There are no windows proposed for the side elevations of the extension, only a door on the north elevation and so no loss of privacy or overlooking would occur.

The Supplementary Planning Guidance on Householder Development states that the 45 Degree Rule can be used to ensure that the development does not lead to the unreasonable loss of a neighbour's light. This involves drawing a line from the middle of the sill of a window which is potentially affected by a neighbour's development at an angle of 45 degrees towards the extension both horizontally and vertically. No part of the extension should encroach beyond these lines as the proposal would then affect the light into the neighbour's window.

No.11 has a window and part glazed door to the kitchen adjacent to the boundary and is on lower ground (400mm). There is a timber fence on the boundary. The extension would be erected on the boundary. Applying the 45 Degree Rule, the extension breaches both the vertical and horizontal lines to the kitchen

door and window. The elevation drawing shows that the eaves of the extension would be 400mm below the eaves of the neighbouring property.

It is considered that the proposal would have an unacceptable impact on the light to the kitchen of the neighbour's property and, given the proximity to the boundary and difference in ground levels, would be a dominant structure affecting the outlook from no.11. For these reasons the application cannot be supported.

REASON FOR DECISION :

The proposal would be contrary to policy HD3 of the Scottish Borders Local Development Plan 2016 and advice contained within the Council's Supplementary Planning Guidance on Householder Development (Privacy and Sunlight) 2006 in that by virtue of the position, mass and height of the extension, the proposal would be harmful to the residential amenities of occupants of the neighbouring property in terms of outlook due to its dominance and the resulting unacceptable loss of light.

Recommendation: Refused

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

