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RA/CMB

*If calling please ask for: Richard Amos*

12<sup>th</sup> December 2018

Local Review Body  
Democratic Services  
Scottish Borders Council  
Council Headquarters  
Newtown St. Boswells  
Melrose TD6 OSA

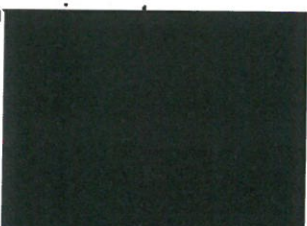
Dear Sir/Madam,

**Appeal to the Local Review Body**  
**No. 10 Townhead Way, Newstead, TD6 9BU**  
**Planning / Refusal Ref: 18/01215/FUL**

Unfortunately there was no sensible compromise to be made at today's meeting with the Case Officer (Julie Hayward) and reluctantly we submit an appeal on behalf of the applicant.

Please confirm receipt and confirmation that the information provided is adequate.

Yours faithfully,

  
Richard Amos F.R.I.C.S., M.Inst.C.S.  
For Richard Amos Ltd

Enc.

**NOTICE OF REVIEW**

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS  
AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2013

**IMPORTANT:** Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

**Applicant(s)**

Name Mr K Patterson

Address Tweedwood Cottage, Rush Bank, Newste

Postcode TD6 9DA

Contact Telephone

Contact Telephone

E-mail\*

**Agent (if any)**

Name Richard Amos Ltd

Address 2 Golden Square, Duns

Postcode TD11 3AW

Contact Telephone 1 01361 882599

Contact Telephone 2

E-mail\* ra@richardamosltd.co.uk

Mark this box to confirm all contact should be through  
this representative: ☒

Yes No

\* Do you agree to correspondence regarding your review being sent by e-mail?



Planning authority Scottish Borders Council

Planning authority's application reference number 18/01215/FUL

Site address 10 Townhead Way, Newstead,

Description of proposed  
development

Extension to dwellinghouse to provide ground floor toilet and shower accommodation.

Date of application 10/09/2018

Date of decision (if any) 31/10/2018

Notice of Review

Note: this notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

### Nature of application

1. Application for planning permission (including householder application) ☒
2. Application for planning permission in principle ☐
3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition) ☐
4. Application for approval of matters specified in conditions ☐

### Reasons for seeking review (tick one box)

1. Refusal of application by appointed officer ☒
2. Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
3. Conditions imposed on consent by appointed officer ☐

### Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions; and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

1. Further written submissions ☐
2. One or more hearing sessions ☒
3. Site inspection ☒
4. Assessment of review documents only, with no further procedure ☐

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Explanation of the calculation of the sky component and daylight factor may be required.

### Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:



**Statement**

You must state, in full, why you are seeking a review of your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

See attached statement and information.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes  
☒

No  
☐

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

Supplementary information on daylight to neighbours kitchen to negate the reason for refusal.

As the size of the extension was within normal permitted development permissions, it was not considered necessary at the time of submission to submit any more detailed information.

No objections were raised during the application process.

No contact made with the agent and no objections were raised by the Planning Officer.

The refusal notice registered on line 31st October 2018, was the first and only indication that the Planning Officer was unhappy with the proposal.

No opportunity was given during the application process to submit further information or discuss the reasons for refusal.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. Note: there will be no opportunity to submit further documents to accompany this notice of review.

Plans and section of the proposed extension, neighbouring properties, kitchen plan and existing obstruction to daylighting.

Daylighting Waldram diagrams demonstrating that the amount of daylight (sky component) reaching both, the adjoining properties existing window and door glazing, exceeds the minimum recommended requirement of BRE209-site layout Planning for Daylight and Sunlight on which the Scottish Borders Council and all Scottish Planning Authorities Guidance is based.

A letter from the neighbours confirming that they have no objection to the proposed extension and to the contrary are in support of the application due to the increased privacy to their Garden.

A written statement with sound reasoning as to why the delegated Officer's reasons for refusal are inaccurate and inappropriate.

Details of approved extension No.12 Rush Bank Ref: 10/00358/FUL, a much larger extension built on the boundary and within the Conservation Area.

Note: the planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note: where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

12/12/18

**The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to [localreview@scotborders.gov.uk](mailto:localreview@scotborders.gov.uk)**



**18/01215/FUL: 10 Townhead, Newstead**

**DOCUMENT / PLANS ENCLOSED:**

1. Copy of Refusal Document, site plan, plans and elevations.
2. Proof the Application was refused prior to it being signed off by the Case Officers Line Manager on the 1<sup>st</sup> November 2018.
3. Supporting Statement.
4. Drawing No: 18/B608/LC01 showing that only the kitchen window fails the 45 degree guidance rule.
5. Drawing No: 18/B608/ SK08: Sky component calculation (Waldram diagram) for door glazing.
6. Drawing No: 18/B608/ SK07: Sky component calculation (Waldram diagram) for window glazing.
7. Drawing No: 18/B608/ SK09: Demonstrating that Daylighting to the principal work area in the adjoining properties kitchen is unaffected by the Extension and as with all of the area to the rear of the Kitchen is enhanced by the secondary glazing in the French doors from the Living area.
8. Drawing No: 18/B608/ SK05: Daylight factor calculation (Waldram diagram) for Kitchen work surface most affected by the proposed extension, confirming that the sky component calculations are correct and the loss of light is minimal and is certainly outweighed by the applicants need for ground floor sanitary accommodation.
9. Excerpt from BRE 209 'Guide to Good Practice' Site Layout Planning for Daylight and Sunlight.
10. Comparison site plan No.12 Rushbank and No.10 Townhead Way and copy of Planning approved documents for No.12 Rushbank.
11. Copy of letter from neighbour of the adjoining property, No.11 Townhead Way, Newstead, confirming that they have no objection to the Extension and fully support the application.

**Supporting Statement for Application Reference:**  
**18/01215/FUL: 10 Townhead, Newstead**

**Refusal Notice**

Dated 31<sup>st</sup> October 2018, posted on the Planning website the same day, later withdrawn, amended and re-dated 1<sup>st</sup> November 2018.

Reason for refusal: *'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.'*

**The Officers Report:**

**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:

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## **DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
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**

- 0 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.

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



### Supporting Statement

The Case Officer's reasons for refusal are inaccurate, inappropriate, inconsistent and unfair to the applicant and we respectfully request that the planning decision to refuse the extension be overturned by the Review Committee for the following reasons.

Scottish Borders Councils, Planning Guidance document on Householder Developments acknowledges the difficulty when designing a rear extension on a property with limited garden space in a terraced situation.

To quote Scottish Border Council's guidance:

- Section 2, paragraph 2.4: - This guidance has now been prepared and is set out in Appendix A to this report. The guide sets out the advice relating to privacy, overlooking and access to light and sunlight. The advice would guide officers when considering and determining applications to ensure that a **fair and consistent** approach is applied to all such applications.
- Appendix A- Section 1, paragraph 1.1: - The purpose of the guidance note is to provide a framework of advice against which applications for householder developments can be assessed. Such guidance is required to provide clear and consistent advice across the Scottish Borders. However the information contained in this guidance note is to be used to guide officers when considering proposals and **should not be applied rigidly**. The nature and location of a proposal may allow for the standards to be relaxed as appropriate.
- Appendix A- Section 3, paragraph 3.1: - Generally an extension should not cause an unacceptable loss of daylight to habitable rooms of neighbouring properties. The orientation and position of the neighbours windows and garden in relation to a proposed extension are important, especially for two storey rear and side extensions. Side extensions are not normally problematic in terms of overshadowing. Extensions to the rear of the properties can result in a loss of light to neighbouring properties. **Modest, single storey extensions not exceeding 3 or 4 meters in depth are generally acceptable, even in terraced properties.**
- Appendix A- Section 3, paragraph 3.5: - Applying these standards rigidly could indicate that some single storey extensions in high density housing areas are unacceptable therefore some relaxation may be necessary, particularly for terraced properties with narrow frontages and small rear gardens. **In these cases, the benefits to all properties of providing enlarged accommodation at ground floor level may outweigh the dis-benefit to individual neighbouring properties.**
- Appendix A- Section 3, paragraph 3.6: - Overlooking and overshadowing of adjoining garden ground can also impact on peoples' privacy and undermine their amenity and general enjoyment of their property, for example from proposed balconies and this should also be taken into account when assessing proposals. However it should be remembered that some degree of mutual overlooking and over shadowing is **inevitable between terraced and semi-detached properties.**



- Appendix A- Section 4, paragraph 4.1: - as well as daylighting it is important to consider the impact that a new building or extension could have on access to sunlight. Sunlight refers to direct sunshine and is much brighter than ambient daylight. The elevation of the sun at different time of day and year should be considered in relation to an existing building that may be affected by a new building or extension. If the new building will cause a significant loss of sunlight to an existing building then it is unlikely to be supported.
- Appendix A- Section 5, paragraph 5.1: - Dwellings designed for family accommodation need to provide an area of private garden, amenity space suitable in size and shape for outdoor recreational needs...
- Appendix A- Section 5, paragraph 5.2: - Proposals for extensions should ensure that a sufficient area of private garden ground is retained...

### Design

The extension was designed to be within the permitted development parameters to ensure that loss of light and/ or amenity were not considered to be detrimental to the adjoining property. All of these issues will have been scrutinised when the size of a permitted development extension was decided. The permitted development rules do not state that the extension must be out with the 45 degree rule (the reason for this is proved below).

The reasons for refusal are not consistent with previous applications, nor are they justified in terms of the Guidance on Householders Development, particularly in respect of the guidance highlighted in yellow above.

### Unacceptable Loss of Light

The officers' report states that (using the 45 degree rule) no part of the extension should encroach beyond these lines as the proposal would then affect the light into the neighbours' window. The guidance states that the development should not lead to the **unreasonable loss** of neighbours light and clearly states in the introduction (Appendix A, Section 1.1) that the guidance **should not be applied rigidly**.

The planning guidance, as with all Scottish Authorities, is based on BRE 209: Site Layout Planning for Daylight and Sunlight, this is where the 45 and 25 degree rules originate. This is a simple rule of thumb method whereby an extension to a building can be quickly assessed and proved not to affect neighbouring windows, therefore further assessment is not necessary.

In this case the officers' report stated that the kitchen door glazing failed the 45 degree rule. This is not correct (Drawing No: 18/B608/LC01) as the 45 degree line from the centre/ base of the door glazing clears the eaves of the building. (As further proof, a Waldram Diagram (Drawing No: 18/B608/SK08) has been prepared to confirm that the sky component is 32%, greater than the minimum recommended BRE requirement of 27%, as shown on the attached plan, Drawing No: 18/B608/SK01).

The small window to the kitchen does break the 45 degree rule and as such daylighting calculations have been provided to prove that sufficient daylighting is reaching the window. The Waldram Diagram (Drawing No: 18/B608/SK07) confirms that the sky component is 31.9% (taking into account all obstructions: existing fencing, walling and the new extension), again this is greater than the BRE recommended minimum of 27%.

The extension is on the north side of the neighbouring garden and as such there is no overshadowing as a result of the extension. The sunlight will in fact reflect from the extension walls, improving daylight to this part of the room, particularly during good weather.

Bearing in mind that there is already a high privacy fence on the boundary and even although a Kitchen does not require daylighting under current Building Regulation Standards the actual reduction in daylighting to the small window is minimal. Within the kitchen of the neighbouring property, the small window and glazed door provide direct unobstructed daylight to the principle work surface (as shown on the attached plan, Drawing No: 18/B608/SK09). The small window provides very little by way of additional daylighting to the remainder of the room.

A Waldram Diagram (Drawing No: 18/B608/SK05) has been prepared to confirm the minimal effect the extension has on the secondary work surface, where the obstruction is more or less at its greatest. The loss of sky component is 0.063% daylight factor, this loss is further reduced by the externally reflected component, assumed to be 10% (resultant loss of 0.0567%).

The proposed extension therefore meets with all of the requirements of the BRE 209 Guide to Good Practice: Site Layout Planning for Daylight and Sunlight (excerpt enclosed) and as such the design and siting of the extension comfortably complies with the foundation for the Planning Guidance.

The height of the extension on the boundary has been kept to a minimum, respecting the neighbouring property, the height to eaves is 2.6 meters whereas the height for an exempt extension would be 3.0 meters to the eaves. The 3.0 meter rule has been measured from the ground level of the adjoining property to the eaves of the extension. Albeit that the extension is 100mm off the boundary to accommodate a rainwater gutter and under normal circumstances the 3.0meter rule could be applied from the upper ground level.



The photograph below and comparison site plan (Drawing No: 18/B608/ SK01) showing both of the extensions to No.10 Townhead Way and No.12 Rush Bank, a considerably larger extension of a semi-detached nearby property within the Newstead Conservation Area (Ref: 10/00385/FUL). The extension is of much greater mass and is built on the boundary, blocking the outlook from the principal window of the adjacent property and the extension will heavily overshadow the garden, in the later part of the day. This appears to fail the 45 degree rule to the door glazing and a small window, both serving the Kitchen, (not visible on the photograph) to a much greater extent (see attached drawings taken from Scottish Borders Council planning website). On the basis of this approval, the decision taken to refuse the subject application is not justified nor is it fair or consistent.



Privacy of the adjoining property from the raised terrace of the application site shown will be greatly improved by the proposal. This is welcomed by the adjoining neighbour who has written in support of the application (copy letter attached) and will greatly appreciate that it will not be possible to look directly down into their garden or kitchen window. The extension will provide an equal degree of privacy to the application site.



The view from the Terrace of the application site into adjacent Garden and Kitchen window will be obscured by the extension, which has an eaves level on par with the existing higher privacy fence.

At lower ground level anyone around 5ft tall or over can look over the existing fence.



We sincerely hope that the Appeal Committee agree that the appellant, whose house is within a Conservation Area, should be able to enjoy the benefits of a modest, normally **permitted development**, extension to their dwelling.

This is reinforced by the Case Officers' Report, which confirms that the proposal meets with the aesthetic and other design parameters expected of an extension to a dwelling within the Conservation Area.

The reason for this application and why the property was extended in this way should be taken into account.

The applicants live in a tied house which they will have to give up on their retirement in about 6 years maximum.

A ground floor toilet and shower is a mandatory requirement for any new dwelling and is an obvious requirement to future proof their retirement dwelling.

There is no more practical location for the extension without building over the only window to the dining area and rendering the small yard area useless. Moving the extension would cut off the access around the house to the rear yard and terrace. Any perceived loss in amenity (not perceived by the neighbours) to the adjoining dwelling is far outweighed by the needs of the applicant in making sure their house is fit for purpose in their retirement. This is not a grand or frivolous extension, but a modest essential adaptation, which should be approved in line with the Planning Guidance already referred to.

We submit that the appeal should be upheld on the grounds stated above.



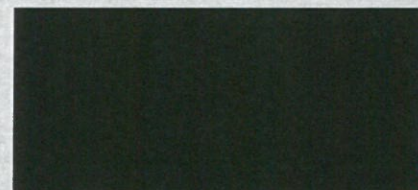
**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997****Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013****Application for Planning Permission****Reference : 18/01215/FUL****To : Mr Kevin Patterson per Richard Amos (Duns) Per Dion Smith 2 Golden Square Duns Scottish Borders TD11 3AW**

With reference to your application validated on 10th September 2018 for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Extension to dwellinghouse****at : 10 Townhead Way Newtosed Scottish Borders TD6 9EU**

The Scottish Borders Council hereby refuse planning permission for the reason(s) stated on the attached schedule.

Dated 31st October 2018  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA

**Signed****Depute Chief Planning Officer**



**APPLICATION REFERENCE : 18/01215/FUL****Schedule of Plans and Drawings Refused:**

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

**REASON FOR REFUSAL**

- 0 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.

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning 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 require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, 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 may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.



11/11/18

To whom it may concern

Re: Kevin Patterson - Proposed extension to  
10 Tarnhead Way Newton TOL 984

I have no objections to the proposed  
extension and fully support this application.

Kind regards

Mike Lindsay  
11 Tarnhead Way  
Newton  
TOL 984  
