

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 16/01189/FUL

**APPLICANT :** Mr and Mrs James Cook

**AGENT :** IRD Design

**DEVELOPMENT :** Change of use of land to incorporate into garden ground and erection of detached garage with annexe accommodation over

**LOCATION:** Land West Of Lillybrooke  
West Flemington  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
004	Location Plan	Approved
001D	Sections	Approved
002D	Floor Plans	Approved
002D	Elevations	Approved
003D	Site Plan	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Consultees;

Environmental Health: Following the submission of additional information, the Contaminated Land Officer is satisfied that the former use of the site will have resulted in any land contamination which would be encountered by this development.

Roads Planning: No objection provided that the annex accommodation is tied to the existing property.

**PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016:

PMD2 - Quality Standards

HD3 - Protection of Residential Amenity

ED10 - Protection of prime Quality Agricultural Land and Carbon Rich Soils

Supplementary Planning Guidance on;  
Privacy and Sunlight 2006

Officer Procedure Note on:

**Recommendation by** - Scott Shearer (Planning Officer) on 9th January 2017

The application site is a parcel of grass land in between two dwellinghouses at West Flemington. The site is separated from the road by a mature hedge. A large storage building directly abuts the boundary of the site to the north. This application seeks consent to incorporate the site as part of the curtilage space associated with the property to the east known as Lilybrooke and erect a pitched roof building within the site which will provide a four bay garage at ground floor level with annex accommodation in the roof space. The roof space accommodation will be accessed via an external staircase. The site itself will be accessed via Lilybrooke with the fence which presently separates the two being removed.

It is worthwhile to note that the application site forms part of site 16/00136/FUL which sought consent to form a dwellinghouse from the storage barn to the north. This application was refused and subsequently this decision was upheld at appeal to the Local Review Body.

The site does not appear to have any active land use and its incorporation as part of the curtilage of Lilybrooke appears logical. The land is designated as PQAL however it does not appear to have been used for agricultural purposes for some time therefore the development will not result in the loss of protected agricultural land which is actively used. The development of an annex on the site is suitable as the site will form part of the curtilage space for Lilybrooke. In comparison to the surrounding dwellings, the proposed annex/outbuilding is of reasonable size. Despite this, the elevation drawings show that the proposed building is smaller than 'The Bungalow' to the west which is the smaller of the two dwellings. The design of the proposal is suburban. This design would not normally be encouraged within a rural area but in this case the proposal conforms with the architecture of the dwellings on either side. The material finishes match those of Lilybrooke and will help to link the two structures together. The proposal is justifiable as ancillary accommodation associated with Lilybrooke. In land use planning terms it would be inappropriate to separate the two therefore a condition to reflect this is recommended.

Concerns have been raised about the impact that the development would have upon the amenity of The Bungalow to the west, these concerns were two fold. The first being the impact upon a bedroom window which faces towards the development and the second being potential to overlook The Bungalow from the balcony at the top of the staircase. These concerns have been mitigated by moving the building further north in the site so that impact on outlook and access to light from the bedroom window is minimised with this revised positioning and the addition of a trellis screen mitigating the impact of overlooking from the balcony. It is now judged that the revised proposals no longer result in causing an adverse impact upon The Bungalow, or any other neighbour for that matter to a level which would warrant objection against LDP policy and SPG guidance on residential amenity. Planning conditions can be enforced to ensure that the development is carried out in accordance with the approved plans and include an obligation to deliver the balcony screen before first use of the development.

Land contamination issues have been addressed and comments from Roads Planning can be addressed via suitably worded planning conditions to tie the accommodation to Lilybrooke.

**REASON FOR DECISION :**

The incorporation of the site as curtilage space associated with Lilybrook is logical and following repositioning of the building, the proposed development is considered on balance to not have a significantly adverse impact on the character of the surrounding area or the amenity of residential properties to warrant refusal against determining policies of the LDP. To ensure policy compliance, a planning condition will be required to restrict the use of the development and tie the accommodation to the dwellinghouse it will serve to ensure that it is used appropriately.

**Recommendation:** Approved subject to conditions

- 1 The development hereby approved shall be carried out wholly in accordance with the amended plans dated 09 January 2017.  
Reason: To ensure that the development is carried out as approved by the Planning Authority.
- 2 The development hereby approved shall only be used as ancillary accommodation in connection with the use of the main property (Lilybrooke) as a single private dwelling house and shall at no time be converted to a self-contained dwelling unit.  
Reason: To ensure that the use remains compatible within the site.
- 3 Prior to occupation of the upper floor of the annex accommodation, the screen which has been included on the back of the balcony shall be erected and planted as per the specification on Drawing No 002D. Once the planting is established it shall thereafter be maintained in perpetuity  
Reason: To protect the amenity of the neighbouring dwellinghouse to the west.
- 4 The external materials to be used on the development shall match in all respects those use on Lilybrooke, and no other materials shall be used unless the prior written consent of the Local planning Authority is given for any variation thereto.  
Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting

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