

APPENDIX III

**SCOTTISH BORDERS COUNCIL
LOCAL REVIEW BODY DECISION NOTICE**

**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**

Local Review Reference: 19/00018/RREF

Planning Application Reference: 19/00330/FUL

Development Proposal: Erection of dwellinghouse

Location: Land East of Lilybrooke, West Flemington, Eyemouth

Applicant: Mr & Mrs Cook

DECISION

The Local Review Body 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 conflict with Local Development Plan 2016 policies PMD2 (Quality Standards) and HD2 (Housing in the Countryside). The size of the proposed site and the scale and mass of the proposed dwellinghouse are not appropriate for the surroundings of the site and would not respect the character of the existing building group. The proposed development is not of a design quality that complies with the Council's Supplementary Planning Guidance "Placemaking and Design" 2010 and does not attempt to integrate into the surrounding landform. The development will contribute negatively to the visual amenity of the surrounding area as a result.

DEVELOPMENT PROPOSAL

The application relates to the erection of a dwellinghouse. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Proposed Plans	7649PL1
Proposed Elevations	7649PL2
Proposed Site Plan	7649PL3
Existing Site Plan	7649PL4

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 19th August 2019.

After examining the review documentation which included: a) Notice of Review; b) Decision Notice; c) Officer's Report; d) Papers referred to in Officer's Report; e) Consultations and f) List of Policies, the Review Body proceeded to determine the case.

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: PMD1, PMD2, HD2, HD3, ED10, EP5, EP7, EP10, EP13, EP14, EP16, IS2, IS7 and IS9

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006
- SBC Supplementary Planning Guidance on Development Contributions 2011
- SBC Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012
- Scottish Planning Policy

The Review Body noted that the proposal was for planning permission to erect a dwellinghouse adjoining Lilybrooke, West Flemington, Eyemouth.

Members firstly noted that it had previously been established that there was a building group comprising of four existing dwellinghouses at West Flemington. They accepted that under Policy HD2, there were sufficient houses to qualify as an existing building group. Whilst it was understood that a valid consent for one house already existed at the building group, the proposed dwellinghouse was still within the maximum number of houses allowed under Policy HD2, resulting in no more than two being consented during the current Local Development Plan period.

The Review Body then considered the location of the site and noted the position of houses, outbuildings and agricultural buildings. It was also noted that there was no strong visual boundary with Lilybrooke and that, although there was a previous requirement to secure a planted boundary at the eastern and northern sides of Lilybrooke, this had not been

implemented. Members were of the opinion that the position of the proposed plot was still within, and related sufficiently to, the sense of place for them to accept the principle of a house on the plot.

The Review Body then considered the issues of the size, scale and massing of the proposed design on the plot. They noted that the site was open and prominent within the landscape upon the edge of the group and, although the hedging along the southern boundary with the road had some effect in screening from that direction, the site sloped down to the north and was particularly prominent from that approach. Whilst there was discussion over the potential for new boundary planting to mitigate the impacts of the proposal, Members agreed that screening would be of limited effect and that the main issue was the size and scale of the house, appearing dominant in the landscape and not being consistent or sympathetic to other houses and buildings within the group. Whilst they had no issue with the single storey nature of the design, they felt that the house was too large and that its scale and proportions were not in keeping with the other houses in the group.

Members also considered the design of the house under Policies PMD2, HD2 and the SPG. They generally had no concerns over the design approach and noted slate roofing was proposed. However, there was concern over the visual impact and massing of the house with one render colour throughout. There was also concern over whether the more interesting house elevation should face the roadside rather than to the rear and there was discussion over whether a variation of colours or materials on parts of the house could satisfactorily resolve any concerns. Ultimately and, whilst appropriate amendments and conditions might have addressed such matters to some extent, Members considered that the scale and visual impact of the house remained overbearing and that, on balance, this could not be mitigated by conditions addressing the design of the proposed dwellinghouse.

CONCLUSION

After considering all relevant information, the Local Review Body concluded that the development was contrary to the Development Plan and Supplementary Planning Guidance and that there were no other material considerations that would justify departure from the Development Plan. Consequently, the application was refused for the reason stated above.

Notice Under Regulation 22 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2013

1. If the applicant is aggrieved by the decision of the planning authority:
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement 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.

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

Date.....26 August 2019