

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 20/00472/FUL

**APPLICANT :** Mrs E Houston Grundy

**AGENT :** Stuart Davidson Architecture

**DEVELOPMENT :** Formation of new boundary fence (retrospective)

**LOCATION:** 1 Forley's Field  
Goslawdales  
Selkirk  
Scottish Borders  
TD7 4EP

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
P620-PL-LOC	Location Plan	Refused
P620-PL-001	Proposed Plans	Refused

**NUMBER OF REPRESENTATIONS: 2**  
**SUMMARY OF REPRESENTATIONS:**

Representations

One letter of representation has been received in which neighbours raise the following key concerns, in summary:

- o Adverse impact on surrounding area;
- o Service ducts, SUDs and street furniture can't be serviced;
- o Roads safety;
- o Refusal of previous permission.

One letter was received in support of the application.

Consultations

Roads Planning Officer: The fence when originally erected resulted in a couple of issues from a Roads Planning perspective. These were access to the lighting column and a section of fence traversing the service strip which runs along the rear of the kerb. The plan which accompanies this application addresses those concerns by realigning the sections around the service strip and the lighting column. Given the above, I have no objections to this application subject to the conditions.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Council Local Development Plan 2016

PMD2: Quality Standards;  
HD3: Protection of Residential Amenity.

Supplementary Planning Guidance:

Placemaking and Design January 2010

**Recommendation by** - Brett Taylor (Planning Officer) on 3rd July 2020

Site

The site is a modern two detached dwellinghouse located at the junction of Forley's Field and Goslawdales. Similarly designed properties are located to the south west with open fields located to the south east and north. It is not listed and is not located within the conservation area.

Proposed development

This application is for the retrospective erection of three sections of timber fence. The three sections of fencing shown on the submitted plans - Fence A 1.8m in height and Fence B 1.6m in height are located to the rear of the property and positioned adjacent public road of Forley's Field. Fence C is one metre in height and is located at the front of the property. This is permitted development under Class 3E of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

This application has been amended from the previous application to re-position the fence so it is outwith the service zone and to provide clearance around the lamp column.

Relevant planning history

05 November 2019 - Planning permission refused for the erection of boundary fence (retrospective) (19/01254/FUL).

05 July 2019 - Enforcement investigation pending consideration into the erection of a fence (Enforcement case reference: 19/00123/UNDEV).

14 December 2011 - Planning permission granted for the erection of six dwellinghouses (Planning permission reference: 08/00553/FUL).

Assessment

Siting and Design and Impact on Visual Amenities.

Policy PMD2 of the Local Development Plan 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.

Forley's Field is characterised by detached dwellings that are set back from the public road and footpath and are set within generous areas of garden ground. The front gardens between the dwellings and the public road are open plan with various degrees of domestic scale landscaping. There are no defined fence boundaries to the front of the existing properties in Forley's Field. It was noted from the site visit for the previous application that the property at No. 2 Forley's Field had a similar size fence to the application site which enclosed the rear garden of the property.

The issues with this application are the same as the previous refused application as regards the visual impact of the development at this particular location. I note the Road Safety Officer has no objections to this revised application and this is discussed below. The fence ranges in height from 1.8m to 1.6m and appears

to be unnecessarily high adjacent to the roadway and would have an intrusive impact upon the visual amenities of the area given this side of Forley's Field is open with fields behind. As such, the fence would appear as a rather awkwardly placed structure in this particular setting and forms an incongruous feature that would not be in keeping with the surrounding area. I consider this to be contrary to policy PMD2. I accept that other high fencing exists nearby, but not to the visually obtrusive extent of this fencing.

#### Road Safety Issues

The Roads Planning Officer was consulted during the processing of this application. Given the re-positioning of the fence to take into account the service strip and the existing lamp column, the RPO is now able to support the application subject to the condition that the works to re-locate the fence are as per the submitted drawings and are completed within an agreed timescale.

#### Impact on Residential Amenities

Policy HD3 aims to protect the amenity of neighbouring residential properties against inappropriate development that would result in the loss of amenity and privacy.

I have considered the impact of the development on the neighbouring amenity of surrounding residential properties and the proposal will not cause any detrimental levels of loss of light, sunlight, outlook and privacy. The proposal is considered to comply with Policy HD3.

#### Letters of representation

I note the objections raised by third parties and would agree with their concerns that the fence would be inappropriate in this location.

To conclude, the fence forms a prominent and inappropriate form of development on this section of Forley's Field and is contrary to Policy PMD2 in respect of visual amenity.

#### **REASON FOR DECISION :**

The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would represent a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area. This conflict is not overcome by other material considerations.

#### **Recommendation:** Refused

- 1 The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 in that it would represent a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area. This conflict is not overcome by other material considerations.

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