

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 20/00453/FUL

APPLICANT : Mr & Mrs D & C Morrison

AGENT : Ferguson Planning

DEVELOPMENT : Demolition of garage and erection of dwellinghouse

LOCATION: Garden Ground Of Clifton Cottage
High Street
Kirk Yetholm
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
P01	Proposed Plans & Elevations	Refused
P03 B	Location Plan	Refused
P02 B	Proposed Site Plan	Refused

NUMBER OF REPRESENTATIONS: 11
SUMMARY OF REPRESENTATIONS:

13 neighbours were notified and adverts were placed in The Southern Reporter and on tellmescotland.gov.uk. No site notice has been erected owing to covid-19 restrictions.

There were 4 support comments noting:

- Sympathetic building design proposals will fit well to the adjacent buildings.
- Off-road parking
- Enhancement of an overgrown, dilapidated site and adjacent the Green.
- Discreet and positive addition to the Conservation Area.

There were 6 objection comments citing:

- Access to the site is part of the highway and not a parking space.
 - The garden has already recently lost a beautiful large tree.
 - Loss of view from neighbouring properties.
 - Loss of business from holiday home rental due to loss of tradition and loss of vistas from windows.
 - The building would be out of character with CA.
 - The land should be protected for beauty and the natural environment.
 - Proposed development size and elevation would irreversibly impact special views in Kirk Yetholm.
- The lland should be protected as Greenspace.
- Overshadowing by deep sided/ long elevation.
 - Overlooking.

- House layout is perpendicular to the other buildings on street.
- Height would be out of place.
- The site is historically undeveloped and proposals set a precedent on this whole side of the street, which has survived in layout, (bar garages and no9 and 11) since the first settlers.
- This site is central to the principal and iconic view and gateway which brings town and country together at the start/end of the Pennine Way.
- Footprint and mass is significant for plot.
- Large detached dwellings are not common place in the Conservation Area .
- Tall building rather than 1.5 storey vernacular.
- Dwelling sits back on plot rather than roadside vernacular.
- No alignment with adjacent dwellings.
- Land formerly subdivided as allotments during WW2, the Open Space Audit reflects the historic and largely current use, the growing of vegetables and flowers, and not tenure. "Allotment" is the predominant land use despite not being; "a plot of land rented by an individual for growing vegetables or flowers". There are nuances between definition and actual use of this area of Greenspace/ open space defined by PAN65.
- The need for development does not outweigh loss of greenspace, ample brownfield sites in Kirk Yetholm and allocations in Local Development Plan 2016. There is no social, economic or community justification.
- No compensatory greenspace proposals.
- The site is too small to accommodate rainwater SUDS.
- Public road is a recognised timber extraction route.

There was one neutral comment noting concerns for the Conservation Area; height of the building, loss of view and concerns for parking. A neutral comment was issued and a request that the decision to be deferred until the covid-19 restrictions are lifted.

A Planning Statement has been submitted:

- This design is heavily informed by existing dwellings in Kirk Yetholm and particularly on High Street.
- Private garden and balcony would not be visible from within village.
- Design reflects the appearance and scale of existing dwellings.
- Scale is contained by the secondary element on south gable.
- Key greenspace allocation 003 is erroneous. This site is within ownership of applicant and the village allotments are kept nearby on land to the south of the site.
- The site is distinct (75m) from The Green.
- The existing and previous uses are material considerations on this site.
- Development would not result in the loss of an allotment garden, any allotment space, or any other Greenspace.
- Use, appearance, footprint, and scale would be complementary to the "special architectural and historic character" of the Conservation Area. White roughcast render and slate roof are particularly prevalent in the Conservation Area. Timber windows are proposed.
- Garage makes little contribution to the Conservation Area: development will be an enhancement of the site and Conservation Area.
- Two in-curtilage parking spaces plus on-street for Clifton Cottage complies with parking standards of the Local Development Plan 2016.
- The Proposal respects the falling land and will appear a step from residential use to allotment/ country.
- 2 storey design respects vernacular.
- Overlooking, overshadowing, inter-visibility/ privacy are all satisfied. Burnsyde, 20m to the north, does not have windows in its south gable.

Further supporting comments to rebut consultation responses, dated 28 May:

- On-street parking provision prevalent and proposals will not significantly alter or impact current road or parking arrangements.
- It is not accepted that the views eastward from the High Street to the landscape beyond contribute to the characteristic historic layout of Kirk Yetholm and distinctive close visual and spatial relationship with the surrounding landscape. These views are already intervened by surrounding houses and hotel. Garages break up the visuals.

- There is intervening screening/landscaping which will obscure views from the principal views in The Green.
- The street façade has been designed to replicate that of Clifton Cottage.
- The Category C listing of the High Street has limited bearing and is due to historical interest rather than architectural interest. The site was gifted to Messrs Young, a gypsy, by Captain Bennett after saving his life at the Siege of Namur.
- New development within Conservation Area should not be pastiche architecture and the building has been chosen/ designed in this light.
- Proposal is not set within the curtilage or setting of the Conservation Areas core assets nor will it have any impact upon them. Nor does it impinge on any core or protected viewpoints. No overdevelopment of significant adverse impacts identified.

Consultations

Roads Planning: Object. Policy PMD2 Road Safety. There is currently capacity to park two vehicles out with the public road. The proposal would remove this existing parking without accommodating the loss elsewhere. Clifton Cottage would have no designed off-street parking and would be forced to park on-street.

Education: A contribution of £2,978 is required toward Kelso High School. No contributions to Yetholm PS.

Forward Planning: No objection. It is confirmed that there is no community purposes for this part of Key Greenspace therefore no demonstrable social, economic or community loss arising. Green Space can be in both public and private ownership. Land in question has not been used as allotment recently therefore it has little amenity public open space values. No allocation of housing in Kirk Yetholm but Town Yetholm has two housing allocations RY1B Deanfield Court and RY4B Morebattle Road.

Community Council - Neutral response. Half agree with proposals and half object.

Heritage and Design Officer: Object. Some very limited-scale structures (e.g. garages and sheds) have been introduced over the years to the east side of the High Street. Due to their small size and secondary-structure character they do not notably disrupt the characteristic connection to the wider landscape and historic layout of the area. There may be scope for the introduction of a small, modest structure similar to a garage, shed or possibly small garden studio form as this would not disrupt this established positive contribution to the Conservation Area. However, development on this site on the scale of a dwellinghouse would disrupt these positive characteristics, and therefore constitute harm to the character and appearance of the Conservation Area. Cannot support the principle of introducing a dwelling on the site and no detailed comment is given. However, it is clear that the scale and design proposed will not preserve or enhance the character and appearance of the Conservation Area.

Archaeology Officer: Further information required in the form of an archaeological evaluation prior to determination. The garage for demolition is of low archaeological interest. A site adjacent to an historic main road in to the settlement is likely to be of high archaeological importance. It is anticipated that there may have been some Medieval or early Post-Medieval buildings present at this location and that any archaeological remains, features or finds should be identified and recorded. An evaluation should be carried out prior to the determination of this application. Reporting of this evaluation may result in comments leading towards an objection from the Archaeology Officer.

Neighbourhood services: No objection.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2 Quality Standards
PMD5 Infill Development
HD3: Protection of Residential Amenity
EP8: Archaeology
EP9: Conservation Areas

EP11: Protection of Greenspace
EP13: Trees, Woodlands and Hedgerows
IS2: Developer Contributions
IS7: Parking Provision and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance:

Developer Contributions, 2018
Guidance on Householder Developments, 2006
Placemaking and Design, 2010
Landscape and Development, 2008
Greenspace 2009

Recommendation by - Euan Calvert (Assistant Planning Officer) on 16th June 2020

This is a report of handling considering full planning permission for a dwellinghouse within garden ground of Clifton Cottage, High Street, Kirk Yetholm. It has not been possible to visit the site owing to Covid-19 restrictions. Assessment of the application has been reliant on the agent supplying photographs; my photographs from a site visit to the adjacent property in 2017; viewing Streetview; and aerial images.

Site and Location

Clifton Cottage forms part of an irregular terrace of dwellings on the west side of the High Street in Kirk Yetholm. The terrace is staggered as the hill rises away from The Green. The downhill (northern) neighbour is Glenview and the uphill (southern) neighbour is former Valleydene / a hostel known as the "The Singing Donkeys Hostel". All three buildings are category C-Listed. This site is garden ground on the opposite side of the street from the property.

The Terrace dates from the early 19th century with significant historic character arising from the irregular appearance. It was formerly known as Tinkers Row and is historically significant as having been gifted to travellers who then settled in the village.

The proposed site is a garden on the opposite side of the street from Clifton Cottage. The garden is set back from the black top road by a grass verge which is 10m in depth. This mown verge extends to about 65m in length and tapers in width as it fronts the other gardens both north and south. This verge features a cast iron water pump by Glenfield & Kennedy and dates from the late 19th century. It is of historic significance to this village. There is an identical pump in the north-west corner of The Green which is Category C-listed. The verge is broken by a hedge which divides the drive of this site with the adjacent drive of Valleydene.

A loose stone drive gives access across the verge to a white coloured concrete rendered garage which is 3m in width x 6 m in length. This garage features an alloy up-and-over door in the gable wall fronting the street. The roof is dual pitched cement asbestos sheet clad with clipped verge and eave detail.

The frontage of this garden is ~16m in width and is characterised by a tall hedge (privet or mixed species) which obscures views from the street. The plot is almost 21m in depth with a shorter rear boundary measuring 12m, forming a rectangular shape. The regular shape suggests a feu plot. The garden has not been levelled and appears to correspond with the fall of the hill. The eastern boundary is a wire stock fence beyond which there is a rotational agricultural field. Streetview shows a mature tree characterising the site but this is not evidenced by recent photos of the site.

The southern mutual boundary with Valleydene garden has no fence. A new garage has been constructed, 17/01086/FUL, 6.4m in length x 4.7m in width. The garage is on a concrete platform constructed behind a concrete platform which was the foundation of a former timber garage. This former garage would have been situated parallel to the garage on this site. The siting of this new garage, 17/01086/FUL, therefore allows parking for 2 vehicles off the road. This garage is block construction and is to be timber clad. It features a single up-and-over door under an overhanging and boxed slate clad gabled roof with over-sailing verge detail.

The north boundary of the site is also unfenced. I assume that the neighbouring garden to the north is Glenview, being the corresponding northern neighbour of Clifton Cottage. This neighbour plot is about half the width (7m) and is similar in depth. The site is occupied by a prefabricated concrete garage under asbestos sheet roof which measures 3m in width x 11m in depth. It too is set behind the grass verge. A track gives access to this garage and gives access to the east side of The Green. Burnside and the neighbouring Hill House enjoy frontages which address the track and overlook The Green.

Planning History

A pre-application decision was issued in 2019, 19/00406/PREAPP in which the Planning Authority confirmed objection to development of a dwellinghouse on this site.

Policy

The garden is both within the settlement boundary and Conservation Area of Yetholm. This wider area measuring 0.12ha has been identified as Key Greenspace (GSYETH003). Policy EP11 Protection of Greenspace and the Greenspace SPG, 2009 identifies protection and sets criteria for considering proposals in on these sites.

Development within the settlement boundary will be considered against Infill Development Policy PMD5. A set criteria is given to consider any proposals.

Clifton Cottage is category C-listed but this area of garden is separate therefore I do not consider the development to be within the curtilage of the Listed building. I will not consider Policy EP7 on Listed Buildings.

Policy EP9 on Conservation Areas states that development must be located and designed to preserve or enhance the special architectural or historic character and appearance. Scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes will all be considered. Design Statements will be required for all applications for alterations, extensions, or for demolition and replacement which should explain and illustrate the design principles and design concepts of the proposals.

PMD2, Placemaking and design requires all development to be high quality and be compatible with the character and neighbouring built form. Development must be of a scale, massing, density and height appropriate for the setting.

The development should be sufficient in terms of road adoption standards and in-curtilage parking and turning, policy IS7, in the interests of road safety. There should be no significant adverse impacts to residential amenity, policy HD3.

Policy EP13 seeks to protect trees and hedgerows.

Placemaking and Design 2010 SPG seeks for new development to contribute to the locally distinctive built character.

Proposal

The block built garage is to be demolished to give way for a parking court. A two bay, one and three-quarter-storey dwellinghouse is proposed to be situated 2.8m behind the current hedge line, central to the plot. A three bedroom house is proposed. The building would be orientated to align with boundary hedge. The hedge is proposed to be half removed and half retained to the north. The current drive would be improved and two in-curtilage spaces would be formed immediately forward of the house. The proposed southern gable would feature a secondary single storey gable roofed building 2.8m x 6m. It would be contiguous to the house and include vestibule and utility rooms. The front door to the property would be in this secondary building, set back from the building line by the in-curtilage parking.

The main building would be rectilinear in plan, 7.7m in width x 12m in depth, under a T-plan intersecting pair of dual pitched roofs. Eaves would be 4.6m high and the ridge would be 7.4m in height. The principal elevation would feature symmetry in the fenestration with pairs of single windows in wallhead dormers breaking the eaves. They would be given smooth banding and pitched gables. Eight solar PV panels would be installed on this west pitch. The eaves and verges of the roof would be clipped to the wallheads on north,

west and south elevations. At ground floor there would be pairs of 1.2m tall windows in each bay featuring timber mullions and surrounded by smooth stone coloured bands.

The north and south elevation would feature asymmetric fenestration. Windows on this elevation would also receive smooth stone coloured banding. Walls would all be finished in a wet dash roughcast coloured a white/ offwhite/ yellow tone. The east elevation would be unashamedly modern in appearance with full-height glass doors and flanking fixed lights. There would be an armoured glass balustrade to a first floor balcony under a 35° over-sailing roof. There would be a pedestrian door in the rear of the secondary building.

Notional landscape and boundary treatment details have been provided including post and rail fencing and retaining a northern portion of the existing privet hedge. A scatter of green bubbles, shaded areas of green or blue/grey all suggest an approach to landscaping the garden grounds but there is no specification.

Assessment

Demolition.

There is no requirement for Conservation Area Consent for demolition of a garage of the size/capacity in this location. The loss of garage has been confirmed by both Archaeology and Heritage and Design Officers to be of neutral impact and I'd agree that it makes little contribution to Yetholm Conservation Area (Policy EP9).

Principle

Non-allocated or infill opportunities within settlement boundaries may only be considered where the proposal fulfils all of Policy PMD5 criteria:

- a) where relevant, it does not conflict with the established land use of the area; and
- b) it does not detract from the character and amenity of the surrounding area; and Amenity Green Spaces; and;
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'; and
- d) it respects the scale, form, design, materials and density in context of its surroundings; and
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.

The established land use in the surroundings is residential and I find a dwellinghouse an appropriate contribution which would have no obvious conflicts in terms of amenity. Criteria a) is satisfied.

Key Greenspace

This specific site has been allocated as a Key Greenspace in the LDP. The designation given arises from the Green Space SPG, Oct 2009 where the site was identified in an Audit by Halcrow consultants as "Functional green space". This is significant. The LDP policy seeks to offer protection to two typologies. Functional green spaces (outdoor sports facilities such as playing fields, play areas, allotments, cemeteries, churchyards, green corridors such as rivers or former railway lines); and amenity green spaces (parks and gardens, natural green spaces, woodlands and green spaces within residential areas used informally).

This parcel of land (GSYETH003) was identified as meeting criteria defined as B2 Allotments. Within Appendix D of the SPG the Green Space Strategy for the Borders, Page 19 defines quality and value. In Appendix G (Page 5) the area in question is outlined in black, shaded red and coded 606. The red shade signifies Low Quality and Low Value. Within Appendix I there was further assessment of the site where quality and value of this site were assigned 55%. There has been a clear and methodical process of identifying and assessing this Key Greenspace which now appears in the LDP. However, this application has some interesting revelations.

The SPG identifies "Detailed Provision Standards" for considering "B2 Allotments". I have concerns that this site does not fit the definition of "B2 Allotment"; "Land laid out and managed as a statutory or non-statutory allotment site". I have received representations and consultations that both confirm that these "Allotments" are owner/occupied private gardens. There has been no objection from both the Community Council and Neighbourhood Services. Contrary to several representations received, the fact that the land is in multiple ownership is not something which would be incompatible with B2 allotment use.

Functional green space

I conclude that the SPG and Policy EP11 are erroneous in this designation in that this Key Greenspace is neither a statutory or non-statutory allotment site. I can find no definition for "statutory" in the SPG but the meaning is clear.

Fruit, flowers or vegetables are produced on this land only by the exclusive use of the owner in title and not by a third party. I suspect the "allotment" designation has been derived directly from OS mapping data which places a label; "Allot Gdns" over this site. My inspection of photos, streetview and aerial images all confirm that several owners are using the land for agricultural production but this private use does not constitute "Allotment" as defined by Oxford Dictionaries; "A plot of land rented by an individual for growing vegetables or flowers." These are gardens and not allotments - there is no manager or committee and there is no evidence presented that a consideration payment can be made for a third party to use the land for production.

If this is not an allotment (Key Greenspace) I have no requirement to consider arguments of social, economic and community justification for this proposal. There is no requirement for me to consider need or consider compensatory provision of function open space. The owner has submitted a Title Plan which confirms the land belongs Clifton Cottage.

Other Greenspaces

Key Greenspaces are not a comprehensive list of all those spaces which satisfy PAN 65 typologies. I consider the roadside verge forward of the site to be a strong candidate for satisfying "Other Greenspaces" of EP11. This verge makes a significant and strong contribution as an "Amenity green space"(SPG). It contributes significantly to the appearance of this gateway to the Village and The Green itself. This is the Pennine Way and the verge contributes significantly to the visual amenity of this avenue. Somewhere under this verge is a stone cundy (a culverted stream) running right through the centre of The Green and down to Blunty's Mill. The two water pumps on its route signify the importance of this spring as a former water source for the Village long ago. Historically, it has dictated the layout of the street.

This proposal would result in development of a drive over this verge. No Design Statement and no topographic data has been supplied but I strongly believe that development of a drive will significantly adversely impact both this Greenspace and the water pump feature in future. Both are historic features of the Conservation Area. They would be adversely affected by a dwellinghouse on this site. There would be direct impacts through the physical erosion of the green verge by vehicles but indirect impacts will be the loss of public feel to this space.

I conclude that there would be no quantifiable loss of functional open space arising from the proposal but there would be harm in the form of damage caused to "Other Greenspaces" (the roadside verge and water pump) which front the site (Policy EP11). In this respect criteria b) of policy PMD5 is not satisfied.

Conservation Area

Principle

The Heritage and Design Officer objects to the proposal and states the principle of introducing a dwelling on the site is unacceptable. This development would disrupt the positive characteristics of the Conservation Area. Similar arguments surrounding the history of settlement of Kirk Yetholm have been raised by objectors. I would add that the neighbouring pattern of development (nos9 and 11 to the south) further emphasises the historic context of this land as being unsuitable for a residential dwellinghouse.

The historic perspective of this site is most clearly articulated in policy terms by the Heritage and Design Officer. At this location, the east side of the High Street makes a positive contribution to both the characteristic historic layout of Kirk Yetholm as well as its distinctive visual and spatial relationship with the surrounding landscape.

The Officer has noted that a small, modest structure similar to a garage, shed or possibly small garden studio form would not disrupt the established positive contribution this site makes to the Conservation Area. However a change of use of the site to a dwellinghouse would disrupt and harm the character and appearance of Kirk Yetholm.

I support the Heritage and Design Officer's conclusion and note that there are secondary buildings adjacent to this site but they do not adversely affect the appearance of the wider Conservation Area. The phrase "largely undeveloped" has been used by the Heritage and Design Officer to describe the nature of this east side of the High Street. This is a reference to current plot/ building ratio and also the garden/ garage use.

Several objections received throughout this process have highlighted the importance of this historically undeveloped feature within Kirk Yetholm.

The value of the site is twofold. Firstly in the visual backdrop it provides to the Conservation Area but secondly, and significantly, in the wider history of the Terrace and development of Kirk Yetholm. The use of this land always has been part-and-parcel of the character of "Tinkers Row" and to change this relationship would change the character of the Street and the wider history surrounding the settlement of Kirk Yetholm.

This is a significant gateway to the village at the start/end of the Pennie Way and also part of the St Cuthbert's Way. Owing to the elevated prominence of the site it does define the landscape and townscape structure around it. The garden is publicly visible both from The Green and transiently, in the passing. It contributes significantly to the identity of the settlement and the Conservation Area.

I conclude that development of a dwellinghouse would distort this interpretation and harm the Conservation Area (policy EP9). Development must be considered to fail criteria b) of Policy PMD5.

Archaeology

The archaeologist requires archaeological evaluation of the site prior to any recommendation of approval. This is required to understand whether the site yields Medieval or early Post-Medieval buildings. There is a moderate or high potential in this location (so close to the heart of the settlement) and I am satisfied that archaeological remains, features or finds should be identified and recorded prior to any acceptance of the proposal. Policy EP8 makes clear that development which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset. At this time, the ground needs further investigation. It's worth noting for record that a site evaluation yielding in-situ archaeology could pave the way for objection on archaeological grounds.

PMD2, Placemaking and Design SPG, 2010.

Design

There has been no Design Statement submitted in support of the application which is a requirement of Policy EP9. The Planning Statement attempts to reconcile design with the location but I find no working and little fact to the statement that the design heavily reflects the character of existing dwellings.

The choice of design is overtly large in scale and mass resulting in a domineering appearance. There are traditional cues to the design with dual pitched slate roofs, wallhead dormers and rendered bands however both the north and south elevations would be overbearing on the surroundings. The north elevation would be seen from The Green owing to its mass, absence of neighbouring buildings and this prominent position. The consequence would be harm to the Conservation area. Specimen trees throughout The Green would intervene views but no amount of further landscape or boundary planting would soften these impacts and my conclusion has to be that this is the wrong design for this chosen site (Policy PMD2).

The addition of solar panels on a pitched roof fronting the principal elevation of a Conservation Area is also objectionable.

The development fails criteria d) of policy PMD5 in this respect.

Site and Layout

The building has been pushed back from the grass verge by attempts to provide in-curtilage car parking. I can accept that a proposal for a dwellinghouse being set back on the site lessens the potential impacts from size and scale, but the choice is in contrast to vernacular. Adjacent dwellings all have a strong street presence/ frontages.

The layout has been conceived around providing all the private (bedroom) space on the principal elevation to allow modern/ open plan living to the rear. This layout contrasts with traditional plans whereby the principal rooms are left and right of a main door at ground floor. The result is a confused appearance to the

main building which would detract from the rhythm of the Conservation Area. The front door is proposed in a secondary building, back from building line jarring with the defining character of the neighbouring buildings.

Scale, form and density.

The scale is not significantly different to the detached dwelling to the north of the site. However, the building would be significantly higher in the slope and viewed in isolation to these neighbours therefore the impacts would be dramatic. The dual pitched roof and T-form plan is a tried-and-tested design however this design fails owing to the scale, height and massing of the rear projection. There is no reduction in plan or pitch height that would give the rear projection a subordinate/subservient appearance. The consequence is that the north and south wing walls would be of a scale which would be dominant and prominent on both north and south approaches to the site. My conclusion must be that the building scale/ plot ratio would be inappropriate. The effects would be magnified by the absence of any residential buildings in the surrounding.

The design is not in keeping with vernacular and fails Policy PMD2, in that the design fails to make an appropriate contribution to the settlement. On a prominent site like this, the strength of objection must be reiterated in that the chosen rectilinear plan would adversely affect the appearance of the street and village. The subordinate secondary building on the south gable does little to mitigate any impacts to the body of the Conservation Area.

External Appearance: Materials, Fabrics and Colours

I acknowledge attempts to finish the property with vernacular harl and smooth bands but this does not distract from the fact that a house of this character is better suited to a location away from the Conservation Area designation. The choice of uPVC rainwater goods is a good example of a product which fails to protect or enhance the Conservation Area. I acknowledge the presence of uPVC in the surroundings but use of such a material is inappropriate, suburban and does not satisfy Policy EP9, which seeks to preserve or enhance character and appearance. The brick basecourse is an equally poor contribution.

Boundaries

I acknowledge attempts to retain a hedge on the principal elevation and maintain distinction between private garden and open space however the overarching issues with scale of the building and prominence of the site are irreconcilable. The prominence of the site and the absence of any mature boundary features will compound to harmful effects.

Fenestration

This is a core frontage in the Conservation Area and window choices on the principal elevation are considered to fail requirements of size, design, opening method and configuration. I acknowledge that timber mullioned form may be in use in the surroundings. I also acknowledge that there are several poor examples of modern window replacements in the surrounding however the choice of fenestration in this application does not conform to any of the unique characteristics supportable under Policy EP9 today. Again, the LDP demands that proposals within Conservation Areas will not just preserve but enhance character or appearance. New dwellings should be exemplary to the Conservation Areas and not a pastiche of surrounding policy failings.

My conclusion is the proposals fail the requirements of the Placemaking and Design SPG, 2010 and policy PMD2 and fails criteria b) and d) of PMD5.

I have no concerns about social and infrastructure capacity of the village in respect of this village. (criteria c) of policy PMD5).

Developer Contributions

Policy IS2 can be resolved and the agent has confirmed that the applicant would consent to a s.69 agreement and for a contribution to Kelso High School to be made in advance of any consent.

Access

The Roads Planning Officer has objected. They state that the proposal will remove existing parking for Clifton Cottage without accommodating the loss elsewhere. Two in-curtilage spaces are a requirement for a new build and whilst this has been provided, it would displace Clifton Cottage's off-street parking. Parking on-street is not an acceptable alternative.

I agree with the Road Planning Officer, in that development will result in the loss of parking against provision standards and will result in a compromise of road safety and road design standards and cannot be supported in accordance with Policy IS7. This is further emphasised by the fact that this road is an identified timber haulage route which will shortly to be used for extraction of timber in a neighbouring woodland.

My conclusion is that development fails criteria c) and d) of policy PMD5. Without adequate off-street parking provision proposals are by definition; "over-development". My concern is that attempts to reconcile parking requirements would have consequential harm on open space and the Conservation Area.

Servicing (Water supply, foul drainage and surface water disposal)

Public mains water supply is proposed. In this Village location waste will be required to sewer. In respect of SUDS/ surface water drainage these details can similarly be secured by condition. The proposals can satisfy criteria e) of policy PMD5, subject to further design details.

Neighbouring residential amenity

I have considered loss of daylight, sunlight and overshadowing and impacts on privacy arising from overlooking. The agent has provided a plan demonstrating shadow cast from the proposed building which I must presume is demonstrating summer impacts. In winter there would be greater shadow cast to the north and impacts to the northern neighbouring gardens are inevitable from this elevated site. However I do not identify any significant loss of light or overshadowing to habitable rooms therefore development respects the parameters of policy HD3. Impacts of overlooking have not been addressed by the agent. There is a habitable room in the gable of the neighbouring building to the north. There would be a direct line of sight from the northern gable window of the proposed master bedroom. The intervening distance is 18m or thereby and there are intervening trees therefore privacy would be protected. I am satisfied that development could meet Policy HD3 and criteria f) of policy PMD5. Levels of visual impact have already been covered adequately above under Policy EP9: Conservation Areas.

I acknowledge the Supporting Statement of 27 May which rebuts objections and makes observations of planning decisions in Conservation Areas within the Local Authority Area. I cannot place any weight to such advocacy. This decision is based on clear sound reasoning informed by representations from respective professions having considered the proposals against LDP Policies of 2016. This position is not a precautionary principle approach owing to Covid-19 restrictions. Those professionals consulted are best placed to consider issues of heritage, traffic safety, and archaeology and it would be a dangerous precedent to disregard the quality of these representations.

The Community Council has placed a neutral comment with the committee split equally in opinion.

I also acknowledge all comments that highlight (what is best termed) blight allegedly arising from the unkempt gardens and poorly maintained garage buildings in the surroundings. This decision would have little bearing on these matters. The maintenance of neighbouring properties is beyond the scope of this report, beyond the control of the Planning Authority and beyond the control of this applicant. Future planning decisions will control development on these neighbouring sites as they are all within the Conservation Area designation.

REASON FOR DECISION :

It is considered that a dwellinghouse on this site would not comply with policy PMD5 of the Local Development Plan 2016. It would detract and harm the character and amenity of the surrounding area.

The proposals would not comply with Policy EP9 in that there would be significantly harmful adverse impacts to Yetholm Conservation Area. The site provides a visual backdrop to the Conservation Area and makes significant contribution to the history of the Terrace and development of Kirk Yetholm. The characteristic historic gateway of The Pennie Way and the St Cuthbert's Way would be harmed.

The proposals represent piecemeal loss to development which is guarded against by Policy EP11 in that there would be direct and indirect adverse impacts and harm caused to the public open space (the roadside verge and water pump) which front the site.

The proposals are contrary to Policy IS7 in that no provision for off-street parking for Clifton Cottage has been made, resulting in road safety concerns.

The proposal would not respect the scale, form and design of the surroundings thereby failing Policy PMD2, Policy PMD5 and the Supplementary Planning Guidance on Placemaking and Design.

Development is contrary to Policy EP8 in that a site evaluation is required in order to quantify the medium to high potential of encountering Medieval or early Post-Medieval archaeology.

There are no material considerations that outweigh these conflicts with policy.

Recommendation: Refused

- 1 A dwellinghouse on this site would not comply with policy PMD5 of the Local Development Plan 2016 as it would detract from and harm the character and amenity of the surrounding area.
- 2 The proposals would not comply with Policy EP9 of the Local Development Plan 2016 in that there would be significantly harmful adverse impacts to Yetholm Conservation Area.
- 3 The proposals are contrary to Policy EP11 of the Local Development Plan 2016 in that there would be direct and indirect adverse impacts and harm caused to the public open space (the roadside verge and water pump) which front the site, to the detriment of the visual amenities of the area.
- 4 The proposals do not comply with Policy PMD2 and Policy PMD5 of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 in that they do not respect the scale, form, and design of the surroundings, to the detriment of the visual amenities of the area.
- 5 Without further field evaluation, the development is contrary to Policy EP8 of the Local Development Plan 2016 in that there is a medium to high potential of the site yielding archaeology of local or regional importance which could be harmed or destroyed by the development.

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