



PLANNING STATEMENT

SITE ADDRESS

LAND EAST OF HIGH STREET, KIRK YETHOLM, TD5 8PH

PROPOSAL

**DEMOLITION OF GARAGE AND ERECTION OF A DWELLING
TOGETHER WITH ACCESS, LANDSCAPING AND ASSOCIATED
WORKS**

APPLICANT

MR & MRS D & C MORRISON

APRIL 2020

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1. INTRODUCTION AND PROPOSAL DESCRIPTION

- 1.1 This Planning Statement, prepared by Ferguson Planning, is submitted to Scottish Borders Council on behalf of the Applicants Mr & Mrs Morrison. The Statement supports an application for Planning Permission for the demolition of a garage and erection of a dwelling together with access, landscaping and associated works on land to the east of High Street, Kirk Yetholm.
- 1.2 The purpose of this Statement is to provide a good level of understanding of the application site and the context within which it lies, before providing background to the proposed development and its accordance with planning policy.
- 1.3 The site lies to the east of High Street in Kirk Yetholm. The site sits opposite a terrace of existing dwellings to the west of the highway. Concise private garden plots sit adjacent to the north and south of the site while a rectangular parcel of allotment gardens lie beyond to the south.
- 1.4 The site comprises a private garden in a single ownership with Clifton Cottage, on the opposite side of the road. The site represents Clifton Cottage's secondary garden with the primary outdoor amenity space located to the rear of the property. A single garage of render-on-block elevations and profiled sheet roof stands upon the site close to the south boundary. A tall hedge runs across the site from north to south precluding views from the adopted highway into the private garden. An existing vehicle access which comprises compacted gravel runs from the highway to the garage.
- 1.5 The extract below indicates the application site in red together with other land within the Applicant's control in blue. The existing dwellings nearby and other buildings are also indicated.

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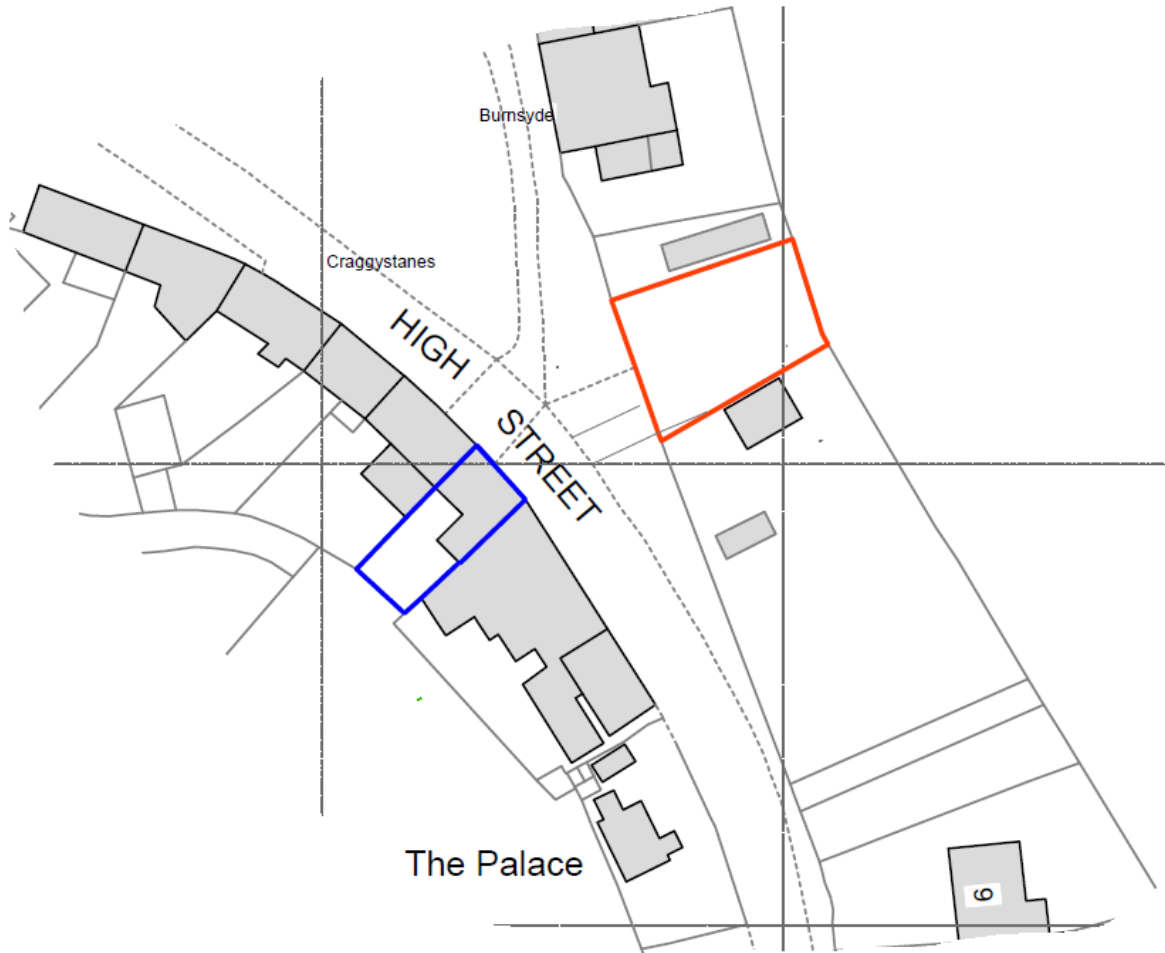


Fig.1. Extract from AH073-P03(A) Location Plan, High Street and the Applicants' home are visible to the west of the site (Source: Aidan Hume Design)

Proposal

- 1.6 The layout and access arrangements of the proposed dwelling are conceptually illustrated on AH073-P02 Site Layout Plan. The proposal is for the demolition of the existing garage and erection of a single dwelling on the site together with access, landscaping and associated works.

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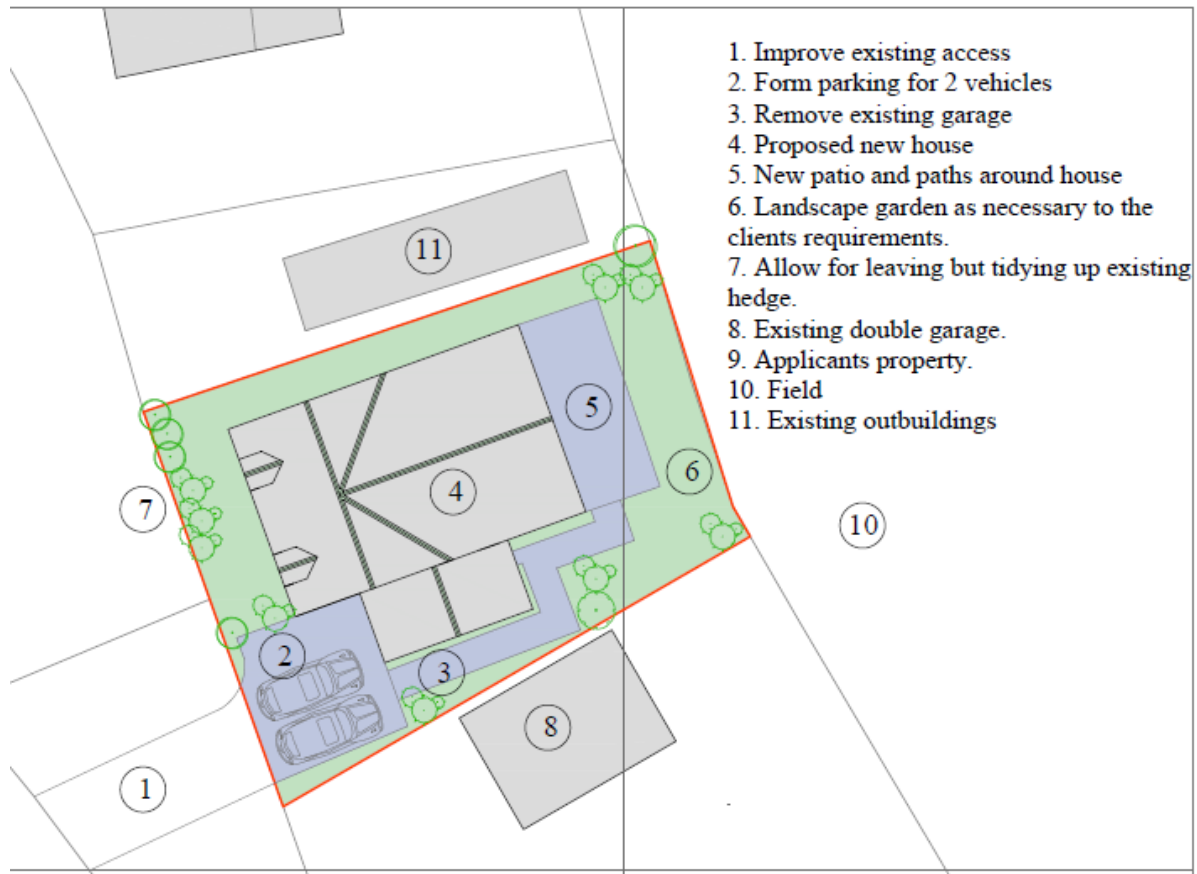


Fig.2. Extract from AH073-P02(A) Site Layout Plan (Source: Aidan Hume Design)

- 1.7 The proposed dwelling comprises a two storey detached house, the design of which is heavily informed by existing dwellings in Kirk Yetholm and particularly on High Street. The new dwelling is proposed relatively centrally within the plot and set back from the boundary with the adopted highway to enable the retention of the mature established hedge.
- 1.8 The construction of the proposed dwelling will comprise wet dash roughcast elevations set upon a brick plinth and a roof of natural slate. The wet dash roughcast has been selected with achieving a sensitive design specifically in mind. Smooth cement bands shall be set around timber frame windows.
- 1.9 The east elevation faces into the garden of the proposed dwelling and has been detailed to provide for the amenity of future occupiers. Sensitive folding doors are proposed from the ground floor to the garden. The doors shall open to a patio and will enable the kitchen and dining space to redeem maximum benefit from morning light. It is also proposed that a covered balcony, accessed by glazed doors from the living room, shall project from the first floor. The



balcony would not be visible from within the village but would benefit from natural views created by land falling away to the east of Kirk Yetholm.

- 1.10 The scale of the new dwelling would be contained by partition into a principle element and a secondary subservient (albeit conjoined) element to the south. This design reflects the appearance and scale of existing dwellings which face the application site opposite.
- 1.11 Works are not proposed at Clifton Cottage, the Applicants' existing dwelling, which would retain its primary rear garden. The proposed dwelling will be serviced by connection to the public foul drainage network which serves Kirk Yetholm. The Applicant proposes to connect to the existing mains water supply network.
- 1.12 The remainder of this Statement considers relevant planning policy and thereafter provides a reasoned justification within the policy context. Together with this Statement the following drawings have been submitted to support the application:
- AH073-P01(A) Floor Plans, prepared by Aidan Hume Design;
 - AH073-P02(A) Site Layout, prepared by Aidan Hume Design; and
 - AH073-P03(A) Location Plan, prepared by Aidan Hume Design.

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2. POLICY CONTEXT

2.1 This section provides an overview of key planning policies relevant to the proposed development. Scottish Planning Policy (SPP) sets out national planning policies and is a key material consideration in the determination of planning applications. The Development Plan is made up of the Strategic Development Plan for South East Scotland (SESPlan) and the Scottish Borders Local Development Plan (2016).

Scottish Planning Policy (SPP) 2014

2.2 SPP supports the creation and protection of successful and sustainable places which support sustainable economic growth and regeneration, and the creation of well-designed, sustainable places. This outcome sits side-by-side with the other three outcomes which target the delivery of low carbon places which reduce carbon emissions and adapt to the changing climate, natural and resilient places which protect and make use of natural and cultural assets, and better connected places which support and capitalises on transport and digital infrastructure.

2.3 SPP creates a presumption in favour of development that contributes to sustainable development and establishes that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost. Specifically, policies and decisions should be guided by key principles, including:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and

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- avoiding over-development, protecting the amenity of new and existing development and
- considering the implications of development for water, air and soil quality.

2.4 SPP sets out how successful, sustainable places includes protecting and enhancing the vibrancy of rural, coastal, and island areas, with growing, sustainable communities supported by new opportunities for employment and education. The character of rural and island areas and the challenges they face vary greatly across the country, from pressurised areas of countryside around towns and cities to more remote and sparsely populated areas.

2.5 In rural areas the Government intends the planning system to:

- in all rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces;
- encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality; and
- support an integrated approach to coastal planning.

Scottish Borders Local Development Plan

2.6 Local planning policy relevant to the proposal is contained within the Scottish Borders Local Development Plan (2016). Key policies include:

- **Policy PMD2: Quality Standards**
- **Policy PMD5: Infill Development**
- **Policy HD3: Protection of Residential Amenity**
- **Policy EP9: Conservation Areas**
- **Policy EP11: Protection of Greenspace**

Policy PMD2: Quality Standards

2.7 The Policy sets out a range of sustainability, placemaking and design, accessibility and open space/ biodiversity requirements, whereby the proposal must:

- Take appropriate measures to maximise the efficient use of energy and resources, in terms of layout, orientation, construction and energy supply;
- Make provision for sustainable drainage;
- Incorporate appropriate measures for separate storage of waste and recycling;
- Incorporate appropriate landscaping to help integration with the surroundings;
- Create a sense of place, based on a clear understanding of context;
- Be of a scale, massing and height appropriate to the surroundings;

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- Be finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality;
- Be compatible with, and respect, the character of the surrounding area, neighbouring uses and neighbouring built form;
- Be able to be satisfactorily accommodated within the site;
- Provide for appropriate boundary treatments to ensure attractive edges, and to help integration with the surroundings;
- Incorporate access for those with mobility difficulties;
- Not have an adverse impact on road safety in terms of the site access;
- Incorporate adequate access and turning space for vehicles including those used for waste collection purposes.
- Retain physical or natural features which are important to the amenity or biodiversity of the area.

Policy PMD5: Infill Development

2.8 The Policy permits *“development on non-allocated, infill, or windfall sites, including the re-use of buildings within Development Boundaries as shown on proposals maps will be approved where the following criteria are satisfied:*

- 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*
- 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 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.*

All applications will be considered against the Council’s Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide design statements as appropriate.”

Policy HD3: Protection of Residential Amenity

2.9 The Policy states that *“development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:*

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- a) *the principle of the development, including where relevant, any open space that would be lost; and*
- b) *the details of the development itself particularly in terms of:*
 - i. *the scale, form, and type of development in terms of its fit within a residential area,*
 - ii. *the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlight provisions. These considerations apply especially in relation to garden ground or 'backland' development,*
 - iii. *the generation of traffic or noise,*
 - iv. *the level of visual impact."*

Policy EP9: Conservation Areas

- 2.10 The Policy establishes the Council's support for *"development proposals within or adjacent to a Conservation Area which are located and designed to preserve or enhance the special architectural or historic character and appearance of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes."*
- 2.11 Conservation Area Consent is stated to be acceptable *"in the context of appropriate proposals for redevelopment and will only be permitted where:*
 - a) *the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and*
 - b) *the structural condition of the building is such that it can not be adapted to accommodate alterations or extensions without material loss to its character, and*
 - c) *the proposal will preserve or enhance the Conservation Area, either individually or as part of the townscape."*
- 2.12 Following the grant of Conservation Area Consent *"demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed."*

Policy EP11: Protection of Greenspace

- 2.13 The Policy identifies a distinction between two categories of greenspace – (A) Key Greenspaces (copied below) and (B) Other Greenspaces.

"(A) Key Greenspaces

Key Greenspaces as identified on Proposal Maps will be protected from development that will result in their loss. Development that protects and enhances the quality of Key Greenspaces will be supported."



- 2.14 Paragraph 1.1 of the Policy’s supporting text states that “the aim of the Policy is to give protection to a wide range of defined types of greenspace (also known as open space) within settlements and to prevent their piecemeal loss to development. The policy also aims to **protect and safeguard the most important spaces within settlements.**”
- 2.15 Paragraph 1.2 continues “the Local Development Plan identifies Key Greenspaces within Development Boundaries. **The spaces identified within the Plan are those spaces which are considered to be of greatest value to the community and are therefore worthy of protection.**”

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3. ASSESSMENT OF DEVELOPMENT PROPOSAL

Principle of Development

- 3.1 The proposal is for the demolition of a garage and erection of a single dwelling on a secondary garden plot in Kirk Yetholm. Development on “*non-allocated, infill, or windfall sites, including the re-use of buildings within Development Boundaries*” is permitted by Policy PMD5. The application site lies entirely within the Development Boundary defined for Yetholm. As the proposal is for the erection of a new dwelling on a site within a defined Development Boundary, it is considered to accord with Policy PMD5.
- 3.2 The application site lies within the designated “*Key Greenspace*” GSYETH003. GSYETH003 is identified as “*Kirk Yetholm Allotments*” within the Yetholm Settlement Profile. **Unfortunately, the designation represents a major error of fact.** The application site sits entirely within the sole ownership of the Applicants and has always been in use as private garden. While the village allotments are kept nearby on land to the south of the site, they are fully beyond the ownership of the Applicants and are both functionally and visibly distinct from the application site. For the purposes of clarity neither the application site or any constituent land is in lawful use as an allotment garden; the site is not available for the purposes of allotmenting and never will be. The site also sits distinct from the village green which lies either side of Main Street, approximately 75 metres north-west of the site. The application site is not and has never been held in shared ownership or trust with the local authority, community council, or any other charitable or community trust.
- 3.3 It is beyond the scope of this representation to identify the origin of the incorrect designation. However the Applicants believe that the error may originate from the “*Open Space Audit*” conducted by the Halcrow Group upon the Council’s behalf in 2008. An extract from the Audit has been included in Appendix 1.
- 3.4 Both the existing and previous uses and lawful use of the site are material considerations in the determination of the application and should be afforded **significant weight**. While the designation of the site under Policy EP11 is factually incorrect, it cannot simply be ignored. However it is considered that the significant weight afforded to existing and previous uses and lawful use of the site are sufficient to outweigh the adopted policy which is supported by a factually incorrect assessment of the village’s Greenspace. Therefore the erection of a new dwelling upon the garden plot which comprises the application site, is considered to be acceptable in planning terms as it would not result in the loss of an allotment garden, any allotment space, or any other Greenspace.
- 3.5 The principle of development for the demolition of a garage and erection of a dwelling together with access, landscaping and associated works is considered to be acceptable as: the application



site lies within a defined Development Boundary where development is permitted in accordance with Policy PMD5 and the application site comprises a private garden plot which is entirely within the Applicants' ownership and private use. The proposal represents the erection of a single dwelling on a site within a Development Boundary which would make more efficient use of the existing capacity of the land and the rural community.

Conservation Area

- 3.6 As the application site lies within Yetholm Conservation Area, Policy EP9 is material to the determination of the application. The character of Kirk Yetholm is defined by dwellings of render elevations and slate roofs which are in active residential or holiday let use. The beautiful eponymous Kirk together with a small number of dwellings comprising rubble and dressed stone elevations add variety to the local character. A few dwellings are also roofed in thatch which create an atmospheric feel to the village. The proposal is for a new dwelling (residential use) which reflects the existing local land use. Furthermore the proposed design incorporates both white render elevations and a slate roof which are particularly prevalent on High Street. It is considered that by means of its use, appearance, footprint, and scale the proposed dwelling is complementary to the "special architectural and historic character" of the Conservation Area.
- 3.7 The proposal includes the demolition of the Applicants' garage, which is not a Listed Building. The garage itself is an un-remarkable building of render-on-block elevations and profiled sheet roof. It makes little contribution to the built character of Kirk Yetholm and significant scope is considered to exist for replacement with a more sympathetic building.
- 3.8 The proposed development would remove an existing building which makes minimal contribution to the Conservation Area and replace with a sensitively designed dwelling. Due to its limited physical form and the unsuitability of extensive modification and extension to create a new dwelling, the existing building cannot provide "*reasonably beneficial use*" in its current form. The proposed development is considered to represent an enhancement of the site and of this part of the Conservation Area more widely.
- 3.9 It is therefore considered that the proposal represents a sensitive addition to the Conservation Area which would enhance "*the special architectural and historic character*" and accord with Policy EP9.

Access and Parking

- 3.10 It is proposed to retain the existing vehicle access to provide access from the highway to the proposed dwelling. The surface of the existing access may be re-laid should it be prove desirable, however it is understood that existing visibility sightlines are acceptable within the 30MPH speed restricted zone in Kirk Yetholm.

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- 3.11 Sufficient space shall be provided on the proposed drive to park two cars. This is considered to accord with the Parking Standards contained within Appendix 3 of the Local Development Plan 2016.
- 3.12 Clifton Cottage and the existing dwelling Valley Dene (adjacent to the south) are unique in the street as they both benefit from off-street car parking in secondary garden plots on the opposite side of the road. On-street parking is common on High Street, particularly on the north bound carriageway. It is considered that on-street parking capacity exists to accommodate the occupants of Clifton Cottage's vehicles and does not present a threat to highway safety.

Impact on Local Character

- 3.13 The proposal is considered to represent a sensitive design which respects the local built character. The local character along High Street is defined by minimalist and simply constructed dwellings which comprise white render elevations under slate roofs. It is acknowledged that the frequency of roughcast render in new buildings has decreased over recent decades however it is considered that incorporating the building method into the proposal is necessary to achieve a sensitive design.
- 3.14 Buildings along both sides of the street are limited in scale and make frequent use of distinct but integral components to break up the building mass. The proposed dwelling has been designed to reflect this characteristic and makes use of a secondary, subservient element in the south of the site. Along High Street land falls away from south to north, with both the eaves and ridge of existing dwellings on higher land standing taller than those on lower lying land. The proposal respects this characteristic and represents a 'step' between residential development north and south of the site.
- 3.15 The design of the proposed dwelling has been heavily informed by the local character of Kirk Yetholm and would represent a sensitive new dwelling, in accordance with Policy PMD2.

Residential Amenity

- 3.16 The proposal has been prepared to provide for good amenity for the occupiers of the proposed dwelling and surrounding dwellings. With regard to the criteria of Policy HD3:
- a) As addressed above, the principle of the proposed development is considered to be acceptable.
 - b)
 - i. The type of development (a single detached dwelling) is considered to be appropriate to the site and the local area. At two storeys the height of the proposed dwelling is typical of existing dwellings on High Street and the rest of Kirk Yetholm. It is acknowledged that this is fairly unusual in the rural areas of the

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Borders, but nonetheless existing dwellings within Kirk Yetholm are predominantly two storey in design.

The form of the proposed dwelling is also heavily informed by existing dwellings in the village, reflecting the Conservation Area designation. Accordingly the proposal represents a simple, traditional design which makes use of slate for the roof and white render elevations. It is considered that the proposal clearly fits with the existing residential area within Kirk Yetholm.

- ii. The location of the site is generally conducive to good residential amenity with a frontage of existing dwellings fronting onto High Street to the west and a general lack of other dwelling to the north, east, and south.

The closest dwelling to the south lies approximately 50/55 metres from the proposed dwelling and windows are not set into the first floor of the elevation which faces the site. 'Burnsyde', the closest dwelling to the north of the site lies approximately 20 metres away and does not have first floor windows in its south elevation – negating privacy concerns such as overlooking and intervisibility. Both substantial vegetation and a small garden shed exist on the third party land between the application site and 'Burnsyde'.

The possibility of views opening between the two properties are finally closed-off by the large roof structures of the contiguous rear element and lean-to garage at 'Burnsyde'. Therefore the risk of privacy loss is negligible as there are no windows to be overlooked, or to open lines of intervisibility with, or to obstruct sunlight from. The substantial existing roof structures also prevent overlooking of the garden.

The substantial distance which the proposed dwelling is set back from the developed frontage to the west of the highway – assisted by the substantial verge east of the highway – negates the risk of sunlight obstruction. As a pattern of development, developed frontages contiguous with the adopted walkway negate the risk of overlooking.

The orientation of the proposed dwelling within the site and the alignment (angle) of the first floor windows in the west elevation would not allow lines of intervisibility to be opened with existing dwelling to the west. There are no existing dwellings nearby which lie to the east of the application site.

- c) It is considered that the highway safety and noise generation impacts of development will be negligible.
- d) Views of the site from public vantage points are primarily from the adopted highway to the west. These views are set in the context of an existing settlement which has been defined by a Development Boundary in the Local Development Plan. The proposal represents the enhancement and enlargement of the existing settlement at Yetholm by

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a single new dwelling and the retention of the established, mature hedge will serve to soften views of the proposed dwelling from the adopted highway, in a similar manner to the existing dwelling and established hedge at 11 High Street, to the south of the site. Overall the visual impact of the proposal on the local area is considered to be slight in degree.

- 3.17 As the proposal provides for good amenity on-site and in the surrounding area it is considered to accord with Policy HD3.

Site Servicing

- 3.18 The proposed dwelling will be serviced by connection to the nearby mains water supply network. Foul water drainage will be managed by connection to the public network. Satisfactory connection arrangements can be achieved, subject to further details to be provided at the next stage in the planning process.

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4. CONCLUSION

- 4.1 Ferguson Planning has been appointed by the Applicant to submit an application for Planning Permission for the demolition of a garage and erection of a dwelling together with access, landscaping and associated works on land to the east of High Street, Kirk Yetholm.
- 4.2 The proposal represents the erection of a new dwelling upon a site which lies within the Development Boundary defined for Yetholm, incorporating both the Town and the Kirk. The site does fall within the Key Greenspace GSYETH003 designation, however the site lies within the sole private ownership of the Applicants and is not burdened or subject to shared rights. Simply put, the site is not and never has been an allotment garden. Therefore the principle of the development of a new dwelling upon the site is considered to be acceptable in accordance with Policy PMD5.
- 4.3 The design of the proposed dwelling heavily reflects the character of existing dwellings within the Conservation Area and is considered to represent a sensitive addition to the local built environment. The proposal would also involve the demolition of the Applicants' existing garage which is not of sensitive design and makes almost no positive contribution to the Conservation Area. It is considered that the proposal would make a positive contribution to the Conservation Area by removing an insensitive building and erecting a high quality, sensitive new dwelling; in accordance with Policy EP9.
- 4.4 It is proposed to retain the existing vehicle access to serve the new dwelling. This both reflects local character and would benefit from the 30MPH speed restriction in place on the local road network. Two parking spaces are included within the proposal. The proposed development is considered to be acceptable in transport terms.
- 4.5 The proposal is considered to accord with Policy PMD2 as the proposed dwelling reflects and incorporates the minimalist and simple design which defines local built character as well as limiting the proposed visual scale of development.
- 4.6 The proposal has been designed in accordance with Policy HD3 and represents an acceptable form of development in this location. It is considered that the proposed dwelling would benefit from good amenity and safeguard the privacy of surrounding dwellings.
- 4.7 The proposal represents appropriate rural housing development within the Borders. In addition to delivering local direct investment, future occupants of the proposed dwelling would expand purchasing power in the local economy and support existing rural services. It is considered that the proposal accords with relevant adopted policy of the Local Development Plan and is not afflicted by any other material considerations. It is respectfully requested that planning permission is granted.

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