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23<sup>rd</sup> July 2020

Clerk of the Local Review Body  
Council Head Quarters  
Newtown St Boswells  
Roxburghshire  
TD6 0SA

Dear Ms McGeoch

**Reference: 20/00018/RRREF**

Thank you for your letter dated 13<sup>th</sup> July 2020 advising of the appeal lodged in respect of 20/00453/FUL, which I have previously objected to. Having read through the appeal, understandably the documents are presented favourably skewed towards the application and appeal. Such is the importance of this appeal for the future of Kirk Yetholm, the Conservation Area and similar areas throughout the Borders, I feel the need to provide this further representation in an attempt to balance the appeal documents.

Firstly, I would like to make it abundantly clear my representations are made with the sole purpose of objecting to the proposal being considered; I have no quarrel or dispute with the applicant. My representations are made simply to try and protect the village and community from a development proposal which I believe will cause irreversible harm. The intention is not to pour scorn on the appeal documents but try to provide balance and demonstrate how I feel the proposal fails to meet current planning policy. I shall try not to repeat previous comments.

Before providing commentary, I felt it might be beneficial to have some up-to-date images (July 2020) of the area at the centre of the appeal, rather than relying on photographs taken at convenient angles and distances or a nearly 10year old Google Streetview. I am not a photographer, so please forgive the quality! They were taken on a bright but overcast day which doesn't show how much the proposed site will be illuminated by sunlight particularly well. Should the review wish, original jpeg images of those included herein can be supplied.



Figure 1



Figure 2



Figure 3



Figure 4

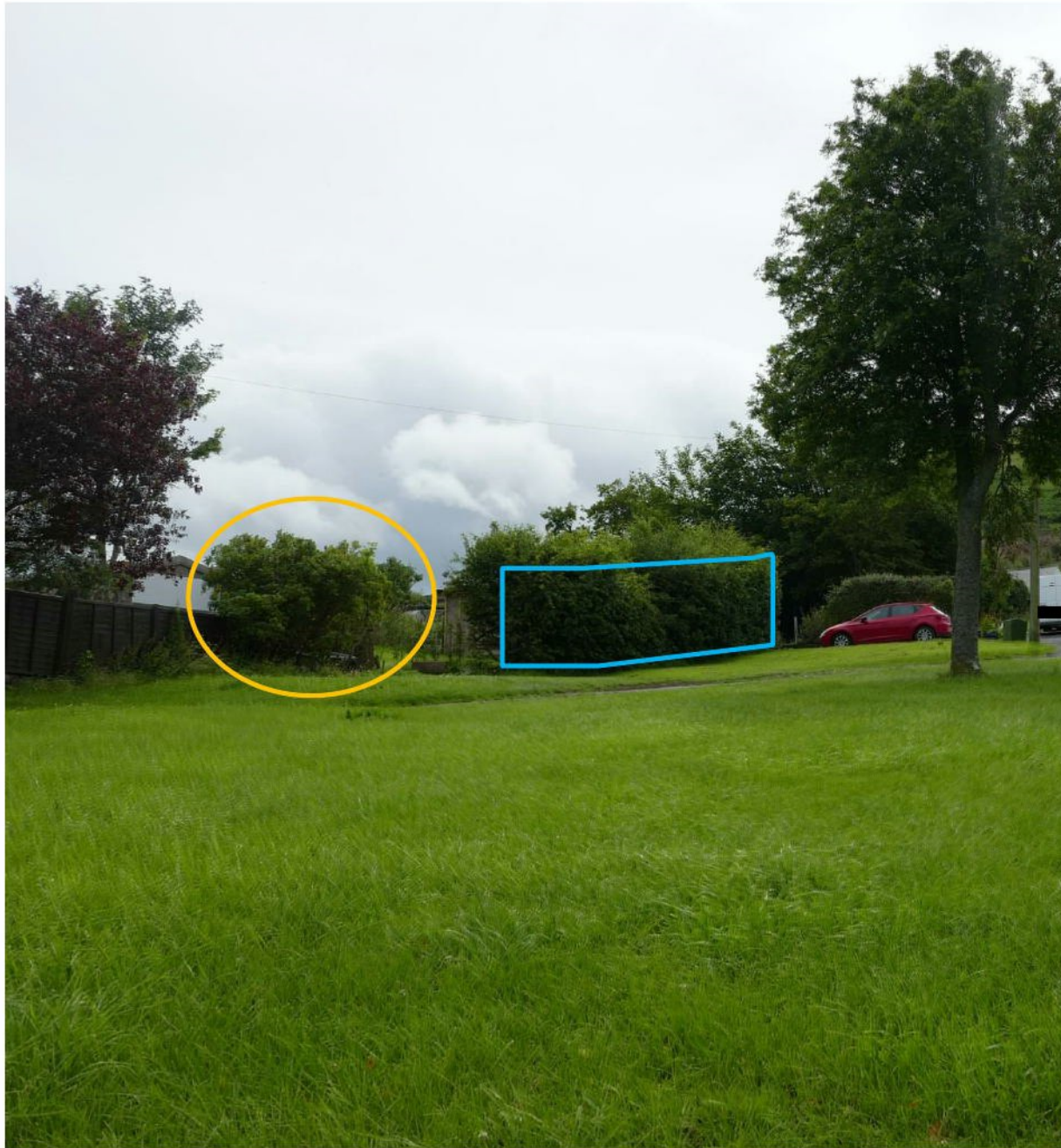


Figure 5



Figure 6



Figure 7



### **Description of Images**

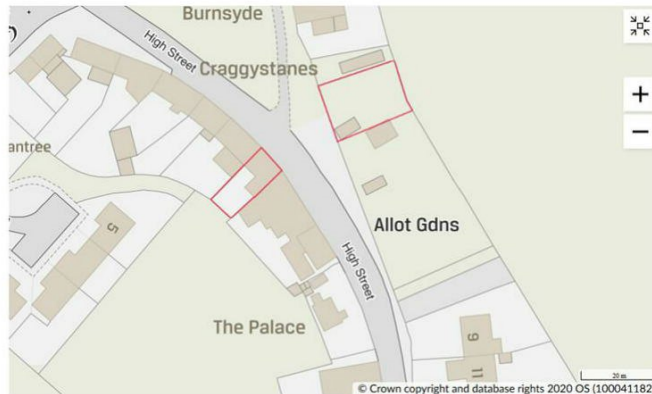
Figures 1 and 3 are taken from the High Street heading north to south, uphill. The front of the proposed site is roughly outlined in orange in Figure 1. Figures 2, 5 and 6 are taken from the green facing south.

Figures 1-6 demonstrate how prominent a location the site occupies in relation to the key green space – the Village Green. They also illustrate the significant gradient the High Street is on. Figure 3 gives a glimpse as to the domineering effect such a gradient has; the bungalows 9 and 11 on the east side of the street are clearly visible and loom large even at the bottom of the hill, and then in the ridge heights between the garage pertaining to Clifton Cottage and that pertaining to Linton Rig.

Figures 4 and 5 are taken from around the middle of the Village Green to give perspective of someone enjoying the Greenspace GSYETH002. Figure 5 is taken from a sitting position as if enjoying a picnic. Both of these images clearly show the appeal site only being screened at the front and it clearly being visible along its northern boundary. As can be seen the garage to the north of the site sits so far back any screening effect is negligible. Furthermore, I understand the hedges & bushes circled in Figure 5 are due to be removed imminently, by the owner, in response to the Planning Officer's comment about "blight" affecting adjacent garden areas! When these are removed the proposed site will be even more visible. Figure 6 is merely a close up of the view from the green across the open northern boundary of the proposed site. For the sake of clarity, I understand the only screening of the proposed site within the appellant's ownership and control is the hedge outlined in blue in Figure 5. At the moment the hedge outlined in blue in Figure 5 is a bit unkempt, perhaps to benefit the planning application. However, I include the Google Streetview image in Figure 7, taken in August 2011, which is perhaps more representative of the hedge's screening effect when it is maintained. One assumes, the appellant would like some natural light into the ground floor street-side rooms, thus I feel it's safe to conclude the hedge would become more akin to that as shown in Figure 7. A glimpse of the trimmed hedge height can again be seen in the 4<sup>th</sup> picture in the Officers "photos from site 2017" which were uploaded as part of the application.

### **Greenspace GSYETH002**

Whilst the application does not include works to the verge I am of the opinion that should a dwelling be erected on the proposed site, it will have an indirect adverse impact on the amenity of the nearby Greenspace GSYETH002 – the Village Green, the verge being an extension of this. The area of verge in front of the plot is not owned by the applicant as is identified by the deed plan, below, accessed at Registers of Scotland. One presumes the applicant has a vehicular right of way over the land?



I feel that the additional foot traffic from visitors and occupants to and from the proposed dwelling would cause ambiguity and apprehension about ownership of the upper part of the Green, resulting in visitors to the village and residents being reluctant to use and enjoy this area and the historic water pump feature. Furthermore, with limited parking in the village, I believe the creation of a dwelling on the plot will see more frequent parking of visitor cars on and around this top part of the Village Green, making it even more inaccessible to residents, tourists and visitors.

It is my opinion therefore, that the proposal does not accord with EP11. The proposal will overlook, bear-down, and cause a distraction to and over shadow parts of the Village Green, affecting its amenity value and therefore its function.

#### **Greenspace GSYETH003**

There seems to be great ambiguity with regards this area of Greenspace. I have stated in previous representations nuances between the area's definition as allotments and the actual use. The fact of the matter is the appeal site was until relatively recently, a productive garden i.e. one used for growing vegetables and such like or "cutting of turf". It's really only in the appellant's ownership this has changed to become more of a private garden and through the virtue of time, the change of use has occurred. All of the other strips within this Greenspace are privately owned now, so strictly speaking private gardens as well, albeit gardens used for vegetables. I am not in agreement with the Forward Planning Team, I do not think the proposed site has been incorrectly included in the designation. Rather, I am of the opinion a change of use has subtly occurred since its first inclusion within the Greenspace. As I have explained previously the fact that it is now a private garden does not make it any less capable of being Greenspace.

For reasons explained in other representations, this area of land has great significance to the story and history of Yetholm and as a result has great value to the community and Conservation Area. I appreciate it has limited community benefit but nevertheless, its importance to the village, makes it worthy of the designation and protection offered by EP11 as "Other Greenspace".

The naming of the space as allotments is an unfortunate error which I press upon Scottish Borders Council to resolve ahead of the next Local Plan. Failure to do so, and should the development go ahead, there is a significant risk of setting a precedent for development on the east side of the High Street and piecemeal loss of this important piece of Greenspace.

### **Place Making and Design**

I appreciate without an artistic impression it takes a little imagination as to how the proposed dwelling will sit in the streetscape, however, it is possible. If the ridge height of Clifton Cottage's garage is assumed at circa 3.5m tall, the eaves of the proposed are intended to be at least 1m taller. The ridge of the proposed dwelling is proposed to be circa 7.5m (4m taller than the ridge of the existing garage), so the garage on top of the garage plus a smidge. Whilst this is not an uncommon height for a two storey house, which the proposal is, the measurement doesn't reflect the impact the gradient of the High Street will have on the perceived height. From the south side of the plot, the highest point and from which the building heights are taken, to the northern boundary I estimate a circa 1-1.5m drop in elevation; a gradient which continues down the length of the Green to the Main Street.

A further idea of height can be gained from Figure 1. Burnsyde can be seen to the left of the image; the new dwelling is proposed to be slightly taller than this but positioned on the elevated plot, detached from any connection or relationship with nearby buildings.

The net effect of the proposed height and gradient of the High Street would result in a dwelling which would appear to sit up and be incredibly domineering; towering over the Village Green, a key amenity Greenspace. In fact, the proposal would still appear very domineering even down on the Main Street and bottom Green. In addition, the depth of the proposed dwelling is significant at circa 12m (over half the length of the entire plot) which results in huge north and south elevations.

At the moment the south elevation would be screened by a cluster of trees on a neighbouring plot but will still be hugely noticeable from further uphill, on the approach down the Pennine and St Cuthbert ways from Staerough into the village. Should these trees be removed, and the likelihood is they will be (they are not in the appellant's control); the south elevation will be domineering on the approach through the village as well.

The north elevation presents an even bigger issue however, owing to the gradient and orientation of the proposed dwelling in relation to the Village Green and routes through the Kirk Yetholm. The proposed plot has an awkward alignment with the High Street and Village Green; it's not really perpendicular to anything other than the area immediately in front of the proposed site. The result would be a full view of a massive elevation, akin to an iceberg lost in the Mid-Atlantic, stretching an incredible distance, to anyone on the Green looking up the High Street or turning up High Street from Main Street. The gradient of the Green will act to compound the height, giving the impression of an overbearing 2.5+ storey block. Ironically, if any part of the proposed site is shielded by the garage to the north, it is the very end of the plot which will form the garden!

It is this mass and scale, intense site use and the towering effect over the Village Green which makes me conclude the proposal does not accord with PMD5 or PMD2. I have also made note in previous representations about the harm the proposal would have on neighbouring properties to the north through overshadowing and overlooking.

Mention is made about broad similarities between the proposal and the existing dwelling to the north of the proposed site, Burnsyde. I think the similarities start and end with the proposed being a detached dwelling with dormer windows. Burnsyde is a special house; it sits on a large plot with large garden space, cart sheds and stables. It would have been a dwelling for someone of status. Burnsyde comfortably sits on its plot and is absorbed into the landscape by the gardens and irregular roof heights break up its silhouette. It fronts the green with ease without imposing its depth on you at any stage. I am of the opinion the proposal has none of these characteristics.

### **Conservation Area**

*"The designation of a conservation area is a means to safeguard and enhance the sense of place, character and appearance of our most valued historic places... Designating a conservation area does not mean a prohibition on development. It does mean carefully managing change to ensure that the character and appearance of these areas are safeguarded and enhanced for the enjoyment and benefit of future generations."* P7, PAN71.

As far as I can ascertain from the Planning Officers Report, the Conservation Officer has not, as suggested by the appellant, placed a prohibition on development on the subject site. The Conservation Officer has simply concluded a dwelling house, particularly one of the scale and mass proposed, is inappropriate for the site. They have gone further by suggesting forms of development that would be acceptable. I consider this decision to be the "careful management" of development within a conservation area required by PAN 71.

The Yetholm Settlement Profile contained within the local plan states *"The most important features of the Yetholm Conservation Area are its historical layout with both Town Yetholm and Kirk Yetholm with their own green along with its attractive rural setting"...* *"Yetholm benefits from many views within and out of the settlement."*

I, along with other objectors and consulted Officers have noted in our previous representations the historical importance of the appeal site, along with the other gardens on the east side of High Street, in the story and understanding of Kirk Yetholm. We have also made clear our concerns about the disruption the proposal would cause to the historical layout of Kirk Yetholm and the detrimental effect the proposal will have on views into and outward from the village.

*The aim of the policy (EP9) is to preserve or enhance the character or appearance of Conservation Areas. Conservation Areas make a unique and irreplaceable contribution towards the character and quality of the Scottish Borders, and as such must be protected from inappropriate development.*

Whilst it is true dormer windows, white washed harls and slated rooves occur in Kirk Yetholm, the same is true for a great many new build estates in the Borders and beyond. I'm not convinced the inclusion of these elements automatically acts to preserve or enhance the character or appearance of the village. Furthermore, in representations made at the application stage of this proposal, concern was raised about the site layout, its lack of street presence, the intense use of a small site and various other inconsistencies with the vernacular. I feel this sort of design, a half pastiche if you like, would add nothing to the streetscape. I think house design has moved on somewhat and it is a shame the architectural detail on the east elevation as proposed would be largely unseen.

I can only conclude that the proposal is fully at odds with EP9 and the assessment by the Planning Officer is fully justified and absolutely correct. In addition, in view of the above, I feel the proposal further fails to meet the criteria of PMD2

Included in the Appeal documents are a number of DPEA reports relating to applications in conservation areas from all over Scotland. I have skimmed some of the planning history on these cases I must admit to being unable to recognise much in the way of similarities with the appeal proposal. By their nature Conservation Areas are local in nature and unique from one another, therefore, precedents can rarely be established. I find the inclusion of these tenuous reports nothing more than a menacing distraction to the facts of the appeal being considered.

### **Archaeology**

The consultation response gives clear reasoning to the conclusion that there is potential for important archaeology. When you consider Burnside, just north of the site, was the approximate site of the original Gypsy Palace, who knows what activity there has been in the locality and from what period.

There was no archaeological statement included in the planning application and no response to the Archaeological Officer's comments at the time. Having not had commitment from the appellant to accept a planning condition, I feel the Planning Officer could do nothing else other than refuse in order to give protection to the potential for archaeology, as is required by the policy.

### **Roads Planning**

For clarity, at the moment Clifton Cottage has 1 off street parking space or 2 if you count the garage. This off street facility will be absorbed into the proposed development in order to satisfy SPG New Housing in the Borders Countryside 2008, to the detriment of Clifton Cottage and road safety on the High Street. No new off street parking arrangements will be made to compensate – the intention is for any motor vehicles pertaining to Clifton Cottage will be forced to park on the High Street. PMD2 criteria Q is quite clear in that a development should *“ensure there is no adverse impact on road safety, including but not limited to the site access”*. Mine and others previous representations raise and make clear our road safety concerns this arrangement would have.

The appeal statement states the appellant typically parks street side and that only Clifton Cottage and Valley Dean have access to off street parking. Both of these statements are untrue. The appellant typically parks off street as can be seen in the photographs herein and the Google satellite image below, some 10 years old. To be clear the car shown in the Clifton Cottage off-street space on the Google satellite image may not be the appellants given the age of the image, it may have been the tenant whom occupied the house previously. Nevertheless, it shows that typically, whoever is resident at Clifton Cottage, typically parks off-street. Also, of the 11 cottages on the west side of the High Street, 8 have access to at least 1 off road parking space – whether or not they are used is a different matter. Nevertheless the ability to park off the street is there. In Figure 8 below, I have highlighted and shaded the various dwellings and highlighted in the same colour their respective off street parking areas. Those who do not have this facility are properties that do not have garden areas fronting the street or an allotted area of the former common loanings - now known as the allotments.



Figure 8 – High Street, Off Street Parking Arrangements

Also worthy of note in the above image is the canopy of the large tree at the bottom of Clifton Cottage's garden, now removed, but more pertinently, the extent of the shadow cast by it on an August day. At high winter, the shadow of the proposed will be much more pronounced and stretch significantly, further affecting the Village Green and both the allotment and dwelling to the north.

**Community Council**

To be absolutely clear the Community Council responded with a neutral view, not a do not object view. I am unaware of the Community Council canvassing local residents for opinion, presumably due to the COVID 19 pandemic; the same reason public meetings have been suspended. Given the

situation and being unable to gather any form of view, I cannot see how else the Community Council could have responded. However, the tone and feeling of the local community can easily be ascertained by the objection comments received. These are real comments, from people within the community expressing grave concerns at the proposal and significant weight should be given to them. Anecdotal evidence, from parties that would rather raise concerns through Community Council meetings and such, also suggests significant concern over the proposal throughout the wider Yetholm Community.

I fully appreciate the number of objection comments is a small number in comparison to some other more recent applications in the Borders but, in the context of Yetholm, it is a significant number of objections. As far as I can ascertain from the online portal, there has never been such a level of objection to a proposal in Kirk Yetholm.

**Conclusion**

It's clear from the appeal documents the emotion tied to this application – I fully appreciate that. It is however a controversial application and that emotion must not be allowed to enter the debate.

Having studied the proposal, statutory consultation documents and the Officers determination report in great detail, I still cannot get the proposal to reconcile with numerous aspects of current planning policy. The professionals, whose duty it is to assess the application on behalf of the public, have all raised valid and well-founded concerns with regards archaeology, road safety, place making design and impact on the conservation area. With the exception of archaeology which can be conditioned, there is not a single attempt to resolve any of the statutory consultees or members of the public concerns. Instead, I feel the appeal documents generate conflicts with the determination report where they does not exist and attempt to distract those involved in the decision making process.

I cannot see how a dwelling of this scale, mass or form can do anything but harm the Yetholm Conservation Area. The proposal is not representative of current architecture so will add nothing to the history of development in the village. Rather, it will destroy and rob future generations of an irreplaceable space which is fundamental to the story, layout and characteristics of Kirk Yetholm.

I therefore, politely and respectfully, request the Committee dismiss the appeal.

Yours sincerely

Kristoffer Smith