

APPENDIX II

SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY DECISION NOTICE

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Local Review Reference: 20/00026/RREF

Planning Application Reference: 20/00537/FUL

Development Proposal: Formation of dormer

Location: 19 Myrescroft Road, Ancrum

Applicant: Mr & Mrs D Tully

DECISION

The Local Review Body upholds the decision of the appointed officer and refuses planning permission as explained in this decision notice and on the following grounds:

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

DEVELOPMENT PROPOSAL

The application relates to the formation of a dormer extension to a dwellinghouse. The application drawings and documentation consisted of the following:

Plan Type	Plan Reference No.
Location Plan	20-693-1002
Existing Layouts	20-693-PL-1001
Proposed Layouts	20-693-PL-2001

PRELIMINARY MATTERS

The Local Review Body considered the review, which had been competently made, under section 43A (8) of the Town & Country Planning (Scotland) Act 1997 at its meeting on 14th December 2020.

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

REASONING

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the relevant listed policies were:

Local Development Plan policies: PMD2 and HD3

Other Material Considerations

- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Privacy and Sunlight 2006

The Review Body noted that the proposal was for planning permission to form a dormer extension to a dwellinghouse at 19 Myrescroft Road, Ancrum.

Members firstly considered the scale, position and relationship of the dormer window with the property and the adjoining area. They noted that the applicants were of the opinion the proposal was necessary to achieve the additional accommodation required and they also noted the examples of double width dormers in St. Boswells provided by the applicants. However, Members also noted the presence of lesser width dormers in the same and adjoining streets nearby. Whilst there was some discussion on the appropriateness of single and double width dormers on the character of the properties, the Review Body ultimately agreed with the Appointed Officer that the proposed dormer was excessive in width and was both out of scale with the property itself and out of character with the more relevant and appropriate examples of dormer extensions nearby.

They considered that the width of the dormer did not follow the scale and design of the more appropriate local examples and was, thus, contrary to Policy PMD2 and guidance within the Placemaking and Design SPG. The width, prominent street frontage position and loss of the chimney all contributed to a feeling that the dormer would be overbearing, out of scale and character. Members agreed with the Appointed Officer that the proposed dormer was not acceptable and that, if the applicants wished to pursue the proposal, reduction in width would be necessary in any new application.

The Review Body then considered other issues relating to the proposal including materials and residential amenity. They concluded that the materials could be addressed by condition and that there was no issue with privacy or overshadowing, the frontage of the property being angled away from those properties opposite.

CONCLUSION

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

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

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
 2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.
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Signed.... Councillor S Mountford
Chairman of the Local Review Body

Date.....17 December 2020