

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 21/00448/FUL

APPLICANT : Mr Lee Albert Tickhill

AGENT :

DEVELOPMENT : Change of use of amenity land to garden ground and erection of bike/log store (retrospective)

LOCATION: Land East Of
15 Howdenburn Court
Jedburgh
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

| Plan Ref | Plan Type | Plan Status |
|-----------------|---------------------|--------------------|
| Location Plan | Location Plan | Refused |
| PLAN 4 | Proposed Plans | Refused |
| PLAN 3 | Proposed Elevations | Refused |
| PLAN 2 | Proposed Elevations | Refused |
| PLAN 1 | Proposed Elevations | Refused |

NUMBER OF REPRESENTATIONS: 2

SUMMARY OF REPRESENTATIONS:

Neighbours have been notified.

There was one support comment and one objection.

The objection cites road safety issues with visibility on this corner location and that the extension is not suitable for a residential area.

The support comments finds that the development does not impair vision at the junction.

Consultation:

Roads Planning: Object. The 'amenity area' in question is actually within the road boundary and it is not normal practice to support fences, or other obstructions, to be placed within the road verge. They can obstruct visibility associated with accesses, prevent services from being placed within the verge, prevent access for maintenance of existing services, interfere with the provision of additional infrastructure and be a source of danger should a vehicle be close enough to strike the item. The proposal does not comply with Policy PMD2 in terms of access and road safety.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD1 Sustainability
PMD2 Quality Standards

Placemaking and Design SPG 2010
Householder Development SPG 2006

Recommendation by - Euan Calvert (Assistant Planning Officer) on 5th August 2021

This is a retrospective application for a shed that has been constructed adjacent to a garage adjacent to the rear garden of 15 Howdenburn Court, 07/01283/FUL.

Plans and elevations have been submitted showing a pent roofed shed 1.5m x 1.5m in footprint, 2.4m in height. It is constructed from timber ranch style fencing and built adjacent to the gable of the garage. It features a monopitched felt roof. Within it is bicycle parking and a log store. The gates to the adjacent garden (of No 15) have been mounted on the corner of the structure. The gates, the adjacent fence line and this structure are just over 1m back from the roadside kerb.

The determining issue is whether this form of development can be accommodated without impact to roads safety or the character and appearance of the street scene.

Policies PMD2 and HD3 seek to ensure that building quality standards are maintained, and neighbouring residential amenity is protected, when considering development proposals.

Assessment

Size, Scale and Form

I am satisfied that the size and scale of development is not harmful to the character of the street scene. This is a small area of amenity grassland which is occupied by a streetlight standard. It has negligible value in terms of public amenity benefits but nevertheless the grass (service strip) provides some relief to the visual amenity of the residential street.

It is clear (from comparing recent aerial images with Google Streetview) that the fence boundaries of No15 and No16 have both been extended to include a portion of this grass strip. The extension of the fence is not subject of this application.

Amenity

I am satisfied that development will not significantly adversely impact amenity of neighbours. There are no privacy/overshadowing or loss of light issues (Policy HD3).

I conclude that this development can be accommodated without adverse impact on visual amenity of the area. Ranch fencing is the predominant material used in the surroundings and this addition is of little cumulative impact.

Road Safety and Design Standards

Serious concerns are however raised by the Roads Planning Officer that the amenity strip in question is within the road boundary. Roads Planning object and I agree that the choice of site and location is in direct conflict with road safety in this instance.

The structure obstructs visibility on this corner and prevents services/access for maintenance of existing services within this verge. Being within the roadside verge introduces a potential source of danger should a vehicle be close enough to strike the item.

The design is therefore not appropriate and does not satisfy road safety and design standards.

REASON FOR DECISION :

The development is not in accordance with Policy PMD2 (Quality Standards) of the Local Development Plan in that the choice of location does not satisfy road safety and design standards. The structure obstructs visibility on this corner therefore adversely impacts road safety. The choice of location prevents services/access for maintenance of existing services within this verge. Being within the roadside verge introduces a potential source of danger should a vehicle be close enough to strike the item. There are no material considerations which outweigh determining in accordance with the Local Development Plan and granting permission would set a dangerous precedent for similar developments in the locale.

Recommendation: Refused

- 1 The development is not in accordance with Policy PMD2 (Quality Standards) of the Local Development Plan 2016 in that the structure obstructs visibility on this corner and it is in close proximity to passing vehicles, adversely impacting on road safety. In addition, the siting of the structure within the road verge prevents new services from being installed and access for maintenance of existing services placed within the verge. Granting permission would set a dangerous precedent for similar structures in the road verge in the locale.

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