

APPEAL  
STATEMENT REF:  
21/01908/FUL

Alterations and Extension to Dwelling House  
and Formation of Access, East Lodge, Blyth  
Bridge, Scottish Borders.



Presented by  
Mr. Alasdair Mackenzie  
BSc Sustainable Environmental  
Management  
February 2022

# **CONTENTS**

Executive Summary

1.0 Site History & Context

2.0 Personal Statement

3.0 Proposal Summary

4.0 Reasoning for Refusal

5.0 Grounds for Appeal

6.0 Supporting Evidence

7.0 Conclusions

References / Core Documents



### Executive Summary

This statement is submitted by Mr Alasdair Mackenzie, the Appellant, against the decision of Scottish Borders Council to refuse Planning Permission for the alterations and extension to dwelling house and formation of access, East Lodge, Netherurd, Blyth Bridge on 25<sup>th</sup> January 2022 (reference 21/01908/FUL). All core documents are referenced in Appendix 1.

The proposal, the existing roof structure is leaking and riddled with woodworm and rot, resulting in the whole roof structure requiring to be replaced. As part of this renovation work to the existing building, it is proposed to raise the height of the wall head by approximately 1m to provide additional head height within the roof space to accommodate additional floor space for three bedrooms, a bathroom and en-suite. A new extension would be constructed to the rear of the existing property and to the gable end, to accomplish this, an existing old extension and old out buildings will be removed. A new access and 2 bay car parking will also be formed to the rear of the property.

### Reason for Refusal

There were three reasons given for the refusal of the Application.

#### Reason 1

- The first reason stated, “the development would be contrary to policy PMD2 of the Local Development Plan 2016 in that criterion i) requires that any extension or alteration is appropriate to the existing building. The proposed development is unsympathetic to both the existing building and the surrounding context in terms of **scale, form and materials**”.
- **The Appellant will present evidence that shows the scale, form of the application is appropriate and sympathetic to the existing building and that the materials to be used in construction are all approved in Scottish Borders Council Supplementary Planning Guidance Placemaking and Design 2010 section 4.4, Materials and Colours.**
- **No other applications for alterations or extensions to this dwelling have been granted within the current LDP period, so there is existing capacity for an extension.**

### **Reason 2**

- The second reason cited contradiction with Policy EP13 on the basis that “Furthermore, no account has been taken of the trees adjacent to the site meaning the proposal is also contrary to Policy EP13. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations”
- **None of the proposed works will have any negative impact on any trees. The Appellant will provide evidence which shows the closest tree to the site is 10m / 32 Feet away from the application site and it is highly unlikely the roots system will be affected in any way by this application, with no danger to this tree or any other trees.**
- **It is not stated in the guidance for completing the planning application form that such in depth investigation is required to be submitted with the application, as no trees or root systems will be affected and it is not stated as a requirement for application it was not submitted**

### **Reason 3**

- The third reason cited contradictions with Policy EP1 on the basis that “The development would be contrary to policy EP1 of the Local Development Plan 2016 and Biodiversity guidance in that the applicant has failed to prove that the development will not have an adverse effect on European Protected Species which may be present on the site. This conflict with the development plan is not overridden by other material considerations.”
- **Nowhere on the application form or in the guidance for completing said form does it state that information regarding European Protected Species is required to be submitted with the application. Nor does it explain what a European Protected Species (EPS) is, or that the applicant must prove the development will not have an adverse effect on a European Protected Species, nor does it state what type of proof is required or that an application will be refused without this information being included. The Appellant will provide evidence which will show this application will have no adverse effect on any EPS and that it is highly unlikely that any EPS is present on the site.**

The Local Review Body, having considered the detail contained within the Planning Application package, together with the information set out in this document, are respectfully requested to allow the Appeal and grant Full Planning Permission.



## **1.0 SITE HISTORY & CONTEXT**

- 1.1 The East Lodge was built in 1820 as a **second** Lodge house at the East entrance of the Estate of Netherurd. As shown in the 1856 map the **original form** of East lodge was much **larger L shaped** building and not the smaller rectangular building which is present today. The principle entrance to the Estate was the West entrance, this is evident in the fact the West Lodge house was built in 1790, 30 years before the East Lodge. It can be seen the two Lodges are of different date and build quality in the fact of the different type of stone used during construction and quality of the finish of the construction work on the two buildings.
- 1.2 Both East Lodge and West Lodge have the exact same original footprint of **82m<sup>2</sup>**. The West Lodge is a high-quality picturesque example of a lodge building with a high quality of construction all unified, cut and dressed sandstone blocks were used in construction with only an attic extension / alteration known to have been done to the original building. On the other hand, the East lodge has had parts removed / demolished and extensive low-quality repairs, additions and alterations carried out over the years. Such as the building previously having the wall head raised, roof replaced and 2 rear windows added, probably during the war years when materials such as sandstone and wood and skilled labour such as stone masons and joiners were in short supply. This is evident in the low quality of these works.
- 1.3 The existing lodge house is currently in a dilapidated state, with a rotten, leaking, structurally unsound roof riddled with woodworm and dry rot, resulting in the whole roof structure requiring to be replaced. There is also a large crack in one of the gable walls which needs repaired. The building has been vacant for 3 years, it has no kitchen and there has been no maintenance carried out within that time period, which has led to several burst pipes which caused flooding and major water damage to the property, such as the internal ceiling collapsing in the hallway and bathroom and the property now has damp rot, black mould and dry rot throughout making it uninhabitable.
- 1.4 The proposed sympathetic **alterations and extension** to the lodge house will upgrade the existing property, with the replacement of the rotten roof structure, bringing it up to modern standards in terms of structural integrity, insulation and thermal efficiency. An increase to the size of living accommodation to provide an open plan living space and additional first floor bedroom accommodation, upgrades the building from a modest one-bedroom property to a more usable, three-bedroom family home. The refurbishment and upgrade of the existing lodge house **will restore** and improve the overall visual appearance of the existing structure, whilst forming a more modern family friendly home.
- 1.5 The map and pictures below show the original, **larger L shaped** building, low-quality building repairs and alteration, which have been carried out over the years and show the current dilapidated, uninhabitable state of the property.



**Picture 1:** - The original East Lodge circled in red, as shown on 1856 map. Note the L shape to the building and the out building to the rear which is not attached. This shows the original building was larger and had a completely different **original Form** but has been extremely altered since its first construction.



**Picture 2:** - East Lodge



**Picture 3:** - West Lodge





**Picture 4:** - Crack in gable wall



**Picture 5:** - Area where east gable wall head has been raised



**Picture 6:** - Clearly visible area where West gable wall head has previously been raised





**Picture 7:** - Area above front left-hand side window where wall head has previously been raised



**Picture 8:** - Corner stones have been raised



**Picture 9:** -Area above front right-hand side window where wall head has previously been raised.





Picture 10



Picture 11

Picture 10 & 11 above show the scar of where the rear wall has been altered to accommodate 2 rear facing windows and where the wall head has previously been raised. This is **clearly visibly** by the low-quality work and the fact a **totally different colour of stone** was used





**Picture 12**



**Picture 13**

Picture 12 and 13 above shows the leaking ceiling in the sitting room and water damage caused by it



**Picture 14:** - Leaking kitchen roof



**Picture 15:** - Black mould throughout property



**Picture 16**



**Picture 17**

Picture 16 & 17 above shows another type of mould spreading in the property





**Picture 18:** - Collapsed ceiling caused by burst water pipe and water damage.



**Picture 19**



**Picture 20**



**Picture 21**

**Pictures 19,20 & 21** above shows the dilapidated and unsafe state of the roof with rot and wood worm throughout. The white colour on the wood is dry rot.

## **2.0 PERSONAL STATEMENT**

When I first saw East Lodge, I fell in love with both the existing building and its peaceful location within the Scottish Borders. I saw the building had been uninhabited and neglected for the last few years and was in great need of maintenance and extensive repair to bring it back to its former glory, but I was not afraid to take this on and in the process add an extension to create a first time, family home for myself.

To ensure that the alterations and extension I had envisaged for the property were appropriate I looked at the current LDP and the policies therein, supplementary planning guidance and some recent planning application within close proximity to the East Lodge application site, all were similar to what I was wanting to undertake, in respect to the age, location and construction of the existing buildings, materials used in construction and scale and form of the proposed extensions, all of which will be elaborated further within this appeal document.

With all this information and using the guidance from the Scottish Borders Council during the design phase the plan shown was created, with the rationale for each of the aspects such as materials, design, style, scale and form all taken into careful consideration before the application was submitted.

The lodge is definitely not of high quality as it has been vastly changed from the original building. The building was originally a larger L shaped building, as shown in the 1856 map. At some point, a part was demolished leaving a rectangular shaped building, as seen today. There has been rough and unprofessional work carried out including raising the wall head and adding 2 rear facing windows. All of this would be corrected by me.

The building has been unoccupied for 3 years now and has not been maintained in that time, as a result the roof is leaking in each room and is only one of the reasons why it needs to be replaced, there is a large crack running up one of the gable walls in need of desperate repair, there were numerous burst water pipes in the building 2 years ago which caused a huge water leak in the house resulting in 2 internal ceilings collapsing and causing black mould, damp rot, dry rot to spread throughout, due to this the building is currently uninhabitable and would require stripped back to the walls and roof replaced. At the same time to be cost effective, it is proposed the wall head will be raised and an extension added.

Architecturally the historic interest of the building will not change, after the extension is added it will still be called East Lodge and stated on maps as such and will still be in the same location. Thanks to the rational thought put in during the design process it will allow the historic and modern phases of the building remain legible to the general public. The proposed design will help to repair and restore the historic aspect of the existing building and will bring it up to modern standards regards insulation and thermal efficiency. This will help make it more efficient and sustainable as within council policy. **If the planning authority had raised their concerns with myself or my agent, and afforded the opportunity to address them I would have provided the evidence set out in this appeal document which clearly supports the grounds for the application to have been allowed.**

**I thought the whole point of the Planning Authority was to ensure a fair measurable, consistent approach to the application process for all. In relation to the East Lodge application this is not the case as this application was not afforded the same opportunity as others, as set out in this appeal document.**

### **3.0 PROPOSAL SUMMARY**

1. This statement in support of Local Review is submitted to the Scottish Borders Council by the Appellant Mr Alasdair Mackenzie, against the delegated decision to refuse to grant Planning Permission in Full for alterations and extension to dwelling house and formation of access, East Lodge, Netherurd, Blyth Bridge.
2. The appeal site lies at the East entrance to the Estate of Netherurd, Blyth Bridge and covers an area of about 800m<sup>2</sup>. The existing building of East Lodge is currently in a dilapidated state, with a rotten, leaking, structurally unsound roof riddled with woodworm and dry rot, resulting in the whole roof structure requiring to be replaced. The building has been vacant for 3 years with little or no maintenance having been carried out, which has led to several burst pipes which caused flooding and major water damage within the property, such as the internal ceiling collapsing in the hallway and bathroom and the property now has damp rot, black mould and dry rot throughout making it uninhabitable.
3. The sites South and West boundary are with the Netherurd Estate. The North boundary of the site is with Netherurd Mains Farm and the East boundary is with a C class road.
4. The proposal is to construct a new extension to the rear of the existing property and to the gable end, to accomplish this an existing old extension and old out buildings will be removed. The existing roof structure is leaking and riddled with woodworm and rot, resulting in the whole roof structure requiring to be replaced. As part of the renovation works taking place to the existing building It is also proposed to raise the height of the roof by approximately 1m to provide additional head height within the roof space to accommodate additional floor space for three bedrooms, a bathroom and en-suite. Also, a new access and 2 bay car parking will be formed.
5. The four closest neighbours to the property were informed of the application by letter and no objections were received.
6. Four statutory consultees were approached for a response, of the four only the Heritage and Design officer objected and those objections were submitted after the cut-off date for representation of 29/12/21 as stated by the Planning Authority in the letter dated 8/12/21. There is no evidence of the HDO asking for extension of time.
7. The remainder of this statement considers the relevant planning policy, before evaluating the accordance of the appeal proposal with the Local Development Plan, current Supplementary Guidance and other material considerations.

#### **4.0 REASONING FOR REFUSAL**

Planning Application 21/01908/FUL was refused on 25<sup>th</sup> January 2022. The Decision Notice cited three reasons for refusal, set out below.

- 1) "The development would be contrary to **Policy PMD2** of the Local Development Plan 2016 in that criterion i) requires that any extension or alteration is appropriate to the existing building. The proposed development is unsympathetic to both the existing building and the surrounding context in terms of **scale, form and materials**".
- 2) "No account has been taken of the **trees** adjacent to the site meaning the proposal is also contrary to **Policy EP13**. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations".
- 3) "The development would be contrary to **Policy EP1** of the Local Development Plan 2016 and Biodiversity guidance in that the applicant has failed to prove that the development will not have an adverse effect on **European Protected Species** which may be present on the site. This conflict with the development plan is not overridden by other material considerations."

#### **4.1 Policy PMD2**

Policy PMD2 relates to Quality Standards for any new development, PMD2 is further broken down into 4 subsections; Sustainability, Placemaking and Design, Accessibility and Green / Open Space and Biodiversity. Each subsection then has respective Criteria, in total over the 4 subsection there are 21 Criteria listed a) through u).

Criteria i) states "it is of **scale, massing, height and density** appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building"

The refusal stated *Criteria i)* requires that any extension or alteration is appropriate to the existing building. The proposed development is unsympathetic to both the existing building and the surrounding context in terms of **scale, form and materials**.

The Appellant's submission is that the application was made in accordance with *Criteria i)* in that the application is of **scale, massing, height and density** appropriate to its surroundings and the extension will be appropriate to the existing building in relation to scale, form and materials. **The application is also in accordance with Criteria (a), (d), (e), (f), (g), (h), (j), (k), (l), (m), (n), (s) and (u) of Policy PMD2.** The remaining 7 Criteria (b), (c), (o), (p), (q), (r) and (t) are not considered to be applicable or relevant to the application.



#### **4.2 Policy EP13**

LDP 2016 Policy EP13 refers to trees, woodlands and hedgerows

It States "The council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweighs the loss of landscape, ecological, recreational, historical or shelter value"

"Any development that may impact on the woodland resource should":

- a) Aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability
- b) Where there is an unavoidable loss of woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders
- c) Adhere to any planning agreement sought to enhance the woodland resource

The Appellant's submission is that nowhere on the application form does it ask for evidence if a tree **will be lost or damaged**. As the closest tree is 10m / 32Feet away from the application site, this application will not have an adverse impact on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability

**This application will not create an unavoidable loss of woodland resource.**

**There has been no planning agreement sought to enhance the woodland resource in relation to this site.**

**The above shows the application is not contrary to EP13, no trees are to be affected by the application.**

#### **4.3 Policy EP1**

Policy EP1 International Nature Conservation sites and Protected Species States

Development proposals which will have a likely significant effect on a designated or proposed Natural site, which includes all RAMSAR sites, are only permissible where:

- a) An appropriate assessment has been demonstrated that it will not adversely affect the integrity of a site.
- b) There are no alternative solutions.
- c) There are imperative reasons of overriding public interest including those of a social or economic nature.

It continues,

Where a development proposal is sited where there is a likely presence of a European Protected Species, the planning authority must be satisfied that:

- a) There is no satisfactory alternative
- b) *The development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of a primary importance to the environment*
- c) The development is not detrimental to the maintenance of the population of an EPS at a favourable conservation status in its natural range.

**The Appellant's submission is that as the site is neither a designated, or proposed Natural site and is not a RAMSAR site, and there is no evidence of a likely presence of an EPS. No part of the legislation stated above has any relevance to the East Lodge application.**

The Appellant's submission is that **nowhere** on the application form or in the guidance for completing said form does it state what a European Protected Species (EPS) is, or that the applicant must prove there is not a likely presence of an EPS or that development will not have an adverse effect on a EPS, nor does it state what type of proof is required.

## **5.0 GROUNDS FOR APPEAL**

The decision of the Planning Authority to refuse the Application is challenged on the basis of the Grounds of Appeal set out below. It is the submission of the Appellant that the proposal accords with the relevant adopted national and strategic planning policies and the policies of the Local Development Plan and Supplementary Guidance.

### **GROUND 1**

The proposed application **IS** of **scale** and **form** and choice of **materials** is appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building. The **materials** to be used in construction **are all approved** in Scottish Borders Council Supplementary Planning Guidance Placemaking and Design 2010 section 4.4, Materials and Colours.

### **GROUND 2**

The proposed application will **NOT** cause the loss of, or serious damage to the woodland resource or cause the loss of landscape, ecological, recreational, historical or shelter value”

### **GROUND 3**

The proposed application will **NOT** have a likely significant effect on a designated or proposed Natural site, which includes all RAMSAR sites. **NOR** is the development proposal sited where there is a likely presence of a European Protected Specie

### **GROUND 4**

The Planning Authority considered in the decision process an Inaccurate representation which was made by the Heritage and Design officer consultee. This representation was flawed as the HDO **obviously thought and stated** the extension to be a **2-story extension** when in fact it would see **only 1m** added to the wall head making it **only a story and a half** when finished. The representation had also clearly been made **after the cut-off date** for representation set by the planning authority.



### **5.1 GROUND 1**

**THE PROPOSED APPLICATION IS OF SCALE, FORM AND MATERIALS APPROPRIATE TO ITS SURROUNDINGS AND, WHERE AN EXTENSION OR ALTERATION, APPROPRIATE TO THE EXISTING BUILDING.**

#### **Policy PMD2**

The Planning Authorities recommendation stated

"The key policy against which this proposal is assessed is PMD2. The most relevant standard for this proposal is Criteria i)"

It states;

"The development would be contrary to policy PMD2 of the Local Development Plan 2016 in that criterion i) requires that any extension or alteration is appropriate to the existing building. The proposed development is unsympathetic to both the existing building and the surrounding context in **terms of scale, form and materials**".

It is the Appellants position that as **massing, height or density**, of the extension were not quoted as grounds for refusal it can be assumed **these are appropriate to the existing building and proposed extension and in accordance with Policy PMD2 and Criteria i)**.

The Appellant will present evidence which will show the proposed application is of appropriate **scale, form and materials** to the existing building and context.

#### **Scale**

In architecture **Scale** refers to an items **size in relation to something else**. In the term of the refusal the Planning Authority feels the extension is not of scale to the existing property. This could be seen as true **until** you take into **consideration the alteration** part of the application, which is to **raise the existing buildings wall head by only 1m** thus the **end result is the existing building and the extension** will be of the same scale.

The current **Guidance on Householder Permitted Development Rights** for what is allowed **without planning permission**, as stated on the Planning Authority's website. This would allow the increase size of the existing building the requested **101m<sup>2</sup>** as long as it was only 4m high and did not protrude from the rear wall by more than 4m and the area of the extension was less than **50% of the rear curtilage**. The 4m restrictions do not apply to the side of a building as long as the extension does not protrude beyond the line of the rear elevation and is no more than 4m high.

The following calculation is used to determine the % of the rear curtilage which would be used and is supplied by the council.

Proposed Extension Size + Size of any existing out buildings this is then divided by:-

Size of rear curtilage – Size of existing building. This number is then multiplied by 100

**The calculation for the East Lodge application is;**

The size of the proposed extension (101m<sup>2</sup>) plus the size of the existing garage (13.6m<sup>2</sup>) and shed (16.5m<sup>2</sup>), this is then divided by the size of the rear curtilage (620.5m<sup>2</sup>) minus the size of the original house (82m<sup>2</sup>) which is (540.5m<sup>2</sup>). That number is then multiplied by 100 this gives the % of the rear curtilage covered by developed area.

$$131\text{m}^2 / 540.5\text{m}^2 \times 100 = \mathbf{24.23\%}$$

So, a single-story wrap around extension of 101m<sup>2</sup>, the same scale as the proposed application, would only take up **24.23 %** of the rear curtilage and would be allowed **without planning permission** so long as the 4m rules were adhered to. In fact, the maximum permissible without planning permission would be **double 101m<sup>2</sup>** as that would only take up 48.46% of the rear curtilage.

A wraparound extension as explained above could be achieved by extending on the South East side of the property, but this would mean moving the septic tank and out flow for the property, digging into the banking at the south side of the building and coming within close proximity to the tree and its root system, so is unfeasible. Extending into the rear garden and **raising** the height of the original building by **only 1m** as shown in the application is *more compact, cost effective, sympathetic and appropriate to the existing building and is the most cost-effective way to achieve a good usable family home.*

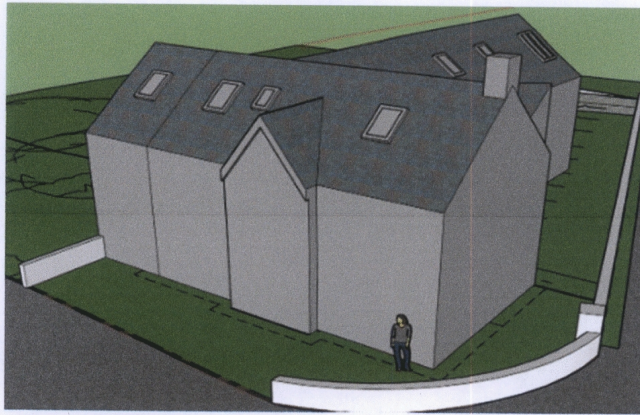
The reason why planning permission was sought, the application was for a height of 7.5m which is higher than the permitted 4m rule and would protrude more than 4m from the rear wall of the property

**Nowhere** in the 2016 LDP, Scottish planning Policy, National Planning Framework, Planning Advice Notes and Supplementary Planning Guidance, Placemaking and Design 2010 does it state a definitive permissible size, scale or form for an extension.

When the alterations to the existing building to add only **1m** to the wall head are taken into consideration **the Scale** of the extension will be appropriate and sympathetic to the original building, as allowed by planning Guidance Placemaking and Design 2010 section 4.4. The height of the extension is larger than that of the existing building as it stands today, but as already stated the **alterations to add only 1m to the wall head** of the existing building would bring the extension and it **to the same roof height and Scale.**

The alteration part of the application being that of removing the existing buildings roof which is rotten, infested with wood worm, damp and dry rot, so in any case need to be replaced, it was proposed the wall head would be raised by **only 1m** at the same time as adding the extension to help accommodate an attic conversion. Doing all the work at the same time is more sustainable and economical and will help future proof the home, ensure the original building is repaired, restored and brought up to current modern legislation regarding insulation and thermal efficiency. As was shown in the side elevation plan and stated within the accompanying design statement. **When works are complete both the existing building and extension would be of equal height and will have similar dimensions, this shows that the extension will be appropriate and sympathetic to the original building in terms of Scale,** contrary to the planning authorities' decision.





**Picture 22:** - This 3D sketch shows once work is complete both existing building and extensions will be of the same **SCALE**

### **Form**

**Form** refers to the **shape** or configuration of a building. In terms of the refusal the Planning Authority feels the extension is an unsympathetic **form, shape**, to the existing building. As the existing buildings **form, shape** is that of a **rectangle** measuring **6.5m X 10.5m** and the **proposed extension is a rectangle** measuring **6.2m X 12.6m**, the **form, shape** of the two are very nearly identical. Ergo the **form, shape** of the proposed extension is sympathetic to the existing building as they are both **rectangles** and are set at 90° to each other. As shown in **Picture 22** above.

The existing building covers **82m<sup>2</sup>**, the proposed extensions will cover a total area of **101m<sup>2</sup>**, this is only **19m<sup>2</sup>** larger than the existing building,

The proposed extensions are 2 separate definitive parts

- 1) The main rear extension which will contain the porch, dining room and sitting room. Above will contain a bathroom bedroom and hallway.
- 2) A very small side extension which will become a laundry room and above will accommodate part of a bedroom.

The footprint of the proposed, main rear extension is **85m<sup>2</sup>**, this is only **3m** larger than the original buildings footprint, the dimensions of the existing building are **6.5m X 10.5m**, the proposed rear extension dimensions are **6.2m X 12.6m** there is only a **2m** difference in length and both are **rectangular** in shape, so the proposed rear extension is **very clearly identical in form, sympathetic and appropriate to the existing building**.

The footprint of the small side extension which is to be the laundry room and will replace the existing garage is **16m<sup>2</sup>**. The existing garage footprint is **13.6m<sup>2</sup>**, this extension will only be **2.4m** larger than the existing garage. This extension will adjoin the gable end of the existing building and will be no wider than it. The dimensions of the existing garage are **2.6m X 5.2m**, the proposed side extensions dimensions are **2.6m X 6.2m**, both are **rectangular** in shape. So again, this extension is **nearly identical in form, sympathetic and appropriate to the existing garage it will replace**.

## **Materials**

The Planning Authority mentions **materials** as part of the grounds for refusal.

Prior to submitting planning, guidance was sought from the Supplementary planning Guidance Placemaking and Design 2010 section 4.4 pages 61 through 70 Materials and Colours. It states; -

“New design should avoid excessive and arbitrary changes in material – a change in material should have a clear rationale. Sandstone is used prolifically throughout the Borders with local quarries supplying a wealth of colours and textures: vivid reds and yellows and cream coloured buildings are evident in settlements such as Melrose, St Boswells and Jedburgh, in the Central Borders, and in Greenlaw and Coldstream, in Berwickshire”

The application shows materials have been taken into consideration, with the lower half of the proposed extension to be finished in reclaimed, mixed sandstone. The rationale behind using a reclaimed, mixed colours sandstone instead of red sandstone like the existing building is to produce a clearly visible distinction between the existing building and extension helping to show the progression of the buildings continued history and also using reclaimed stone is more sustainable.

### **Supplementary planning Guidance Placemaking and Design 2010 section 4.4 further states**

The use of timber in buildings within the Scottish Borders can provide numerous benefits. Timber as an external finish can provide a high quality, natural finish provided it is sensitively designed and detailed. Timber used in such a way can work well when used either on its own or alongside other materials such as stone or render.

Again, this has been taken into consideration during the design phase. The extra 1m to be raised from the existing wall head to help convert the attic space into a usable upstairs for the house is shown in the plans as being finished in vertical larch boards. The rationale behind this are two fold.

- 1) To again show a visible distinction between the existing building and the extra 1m to be added to the wall head.
- 2) Using a lighter weight material such as timber to clad the extra 1m added to the wall head allows for more rapid heating and cooling of the building as it is more responsive to external temperature variations and will maximise energy efficiency and minimise the use of unsustainable resource within the building

### **Supplementary planning Guidance Placemaking and Design 2010 section 4.4 continues;**

Slate is probably the most common roofing material in the Scottish Borders evident today. The majority of it originally came from North Wales, however slate now comes from much further afield, including China and Spain which have their own embodied energy. The quality and colour of the slate is influential to the roofscape within towns and blue/purple Welsh slate is generally the dominant material in town centres

The roof of the application was to be finished in slate as stated in the application form and the accompanying design statement, as this is what is on the existing building and is recommended in the Supplementary planning Guidance Placemaking and Design 2010 section 4.4. At no point did the planning authority try to enter into dialogue with myself or my agent to raise their concerns about the use of these materials.

The Appellant is surprised the Planning Authority for the Scottish Borders region would object to the use of slate, sandstone and timber as building material as this is contrary to its own guidance given

in Supplementary planning Guidance Placemaking and Design 2010 section 4.4. All the building material chosen for the application site are all shown to be the recommended choices for building materials within the Scottish Borders area and are coherent to the existing building.

It has been shown that the application has had considered thought of the choice of materials to be used in construction, throughout the design phase. The rationale for which is explained above by using the **Scottish Borders Councils own Supplementary planning Guidance Placemaking and Design 2010 section 4.4**

Is the Planning Authority refuting that these are acceptable material to be used in the borders contrary to what is stated in its own guidance?

## **5.2 GROUND 2**

**THE PROPOSED APPLICATION WILL NOT CAUSE THE LOSS OF, OR SERIOUS DAMAGE TO THE WOODLAND RESOURCE OR CAUSE THE LOSS OF LANDSCAPE, ECOLOGICAL, RECREATIONAL, HISTORICAL OR SHELTER VALUE"**

### **Policy EP13**

In relation to Policy EP13 the recommendation stated, "Furthermore, no account has been taken of the trees adjacent to the site meaning the proposal is also contrary to Policy EP13. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations"

*LDP 2016 Policy EP13 refers to trees, woodlands and hedgerows*

It States "The council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweighs the loss of landscape, ecological, recreational, historical or shelter value"

"Any development that may impact on the woodland resource should":

- d) Aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability
- e) Where there is an unavoidable loss of woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders
- f) Adhere to any planning agreement sought to enhance the woodland resource

**This application will not have an adverse impact on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability.**

**This application will not create an unavoidable loss of woodland resource.**

**There has been no planning agreement sought to enhance the woodland resource in relation to this site.**

**The above shows the application is not contrary to EP13, no trees are to be affected by the application, so why was Policy EP13 used as grounds for refusal.**



**Policy EP13** is heavily designed in relation to large scale housing developments which may require the loss of large amounts of woodland resources, the East Lodge application is not a large-scale development, and the application will not cause, loss or serious damage to any woodland resources, on the scale of which Policy EP13 was designed. The single tree which is closest to the application site is 10m away / 32Feet, is located on top a banking higher than the property and has an existing retaining wall and concrete garage floor between its root system and the application property.

The Appellant has a HND in Amenity Horticulture and Landscape Design and a BSc degree in Sustainable Environmental Management, worked in the landscaping and arboriculture industry for 15 years and has family experience of over 70 years in the timber industry and tree felling.

A trees root system is measured by measuring the circumference of the trunk then multiply the diameter by 1.5 feet. The closest tree to the site is **10m / 32 Feet away** from the application site, its diameter is 2.7 feet, so the calculation for the tree at East lodge is  $2.7 \times 1.5 = 4.05$  Feet. This means the trees root system spreads outwards **4.05 Feet** from the centre of the trunk.

As the tree in question is **32 Feet** away from the application site, and as shown the root system only protrudes 4.05 Feet, this shows the roots system will not be affected by this application, with no danger to this tree or any other trees.

This calculation is quite simple and you would think something the Planning Authority would use to assess if a tree was possibly in danger before using a policy like EP13 which is not relevant to the application.

If the Planning Authority had sent an officer to visit the site or entered into a dialogue with either the agent or the Appellant it would have been clear to them that no trees or their root systems will be affected in any way by this application and Policy EP13 would not have been quoted for refusal.

The reason no information was given regards the trees, it is not stated in the guidance for completing the planning application form that such in depth investigation is required, as no trees or root systems will be affected and it is not stated as a requirement for application it was not submitted.

If this information is so important that the application would be refused, why is it not asked for by the Planning Authority as a mandatory part of the application process. If the Planning Authority is accepting fees knowing an application will fail without this information being submitted and do not inform the applicant of this fact, this is surely a very questionable practice.

If there is such concern about the trees and root system why did the Planning Authority suggest to the Roads Consultee, to move the parking to the south east, the very area where the trees are. To create parking spaces here, not only would it require the re location of the septic tank for the property and its out flow to somewhere else. The banking would have to be excavated in close proximity to the very trees in question and their root. This shows no thought for and is contradictory to the very policy EP13 which was quoted and used for refusal.



**Picture 23:** - Trees closest to the application site.



**Picture 24**

Picture 24 above shows the area Planning Authority suggested to create parking, the septic tank for the property is underneath the pallets and digging out the banking would undoubtedly be *dangerously close to the trees root system.*

Given that the Planning Authority could have sent an officer to visit and service the application site and trees in question but did not, that information regarding the tree in question was available and *could have been supplied but was not requested by the planning authority, or that it is not a mandatory part of the application form, is a failing on the Planning Authority's behalf and should not have been grounds for refusal without first giving the Appellant the chance to supply the information.*



### 5.3 GROUND 3

**THE PROPOSED APPLICATION WILL NOT HAVE A LIKELY SIGNIFICANT EFFECT ON A DESIGNATED OR PROPOSED NATURAL SITE, WHICH INCLUDES ALL RAMSAR SITES. NOR IS THE DEVELOPMENT PROPOSAL SITED WHERE THERE IS A LIKELY PRESENCE OF A EUROPEAN PROTECTED SPECIE.**

#### Policy EP1

Regarding Policy EP1 the recommendation stated "The development would be contrary to policy EP1 of the Local Development Plan 2016 and Biodiversity guidance in that the applicant has failed to prove that the development will not have an adverse effect on European Protected Species which may be present on the site. This conflict with the development plan is not overridden by other material considerations."

Policy EP1 International Nature Conservation sites and Protected Species States

Development proposals which will have a likely significant effect on a designated or proposed Natural site, which includes all RAMSAR sites, are only permissible where:

- d) An appropriate assessment has been demonstrated that it will not adversely affect the integrity of a site.
- e) There are no alternative solutions.
- f) There are imperative reasons of overriding public interest including those of a social or economic nature.

**It is the Appellants position that the site is neither a designated, or proposed Natural site and is not a RAMSAR site no part of the legislation stated above has any relevance to the East Lodge application.**

*It continues,*

Where a development proposal is sited where there is a likely presence of a European Protected Species, the planning authority must be satisfied that:

- d) There is no satisfactory alternative
- e) The development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of a primary importance to the environment
- f) The development is not detrimental to the maintenance of the population of an EPS at a favourable conservation status in its natural range.

**This part of the policy is designed for a situation where an application is a large development of several houses. This would require a pre application Environmental Impact Assessment (EIA), to help identify if it seems likely an EPS may be present, suggests it to likely be in very close proximity to or on a large application site.**

Steps a) through c) are guidance on what criteria must be met to allow such an application to proceed. It is the appellants position, as the East Lodge application was not a large-scale development which required an EIA, the above again has no relevance.

**Nowhere on the application form or in the guidance for completing said form does it state what a European Protected Species (EPS) is, or that the applicant must prove the development will not have an adverse effect on a European Protected Species, nor does it state what type of proof is required. Indeed, it is feasible to assume an EPS may be present on every site in Scotland.**



Although it is not a mandatory requirement, this is how the Appellant checked if an EPS is likely present.

Nature Scotland which is Scotland's official Nature agency holds a list of all animals considered to have EPS status in Scotland.

There are 29 animals on the list of the 29, 4 have never been recorded or sighted in Scotland, of the 25 remaining species 9 are animals such as dolphins, porpoises, water turtles and a sturgeon. As the application is not at the bottom of a sea these species can be ruled out as being present on site.

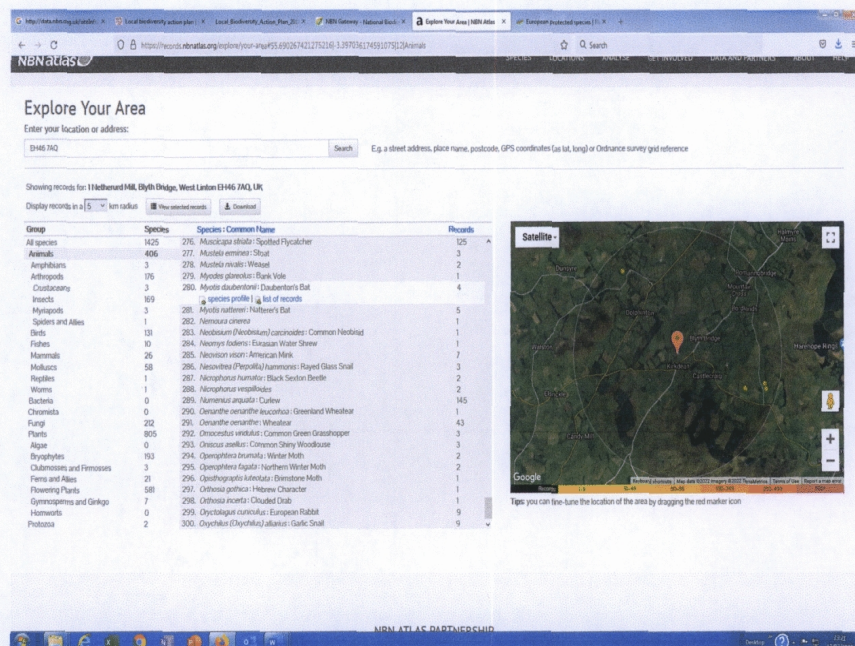
The remaining 16 were checked against the National Biodiversity Network, this organisations website holds a list on every species of animal, fungi, insect, plant, algae, bacteria to be recorder in the UK and the NBN Atlas has maps on where they are present. Of that 16 I could only find 2 which have been recorded within a 5km radius of the house as shown in the screen shots below.

The screenshot shows the NBN Atlas 'Explore Your Area' page. The search bar contains the address 'EH46 7AQ'. Below the search bar, it says 'Showing records for: 11 Hethland Mill, Blyth Bridge, West Lothian EH46 7AQ, UK'. A table lists various species groups and their records. To the right of the table is a satellite map showing the location of the site. A red arrow on the map points to the application site, and yellow dots indicate recorded activity of EPS, which is over 5km away.

Group	Species	Species - Common Name	Records	
All species	1425	276	Muscicapa striata: Spotted Flycatcher	125
Amphibians	466	277	Musca domestica: Housefly	3
Amphibians	3	278	Musca domestica: Housefly	2
Arthropods	176	279	Myotisotis: Bank Vole	1
Chordata	3	280	Myotisotis: Bank Vole	4
Insects	159	281	Myotisotis: Bank Vole	5
Myriapods	3		species profile: full of records	
Spiders and Allies	1	282	Myotisotis: Bank Vole	1
Birds	131	283	Neobuccinum (Netherlands) caracoides: Common Neobird	1
Fishes	10	284	Neobuccinum (Netherlands) caracoides: Common Neobird	1
Mammals	26	285	Neobuccinum (Netherlands) caracoides: Common Neobird	7
Molluscs	58	286	Neobuccinum (Netherlands) caracoides: Common Neobird	3
Reptiles	1	287	Neobuccinum (Netherlands) caracoides: Common Neobird	2
Worms	1	288	Neobuccinum (Netherlands) caracoides: Common Neobird	2
Beetles	0	289	Neobuccinum (Netherlands) caracoides: Common Neobird	145
Chromista	0	290	Neobuccinum (Netherlands) caracoides: Common Neobird	1
Fungi	212	291	Neobuccinum (Netherlands) caracoides: Common Neobird	43
Plants	805	292	Neobuccinum (Netherlands) caracoides: Common Neobird	3
Algae	0	293	Neobuccinum (Netherlands) caracoides: Common Neobird	3
Bryophytes	153	294	Neobuccinum (Netherlands) caracoides: Common Neobird	2
Culmiformes and Firmosites	3	295	Neobuccinum (Netherlands) caracoides: Common Neobird	2
Ferns and Allies	21	296	Neobuccinum (Netherlands) caracoides: Common Neobird	1
Flowering Plants	581	297	Neobuccinum (Netherlands) caracoides: Common Neobird	1
Gymnosperms and Ginkgo	7	298	Neobuccinum (Netherlands) caracoides: Common Neobird	1
Herpetiles	0	299	Neobuccinum (Netherlands) caracoides: Common Neobird	9
Protists	2	300	Neobuccinum (Netherlands) caracoides: Common Neobird	9

Map showing the closest known location of the 1<sup>st</sup> of the EPS. The Red arrow indicates application site, the Yellow dots show recorded activity of EPS, which is over 5km away.





Map showing the known location of the 2<sup>nd</sup> of the EPS. The Red arrow indicates application site, the Yellow dots show recorded activity of EPS which is over 5km away.

As you can see from the 2 maps above, no EPS activity has been recorded within 5km of the application site. The Appellant has shown with the evidence presented that there is **no likely** presence of an EPS on the application site, due to this fact **no part of Policy EP1 has any relevance to the East Lodge application.**

Once again, if this information is so important that an application will be refused as in the East Lodge application, why does the Planning Authority not ask for it as a mandatory part of the application process, not only for full planning applications but also for extension and modification which do not require planning permission. It is not only feasible but also logical to assume an EPS may be present on every site in Scotland.

The Planning Authority was very quick to contact the agent when there was a mistake with the payment of the application fee but the planning authority **at no time** asked the agent or the Appellant for any information regarding Policy EP1.

If the Planning Authority is so concerned about the likely presence of an EPS why was neither the agent or Appellant contacted and ask for the relevant information and afforded the opportunity to provide it. If a more rigorous survey was required then one could have been commissioned. A search of *planning application history for the local area* shows *no applications for alterations and extensions* where these were included with the initial application form. In all circumstances the planning authority has opened dialogue with the applicant and asked for it at a later stage.

The information regarding the likely presence of an EPS is available on line as shown above and could have been checked by the Planning Authority quiet easily, but was not. Neither was it requested by the Planning Authority, nor is it a mandatory part of the application form. This all a failing on the Planning Authorities behalf and should not have been grounds for refusal without first giving the Appellant the chance to supply such information.



#### 5.4 GROUND 4

THE PLANNING AUTHORITY CONSIDERED IN THE DECISION PROCESS INACCURATE REPRESENTATION WHICH WAS MADE BY THE HERITAGE AND DESIGN OFFICER CONSULTEE AND WAS CONSIDERED IN THE DECISION PROCESS. THIS REPRESENTATION WAS FLAWED AS THE HDO OBVIOUSLY THOUGHT AND STATED THE EXTENSION TO BE A 2-STORY EXTENSION WHEN IN FACT IT WOULD SEE ONLY 1M ADDED TO THE WALL HEAD MAKING IT ONLY A STORY AND A HALF WHEN FINISHED. THE REPRESENTATION HAD ALSO CLEARLY BEEN MADE AFTER THE CUT-OFF DATE FOR REPRESENTATION SET BY THE PLANNING AUTHORITY.

### PLANNING CONSULTATION

To: Heritage & Design Officer

From: Development Management

Date: **8th December 2021**

Contact: Ranaid Dods ☎ 01835 825239

Ref: 21/01908/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 29th December 2021. If further time will be required for a reply please let me know. **If no extension of time is requested and no reply is received by 29th December 2021, it will be assumed that you have no observations and a decision may be taken on the application.**

Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.

**Name of Applicant:** Mr Alasdair McKenzie

**Agent:** Camerons Strachan Yuill Architects

**Nature of Proposal:** Alterations and extensions to dwellinghouse and formation of access

**Site:** East Lodge Netherurd Blyth Bridge West Linton Scottish Borders EH46 7AQ

---



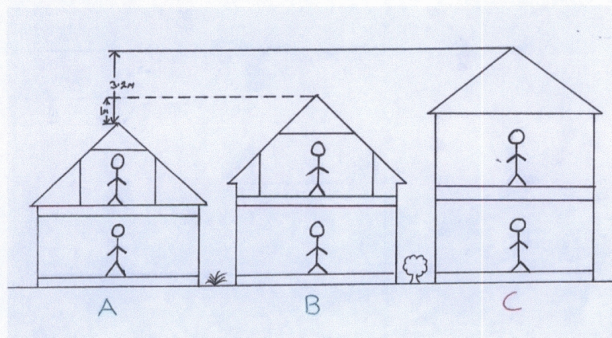
## CONSULTATION RESPONSE TO PLANNING OR RELATED APPLICATION



Comments provided by	SR Heritage & Design Officer	
Date of reply	5/1/2022	
Planning Application Reference	21/01908/FUL	Case Officer: RD
Proposed Development	Alterations and extensions to dwellinghouse and formation of access	
Site Location	East Lodge, Netherurd, Blyth Bridge, EH46 7AQ	

As is shown in the Planning Authorities' letter above, the planning authority requested a response from the Heritage and Design officer **no later than 29<sup>th</sup> December 2021**, if further time was required the consultee must **inform the planning authority**. As no letter was received requesting further time for representation and the reply, as shown above, was made **after the 29<sup>th</sup> December 2021** the planning authority should not have taken into consideration the HDOs comments.

It was clearly the HDOs response which was quoted and used by the planning authority to form the basis for ground of refusal regarding **scale, form and materials** as these were the terms used and objections raised by the HDO in their report. This representation is inaccurate and flawed as the HDOs report is clearly based on the thought that the extension is to be **2 story** when it is **not**, the application is for adding only **1m** to the wall head. **A 2-story building would be of a much larger scale and form** than the existing building and what is actually proposed by this application. This is shown in the drawing below: -



- Side elevation of the **existing building** and what can be achieved without raising the wall head by 1m. Note how the upper floor would be **very low and narrow**.
- Side elevation of **what the application proposed**, you can see by raising the wall head by **only 1m** gives a **better proportioned, more useable room with higher ceiling height**.
- Side elevation of what the **HDO thinks** is being proposed. **The HDO stated a 2-story extension** in the report. As you can see this is considerably larger than the proposed application and is **actually 3.2m higher** than the existing building.



Even though this **inaccuracy** of believing the application to be a **2-story building** is quite visible in the HDOs report and is the sole basis for the HDOs grounds for objection, the Planning Authority never brought this to the HDOs attention or addressed it in the Planning Authority's response for refusal. So, the grounds for objection given by the HDO cannot be seen to be valid or a true consideration as it was all based on the perception the application was for a **2-story extension** which would be of a larger scale and form.

### **6.0 Supporting Evidence**

As the Planning Authority or legislation could not give a base line of what scale or form of extension is permissible all that could be done was to look to the surrounding area and take comparison of similar types of recent applications which have been allowed.

For the comparison when submitting the East Lodge application, 3 similar, recent planning applications were looked at. All the applications are **within a 4-mile radius of East Lodge**, all are of a **similar age and are all shown on the 1856 map, all applications are for alterations and / or extension to a dwelling house, with each extension of similar scale.**

The Appellant understands no two applications are identical but feels the 3 chosen for comparison supports the case for an appeal.

What will be shown is 4 similar approaches to the same design problem. Namely an old house in need of modernisation with regards to insulation and thermal efficiency and more space to help create a well-designed, usable, up to date family home.

The following applications have been summarised but it is strongly urged the Appeal Panel to read all of them in full. Supplied for each is the development proposal and the Planning Authorities response with areas which are relevant to support the appeal case highlighted.

#### **6.1 Goldies Mill Cottage Romanno Bridge Planning application 20/00394/FUL, Alterations and Extension to a dwelling house.**

Proposal:

**Form new extension to the south-east to accommodate new en-suite bathroom; Form new extension to the north-east to accommodate new kitchen/dining/ family room; Block up roadside windows; Raise existing wall head and pitched roof to allow for installation of new ground floor insulation and to provide more comfortable head height.**

**The works will improve the accommodation, thermal efficiency, comfort and facilities. The extension is a sensitive and complimentary addition to the cottage and innovative design approach supported by the planning guidance.**

**There are no works proposed that will impact on the character of the existing property when viewed from the street, with the extension being a sensitive and complimentary addition to the existing building**

This proposal is similar to the East Lodge application, an **extension, replacement of rotten roof and at the same time raising of the wall head all to make it a larger better layout and use of space to create a better family home.**



## Planning Authorities report

### Design and layout

**This proposal would see the ridge of the existing house raised by approximately 800mm. The windows and doors which face onto the A701 would be blocked up.**

**DECISION: Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.**

This applicant was not asked for nor refused permission under Policy EP13, by the Planning Authority, for not submitting information on trees even though one is present and extremely close to where building work will be carried out.

*This applicant was also not refused permission for not submitting information on the likely presence of an EPS, contrary to Policy EP1, even though the building is of similar age and location as East Lodge, it is logical to assume an EPS is likely present on any site in Scotland. The roof of this building is to be removed wall heads raised and a new roof fitted yet the Planning Authority does not seem to be concerned about disturbing EPS such as bats which may have roosts in the roof.*

The Planning Authority never consulted a Heritage and Design officer for comment on this application, even though they are listed as a statutory consultee for older buildings. As this building is of the same age as East Lodge is it not logical a HDO should have been consulted.

This application's total footprint coverage of the existing building is **105m<sup>2</sup>**, total area granted permission for extension **107m<sup>2</sup>**, New building Total **212m<sup>2</sup>** much the same increase in **scale** as East Lodge application. The **form** of both the existing building and extension is that of a **rectangle** which are set at 90° to each other

In this application as you can see the extension is of a **larger scale to the existing building**. To make the scale of the extension complementary to the existing building, alterations were applied for and granted to raise the wall head by 0.8m and change the roof pitch so the existing building will only then be the same scale as the extension, this principle is exactly the same as what was applied for East Lodge.



**Picture 25:** - Goldie's Mill, Note the height the roof is being raised to make the existing building and extension appropriate to each other in terms of **SCALE**. Also, a **tree** in close proximity to the building.



## 6.2 Netherurd West Lodge Planning application 20/00406/FUL Extension to Dwelling House

### Proposal

**West Lodge is the former gatehouse to Netherurd House built in 1790. The gate house is located at the west entrance to the Netherurd House estate.**

**The property has a substantial garden to the east and west of the lodge. There are mature trees and estate woodland to the east and south of the property.**

**The existing Lodge House is extremely small having only 4 small rooms and inadequate facilities.**

**The family who own and live in the property, have a desire to create more space and to create a living/kitchen/dining area that will free up space within the existing Lodge.**

As can be seen this proposal again is much like the East Lodge application, a large extension to a small house, to make it a larger better layout and use of space to create a better family home.

### Planning officers report

**West Lodge, Netherurd, is traditionally detailed, single storey and attic accommodation stone lodge house dating from the mid-19th century. Although Netherurd House is listed, this property is not taken as a curtilage listed building.**

**The appearance of the extension would not be unacceptable. In all, the proposed extension would be an acceptable addition to the building and would be a successful blend of traditional and contemporary aesthetics.**

**DECISION:** Subject to compliance with the schedule of conditions, **the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.**

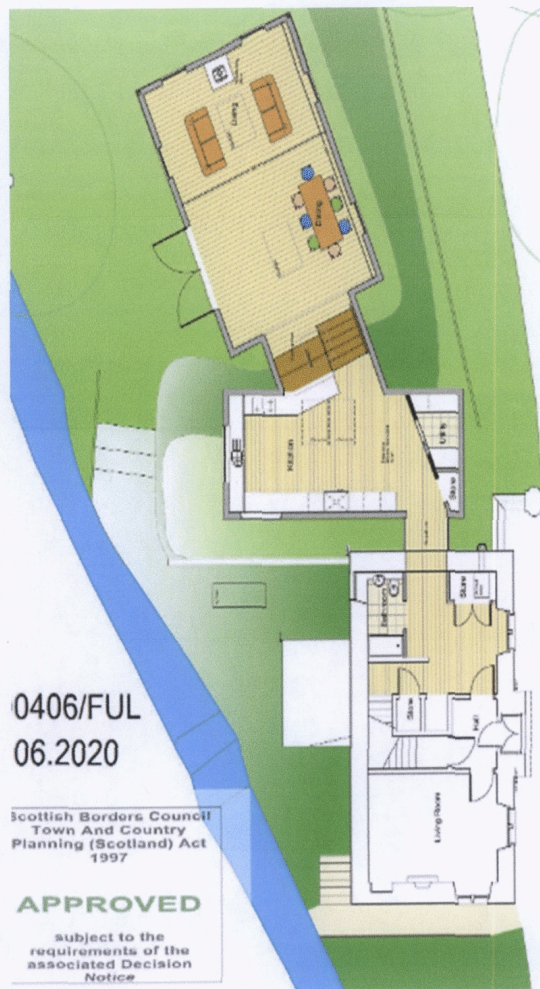
The West Lodge application was not refused permission for not submitting information on the likely presence of an EPS, even though it has been shown it is logical to assume an EPS is likely present on any site in Scotland. The Planning Authority never asked for a survey to be undertaken and did not refuse on grounds of Policy EP1.

The Planning Authority never consulted a Heritage and Design officer for comment even though they are listed as a statutory consultee for older buildings. As this building is of an older age than East Lodge is it not logical a HDO should have been consulted.

As the Planning Authority stated in the report above, **"Although Netherurd House is listed, this property is not taken as a curtilage listed building"**. Is it then not logical to assume that if this building which is 30 years older than the East Lodge and sits on the same estate and is not considered curtilage listed by the Planning Authority then the East Lodge should not be considered curtilage listed either?

This application total footprint coverage of existing building of West Lodge is **82m<sup>2</sup>**, this is exactly the same as the East Lodge. The total area granted permission for extension **115m<sup>2</sup>**, this is of much larger **scale** than that of the existing building. **New building Total 194m<sup>2</sup>**. This application is larger, but much the same increase in scale as East Lodge application and the form is also similar as they are both rectangular in shape.

Again, you can see similarities to the East Lodge application, its a **former gatehouse, the existing lodge house is extremely small with inadequate facilities, and a desire to create more space.**



Picture 26: - Above, shows a plan view of the West Lodge Application, note the similar scale of the extension to the East Lodge application and the relative scale to the existing West Lodge.



### 6.3 Noble hall Farm Planning application 17/00739/FUL Alterations and Extension to Dwelling House

There was no design statement submitted with this application.

#### Planning officers Report

**The buildings are constructed from local sandstone, laid in squared, coursed random rubble. The roof is Scottish slate, laid in diminishing courses.**

**The proposal is to convert part of the south facing range into residential accommodation, thereby extending Noblehall Farmhouse. The most significant change, however, is that the ridge height will be increased by approximately 1.2m in order to create habitable accommodation within the roofspace and additional domestic storage space. In order to increase the ridge height, the exterior portions of the wall above the existing wallhead will be clad with vertical timber boards. This is an acceptable approach as matching new stonework to the existing could prove problematic and may not be visually acceptable over such a large area. In addition, it defines clearly the increase in height as a modern addition to the building.**

**Notwithstanding that, a condition is recommended in order to ensure that the materials and colour used are appropriate and to ensure that the development integrates well with the surrounding buildings. The proposed design is acceptable and accords with policy PMD2.. The existing building is one which is suitable for use by bats. The previous application (16/00884/FUL) was withdrawn in order for a wildlife survey to be undertaken.**

#### DECISION :

**The proposal is acceptable and accords with the terms of the development plan. There are no material considerations which indicate that planning permission should not be granted.**

This proposal again is much similar to the East Lodge application in its style of design but larger in scale. The total footprint of the extension is 217m<sup>2</sup>

The Planning Authority never consulted a Heritage and Design officer for comment even though they are listed as a statutory consultee for older buildings.

The Planning Authority did not seem concerned about the trees which are extremely close to the property, as seen in picture below. This applicant was not refused permission under Policy EP13, for not submitting information on trees even though they are present.

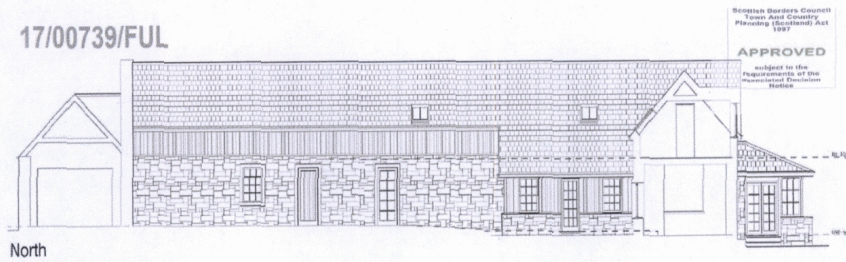
This was the only application in which the Planning Authority mentions the presence of bats and that a wildlife survey was required.



Picture 27



17/00739/FUL



Picture 28



Picture 29

Pictures 27, 28, 29 above shows Noble Hall, Note the striking similarities in the **style of design and materials** being used in construction, with the East Lodge Application. Again, the **scale** of the extension is similar to the East Lodge application and the **form** of the building in also similar, a **rectangle** running at 90° to the existing building.

As the Appellant has shown in this supporting evidence the 3 applications are similar in **scale** and **form** to the East Lodge application and similar construction materials were to be used. All 3 used larch wood, slate and one used sandstone

The Planning Authority shows no logic or consistency behind its decision-making process. Of these 3 similar applications, the Planning Authority neglected to ask for evidence that no EPS would be affected by the application on 2 occasions. Nor did the Planning Authority ask for evidence the trees in extreme close proximity to 2 of the application sites would not be affected by building works. Furthermore, no HDO was consulted on any of these 3 applications, none were refused permission by the Planning Authority.



## **7.0 Conclusions**

- 7.1 The Appeal, supported by this statement, requests the Council overturns the decision to refuse Planning Permission in Full for Application 21/01908/FUL and grant consent for the alterations and extension to dwelling house and formation of access, East Lodge, Netherurd Blyth Bridge.
- 7.2 The Appellant has shown there were **No Valid Objections** to the proposed application.
- 7.3 The Appellant has shown of the policies used for refusal, two, **EP1 and EP13 are not mandatory**, and are **not requested as part of the application form**. They were not asked to be supplied by the Planning Authority. This cannot be seen as error by the agent or Appellant, *nor as shown is it grounds for refusal. At the very least the Planning Authority could have afforded the chance to supply the relevant information.*
- 7.4 The Appellant has shown the **SCALE, FORM and MATERIALS** are all appropriate to the existing building and recommended Supplementary planning Guidance Placemaking and Design 2010 section 4.4.
- 7.5 The Appellant has shown the *inaccuracy of the Planning Authority in stating MATERIALS to be used were not appropriate although this is contrary to Council's own guidance* as stated in the Scottish Borders Council Planning Department Supplementary Planning Guidance Placemaking and Design 2010 section 4.4 pages 61 through 70 Materials and Colours.
- 7.6 The Appellant has shown the HDO report should not have been accepted or considered as it was **received after the deadline, cut-off date for representation** set by the Planning Authority. No letter was received from the HDO asking for extra time to make representation. The observations within the report are inaccurate and cannot be seen as relevant as they were in relation to a **2-story extension** which the East Lodge application is not.
- 7.7 It has been shown by the Appellant in the supporting evidence that the East Lodge application should have been considered in the same context as the 3 applications shown in the supporting evidence as it shows precedence has been set in all aspects of which the East lodge application was refused.

The supporting evidence within this Appeal Document has shown that in the 3 case studies the Planning Authority has entered into dialogue with the agents regarding *different aspects of each design* and time was given to allow the agents to address the issues, that courtesy was **never afforded the Appellant in relation to the East Lodge application.**

All applications should be viewed on their own merits, **however for it to be a fair process for all, the same criteria should be applied.** The Planning Authority has shown to be lacking in the latter resulting in what the Appellant feels to be an **unfair process.**

**The local review body is respectfully requested to allow the appeal for the alterations and extension to dwelling house and formation of access, East Lodge, Netherurd Blyth Bridge.**

### **References**

The following documents, plans and websites were used to help support the appeal

- Guidance on Householder Permitted Development Rights
- Nature Scotland Website
- National Biodiversity Network Website
- National Biodiversity Network Atlas
- Scottish Borders council Local Development Plan 2016
- Supplementary planning Guidance Placemaking and Design 2010
- 1856 Ordnance Survey Map

### **Supporting Evidence**

- Goldies Mill Cottage Romanno Bridge Planning application 20/00394/FUL, Alterations and Extension to a dwelling house.
- Netherurd West Lodge Planning application 20/00406/FUL Extension to Dwelling House
- Noble hall Farm Planning application 17/00739/FUL Alterations and Extension to Dwelling House

### **Appendix 1 Core Documents**

The following documents and plans have been submitted to support the appeal

- Appeal Form
- CD1 Appeal Document
- Planning Application Form 21/01908/FUL
- CD2 Planning Application 21/01908/FUL Design Statement
- CD3 Planning Authorities Decision Notice 21/01908/FUL
- CD4 Planning Authorities Officers Report 21/01908/FUL