

**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY DECISION NOTICE**

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**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**

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**Local Review Reference:** 21/00042/RREF

**Planning Application Reference:** 21/01132/FUL

**Development Proposal:** Erection of pergola and boundary fencing (retrospective)

**Location:** 58 George Street, Peebles

**Applicant:** Lisa Dawkins

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**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 pergola and fencing is contrary to policies PMD2 and HD3 of the Local Development Plan 2016 in that the siting of the pergola and the varied height and style of the fencing would have an unacceptably adverse impact on the character and visual amenity of this residential area. There are no other material considerations that are sufficient to overcome the adverse visual impact resulting from the proposed development.

**DEVELOPMENT PROPOSAL**

The application relates to the erection of a pergola and fencing (retrospective) at 58 George Street, Peebles. The application drawings and documentation consisted of the following:

**Plan Type**

**Plan Reference No.**

Location Plan  
Photographs  
Layout photograph

**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 21<sup>st</sup> March 2022.

After examining the review documentation at that meeting, which included a) Notice of Review (including the Decision Notice and Officer's Report); b) Papers referred to in Officer's Report; and c) 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, HD3 and EP9

Other Material Considerations

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

The Review Body noted that the proposal was for planning permission to erect a pergola and fencing within the front garden of a property at 58 George Street, Peebles. Members noted that the works had been carried out and that the application at Review was, therefore, retrospective.

The Review Body firstly considered the pergola and fencing in relation to the key issues of visual impact and prominence. They understood that Policies PMD2 and HD3 required development to be in sympathy and character with its residential surroundings and they carefully considered the front position of the garden ground, the visibility on George Street and the open nature of gardens and boundary treatments of other houses in the vicinity. They also took into account the applicant's offer to change colours or make other alterations to the fencing and pergola.

The Review Body fully understood the concerns of the Appointed Officer over prominence and visual impact, recognising that there was adverse visual impact from both the pergola and the height and style of fencing. Members debated whether the pergola would be more acceptable with an alternative roof covering, but ultimately concluded that this was a structure out of character with the front garden in the overall street scene and that it was more appropriate to a rear garden location. Members also considered that the side and front fencing were too high for the front garden position and noted that a neighbouring proprietor had attempted to mitigate the visual impacts of the height of the side fencing. The Review Body also considered that the design of the front fencing and gate was inappropriate and out of character with surrounding fence styles. Members concluded that the pergola and fencing had an unacceptable visual impact contrary to Policies PMD2 and HD3.

The Review Body finally considered all other material issues but concluded that these issues did not influence their overall decision on the Review that the decision of the Appointed Officer be upheld.

## **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.

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### **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**      **28<sup>th</sup> March 2022**