

LOCAL REVIEW APPEAL STATEMENT
FOR
ERECTION OF A DETACHED DWELLING-HOUSE
PLANNING APPLICATION REF: 21/01909/FUL
AT
LAND TO THE FRONT OF GREENRIG, BLAIR AVENUE, JEDBURGH TD8 6LD



20 APRIL 2022

Prepared on behalf of

SK/AD[®]

1. Introduction

The matter for consideration is the refusal of planning permission 21/01909/FUL for a new dwellinghouse on land to the front of Greenrig, Blair Avenue. The appellant is seeking a review of the case under section 43A of the Town and Country Planning (Scotland) Act 1997.

2. The Decision

The application was refused for the following reason:-

“The proposal would be contrary to Policies PMD2 and PMD5 of the Local Development Plan 2016 and Supplementary Planning Guidance: Placemaking and Design 2010 in that it would result in development which is out of keeping with the character of the existing development pattern and would represent over-development and town cramming to the detriment of the amenity and character of the surrounding area”

3. The Appellant's Response

The reason for the refusal relates primarily to the scale, location and design of the proposal, to the extent that it was deemed to be out of character and overdevelopment. Particular reference was made to policies PMD2, PMD5 and the SPG on Placemaking and Design.

The application attracted no adverse consultation responses and no objections from neighbours.

At no point in the process was the applicant approached to make any amendments to the design. It is therefore assumed that the proposal was deemed to be inherently unacceptable from the start. It is therefore not clear why the determination took from the 14th January to 25th March to determine.

General Design issues (Policy PMD5, Policy PMD2 and the SPG)

A. PMD5 - Infill Development (The full wording of the policy is in the appendix)

This is an infill site. The following are responses to points a) to f) of the policy; -

“a. The use is in keeping with surrounding uses.”

This is a purely residential area, and the use as a detached dwellinghouse is entirely in keeping with surrounding uses. It is therefore considered that the proposal satisfies PMD5a.

“b. The layout and design are consistent with neighbouring house types and it will maintain the character and amenity of the area.”

The design, layout, scale and orientation of the building were taken from the predominant house types near to the site, which is a simple rectangular plan gable-ended bungalow.

Figure 1 below shows a nearby house which is typical of the area, and figure 2 shows the front and side elevations of the proposal. It is clearly designed to blend in with the existing architecture and form of the neighbouring dwellinghouses. It is difficult to understand how this design could be considered to be detrimental to the character and amenity of the area. There might be little tweaks to the design that may enhance the design further, however no opportunity arose for this to take place and the design was refused without such an opportunity. In any case, it is considered that the proposed design, in this location, requires no amendment.



Figure 1: A neighbouring property



Figure 2: The proposed house elevations

The layout and position of the proposed house is very much in keeping with its neighbours. It is set back slightly from the houses to either side, however the street layout does not have a rigid building line and this difference is not so detrimental as to warrant refusal.

It is therefore considered that the proposal satisfies PMD5b.

“c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or ‘town and village cramming’ ”

There have been no objections with regards to infrastructure pressures (transport, education, water and drainage). It is a small single dwelling and would be unlikely to lead to such concerns. There is an existing access, and most houses along here have driveways.

With regards to any suggestion of over development, again the aerial image and the urban layout shown in figures 3 and 4 respectively quite clearly demonstrate that this would not be a case of town cramming, and that the proposal is not indicative of the overdevelopment of the site. The present curtilage is very large, occupying the equivalent of three curtilages of nearby properties. It can easily

accommodate two dwellings in the manner proposed. It is therefore considered that the proposal satisfies PMD5c.

d) "it respects the scale, form, design, materials and density in context of its surroundings"

The materials have been chosen to match the neighbouring bungalows, with a rough cast wall finish, brick base course and concrete pantile roof.

The footprint is slightly shorter and slightly deeper than the adjoining bungalow, however it is not significantly different. The roof form and pitch will be the same. With regards to building density, figure 4 is very clear in demonstrating that the proposed dwelling will not result in an inappropriate density. It will be very much in keeping with the density witnessed between Honeyfield Road, Allerton Place and Grieve Avenue. It is therefore considered that the proposal satisfies PMD5d.

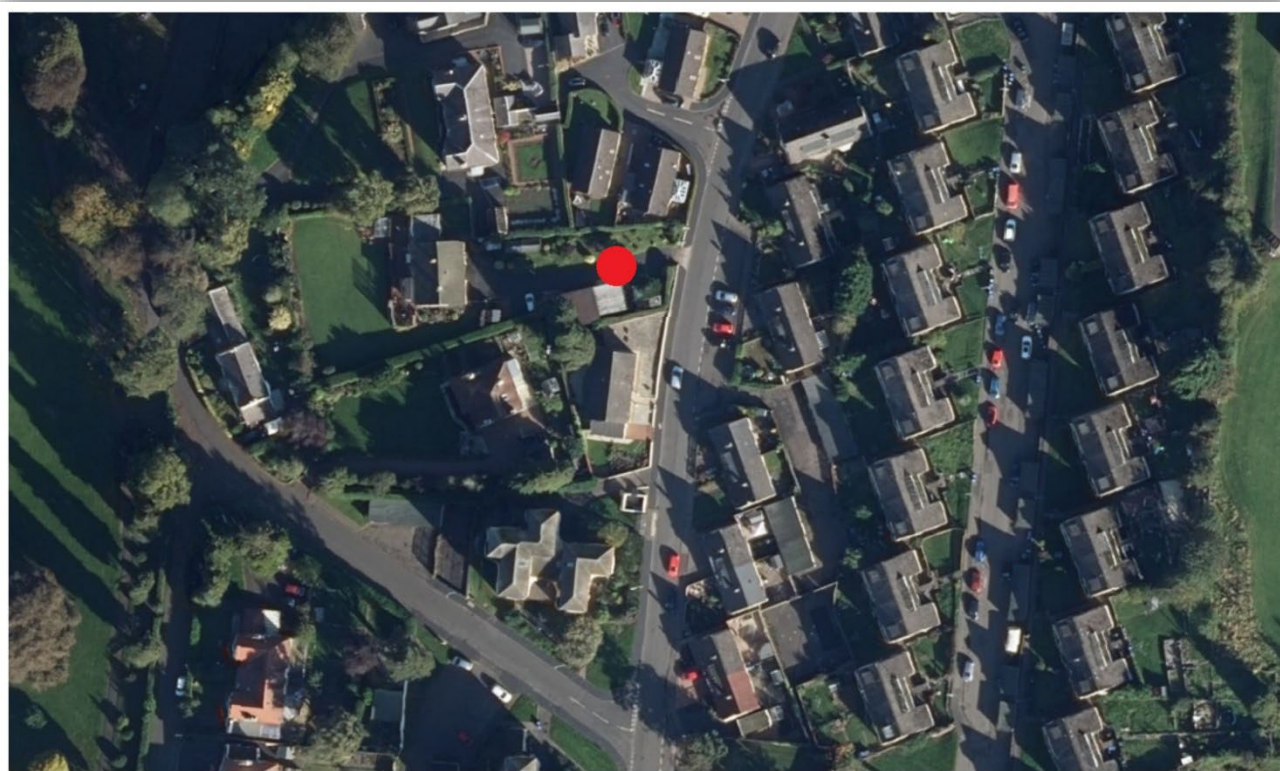


Figure 3: An aerial view of the area (site marked by red dot)

e) "adequate access and servicing can be achieved, particularly taking account of water and drainage and schools' capacity"

There have been no concerns expressed with regards drainage. Scottish Water has not objected. In a direct correspondence it advised that there is no surface water sewer on Blair Avenue, only a combined sewer. The discharge rate from the site to a surface water sewer would have to be kept to around 0.5l/s with on-site storage to accommodate the 1 in 30-year event, or 1 in 200-year event if the council request it. This can easily be achieved on site if required.

The site already has an access. The new dwelling will utilise the existing access. The existing house, Greenrig, will require a new access, but this would be permitted development. There is good visibility and this has raised no concerns. The road officer's response suggested two conditions:

1. Two parking spaces, excluding any garages, to be provided within the curtilage of the site prior to occupation of the dwelling and retained thereafter in perpetuity; and
2. The new vehicular access to the property known as Greenrig to be formed the satisfaction of the Council prior to the new driveway becoming operational.

There are no issues with regards to capacity at local schools.

It is therefore considered that the proposal satisfies PMD5e.

f) "it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking"

This was not raised as a concern in the report of handling.

It is therefore considered that the proposal satisfies PMD5f.



Figure 4: The urban layout in the local area (proposal outlined red)

Concern was expressed in the report of handling regarding the creation of a hard edge to the street boundary. The existing hedge to the front can be retained where possible, which will provide a green soft frontage. The driveway materials are open for discussion, and a porous high quality paved or loose surface could be agreed. This would be an improvement over the existing non-porous tarmac surface. Also, the house will be slightly further set back than immediately adjoining houses, and so there would be a less hard edge in many respects. The front edge would be no 'harder' than is seen elsewhere nearby, and figure 1 above is a good example of this, as is figure 6 below.

The following image, figure 5, is the front hedge and existing drive taken from within the garden of Greenrig.



Figure 5: The existing driveway and front hedge

The proposed house will use the existing access. The existing house to the rear will have to install a new access (which can again be laid in an approved porous material). The creation of a driveway and hardstanding is in fact permitted development so long as the surfacing is porous.

There are many properties that have created parking areas within front gardens along the street. One example is shown below in figure 6 (this is the next door property, to the south).



Figure 6: Example of front curtilage parking nearby

In terms of plot size, the existing house plot is unusually large for a small bungalow. It is partly the reason for the current proposal, as the garden was becoming unmanageable for the current owners. As figure 4 shows, the proposed dwelling will still have a plot that will be larger than its neighbours, and the existing house, Greenrig, will have a significantly larger plot. The houses will remain in keeping with the density of houses in the area.

The future occupants will be afforded excellent amenity space and a good outlook.

B. PMD2 - Quality Standards (The wording of policy is presented in full in the appendix)

This policy is more aimed towards larger developments, although it can be applied to a single house proposal.

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings.

The proposal is a well-considered high-quality and sustainable development. The design allows for solar-thermal roof panels and incorporates an air source heat pump system. The proposed house will have good standards of amenity and open space for future occupiers.

It is therefore considered that the proposal satisfies the relevant parts of PMD2.

C. Placemaking & Design: Supplementary Planning Guidance, January 2010

This is an extensive design guide to cover all forms of residential development. The most relevant section is part 5.2, **Single house in urban or rural context**. The Building Design criteria are set out in the appendix.

The architect has studied the local character, the local building style and the townscape character. He has considered the neighbouring buildings, and the new building has been designed to relate to existing urban form. Figures 1, 2 and 4 demonstrate this well.

The proposal will have good sustainability credentials. The design allows for solar-thermal roof panels and incorporates an air source heat pump system. The proposed house will have good standards of amenity and open space for future occupiers.

The design has considered the materials, roof form and fenestration of local buildings. It is clearly evident that the proposal relates well to the context, having a clear, harmonious design rationale and sense of proportion.

It is clear that the application demonstrates a clear design rationale based on an understanding of the context.

It is therefore considered that the supplementary guidance has been fully satisfied.

4. Conclusion

The appellant is concerned that their application has been dismissed unfairly, and that in fact this is an entirely reasonable proposal with no adverse impacts.

There have been no objections from neighbours or from consultees.

The decision is based purely upon the design credentials and the context of the site. It has been deemed to be overdevelopment and having a negative impact upon the character and amenity of the area. This is simply not the case.

This proposed dwelling has sufficient space to be accommodated on site, it is entirely in keeping with surrounding properties in terms of design, layout, materials and scale. Parking can be suitably accommodated without any adverse impacts on road safety or urban character. The front hedge can be largely retained and surface materials can be agreed. It is disputed that the proposal would create a hard edge to the street. It will remain very much in keeping with the existing character.

The proposal will provide an extra house, with good amenity, in an accessible location with good access to local facilities and infrastructure. It has been well considered and will complement the existing streetscape. It is hoped that the Council will recognise this, will review the decision, and grant planning permission, subject to conditions.



Appendix

Policy PMD5: Infill Development

Development on non-allocated, infill or windfall, sites, including the re-use of buildings within Development Boundaries as shown on proposal maps will be approved where the following criteria are satisfied:

- a) where relevant, it does not conflict with the established land use of the area; and*
- b) it does not detract from the character and amenity of the surrounding area; and*
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'; and*
- d) it respects the scale, form, design, materials and density in context of its surroundings; and*
- e) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity; and*
- f) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.*

All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide design statements as appropriate.

Policy PMD2: Quality Standards

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance,*
- b) it provides digital connectivity and associated infrastructure,*
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,*
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,*
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,*
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.*

Place making & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,*
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,*
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,*
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,*
- l) it can be satisfactorily accommodated within the site,*
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,*
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.*

Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,*
- p) it incorporates, where required, access for those with mobility difficulties,*
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,*
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,*
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.*

Green Space , Open Space & Biodiversity

- t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,*
- u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements. Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.*

Placemaking & Design: SUPPLEMENTARY PLANNING GUIDANCE **JANUARY 2010**

Single house in urban or rural context

Building Design

- ***Energy efficient living:*** utilising optimum insulation/ thermal mass and daylight penetration (= solar gain), the building will be expected to 'design out' energy needs wherever possible
- ***Using sustainable resources:*** grey-water recycling, sustainable building materials and renewable energy sources are all key considerations in the building specification
- ***Working with the site and surroundings:*** consider reuse of any existing structures and consider carefully the site arrangement so that a positive civic frontage is created
- ***Scale, massing and form:*** relating to the context analysis, and with a clear, harmonious design rationale and sense of proportion (remember the golden ratio).
- ***Roof and wall proportions:*** use appropriate roof design: avoid overly bulky form or shallow roof pitch. The proportion of roof-to-wall in elevation must be in balance (refer to traditional proportions as a starting point)
- ***Materials:*** Use sustainable building materials and consider the materials and colour palette in context: avoid excessive use of white where it will be out of context or visually prominent
- ***Windows:*** consider window openings in relation to the wall elevation; create fenestration pattern that is based on proportion and a balanced whole; always consider traditional elements such as vertically proportioned openings; avoid PVC and inappropriately coloured window frames
- ***Details:*** avoid poor faux-traditional detailing; honest, simple forms are generally preferable
- ***Roof design:*** avoid box soffits, verges, eaves and fascia boards on closed eaves.