

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF: 21/01909/FUL
APPLICANT: Mr Laurie Bunyan
AGENT: Stuart King Architecture
DEVELOPMENT: Erection of dwellinghouse
LOCATION: Garden Ground Of Greenrig
Blair Avenue
Jedburgh
Scottish Borders

TYPE: FUL Application

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
21-02543 (01)02	Location Plan	Refused
21-02543 (01)03	Proposed Plans	Refused
21-02543 (01)04	Proposed Elevations	Refused
21-02543 (00)01	Location Plan	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

11 neighbours were notified. There were no representations received.

Applicant's Supporting Information:

A Design Statement has been submitted: this advises that this site is demonstrated to be an appropriate and sustainable location, which will add to the housing stock of the area. It is demonstrated that the property has ample curtilage to provide good amenity to future occupiers, and it has been designed, scaled and positioned to fit in seamlessly with the existing urban form and built character.

Consultations:

Community Council: No response.

Education: No response.

Roads Planning: No objection.

Scottish Water: A foul only connection is available. A public water supply is available. No objections.

PLANNING CONSIDERATIONS AND POLICIES:

Local Development Plan 2016

PMD2: Quality Standards

PMD5: Infill Development

HD3: Protection of Residential Amenity

IS7: Parking Provision and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

EP13: Trees Woodland and Hedgerows.

Supplementary Planning Guidance:

Developer Contributions (updated April 2021)

Guidance on Householder Developments, 2006

Placemaking and Design, 2010

Recommendation by - Euan Calvert (Assistant Planning Officer) on 24th March 2022

This is a full planning application for the erection of a dwellinghouse within the front garden of Greenrig, which is a dwellinghouse located on Blair Avenue, Jedburgh.

Proposal

A rectilinear planned bungalow is proposed measuring 10.5m x 6.8m in footprint under a dual pitched and gabled roof set at a 30° pitch. The principal elevation would appear asymmetric, featuring an off-centre entrance door with an air source heat pump adjacent. Windows would be casement pairs with well-proportioned heights. The front roof pitch would feature 6no PV panels. The south elevation would feature a single deep window and the rear elevation (west) would feature patio doors to the garden. There would be a further bathroom window and bedroom window on the west elevation. The north elevation would be blank.

An irregular shaped soft landscaped rear garden is identified, which would be enclosed by 1.8m privacy fencing. This fencing would return to the front walls of the proposed house.

A significant feature of this proposal is the requirement for a new vehicular access and drop kerb to serve Greenrig, measuring 3.3m wide, within the garden ground but separated from the application site by this privacy fence. The proposed house would be set back from the pavement edge by approximately 8m, designed to be sufficient space for two cars to be parked in-curtilage and using the existing drop kerb.

Planning History

A pre-application was submitted and received an objection from this delegated Officer.

Planning Policy

The determining consideration in this case is whether proposals are in accordance with Policy PMD5: Infill Development

This policy identifies criteria for assessing potential development opportunities within settlement boundaries. This application seeks to test whether this is an appropriate infill development opportunity on a non-allocated site within Jedburgh settlement and discussion will surround whether development can be accommodated without recourse to residential amenity and character.

PMD2: Quality Standards and Supplementary Planning Guidance: Placemaking and Design

The character of the surrounding area and the visual amenities of the area are material considerations and regard will be had as to whether the proposal is in accordance with scale, character and appearance being sought by the Supplementary Planning Guidance.

All development must be high quality, integrate into landscape surroundings and not negatively impact on existing buildings.

IS7: Parking

The Roads Planning Officer has been invited to comment on parking provision and road safety and sufficiency.

HD3: Residential Amenity

Siting, scale and location of development is considered with regard to protecting neighbouring residential amenity.

Assessment

It is the Planning Authority's position that a dwellinghouse as shown on the submitted plans does not satisfy PMD5 in so much as the proposals represent "town cramming", which will adversely affect the space characteristics of this residential area.

Principle

Policy PMD5 identifies appropriate Infill Development opportunities by using set criteria:

- a) The surrounding established land use of the area is residential. In principle, a proposal for residential use on this garden ground would be compatible with neighbouring uses.
- b) The character and amenity of the surrounding area is best described as a well-established residential estate. The density of plot to building ratio varies significantly throughout the surroundings. The types of dwellings and age of architecture also varies significantly.

However one of the unifying and defining characteristics of Blair Avenue (and this wider residential area) is the green or soft landscaped edges to most residential plots. Most plots appear with modest sized front gardens and this contributes significantly to the sense of place, sense of space and visual amenity. These gardens provide relief to what would be an otherwise dense urban environment. These gardens provide high amenity and sense of space to each plot and the wider streetscene.

I consider the size, scale and layout of the proposed dwellinghouse site, in combination with the requirement for a second drive to access Greenrig, to detract (rather than positively contribute) to the character and amenity of the surrounding area in conflict with criterion b). The proposal would appear as an incongruous addition to the front garden of a well-proportioned private curtilage. Proposed developments (householder and housing proposals) in front gardens are rarely successful owing to the prominence from the street and the potential for significant adverse impacts on the character and appearance of the surroundings.

- c) This proposal is an example of over-development or 'town cramming', which Policy PMD5 specifically guards against. Whilst I accept that an additional dwellinghouse will contribute to housing stock of the local area it is the Planning Authority's duty to mediate space and ensure making of place.

It is contested that the individual and cumulative negative effects to character and amenity outweigh any social and economic infrastructure benefits to Jedburgh. A further dwelling may contribute to local housing stock; may raise the standard of living for a local member of the community; may contribute to economic growth through direct jobs in its construction; or by providing a house for an essential worker but none of these strategic changes outweigh the negative character and amenity impacts in this instance.

In essence, a new dwelling may be physically able to be accommodated on this site, but Infill Policy development opportunities are not to be at all cost or to the detriment of the public's enjoyment of the current levels of visual amenity enjoyed in this residential area.

- d) Scale, form, design, materials and density have been considered. As noted above, accommodating this dwelling would do so whilst compromising the character and amenity of the wider area. The front garden would be a hard urban edge, given over solely to car parking and devoid of the natural boundaries and soft

landscaped edge (which characterise the area). The small scale of house proposed is not adequate mitigation to these adverse impacts. The building would be pushed back from the adjacent building lines deliberately to accommodate requirements of in-curtilage parking. The result is a frontage which would not be an appropriate contribution to the streetscene. This is a sign that, in this instance, the site is insufficient in size to accommodate a dwellinghouse. The proposed privacy fencing and hard surfacing would characterise development and will be unduly prominent and not be a compatible appearance for Blair Avenue, which is a busy feeder street to a much wider residential area.

Policy PMD2 requires development to have a sense of place and I am not satisfied that this proposal will respect the character of the streetscape. The form and design may make relationships to adjacent vernacular (it is a bungalow and it would appear similar to neighbouring form) however the layout, density and plot ratio is at odds with the character. The proposal would have poor plot ratios which would be reliant on privacy fencing and hard surfaces to accommodate the use change, in contrast to the mature hedgerows, picket fences and grassed/ shrub borders of surrounding neighbours.

e) Access and services. Policy IS7 seeks to ensure parking provision and standards are maintained in the interest of protecting road sufficiency and safety. The Roads Planning Officer supports these off-street parking proposals. A condition would be required to ensure the Greenrig access was installed before the new drive becomes operational. Policy IS7 can be satisfied.

Servicing is also considered in respect of water, foul and surface drainage. Proposals are for public water supply, mains sewer and water tanks in the garden for surface water attenuation. To ensure compliance with Policy IS9, further details would be required.

There is no requirement for contributions in respect of Policy IS2, in respect of school capacity and affordable housing.

f) Finally, potential for loss to daylight and sunlight and privacy of neighbours is considered. There would be no direct overlooking issues owing to the chosen window locations. The dwelling would be 18m distant from Greenrig. The proposed 8m setback from the pavement appears, in part, to acknowledge the presence of neighbouring windows in the south elevation of Leylang. This setback would allow more light to this neighbouring window.

I conclude that, whilst the privacy and amenity of neighbours can be satisfied, and whilst the servicing of this proposed dwellinghouse has been established, this proposal is not in accordance with Infill Development Policy PMD5.

It may be counter argued that this site is sufficiently sized and comparable in size to a plot in a new housing development however, in this instance, the interruption that it would cause to an established front garden and neighbouring street scene would be considerable. It would not adhere to the strong neighbouring building line between Leylang and Keilder. The quality of the area would be compromised. Development will not assimilate successfully with the surroundings (in accordance with Policy PMD2, Quality Standards and Supplementary Planning Guidance: Placemaking and Design).

The location of the plot is not consistent with the form, or the character, of the surrounding area against which it is judged. The proposal is out of character with garden patterns in the surrounding streets and would result in Greenrig appearing as a backland site. The site would appear cramped with too limited a space around the proposed dwellinghouse for proper residential amenity, privacy and buffer space, particularly when parking, turning and landscaping requirements are also accommodated. The result would be a significant and detrimental impact to visual amenity of adjoining residential properties in contravention of Local Development Plan Policies.

REASON FOR DECISION:

The proposal would be contrary to Policies PMD2 and PMD5 of the Local Development Plan 2016 and the Placemaking and Design 2010 Supplementary Planning Guidance 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.

Recommendation: Refused

- 1 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.

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



Mr Laurie Bunyan
per Stuart King Architecture
Suite 2 Abtel Building
Pitreavie Business Park
Pitreavie Drive
Dunfermline

Please ask for: Euan Calvert
01835 826513
Our Ref: 21/01909/FUL
Your Ref:
E-Mail: ecalvert@scotborders.gov.uk
Date: 25th March 2022

Dear Sir/Madam

PLANNING APPLICATION AT Garden Ground Of Greenrig Blair Avenue Jedburgh Scottish Borders

PROPOSED DEVELOPMENT: Erection of dwellinghouse

APPLICANT: Mr Laurie Bunyan

Please find attached the formal notice of refusal for the above application.

Drawings can be found on the Planning pages of the Council website at <https://eplanning.scotborders.gov.uk/online-applications/>.

Your right of appeal is set out within the decision notice.

Yours faithfully

John Hayward

Planning & Development Standards Manager

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference: 21/01909/FUL

**To: Mr Laurie Bunyan per Stuart King Architecture Suite 2 Abtel Building Pitreavie Business Park
Pitreavie Drive Dunfermline KY11 8US**

With reference to your application validated on **14th January 2022** for planning permission under the Town and Country Planning (Scotland) Act 1997 (as amended) for the following development :-

Proposal: Erection of dwellinghouse

At: Garden Ground Of Greenrig Blair Avenue Jedburgh Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 24th March 2022
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

**John Hayward
Planning & Development Standards Manager**

APPLICATION REFERENCE: 21/01909/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
21-02543 (01)02	Location Plan	Refused
21-02543 (01)03	Proposed Plans	Refused
21-02543 (01)04	Proposed Elevations	Refused
21-02543 (00)01	Location Plan	Refused

REASON FOR REFUSAL

- 1 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.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning 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 require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months from the date of this notice.

The notice of review must be submitted on the standard form and addressed to the Clerk of The Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells. TD6 0SA or sent by email to localreview@scotborders.gov.uk. The standard form and guidance notes can be found online at [Appeal a Planning Decision](#). Appeals to the Local Review Body can also be made via the Scottish Government Planning and Environmental Appeals Division by clicking on the following link [PEAD](#)

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, 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 may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).