

**SCOTTISH BORDERS COUNCIL**

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

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 21/01905/FUL  
**APPLICANT :** Mr Nigel Carey  
**AGENT :** Pro-found  
**DEVELOPMENT :** Erection of a dwellinghouse  
**LOCATION:** Garden Ground Of Cheviot View  
Eden Road  
Gordon  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
C662-PP-001A	Location Plan	Approved
C662-PP-002B	Proposed Site Plan	Approved
C662-PP-003A	Proposed Plans & Elevations	Approved

**NUMBER OF REPRESENTATIONS: 3**

**SUMMARY OF REPRESENTATIONS:**

Three letters of representation (1 objection and 2 general comments) have been received by the Planning Authority. All issues raised have been considered. The letters raise the following material planning considerations:

- o Access and parking.

**Consultations**

Community Council: They have not responded at the time of writing this report.

Roads Planning Service: They have no objections in principle to this proposal. However, they are a little concerned that the proposal would interfere with the operation of the parking and turning for the adjacent plot, the subjects of application 21/00913/FUL. They require an amended drawing to be submitted to demonstrate that both plots are able to park, and enter and exit the site in a forward gear, independent of each other.

The applicant e-mailed the Roads Planning Service directly to confirm that most of the fencing detailed on the site plan is to be removed to facilitate the majority of the foreground of the site to be used as parking/manoeuvring space.

The Roads Planning Service requires an amended drawing to be submitted demonstrating this before they are able to fully support the proposal.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

PMD5: Infill Development

ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils

HD3: Protection of Residential Amenity

IS2: Developer Contributions

IS7: Parking Provision and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

Developer Contributions 2022

Householder Development (Privacy and Sunlight) 2006

Placemaking and Design 2010

**Recommendation by** - Cameron Kirk (Assistant Planning Officer) on 1st June 2022

Site description

The application site relates to an area of garden ground that was associated with the former dwellinghouse, Cheviot View, which has since been demolished. The application site is located within the development boundary for the settlement of Gordon. The application site is fairly flat and it is delineated by low level fences to the north, east and west boundaries, and a low level stone wall to the south boundary. Vehicular access to the site is made via an existing access from Eden Road to the north. There are neighbouring residential properties to the north, east and west, while the tennis court and bowling green lie to the south. The application site is identified as being an area of prime quality agricultural land.

Proposed development

Planning permission is sought for the erection of a bungalow, which would have a gable roof. The proposed dwellinghouse would have a footprint of approximately 80 square meters and it would be located fairly centrally within the plot.

Some of the materials to be used for the external finish for the proposed dwellinghouse include white render and larch cladding to the walls, natural slate to the roof, white uPVC windows and composite doors.

A communal parking and turning area that would serve the proposed dwellinghouse and the neighbouring property, Sherwood Cottage, as well as providing vehicular access to the adjacent plot to the east.

The proposed dwellinghouse would be connected to the public water supply network and public drainage network.

Relevant planning history

21/01111/FUL Erection of dwellinghouse. Withdrawn 06 September 2021.

Assessment

Principle

The application site lies within the development boundary for the settlement of Gordon. It is not designated or allocated for a particular use. In order to establish the principle of development it must be assessed against Policy PMD5.

Policy PMD5 advises that the development must not conflict with the established land use of the area. The application site is located within a residential area it would therefore be in keeping with the established use and character of the area.

Other issues required to be considered under Policy PMD5 are whether the proposed development would detract from the character and amenity of the surrounding area; lead to over-development or 'town and village cramming'; would respect the scale form, design, materials and density in context of its surroundings; can be adequately accessed and serviced; and it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking. The aforementioned issues will be considered in greater detail in subsequent sections of this report as a number also have supporting/complementary policies in the Local Development Plan, particularly Policy PMD2, which must also be considered.

The general principle of exploring residential development is acceptable subject to other site specific considerations as explored below.

#### Layout, siting and design

Policy PMD2 aims to ensure that all new development is of a high quality and respects the environment in which it is contained. As previously mentioned, Policy PMD5 aims to ensure that any development is in keeping with the pattern of development found within the surrounding area.

Eden Road is characterised predominantly by terraced residential properties, of varying heights and design. Most of them flank the public road or at least have a presence from the public road. There was a derelict cottage to the east of the application site, which was an exception to this as it was located behind the row of cottages flanking Eden Road. Planning application 21/00913/FUL was granted to replace the dwellinghouse so it did not set a precedent for backland development.

The proposed dwellinghouse would be far removed from the road frontage as it would be situated behind an existing dwellinghouse. Without a road frontage, the location of the proposed dwellinghouse affords no direct public outlook. It would be in a position set apart and not integrated with the established character or pattern of the street scene. It would have no clear relationship to neighbouring properties, their established building lines or the general street pattern.

The Council's Supplementary Planning Guidance 'Placemaking and Design 2010' emphasises that new development must integrate well with the existing pattern of development, build upon the established character of an area and contribute positively to a sense of place. The proposed development is not considered to respect or respond to the character of the surrounding area, set apart from the other houses on Eden Road and it does not positively contribute to the overall sense of place. It is therefore considered that the proposed development would be inappropriate in this context as it would result in backland development. Therefore, it fails to comply with Policy PMD2 and Policy PMD5 for the aforementioned reasons.

The proposed dwellinghouse would be of an appropriate scale, character and appearance. The materials to be used for the external finish for the proposed dwellinghouse would be acceptable.

#### Residential amenity

Policy HD3 aims to protect neighbouring residential properties against inappropriate development that would result in the loss of amenity or privacy. The proposed dwellinghouse would not result in an unacceptable loss of daylight or sunlight to neighbouring properties. The proposed development would create a degree of overshadowing to adjacent properties garden ground, although it would not be significant enough to justify refusal.

The windows to the north elevation of the proposed dwellinghouse would overlook the parking and turning area, while the windows to the south elevation of the proposed dwellinghouse would overlook the rear garden ground for the proposal. The windows to the north and south elevations of the dwellinghouse would not unduly impact upon the amenity or privacy of neighbouring properties.

The windows to the east and west elevations of the dwellinghouse would overlook the neighbouring properties as they are close to the mutual boundaries. They are however to secondary rooms within the proposed dwellinghouse, one of which is the bathroom. It is expected that the bathroom would have obscure glazing for privacy. The window to the east elevation is located at the entrance to the proposed dwellinghouse. In light of this, it is not expected that the aforementioned windows would adversely impact upon the privacy of the neighbouring properties.

#### Access and parking

Policy PMD2 aims to ensure that there is no adverse impact on road safety, including but not limited to the site access. In addition, Policy IS7 states that development proposals should provide car parking in accordance with the approved standards. Vehicular access to the site would be taken from the public road to the north (A6105). There would be a communal parking and turning area that would serve the proposed dwellinghouse and the neighbouring property, Sherwood Cottage.

The Roads Planning Service was consulted on the application. They have no objections in principle to this proposal. However, they are a little concerned that the proposal would interfere with the operation of the parking and turning for the adjacent plot, the subjects of application 21/00913/FUL. They require an amended drawing to be submitted to demonstrate that both plots are able to park, and enter and exit the site in a forward gear, independent of each other.

The applicant's agent has submitted an amended drawing to show a communal parking and turning area that would serve the proposed dwellinghouse and the neighbouring property, Sherwood Cottage, as well as providing vehicular access to the adjacent plot to the east. The existing fence and gates that delineates the north boundary of the application site would be removed to facilitate this.

Roads Planning Service has reviewed the amended drawing and they confirm that it is acceptable. Parking would need to be secured by condition.

#### Services

The proposed dwellinghouse would be connected to the public water supply network and public drainage network. The proposed servicing for the development would be acceptable in principle and the precise details for drainage would be agreed at the Building Warrant stage. Conditions would be required to ensure that the proposed development is serviced as specified, unless otherwise agreed in writing by the Planning Authority.

#### Waste

There would be ample space within the application site to store refuse bins.

#### Developer contributions

Policy IS2 aims to ensure that the quality of services and facilities is not compromised by new development. The cost of new or additional infrastructure required for new development must be met by the developer. Developer contributions are sought towards education and lifelong learning, specifically Earlston High School. This would be dealt with by way of a legal agreement, should the application be approved.

#### Prime quality agricultural land

The application site is identified as being an area of prime quality agricultural land. The application site is regarded as domestic garden ground. Therefore, the proposal would not result in the loss of prime quality agricultural land.

#### Conclusion

The proposed development would fail to comply with Policy PMD2 and Policy PMD5 and the Council's Supplementary Planning Guidance 'Placemaking and Design 2010', in that the proposed dwellinghouse would be far removed from the road frontage as it would be situated behind an existing dwellinghouse, it would be in a position set apart and not integrated with the established character or pattern of the street

scene and it would have no clear relationship to neighbouring properties, their established building lines or the general street pattern.

The proposed development is not considered to respect or respond to the character of the surrounding area, set apart from the other houses on Eden Road and it does not positively contribute to the sense of place. It is therefore considered that the proposed development would be inappropriate in this context as it would result in backland development.

There are no material planning considerations which suggest that housing development in this location would be acceptable and there are no known extenuating circumstances of other material considerations which indicate that the application should be supported as an acceptable departure from the Scottish Borders Local Development Plan 2016.

#### **REASON FOR DECISION :**

The proposed development would fail to comply with Policy PMD2 and Policy PMD5 and the Council's Supplementary Planning Guidance 'Placemaking and Design 2010', in that the proposed dwellinghouse would be far removed from the road frontage, as it would be situated behind an existing dwellinghouse, it would be in a position set apart and not integrated with the established character or pattern of the street scene and it would have no clear relationship to neighbouring properties, their established building lines or the general street pattern. It would not respect or respond to the established character of the surrounding area and it would not positively contribute to the overall sense of place. It is therefore considered that the proposed development would be inappropriate in this context as it would result in backland development.

#### **Recommendation: Refused**

- 1 The proposed development would fail to comply with Policy PMD2 and Policy PMD5 and the Council's Supplementary Planning Guidance 'Placemaking and Design 2010', in that the proposed dwellinghouse would be far removed from the road frontage, as it would be situated behind an existing dwellinghouse, it would be in a position set apart and not integrated with the established character or pattern of the street scene and it would have no clear relationship to neighbouring properties, their established building lines or the general street pattern. It would not respect or respond to the established character of the surrounding area and it would not positively contribute to the overall sense of place. It is therefore considered that the proposed development would be inappropriate in this context as it would result in backland development.

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