

**Notice of Review Supporting Statement**

**Land north and east of Tweed Lodge, Hoebridge East Road, Gattonside  
Scottish Borders**

**Erection of dwellinghouse**

**Application Ref. 22/00296/FUL**

**On behalf of**

**Mr Robin Purdie**

**August 2022**

**Aitken Turnbull Architects**

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## EXECUTIVE SUMMMARY

This Notice of Review is submitted on behalf of Mr Robin Purdie, following the decision of Scottish Borders Council, under delegated powers to the Planning & Development Standards Manager and based upon the Case Officer's recommendation, to refuse planning permission for erection of a dwellinghouse (application ref.22/00296/FUL, registered 1<sup>st</sup> March 2022) at land north and east of Tweed Lodge, Hoebridge East Road, Gattonside, on 28<sup>th</sup> June 2022.

The site was formerly occupied by an agricultural barn and the principle of development for a single dwellinghouse was established via planning approval ref.19/01753/PPP (granted 18<sup>th</sup> March 2020).

The detailed design brought forward via application ref.22/00296/FUL provided a contemporary design solution to create a high quality family home within Gattonside Conservation Area. The applicant provided detailed justification and further design detail during the application process, at the request of the planning officer, and considers the application proposal to be wholly appropriate for the site and the Conservation Area setting. The use of flat roof, contemporary design has been successfully established in not only Gattonside itself but throughout the Borders.

The planning officer and the Council's Heritage & Design Officer raised concerns with regard to scale, roof design, materials and boundary treatment. However, through the submitted information, it is considered that all aspects have been fully explained and justified and design compromises will only dilute the design. There is no sound reasoning to refuse a strong contemporary design with contextual boundary treatment as is put forward by this application. There is also no detrimental impact upon neighbouring residential amenity with the new dwelling specifically designed to minimise impact and habitable rooms of the neighbouring house which would not be materially affected.

There were no other objections from statutory consultees, including the Community Council.

Of the ten third-party representations, seven parties supported the application and just three parties objected. The objection reasons have been addressed in submitted information.

It is asked that the Local Review Body, whilst considering matters, take account of the supporting documentation which accompanied the application. A site inspection is also requested to appreciate the specific nature of the site.

It is respectively requested that the Local Review Body reconsider the delegated decision and find favour in the applicant's proposal, subject to conditions, as deemed appropriate.

## 1.0 BACKGROUND TO THE APPLICATION

### 1.1 Description & Location

- 1.1.1 The site comprises a plot formerly occupied by an agricultural shed along with adjoining land on the south-eastern edge of Gattonside. The plot sits to the east of the Hoebridge Inn and a private house (Tweed Lodge) with access taken from Hoebridge Road East. There are existing trees on the site's northern and southern boundaries. Agricultural land extends to the east. The location and physical boundaries of the existing site are shown within the location plan and Design Statement submitted with the application (**Appendices 2 & 3**).

### 1.2 The Development Proposal

- 1.2.1 The applicant seeks planning permission for erection of a contemporary detached dwellinghouse with integral garage with associated works. The proposed house comprises two storey wings linked by a single storey central element with flat roof and use of dark timber cladding and glazing. Boundary treatment includes new hedge and tree planting and a brick wall to match others found within the village. The house is sited on the northern part of the plot (where the barn previously stood) with garden ground on the southern part of the plot. The drawings and Design Statement fully illustrate the proposal and are contained within **Appendices 3-5, 8-12 and 15-17**.

### 1.3 Relevant Planning History

- 1.3.1 The application site benefits from an extant planning permission in principle for demolition of the existing barn (now demolished) and replacement with a dwellinghouse (ref.19/01753/PPP), granted approval on 18<sup>th</sup> March 2020. An indicative block plan was provided with the in principle application showing a house sitting on the north-east of the plot with a detached double garage to the north of Tweed Lodge. Whilst the informative relating to this approval notes that detailed design should reflect the indicative scheme, it also states this being, "*subject to detailed consideration of design, scale, materials and amenity impacts*". Given the indicative block plan was not approved, flexibility therefore exists to justify the detailed house design for this plot. The consent did establish the extension of private garden ground outwith the settlement boundary within the adopted Local Development Plan – this was justified on the basis of creating a stronger defined edge than currently exists.

## 2.0 GROUNDS FOR REVIEW OF THE PLANNING DECISION

2.0.1 The applicant considers the proposal provides a wholly justified contemporary design solution for this Conservation Area setting rather than a traditional pastiche design approach and there are no material reasons for refusing the application as it accords with planning policy as set out below.

### 2.1 Statutory Consultees & Local Comments

2.1.1 Firstly, it is noted that there were no objections to the development proposals from statutory consultees other than the Council's Heritage & Design Officer (as included within **Appendix 6**).

2.1.2 Planning conditions proposed by the Council's Contaminated Land Officer in relation to intrusive site investigation is noted and accepted. Comments from the Council's Roads Planning have been addressed in terms of additional plans showing parking, turning and access. Scottish Water comments in relation to need for a pre-development enquiry for waste water connection is noted.

2.1.3 The objection from the Council's Heritage & Design Officer forms the basis of the Council's refusal of this application and was addressed in the applicant's further submission of 1<sup>st</sup> June 2022 (Response to Consultations and Representations, included as **Appendix 7**) and is addressed fully below.

2.1.4 Of the ten third party representations submitted, seven supported the application and three objected. A response to objections was also provided within Appendix 7. This detailed discussions with the planning officer in relation to the siting of the house and proximity to neighbouring Tweed Lodge. This aspect is address further below.

### 2.2 Addressing the Reasons for Refusal

2.2.1 The Case Officer's Report of Handling (**Appendix 20**) and associated Decision Notice (**Appendix 21**), recommended refusal for the following reasons:-

1. *The proposal is contrary to policies PMD2 and EP9 of the Local Development Plan 2016 in that the scale, mass, design and materials are out of keeping with the character of the Conservation Area, the proposal would constitute overdevelopment of the site and would be prominent in the landscape and harmful to the visual amenities of the area and views into the Conservation Area.*
2. *The proposal is contrary to policies PMD5 and HD3 in that the proposal would have a significant detrimental impact on the residential amenities of the neighbouring property, Tweed Lodge. The scale and siting of the proposed house would result in a loss of light and outlook to the detriment of resulting amenity, leading to an overbearing and dominant form of development.*

## Reason for Refusal No.1 - Design

2.2.2 It is contended by the planning officer (and the Council's Heritage & Design officer) that, contrary to policies PMD2 and EP9 of the Local Development Plan, the proposed scale, mass, design and materials are not in keeping with the Conservation Area character, the proposal is over-development of the plot and there would be prominent in the landscape and create a harmful impact on visual amenity. These points have been addressed in application submissions which are summarised below:

### Scale/Mass/Plot Density

- The applicant has addressed scale and massing of the proposed house design within the Design Statement (**Appendix 3**), Response to Consultations (**Appendix 7**), Location Map – Wider Context (**Appendix 8**), Site Appraisal (**Appendix 9**) and **Site Plan** (amended version, **Appendix 15**). LDP Policy PMD2 requires proposals to address placemaking requirements with appropriate scale, massing, height and density. Design references within Section 4 of the Design Statement outline the residential character context of Gattonside which includes a number of modern design examples which site within a Conservation Area of varied styles and forms. A further example from North Berwick is also highlighted to illustrate how a similar form can be integrated into the landscape and be less conspicuous than a pitched roof design. This is reiterated in the Response to Consultations document in response to the Heritage & Design Officer comments. The Location Map – Wider Context illustrates that the proposal provides a footprint comparable to other house examples within the village (contrary to the Case Officer's Report). The Site Appraisal illustrates how different roof forms were considered along with impacts of scale and massing and volume on neighbouring properties. The amended Site Plan illustrates how the proposed house sits within the generous sized plot and continues the scale pattern of properties in the immediate vicinity. Overall, it is contended that scale and massing have been carefully considered and is supported by site analysis which accords with LDP Policy PMD2.

### Design

- Design is of course a subjective opinion but the applicant considers that a contemporary solution is preferable to a traditional pitched roof design for this site. The planning permission in principle indicated a very suburban layout of detached house and detached garage, offering nothing in streetscape terms or design interest. The detailed application proposal provides for a modern family home, where form follows function and inter-relationship of internal and external spaces are well thought out. The flat roof reduces overall scale from that of a pitched roof approach and provides scope for renewable technology to be employed. The volume is split between two storey and single storey elements to provide variation whilst also acknowledging adjoining properties. The design is fully set out within drawings contained within **Appendices 3-5, 8-12** and **15-17**. Additionally, the applicant set out their own statement within **Appendix 13** which emphasises the personal involvement in developing a design that both works for the applicant's family but also seeks to add

to the village of Gattonside. It is considered the design wholly accords with LDP Policy PMD2 in terms of creating sense of place with the policy itself noting that the design approach need not exclude appropriate contemporary and/or innovative design.

### **Materials**

- The use of dark thermal timber cladding and glazing provides a modern but simple palette of materials. Planning and Heritage officers consider that use of more varied materials would be appropriate such as stone but the applicant's consider this would detract from the modern simplicity of the design approach. A pastiche or hybrid style development is not the intention or desire of the applicant and it is considered such an approach would not be suitable for the Conservation Area where a strong design is required. Materials are fully set out within **Appendices 3, 11 and 16**. The use of brick in the boundary treatment also reflects local examples as set out within **Appendix 17**. Materials and boundary treatment are considered to accord with LDP Policy PMD2.

### **Visual Amenity**

- The Case Officer contends that the proposed house would be prominent in the landscape, impacting upon the Conservation Area and views into the village. The applicant has provided an image of the view from the B6360 (eastern approach to Gattonside – Page 30 of Design Statement, Appendix 3). This illustrates the visibility of the existing Tweed Lodge – the proposed house would sit to the north of Tweed Lodge (as had the original agricultural barn) but would be lower and would have limited impact on views given the combination of the central single storey element, glazing and boundary treatment. **Appendices 11 and 16** illustrate the northern elevation in this respect. Further, a landscape concept plan (**Appendix 12**) has been developed which sets out how through additional planting including hedgerow on the eastern plot boundary and groupings of trees immediately to the east (on land within the applicant's ownership), visual containment can be achieved. Indeed, as supported by the Case Officer, the new planting and garden boundary would create an improved and stronger settlement edge than currently exists. As above, it is considered that this approach to landscaping and boundary treatment accords with LDP Policy PMD2.

### **Conservation Area**

- Overall, the proposed design seeks to meet the objectives of LDP Policy EP9 in terms of being designed to enhance the special architectural qualities of the Conservation Area. Modern architecture can achieve this goal in a more truthful manner by creating contrast while respecting traditional forms in the locality rather than creating a pastiche of traditional house design.

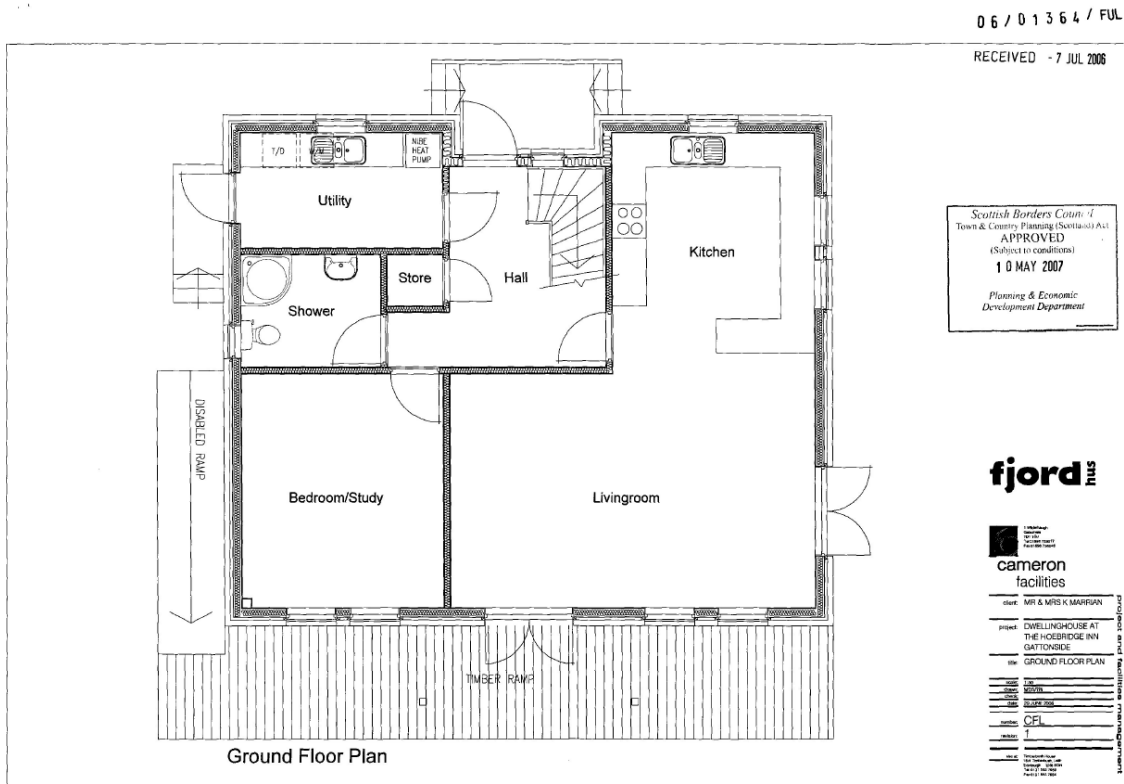
## Reason for Refusal No.2 – Impact on Neighbouring Amenity

2.2.4 The planning officer contends that the proposal would have a significant detrimental impact upon the amenity of neighbouring Tweed Lodge in terms of loss of light and outlook and be contrary to policies PMD5 and HD3 of the Local Development Plan. The relationship of the new house to Tweed Lodge has been illustrated and explained within the application submissions but to summarise and elaborate:

- The Case Officer's report sets out that the proposed house is to be sited 5.5m from the "front" elevation of Tweed Lodge (with the former large agricultural barn that sat on the site having been 5m from the same elevation). Firstly, it should be noted that this is not the front elevation of Tweed Lodge. As illustrated via the site plan and ground floor plan of Tweed Lodge below (planning approval 06/01364/FUL, 10<sup>th</sup> May 2007), the northern elevation is the rear elevation with the ground floor windows comprising utility, hall and kitchen. The kitchen window is a smaller window with the main double-window providing light to the kitchen being on the eastern elevation. The kitchen is also open plan to the livingroom which has multiple windows providing light into the overall space. The Case Officer refers to Supplementary Guidance on Privacy and Daylight and the need to provide suitable daylight for habitable rooms using the 25 degree approach. The Tweed Lodge plans illustrate that habitable rooms are not being materially affected as the main living space is unaffected. Indeed, Tweed Lodge was designed on the basis that the large agricultural barn sat 5m to the north with windows designed to ensure adequate daylighting. This would remain the same with the proposed house in place.







- The Tweed Lodge site plan above also illustrates the proximity of the large agricultural barn that sat where the new house is now proposed. The new house has been specifically designed to minimise impact on Tweed Lodge by avoiding overlooking/privacy and sunlight impacts (as acknowledged by the Case Officer) and introduction of a single storey element to the north-east of Tweed Lodge to ensure morning light is not affected.
- The Daylight Analysis Diagram (**Appendix 22**) illustrates the impact of the 25 degree rule and the lack of material impact.
- The proposal would therefore not lead to any detrimental loss of amenity of daylight in terms of LDP Policy PMD5 (Infill development) or HD3 (Residential Amenity).

### 3.0 CONCLUSION

3.1 This Statement, in conjunction with the appended supporting documentation, demonstrates that the proposal accords with Scottish Borders Local Development Plan policy. The grounds of review of the delegated decision specifically relate to the following fundamental factors:

- Contrary to the Case Officer's opinion, the proposed scale, massing, design, materials and visual integration of the proposed dwellinghouse provide a wholly suitable design response for this plot and accord with LDP Policy PMD2. The scale of the footprint is justified when analysing local area character and the volume and split single/two storey structure approach allows the house to be integrated into the landscape and respect neighbouring properties. The proposal will create a high quality family home in a modern style which will offer design interest (as other contemporary design examples in the village have achieved) and enhance the Conservation Area.
- The Case Officer contends that the proposal would harm the residential amenity of neighbouring Tweed Lodge in terms of loss of daylight. However, the Case Officer has incorrectly stated that the northern elevation is the front elevation of Tweed Lodge. As illustrated in this statement, the northern elevation is the rear elevation with the ground floor windows comprising utility, hall and a secondary small kitchen window (the kitchen benefitting from a large double window to east and multiple windows to open plan livingroom to south). The proposed house is sited further away from Tweed Lodge than the former agricultural barn that sat on the site and, it should be noted, Tweed Lodge was specifically designed and constructed to allow for the presence of the large barn in terms of window arrangements.
- There were no objections the proposal from statutory consultees other than the Council's Heritage & Design Officer and local objections (3 No.) were outweighed by local support (7 No.). Design and amenity points raised in objections have been addressed through the applicant's submissions and the applicant notes and accepts proposed conditions by other statutory consultees.

3.3 On the basis of the foregoing, it is respectfully requested that the submitted planning application be viewed positively and approved by the Local Review Body.