

F E R G U S O N
P L A N N I N G

Caddie Cottage, Teapot Street, Morebattle, Kelso, Scottish Borders

Mr. & Mrs. Muir

September 2022

CONTENTS

INTRODUCTION.....04

SITE CONTEXT.....06

THE PROPOSAL.....08

GROUNDS OF APPEAL.....11

CONCLUSION.....14

F E R G U S O N
P L A N N I N G

Caddie Cottage, Teapot Street, Morebattle, Kelso, Scottish Borders

INTRODUCTION

INTRODUCTION

1.1 This Appeal Statement is submitted on behalf of Mr. and Mrs. Muir (‘the appellant’) and sets out the grounds of appeal against the decision of Scottish Borders Council (SBC) to refuse planning application LPA ref: 22/00396/FUL by delegated decision on 28/06/2022.

1.2 The Planning Permission Application sought consent for the *“Retrospective planning permission for the installation of new heritage uPVC sash and case windows, new uPVC casement windows and composite front door, maintaining heritage appearance which replaced existing rotten windows and doors.”*

1.3 The reason for the refusal of the application as set out below.

- The development is contrary to policy EP9 of the Local Development Plan 2016 and the Council’s Supplementary Planning Guidance: Replacement Windows and Doors 2015 in so much as the development does not preserve or enhance character or appearance of Morebattle Conservation Area.

1.4 The table below provides a summary of the technical consultee responses:

Consultee	Comment
Community Council	Supports the Proposal
Scottish Water	No Objection
Archaeology Officer	No Objection
Ecology Officer	No Objection
Landscape Office	No Objection
Roads Planning	No Objection
Heritage and Design Office	Raised concern with the proposal will no safeguard the present character of the conservation area.

1.5 The remaining sections in this appeal statement comprise:

- A description of the appeal site and surrounding context (Section 2)
- A summary of the appeal proposals (Section 3)
- Ground of Appeal (Section 4)
- Summary of the appellant’s case and conclusion (Section 5).

Supporting Documents

1.6 This appeal statement should be read in conjunction with all the supporting documents and drawings submitted as part of the original planning application.

Application Process

1.7 This appeal is made to the Local Review Body on the basis it was a local application, and which was determined under delegated powers. For the reasons outlined in this statement, we conclude that the development is in accordance with relevant development plan policies and supported by significant material considerations.

F E R G U S O N
P L A N N I N G

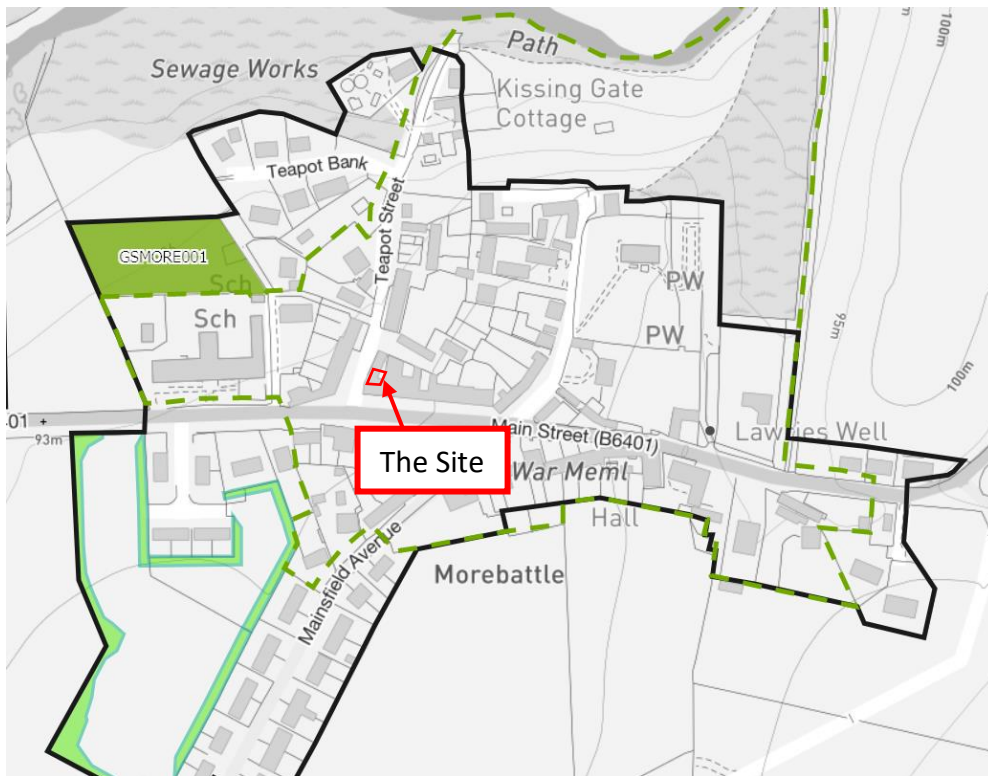
Caddie Cottage, Teapot Street, Morebattle, Kelso, Scottish Borders

APPLICATION SITE AND CONTEXT

APPLICATION SITE AND CONTEXT

2.1 The site is located on Teapot Street, Morebattle, to the north of the B6401, 8 miles to the south of Kelso. The site is within the Settlement Boundary of Morebattle as illustrated within Figure 1 below. At present, the site is a residential property, with the owners living in the property.

Figure 1: Extract of the SBC Proposals Map highlighting the site is within the Settlement boundary of Morebattle (Black line)

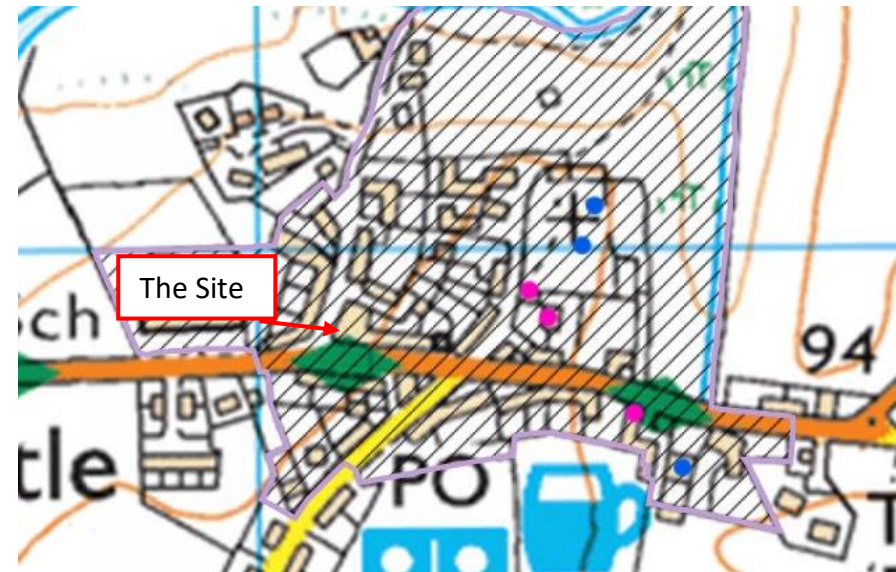


2.2 In terms of accessibility the site is approximately 8.2 miles (15- minute car journey) to the Town Center of Kelso, offering a range of services and facilities, along with ongoing public transport with the local bus stops to Duns, Melrose, Galashiels, Berwick Upon Tweed and Tweedbank for rail services to Edinburgh City Centre.

2.3 With regards to the Local Development Plan adopted proposals map, the site holds no specific allocations or designations and is considered to be 'white land' as show in Figure 1 above.

2.4 In terms of Heritage, the site is within a Conservation Area. It is important to note the property is **not** listed. There are Category B and Category C listed properties at some distance beyond the site boundary to the east as illustrated in Figure 2 below.

Figure 2: Extract of Environmental Scotland



Caddie Cottage, Teapot Street, Morebattle, Kelso, Scottish Borders

THE PROPOSAL

THE PROPOSAL

3.1 This section set out the details of the proposal. The description of which is as follows:

“Retrospective planning permission for the installation of new heritage uPVC sash and case windows, new uPVC casement windows and composite front door, maintaining heritage appearance which replaced existing rotten windows and doors”.

3.2 Figures 3, 4 and 5 below provide an indication of the state of disrepair the windows where in, together with a poorly fitted door. All of which were leading to significant heat loss from the property.

Figures 3 and 4: Condition of Original Windows that has been replaced



Figure 5: Original Windows and Door



- 3.3 As illustrated within the figures above, it is evident the original windows were in a poor state of repair, with an inner lining window required to keep the draft out and restrict heat loss which is of growing importance with the requirement for properties to become more energy efficient, assisting in energy reduction within this old property.
- 3.4 The proposed development involves the installation of new sash and case windows, along with casement windows and installation of a new composite front door as illustrated within Figures 6 and 7 below.
- 3.5 The appellant has considered the historic importance of the property and its position within the conservation area prior to the installation the replacement windows and door. They have been installed to ensure that it was like for like in terms of casement and sash and case, while also ensuring the upmost safety terms with the windows now providing additional fire exits.
- 3.6 The design and materiality of door has also been carefully considered, ensuring it is replicating the size of the original door, to safeguard the heritage and integrity of the building. The following figures illustrate the replacement windows and doors.

Figure 6: Image of Replacement Windows



Figure 7: Image the full façade with of Replacement Door and windows



F E R G U S O N
P L A N N I N G

Caddie Cottage, Teapot Street, Morebattle, Kelso, Scottish Borders

Grounds of Appeal

Grounds of Appeal

- 4.1 The Local Authority's decision to refuse the application is challenged on the basis of one reason for refusal and to which our response has been split into two grounds set out below. It is asserted that the Proposal accords with the relevant policies and intentions of the Local Development Plan and Supplementary Planning Guidance and is why we consider the application should be approved.
- 4.2 The Appellant sets out the following four Grounds of Appeal (GOA).
- **GOA 1:** The proposed development complies with Policy EP9 of the Local Development Plan 2016 and SBC Supplementary Planning Guidance in that the development preserves the character and appearance of the Morebattle Conservation Area.
 - **GOA 2:** There are no other material considerations which warrant refusal of the application. Wider material considerations have not fully been taken into account.

4.3 **GOA 1:** The proposed development complies with Policy EP9 of the Local Development Plan 2016 and SCB Supplementary Planning Guidance in that the development preserves the character and appearance of the Morebattle Conservation Area.

4.4 *LDP Policy EP9: The Council will support development proposals within or adjacent to a Conservation Area which are located and designed to preserve or enhance the special architectural or historic character and appearance of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.*

4.5 *The Scottish Borders Council Supplementary Planning Guidance on Replacement Windows and Doors (2015)* provides guidance on replacement windows and doors for properties within a consideration area. The guidance states proposals relating to the replacement windows and doors should respect the historic character, noting the replacement through the use of new materials (which may include uPVC for windows whilst retaining the design pattern, dimensions and method of opening may be considered acceptable. In terms of replacement doors, the guidance states any replacement should match the original design as closely as possible.

Appellant's Case

4.6 We have set out below the circumstances for why this development should proceed in line with policy, setting out how the proposal complies with Policy EP9 in that the proposal respects the setting and character of the conservation area. It again has considered and related the proposal to the SPG on replacement windows and doors.

4.7 The policy states that it would support enhancement to the appearance of the Conservation area. The original windows and door were eroded and in a poor state of disrepair, and therefore were detrimental to the appearance and character of Morebattle. Again the cost of timber sash and case windows was prohibitive to the owners.

- 4.8 By improving the state of the windows and doors, it has since improved the overall appearance of the building. The uPVC window frames have been chosen as they have a long-life span and need very little repairs, in comparison to if timber frames were to have been chosen.
- 4.9 The choice of door was also carefully considered to ensure that it will fit in with the character and appearance of the wider Morebattle Conservation Area, taking a similar approach within the settlement. The door itself is the same size as the original door, ensuring that it is retaining as many original features as possible as illustrated within the figures above.
- 4.10The proposed development provides an opportunity to improve the quality of the dwelling, and in particular its energy efficiency and in light of ever-increasing energy bills.
- 4.11It is considered that the replacement windows have not made a detrimental impact on the setting and character of the conservation area and is considered to improve the aesthetics of the property. The proposal is therefore considered to have Negligible/ Minor impact on the setting of the conservation area in compliance with Policy EP9 and the SPG on Replacement Doors and Windows.
- 4.12While being within a conservation area, the building itself is not listed. According to records, the building was originally used as a store for the bakery, and therefore originally would not have had a window and door to the front of the property.
- 4.13As these features were added later in the properties history, it is safe to assume that these are not original features being replaced, but more so later added and had fallen into disrepair.
- 4.14**GOA 2:** There are no other material considerations which warrant refusal of the application. The material considerations have not fully been taken into account.

- 4.15In terms of the consultation responses received on the original planning application, out of the 18 neighbour notifications, no objections were received. Overall support for the change of the windows and door was supplied by the local Community Council.
- 4.16No site visit was conducted to the Applicant’s knowledge. This would be crucial to see fully how well the new windows and doors fit in with the local surroundings. We would be grateful if members of the Local Review Body where to undertake a site visit prior to the case being heard at the Local Review Body Meeting.
- 4.17There is no set building type of style within Morebattle for the design and materials used and it is evident there are a mix of wooden and uPVC windows. The replacement windows are of a similar style and considered to carry on the overall visual appearance of the property.

Neighbouring Planning History

- 4.18The following neighbouring planning history demonstrates the acceptability for proposals of this nature within the area, which are also illustrated within Figures 8-10:

LPA Ref/ Address	Proposal	Status
22/00187/FUL The Cottage Teapot Street Morebattle	Replacement windows to front elevation	Approved 2 nd June 2022
20/01330/FUL 1 Victoria Buildings Teapot Street Morebattle	Alterations and installation of roof light	Approved 21 st January 2022
20/01343/FUL Carsaig Teapot Street Morebattle	Alterations and extensions to dwellinghouse	Approved 1 st February 2021
20/01087/FUL Allanbank Main Street Morebattle	Alterations to dwellinghouse	Approved 15 th December 2020

Figure 8: Image 1 of nearby property with uPVC casement windows at The Cottage, Teapot Street, Morebattle.



Figure 10: Image 1 of nearby property with uPVC casement windows at Sardis, Main Street, Morebattle.



Figure 9: Image 2 of nearby property with uPVC casement windows at 3 Main Street, Morebattle



4.19SPP advises that the planning system should support economically, environmentally, and socially sustainable places by enabling development that balances the cost and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place it is not to allow development at any cost. This means that policies and decisions should be guided by the following principles in Paragraph 29 which we address in turn within the table below.

F E R G U S O N
P L A N N I N G

Caddie Cottage, Teapot Street, Morebattle, Kelso, Scottish Borders

CONCLUSION

CONCLUSION

5.1 The submitted appeal, supported by this statement, seeks to overturn the Council's decision to refuse planning permission relating to the installation of new windows and door, Caddie Cottage, Teapot Street, Morebattle, Kelso.

5.2 In summary:

- The windows, both sash and case and casement, were chosen as like for like, considered to be a modest design and a suitable replacement.
- The old original windows and door were in a state of disrepair and required to be replaced in order to ensure that the character and appearance of Morebattle was kept to the upmost standards.
- The replacement windows and door will also enhance the living standards of the residents at time where dwelling are required to being increasingly energy efficient, adding more installation and assisting energy reduction within this old property.
- The proposal uterlises and existing dwelling to ensure it can remain occupied for years to come.
- Overall,there was support from locals and the Community Council for the replacement windows and door.
- It is deemed the proposal is considered to have Negligle/ MInor impact on the setting of the Morebattle Conservation Area in compliance with Policy EP9.

5.3 As we have demonstrated through this statement, we consider that the proposal complies with the development plan, and in particular LDP Policy EP9 and the Supplementary Planning Guidance against which the original application was refused.

5.4 There is a presumption in favour of applications that accord with the development plan unless there are significant material considerations that indicate the development plan should not be followed. We therefore respectfully request that the appeal be allowed.

Caddie Cottage, Teapot Street, Morebattle, Kelso, Scottish Borders

F E R G U S O N
P L A N N I N G

F E R G U S O N
P L A N N I N G

G A L A S H I E L S

Shiel House
54 Island Street
Galashiels TD1 1NU

T: 01896 668 744
M: 07960 003 358

E D I N B U R G H

37 One George Street
Edinburgh
EH2 2HN

T: 0131 385 8801
M: 07960 003 358

N O R T H E R N I R E L A N D

61 Moyle Road
Ballycastle, Co. Antrim
Northern Ireland
BT54 6LG

M: 07960 003 358

