

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW
PROCEDURE) (SCOTLAND) REGULATIONS 2013**

Planning Application No: 22/00296/FUL
Local Review Body No: 22/00030/RREF
Applicant: Mr Robin Purdie

Agent: Aitken Turnbull Architects
Proposal: Erection of dwellinghouse
Location: Land North and East of Tweed Lodge Hoebridge East Road
Gattonside

Comments of the Planning Officer in Respect of New Information

The Local Review Body determined to proceed with the review of the above application with further procedure. In this instance, the Local Review Body requires comments from the Council's Planning Officer in response to the Daylight Analysis Diagram containing a floor plan of the neighbouring property together with the Supporting Review Statement, which refers to the impact on the neighbouring property submitted by the applicant and not before the Planning Officer at the time of decision.

Policy PMD5 of the Local Development Plan 2016 states that the development should not result in any significant loss of daylight, sunshine or privacy to adjoining properties as a result of overshadowing or overlooking. Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on overshadowing and access to light that can be applied when considering planning applications for new developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

The application site is situated to the north of Tweed Lodge. The front elevation of Tweed Lodge faces the site.

Circular 1/2012: Guidance on Householder Permitted Development Rights Updated 2021 uses the term "principle elevation" to identify the front elevation of a house. Most houses are designed to front the road, though there are exceptions. The Circular, in paragraph 3.4, lists certain factors to identify principle/front elevations and this includes the location of the main door, windows and relationship with the road.

It is clear that the elevation of Tweed Lodge that faces the site is the front elevation as the front door is situated centrally within this elevation leading to the entrance hall and this is the elevation that visitors arrive at when approaching the property. This elevation has the architectural character of a front or principle elevation. The layout of the house has been designed so that the living room and bedroom/study, and associated windows, are located to the rear of the property to take advantage of the views, privacy and sunlight.

The proposed house would be 5.5m from the front elevation of Tweed Lodge; the existing property has a window serving the kitchen in the front elevation, which is a habitable room, defined as such in the Council's Supplementary Planning Guidance on Householder Developments. This window provides light into the kitchen, especially to the kitchen sink,

situated adjacent to the window. This window is in the north elevation of Tweed Lodge and so benefits from less light than windows within the south elevation and so any loss of light would be more noticeable.

The Supplementary Planning Guidance on Householder Developments has been adopted by the Council and contains advice on assessing the impact of a proposed development on the light of an existing property. In this case the 25 degree approach can be used where a new building directly faces the window of an existing property. Suitable daylight for habitable rooms is achieved when a 25 degree vertical angle taken from the centre of the lowest window is unobstructed. The 45 degree rule does not apply where properties would directly face each other, as in this case.

The layout of the site as shown on the site plan would position the proposed two storey section of the dwellinghouse in front of the kitchen window of Tweed Lodge, impacting on the light of the existing property. The Daylight Analysis submitted by the applicant demonstrates this. When the 25 degree line is drawn from the centre of the kitchen window, it is obstructed by the proposed house. The diagram also indicates that the two storey element of the proposal would block sunlight to the front elevation of Tweed Lodge in the late afternoon.

It is accepted that there was a large agricultural building on the site but this has been removed and as a result has improved access to light of Tweed Lodge for some time now. The owners have become use to this improved situation and that would be worsened by this proposal.

Therefore, it is still considered that siting a house of this scale so close to the existing house would result in a loss of light and would be overbearing, resulting in a dominant impact and would harm the outlook from the property. The proposal would have a detrimental impact on the residential amenities currently enjoyed by the occupants of Tweed Lodge, contrary to policies PMD5 and HD3. The information submitted by the applicant has not changed this view and it is respectfully requested that the review is dismissed and the application refused.