

# **Response to Officer Comments**

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

**Erection of dwellinghouse**

**Application Ref. 22/00296/FUL  
Local Review Body Ref. 22/00030/RREF**

**On behalf of**

**Mr Robin Purdie**

**November 2022**

**Aitken Turnbull Architects**

## **INTRODUCTION**

The Scottish Borders Local Review Body of 17th October 2022 considered the above application and decided to postpone deliberation to allow for the Council's Planning Officer to comment upon two documents, submitted as new information with the Notice of Review on 17th August 2022. The Planning Officer comments were relayed to the agent and applicant on 1st November 2022 and we would wish to address these comments below.

## **IMPACT ON NEIGHBOURING AMENITY – JUSTIFICATION FOR FURTHER INFORMATION**

It should firstly be noted that the Daylight Analysis Diagram and neighbouring property floorplans (contained within the Notice of Review supporting statement) were provided to address the Planning Officer's second reason for refusal which related to impact on neighbouring amenity. The Officer had not specifically set out this concern during the application process and therefore the decision notice was the first time the applicant had been informed that neighbouring amenity was an issue. Indeed, in the pre-application advice provided by the Officer on 5th August 2021, the issue of residential amenity was considered:

*"I note that the proposed house has been designed to reduce the impact on Tweed Lodge to the south. Your photos show that the agricultural barn has now been demolished and that there is a high timber fence on the northern boundary of the existing house. The barn would have had an impact on the light and outlook of the existing property.*

*The proposal would see a two storey, flat roof element to the north of Tweed Lodge and so the impact would be no greater than the barn in terms of light and overshadowing. There would be no windows directly overlooking the existing house."*

## **TWEED LODGE FLOORPLANS AND COMMENTARY**

The floorplans of the neighbouring property (Tweed Lodge) were set out within the Notice of Review statement. As the Officer notes, whilst there is a door access on the northern elevation, *"the layout of the house has been designed so that the livingroom and bedroom/study, and associated windows, are located to the rear of the property to take advantage of the views, privacy and sunlight"*. As illustrated within the Notice of Review statement (pages 8-9), Tweed Lodge was designed to take into account the existence of the large agricultural shed to the immediate north. The design is therefore an exception in terms of the front elevation rule as the principal elevation for habitable space and associated windows is actually the southern elevation in this case, designed to ensure light was enjoyed from the south rather than the north.

As set out within the applicant's response to consultations during the application process, the scale and proximity of the barn clearly necessitated a design solution for Tweed Lodge that addressed the large structure and its impact on daylight. Images are copied again below for ease of reference.



Above - Former barn adjacent to Tweed Lodge



Above - Former barn materials



Above - Former barn with The Hoebridge to east



Above - Former barn proximity to Tweed Lodge

The Officer states that there is a window to the kitchen on the northern elevation which is a habitable room. However, as set out within the statement, the kitchen is open plan to the livingroom which benefits from plentiful light due to windows to south and east elevations. The Officer contends that loss of light to the “kitchen sink” would have a significant impact. It is considered that overall enjoyment of light to the kitchen and open plan living space would not be materially impacted in any significant manner.

The Officer also states the proposed house is to be 5.5m from the northern elevation of Tweed Lodge. However, this is misleading as the only element within this distance is the garage element of the new house whilst the distance from proposed windows (and main house line) is 6.95m. This is clearly an improvement upon the 5m distance to the barn which the proposed house will replace.

The barn has indeed been removed (demolished in conjunction with planning permission 19/01753/PPP which granted approval in principle of the new dwellinghouse on the site). However, this was relatively recently in November 2020, during the Covid pandemic, and it is not unreasonable for the planning process to have resulted in a period of time prior to final designs for the new house to be developed. The fact remains that the barn would still be in place if it wasn't for plans to build a new house so existence of an “improved situation” is therefore temporary and artificial.

It should also be noted that the applicant is using the same builder - Fjordhus - that designed and constructed Tweed Lodge so the design team are fully aware of the careful consideration that was given to ensure Tweed Lodge did not rely on the northern aspect for daylighting purposes. The use of the same builder provides continuity for the development of this part of Gattonside based on detailed knowledge of the site.

## **DAYLIGHT ANALYSIS**

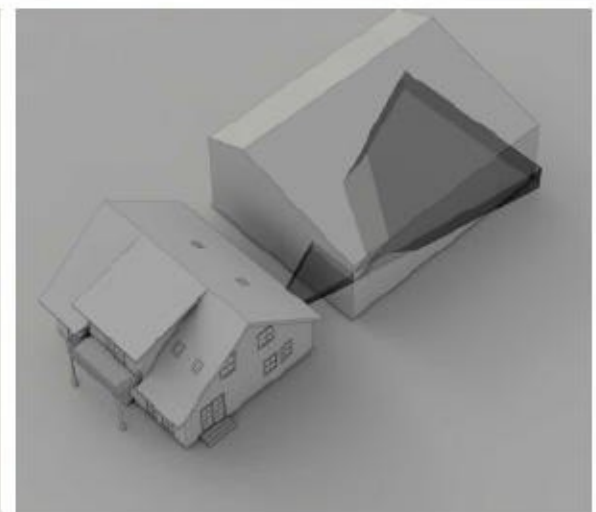
The Officer states that the Daylight Analysis Diagram does not overcome the Council's Supplementary Guidance and requirement for daylight to habitable rooms to be demonstrated via the '25 degree' rule. However, firstly, as noted above, the kitchen window in question forms a secondary light source into this space with the main daylight into the open plan kitchen and livingroom being achieved via the plentiful windows to south and east. The Supplementary Guidance refers to use of the 25 degree rule when a new building directly faces the window of an existing property, stating “suitable daylight for habitable (principle) rooms is achieved when a 25 degree vertical angle taken from the centre of the lowest window is kept unobstructed”. The kitchen window is not the main light source and it is considered that daylight into the 'principle' habitable space is addressed via the design of Tweed Lodge with windows to south and east.

The applicant was not informed of any supposed deficiency in this respect during lengthy application discussions (where a number of design changes were requested and provided). The daylight diagram demonstrates that it is still possible to achieve good daylighting, providing the obstruction is not continuous, which is the case with the proposed house which has single and two storey elements. This is illustrated in the diagrams below showing the rule applied to the barn that occupied the site and then the proposed house.



**25-degree - daylight**

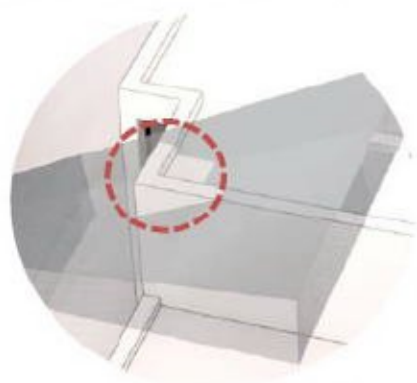
The area of construction within the 25-degree projection is illustrated in these diagrams. The volume is taken from the centre to the top of the window in question and drawn towards the metal shed building.



METAL SHED BUILDING

**25-degree - daylight**

The area of construction within the 25-degree projection is illustrated in these diagrams. The volume is taken from the centre to the top of the window in question and drawn towards the proposed building.



Red circle show building area above 25- degree line

Demonstrating that the area is kept unobstructed apart from a small triangle – this area is not continuous and is narrow enough to allow daylight around its sides. The light studies carried out has established that good daylighting is achieved and that the effect of the proposed building will not obstruct daylight to the North facing kitchen window.



PROPOSED DEVELOPMENT

It should be further noted that, notwithstanding the fact that the habitable space for Tweed Lodge is orientated towards the south and loss of daylight to the 'kitchen sink' is negligible, the use of the 25 degree rule is not the norm in Scotland where the 45 degree rule is accepted practice (as set out in the Supplementary Guidance).

As has already been demonstrated through application submissions including the Design Statement, there would be no detrimental impact upon sunlight requirements to Tweed Lodge.

## **CONCLUSION**

It is considered that the Officer comments with regard to the Tweed Lodge floorplan and daylight analysis do not counter the fundamental point that the proposed house would have negligible impact on daylight into Tweed Lodge and associated amenity concerns. Tweed Lodge was designed and built with the large agricultural barn in close proximity to the north and the new proposed house would better the previous situation. The design has carefully considered its neighbour with varying height and no overlooking or loss of sunlight (as evidenced and agreed during the application process). The point in question in relation to the second reason for refusal is the application of the 25 degree rule and whether there is any significant loss of daylight to 'principle habitable rooms'. The submitted evidence supports the applicant's assertion that there would be no significant impact with the existing open plan kitchen/livingspace at Tweed Lodge being able to continue to benefit from its contextual design and abundance of light from south and east windows.

The applicant would respectfully request the Local Review Body to consider the practical considerations in this case and take into account the design quality aspirations set out.