

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

17 George Street, Eyemouth, Scottish Borders, TD14 5HH

Mr and Mrs. Craig Fletcher

November 2022

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INTRODUCTION

## INTRODUCTION

1.1 This Appeal Statement is submitted on behalf of Mr. and Mrs. Fletcher ('the appellant') and sets out the grounds of appeal against the decision of Scottish Borders Council (SBC) to refuse planning application LPA ref: 22/00371/FUL by delegated decision on 03/11/2022.

1.2 The Planning Permission in Principle Application sought consent for the "Alternations and extension to dwellinghouse at 17 George Street, Eyemouth, Scottish Borders, TD14 5HH".

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

- The proposed development does not accord with policies PMD2 (Quality Standards) and EP9 (Conservation Areas) of the Local Development Plan 2016. The proposed development, by reason of its scale, form, detailing and proportions, would not be appropriate for the existing building and would harm the special architectural and historic character and appearance of the Conservation Area.
- The proposed development does not accord with policy HD3 (Protection of Residential Amenity) of the Local Development Plan 2016. The extension, by reason of its siting and height, would result in the loss of light to habitable rooms of neighbouring residential properties to the south and east. In addition, its height and blank walling on its south and east elevations would have an overbearing relationship and adverse visual impact upon the same neighbouring residential properties. These adverse impacts would harm the amenity of occupants in neighbouring residential properties.

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

| Consultee                      | Comment   |
|--------------------------------|---|
| Roads Planning                 | <b>No Objection</b>   |
| Architectural heritage Society | <b>No Objection</b>   |
| Archaeology Officer            | <b>No Objection</b>   |
| Scottish Water                 | <b>No Objection</b>   |
| Community Council              | <b>No Objection</b>   |
| Ecology Officer                | <b>No Objection</b>   |
| Landscape Officer              | <b>No Objection</b>   |
| Heritage and Design Officer    | <b>Requested additional information which the applicant provided prior to determination and can be found within the Core Documents.</b>                                       |
| Berwickshire Civic Society     | <b>No Objection however provided an observation in which the applicant provided additional information prior to determination and can be found within the core documents.</b> |

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.

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APPLICATION SITE AND CONTEXT

## APPLICATION SITE AND CONTEXT

2.1 The site is located at 17 George Street, within the coastal Settlement of Eyemouth. The site occupies an existing residential property which is two and a half stories in high with a single storey extension to the south, in use as a garage, forming an ‘L-Shaped’ property. The property extends to approximately 122sqm as it stands. The site is accessed off George Street from St Ella’s Place to the west or Chapel Street to the south, and is bounded by neighbouring residential properties up to three stories in height to the north, east, south and west as illustrated within Figure 1 below.

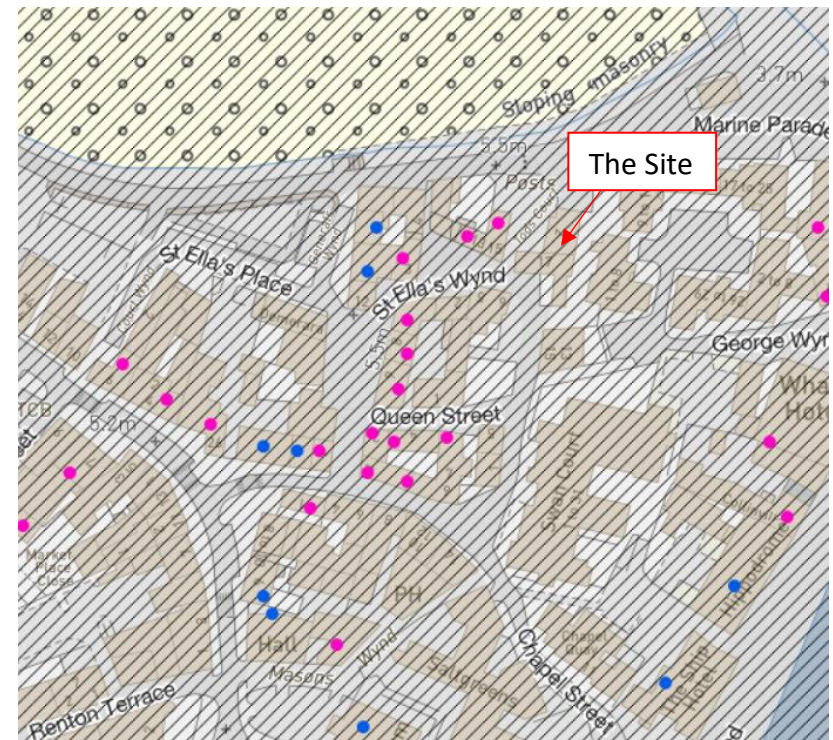
**Figure 1:** Site Location



2.2 With regards to the Local Development Plan adopted proposals map, the site is within the Settlement Boundary and within the Town Centre of Eyemouth. In terms of heritage, the building on site is not listed, however the site is within the Eyemouth Conservation Area in which the majority of the Town Centre lies within.

2.3 In terms of accessibility, as previously discussed, the site is within the Town Centre and therefore within walking distance to a range of services and facilities Eyemouth has to offer, along with public transport with the local bus stops to Duns, Berwick Upon Tweed and Reston for rail services to Edinburgh City Centre.

**Figure 2:** Historic Scotland (Category C Listed Buildings in Pink, Category B Listed Buildings in Blue, Conservation Area dashed).





2.4 The Scottish Environment Protection Agency (SEPA) are the statutory body for flood management in Scotland and maintain flood risk maps for public and development purposes. The site does not fall within an area at risk of river flooding.

2.5 In terms of the existing parking arrangements, parking in this area is off site and will not be affected by the proposed alterations and extension. Figure 3-5 below provide images of the existing site.

**Figure 3:** Image of Existing Site (southern façade of the property)



**Figure 4:** Image of Existing Site (western façade of the property)





**Figure 5:** Image of Existing Site (western façade of the property looking north towards Toots Court)



**Figure 6:** Image of Existing Site (eastern façade)



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THE PROPOSAL

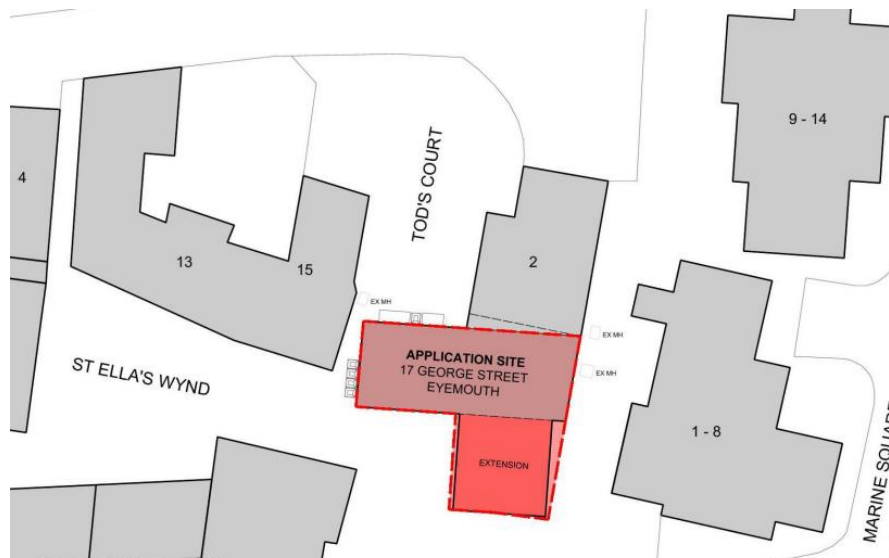
## THE PROPOSAL

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

***“The alteration and extension to the dwelling house at 17 George Street, Eyemouth, Scottish Borders, TD14 5HH”.***

3.2 The proposal seeks to renovate the existing property to make a quality family home which is fit for purpose for the applicants. The proposed development involves the alterations of an existing house and involves the demolition of the existing single storey rear extension, which is proposed to be replaced by a one and a half storey extension to provide the accommodation required. The site location is identified within Core Document 3, accompanying this report and proposed Site Plan in Figure 7 below.

**Figure 7:** Proposed Site Plan



3.3 In terms of layout, the replacement extension is largely positioned on the existing footprint of the built form. Careful consideration has been taken to ensure there is adequate separation distances between the proposal and neighbouring properties, safeguarding the daylight and sunlight provisions and privacy of residents. The application was supported by a Daylight/Sunlight study and can be found within Core Document 6.

3.4 With regards to design and materiality, the replacement extension replicates the pitched slate roof of the main house, forming a garage and en-suite bedroom and small utility in the eves. The facade is of stone construction with a painted roughcast finish which is sought to be retained. Windows will be of timber double glazed to match the existing house.

3.5 The proposal also seeks to replicate the style and spacing of the neighbouring dwellings within the Old Town of Eyemouth. The accompanying design statement and CGI visuals show how the proposal would sit well into the local townscape.

3.6 The proposal will be fully insulated and heated to comply with the requirements of the Building Regulations and all of the timber uses will be taken from sustainable management sources.

3.7 The design and materials chosen has taken a similar approach to the surroundings, with materials such as timber, natural stone and slate. It is again intended that the house would be well insulated, triple glazed and renewable energy technologies would be implemented.

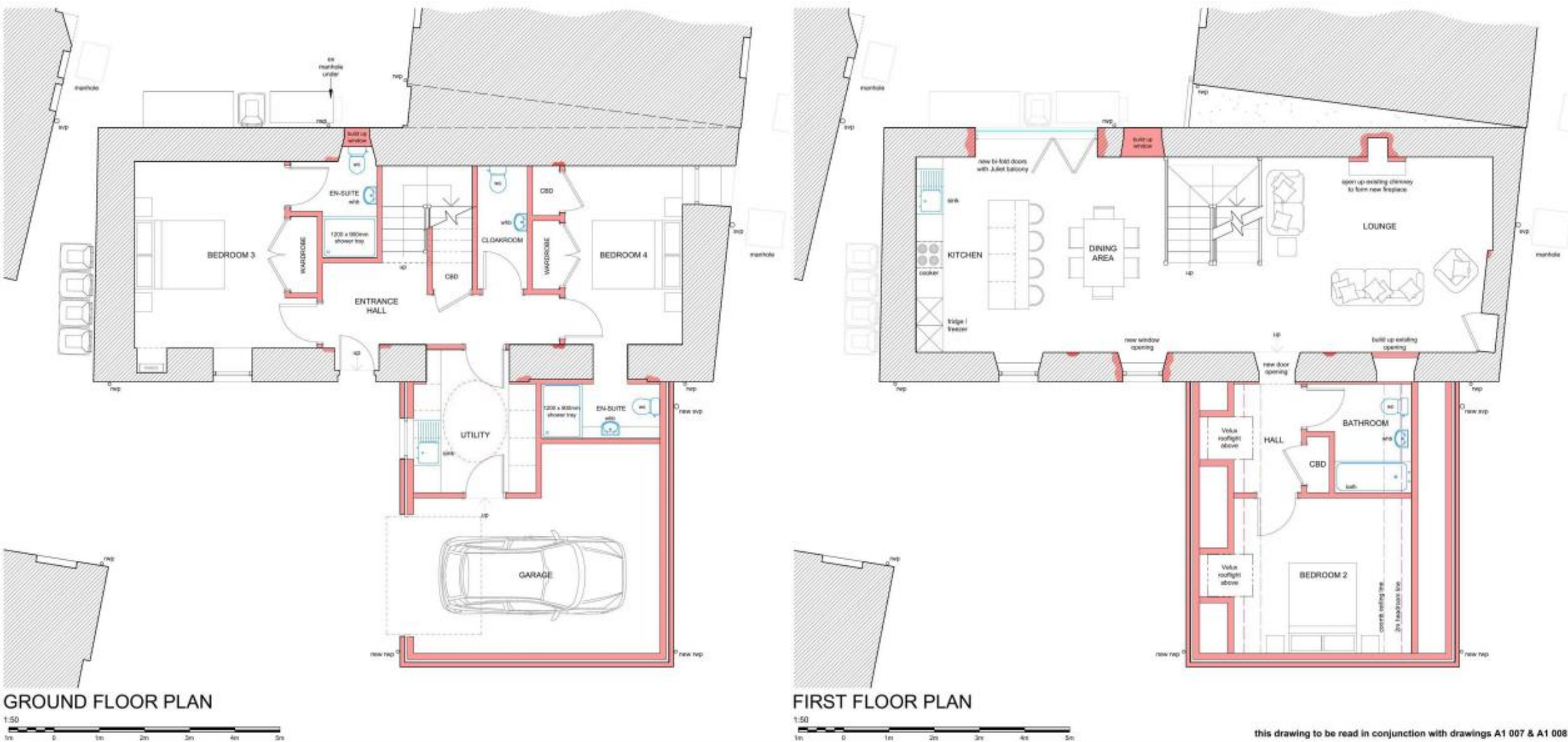
3.8 During the planning application, the applicant has taken on board officers' comments, submitting revised plans as illustrated within Figures 8-10 below and within Core Document 3. The revised proposal reduced the eves height of the southern elevation and the ridge line, reducing the massing on the prominent façade of the property.

**Figure 8:** Proposed Elevations and Sections





Figures 9: Proposed Floor Plans



**Figures 10:** Proposed Visuals



PROPOSED 3D VIEW 1  
RTS



PROPOSED 3D VIEW 2  
RTS



PROPOSED 3D VIEW 3  
RTS



PROPOSED 3D VIEW 4  
RTS



PROPOSED 3D VIEW 5  
RTS



PROPOSED 3D VIEW 6  
RTS

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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 three 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 three Grounds of Appeal (GOA).
- **GOA 1:** The proposed development accords with Policy PMD2 and EP9 of the Local Development Plan 2016, in that the proposed developments scale, form, detailing and proportions are considered appropriate for the existing building and would not harm the special architectural and historic character and appearance of the Conservation Area.
  - **GOA 2:** The proposed development accords with Policy HD3 of the Local Development Plan 2016. The extension would not result in the loss of light to habitable rooms of neighbouring residential properties to the south and east.
  - **GOA 3:** There are no other material considerations which warrant refusal of the application. Wider material considerations have not fully been taken into account. The SPP and NPF4 both support and promote further rural housing and investment in the communities.

- 4.3 **GOA 1:** The proposed development accords with Policy PMD2 and EP9 of the Local Development Plan 2016, in that the proposed developments scale, form, detailing and proportions are considered appropriate for the existing building and would not harm the special architectural and historic character and appearance of the Conservation Area.
- 4.4 **LDP Policy PMD2:** *Seeks all new developments to be of a high quality in accordance with sustainability principles, designed to fit in with the Scottish Borders townscape and to integrate with its landscape surroundings.*
- 4.5 *It is of scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building.*
- 4.6 *The proposal is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building.*
- 4.7 *It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form and it can be satisfactorily accommodated within the site.*
- 4.8 **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.*

### Appellant's Case

- 4.9 We have set out below the circumstances for why this development should proceed in line with policy, setting out how the proposal complies with Policies PMD2 and EP9 in the that the proposal respects the setting and character of the Conservation area in which it is situated within. The existing and proposed viewpoints within Figures 11-16 provide further context to the proposals.
- 4.10 This appeal is supported by a Heritage Statement as illustrated within Core Document 5, prepared by The Hurd Rolland Partnership, who have acted as built heritage consultants, advising on a large number of heritage-sensitive development projects throughout Scotland.
- 4.11 The Heritage Statement has provided an objective assessment of the potential impact of the proposal to alter and expand the existing dwelling house at 17 George Street, situated within the Conservation Area of Eyemouth, in terms of the key relevant statutory requirement and national and local policy and guidance.
- 4.12 It is acknowledged Eyemouth Conservation Area covers a large area and a variety of characteristics. The Heritage Statement concludes the proposed development will have only a slight or negligible impact on the wider Conservation Area such that its significance might reasonably be considered minor or negligible. The statement notes that it is the localised impact the proposed development may have on the essential characterises and appearance of the area bounded by Harbour Road, Marine Parade and market Place/ George Street that is required to be considered.
- 4.13 It is considered the scale, form, detailing and proportions of the proposed development, is consistent with the general scale and massing of the part of the Conservation Area it is situated within and will preserve and enhance the character and appearance of the area.
- 4.14 In conclusion, it is considered that how the Conservation Area is understood and experienced within Eyemouth, the special architectural and historic character will not be substantially affected by the proposed development. The proposal is therefore considered to have a Negligible/ Minor impact on the setting of the Conservation Area and in compliance with Policies EP9 and PMD2.

**Figure 11:** Existing Viewpoint 1



**Figure 12:** Proposed Viewpoint 1



**Figure 13:** Existing Viewpoint 2



**Figure 15:** Existing Viewpoint 3



**Figure 14:** Proposed Viewpoint 2



**Figure 16:** Proposed Viewpoint 3





4.15 **GOA 2:** The proposed development accords with Policy HD3 of the Local Development Plan 2016. The extension would not result in the loss of light to habitable rooms of neighbouring residential properties to the south and east.

4.16 **LDP Policy HD3 Protection of Residential Amenity:** States to protect the amenity and character of residential areas, any development will be assessed against:

- a) *The principle of the development, including where relevant, any open space that would be lost; and*
- b) *The details of the development itself particularly in terms of:*
  - a. *The scale, form and type of development in terms of its fit within the residential area*
  - b. *The impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sun lighting provisions. These considerations apply especially in relation to garden ground or 'backland' development.*
  - c. *The generation of traffic or noise*
  - d. *The level of visual impact.*

#### Appellant's Case

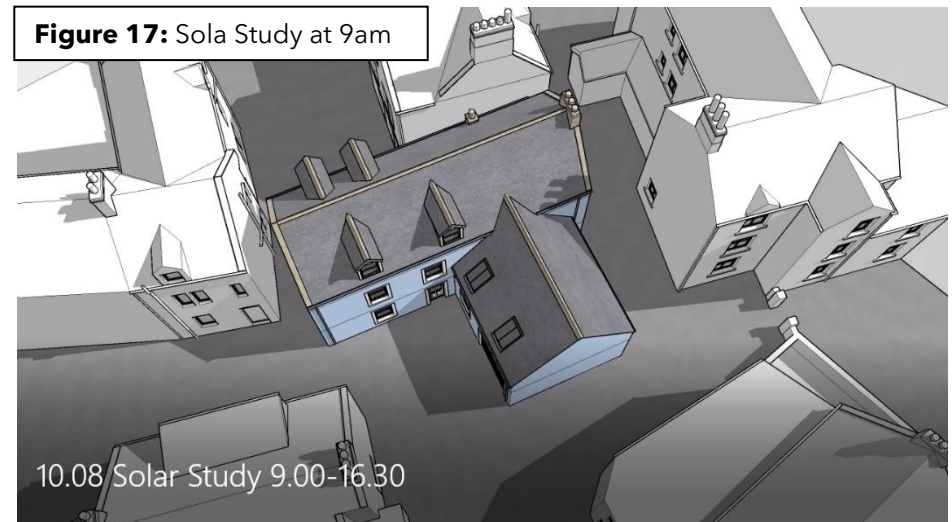
4.17 We have set out below the circumstances for why this development should proceed in line with policy, setting out how the proposal complies with Policy HD3 in that the proposal protects the residential amenity of occupiers and neighbouring residents.

4.18 The application was supported by a Solar Study which can be found within Core Document 6 and within Figures 17-22 below. The study was undertaken on two dates, one in the Winter and the other in the Summer. The building is Geo-located, providing an accurate representation of the potential impact the proposal may have on neighbouring properties.

4.19 The Solar Study concludes that within the summer months, the proposal would result in the loss of light to habitable rooms of the neighbouring property to the south, and only one small window in the late afternoon at 4.30pm. A similar situation occurs in the winter months.

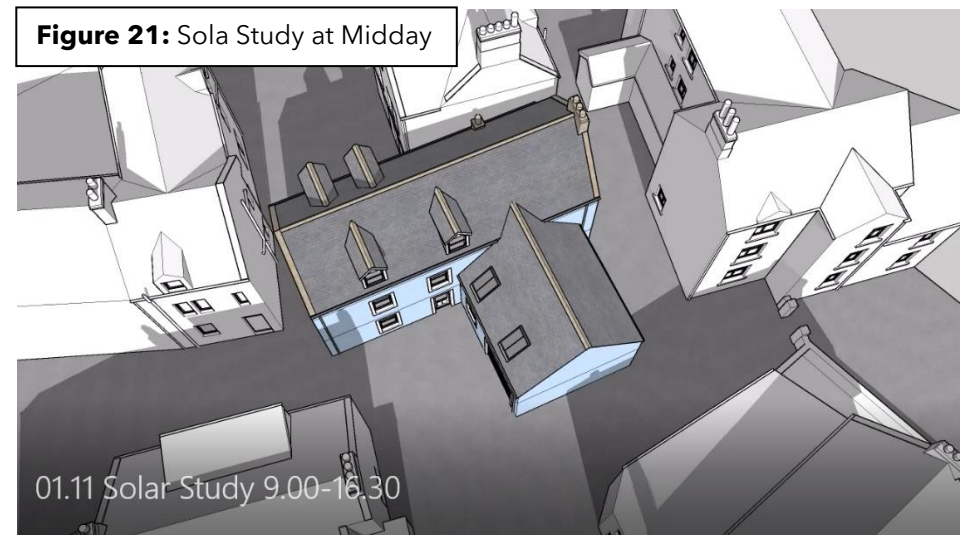
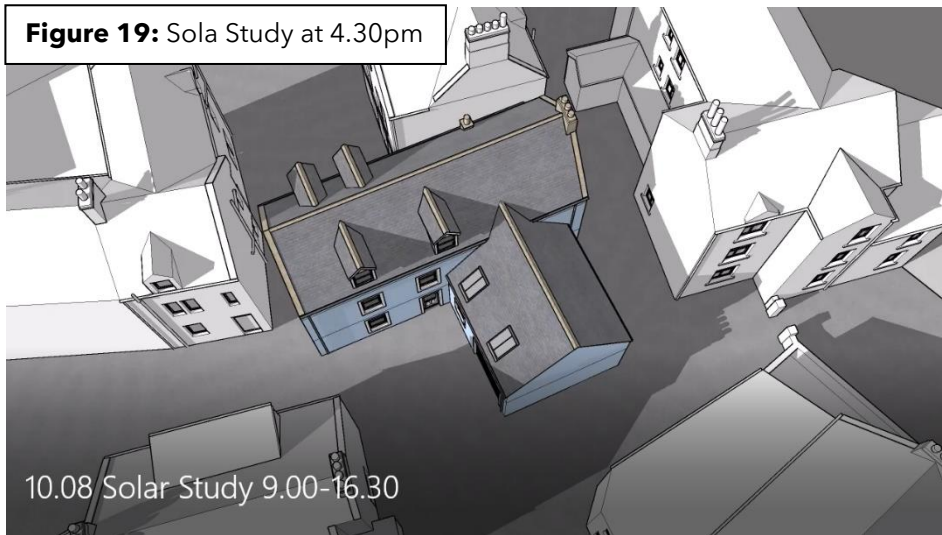
#### Summer Solar Study

**Figure 17:** Sola Study at 9am

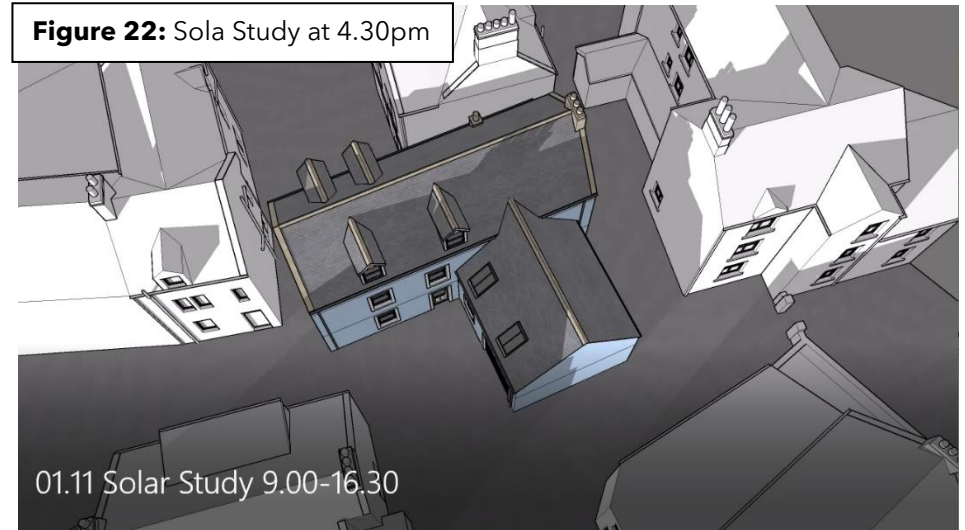
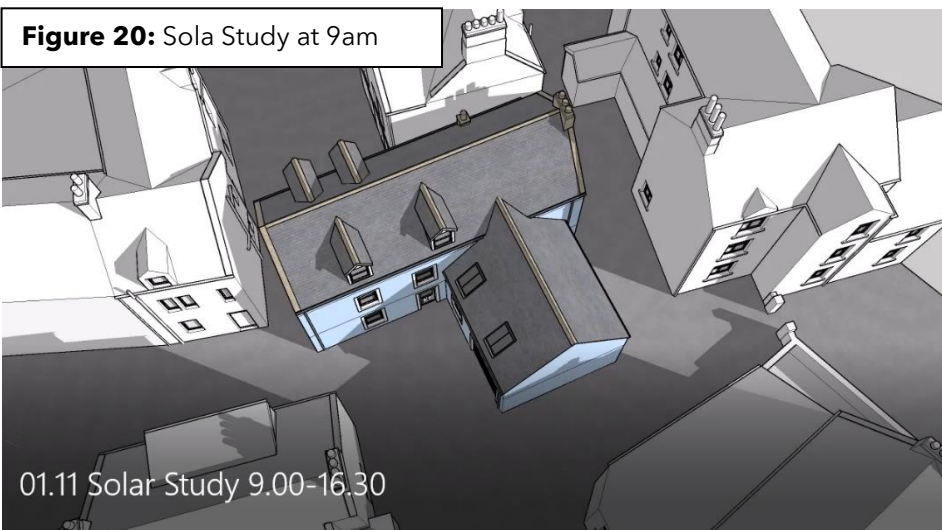


**Figure 18:** Sola Study at Midday





**Winter Solar Study**



4.20 Due to the nature of the Eyemouth Old Town, the existing built form creates a fairly dense environment. The proposal is considered to have a minimal impact on the daylight and sunlight provision of the neighbouring properties as demonstrated within the Sola Study above and within Core Documents 6.

4.21 In terms of the other credentials set out within Policy HD3, the principle of development is considered to be acceptable, representing a modest extension to a residential property within a settlement boundary where development is encouraged. The proposal is therefore considered to be compliant with Policy HD3 part a.

4.22 The scale, form and type of development take a similar approach to its surroundings within the residential area of the Old Town of Eyemouth. Due to adequate separation distances and no overlooking of habitable rooms, the proposal would not result in the loss of privacy for neighbouring residents, nor occupiers of the dwelling in question and therefore in accordance with Policy HD3 part b, sections a and b.

4.23 In terms of Policy HD3 part b, section c, the proposal will not give rise to traffic or noise concerns given there is no existing or proposed parking on site and it will therefore not be affected. With regards to the noise, the proposal is of a similar nature to the surrounding land use. Construction hours and methods will be agreed by the Local planning Authority and secured through a suitably worded condition to ensure construction work is not undertaken at unsociable hours.

4.24 The level of visual impact has been assessed within the above Grounds of Appeal 1, and concludes the visual impact of the proposed development on the surrounding area will be negligible/ Minor, and therefore in accordance with Policy HD3 part b, section d.

4.25 In conclusion, it is therefore considered that the proposal is compliant with Policy HD3.

**GOA 3:** *There are no other material considerations which warrant refusal of the application. The material considerations have not fully been taken into account. The SPP and NPF4 both support and promote further investment in housing and in the rural community.*

4.26 Our clients' aspirations are for this site to provide a modest extension to a residential dwelling to make it fit for purpose for the occupiers, whilst representing an opportunity to invest in the rural town of Eyemouth, keeping up with housing demand. The proposal would be built by the applicant who is committed to deliver the development as soon as possible and is therefore effective and deliverable.

4.27 It is also important to note the site is situated within the settlement boundary, where extensions to existing dwellings are considered to be acceptable as long as there is no hindrance on residential amenity or the historic environment which we have demonstrated within our case against the Grounds of Appeal 1 and 2.

4.28 The proposed development supports the ethos of the Revised Draft NPF4 through the 20-minute neighbourhood concept. The draft NPF4 seeks to encourage housing proposals within a 20-minute walk from local shops and services, encouraging development to contribute to the viability, sustainability and diversity of rural economies and communities. This proposal would enable the dwelling to become fit for purpose for the existing residents, ensuring the property remains occupied.

4.29 SPP 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.

Table 1: SSP Principles

| Policy Principle  | How the Proposal Complies   |
|---|---|
| Giving due weight to net economic benefit;  | The proposal will deliver much needed investment and delivery of housing that is fit for purpose within the Settlement Boundary of Eyemouth. The applicant will also seek to appoint local tradesmen during the construction process, contributing to the local economy.          |
| Responding to economic issues, challenges and opportunities, as outlined in local economic strategies;  | The proposal supports the growth of the rural community through the creation of jobs during the construction, whilst ensuring there is a generous supply of housing land that is fit for purpose to cater for the increase in people and families living in the Scottish Borders. |
| Supporting good design and the six qualities of successful places;  | The proposal will deliver high quality extension to a residential dwelling, utilising sustainable technologies and materials.   |
| Making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities; | The proposal will capitalise on the existing investment made in Eyemouth. Making the property fit for purpose will ensure it remains occupied, with the residents continuing to contribute to local services and facilities through having a higher footfall in the local area.   |
| Supporting delivery of accessible housing, business, retailing and leisure development.   | The proposal will form a much-needed family sized dwelling that is fit for purpose.   |
| Supporting delivery of infrastructure, for example transport, education, energy, digital and water.   | The proposal will be able to occupy the property with residents contributing to council tax.  |
| Supporting climate change mitigation and adaptation including taking account of flood risk.   | The proposed alterations and extension will modernise the property and capitalise on renewable technologies.  |



SPP Table Continued...

| Policy Principle   | How the Proposal Complies  |
|--|--|
| Improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation.                            | The property is situated within the Settlement Boundary, within walking distance to local shop, services, sports clubs and the beach encouraging an active lifestyle.                  |
| Having regard to the principles for sustainable land use set out in the Land Use Strategy;   | As previously mentioned, the proposed site is in a sustainable location within the settlement boundary of Eyemouth, within walking distance to shops, services and leisure facilities. |
| Protecting, enhancing and promoting access to cultural heritage, including the historic environment.   | The sensitive approach to the design seeks to safeguard the character of dwellings within its setting within the settlement.   |
| Protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.                               | The proposal is largely positioned on the footprint of existing built form and will not result in the loss of any green space.   |
| Reducing waste, facilitating its management and promoting resource recovery; and   | Suitable provision for waste collection can be demonstrated.   |
| Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality. | The low-density scale of development is considered appropriate for a site of this nature.  |

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CONCLUSION

## CONCLUSION

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- 5.1 The submitted appeal, supported by this statement, seeks to overturn the Council's decision to refuse planning permission relating to the alterations and extension to the residential development at 17 George Street, Eyemouth, Scottish Borders, TD14 5HH.
- 5.2 In summary:
- The site represents a sustainable location within Eyemouth, located within the Old Town and close to public transport, local shops and services. The proposal supports the 20-minute neighbourhood philosophy set out within the Draft NPF4.
  - The site is within an existing residential area and therefore our proposal will represent a compatible use without impacting upon residential amenity.
  - The proposed alterations and extension are largely situated on the footprint of the existing built form, utilising the site to form a dwelling house that is fit for purpose for the appellant.
  - The proposal has been carefully positioned and designed ensuring there is a good level of amenity for future occupiers and providing good quality standards using sustainable methods in accordance with Policy PMD1, PMD2 and HD3. It again will be a high-quality building material and supported by renewable technology.
  - It is considered that how the site is experienced and understood within its surroundings within the Conservation Area will not be substantially affected by the proposed development. The proposal is therefore considered to have a Negligible/ Minor impact on the setting of the Heritage Asset 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 Policies PMD2, EP9 and HD3 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 be followed.
- 5.5 In addition to the above, the proposal will deliver local investment in trade employment, whilst encouraging the occupancy of the dwelling creating it fit for purpose for the applicant which will be expanding purchasing power in the local economy and supporting existing rural services.
- 5.6 The proposal is considered to fall within the guiding principles of the SPP, and we do not consider that there are any impacts which are significant and demonstrably outweigh the presumption in favour of development. We therefore respectfully request that the appeal be allowed.

APPENDICES: Core Documents

Core Doc 1: Decision Notice and Officer Report

Core Doc 2: Location Plan

Core Doc 3: Proposed and Existing Plan

Core Doc 4: Design and Assess Statement

Core Doc 5: Heritage Statement

Core Doc 6: Daylight Sunlight Assessment

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

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