MAKAR

Applicants Response to Delegated Planning Report

In support of the planning application for:

New Dwellinghouse at Westwater Building Group, West Linton, Scottish Borders

Planning applicant: Ian & Fiona Swann

Prepared by Neil Sutherland Architect

MAKAR February 2023

Reference:	22/01739/FUL
Applicant:	Ian Swann
Agent:	MAKAR
Development:	**Erection of Dwellinghouse and detached garage**
Location:	**Land west of The Old Barn, Westwater, West Linton**
Type:	**Full Application**
Representations:	**Zero**

Planning history: The principle of the development on the site was established and granted by the Local Review Body on the 22nd November 2021 (ref 21/00010/RREF)

Delegated Report authored by Planning Officer Ranald Dods, dated the 14th December 2022, recommendation Refusal.

With this paper we wish to respond to the Delegated Report (DR) which recommended and resulted in refusal of planning permission. We believe that in consideration of the application by the Planning Officer, there were a number of misunderstandings and assumptions made which, if understood more fully, would most likely have resulted in a different recommendation and planning outcome.

During the processing of this application, no attempt was made by the Planning Officer to engage with the applicant or the applicant's agent. This is contrary to Scottish Borders Council (SBC) Placemaking and Design Supplementary planning guidance page 11:

Working together: *clear communication and collaboration between developers / agents and the Local Planning Authority.*

Policy context

The DR identifies the key policies against which this proposal is assessed to be

- HD2 – Housing in the Countryside
- PMD2 – Quality Standards; Placemaking and design

HD2 Housing in the Countryside

The DR confirms section A of the HD2 applies. In summary the report states:

"Where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access and materials should be sympathetic to the character of the group....What is at issue here is the design and siting concerns."

Applicants response:

Scale:

The group into which this proposed house would sit, currently contains 4 dwellings, with significant mature trees bounding the west end of the group. Two of the houses in this group are one and a half storey houses. The Old Barn, to the east is single storey, built on the footprint of a former agricultural building, and Westwater cottage to the south, is barely visible from the site due to tree screening is also single storey.

The site is bounded to the west by the public road and a band of mature predominantly deciduous trees with significant landscape value.

The proposed dwelling in question is of very similar scale to the two one and a half storey houses in the group: it has a one and a half storey main building element combined with a single storey wing. See attached comparative diagram at Appendix A.

Siting:

The proposed siting of the development was carefully considered in respect of the mature trees on the site, and is sufficiently restrained, we believe, in terms of prominence and distance to the boundary and neighbouring cottage, 'The Old Barn' to safeguard the privacy for the adjacent residents.

The proposed dwelling is situated north and west of the Old Barn to avoid overlooking and overshadowing of The Old Barn, and draws on the building line created with Westwater and Lymefield House to 'bookend' the group. Please see Appendix B.

In these ways; coming into a positive relationship with the mature trees, respecting the privacy of The Old Barn by offsetting the proposed dwelling, drawing on the building line and

respecting the one and a half storey form of two dwellings in the group, we believe this proposal makes a positive contribution to the existing building group.

The siting of the single storey garage was carefully considered to create a meaningful south-facing amenity space between the dwelling, garage and mature trees, and to offer a further single storey element to the grouping, to echo the smaller scale of The adjacent Old Barn. In the resulting grouping there will therefore be a balanced mix of single storey, and one and a half storey elements; bounded and softened by the presence of mature trees.

Design:

The design and expression of this proposal is contemporary and innovative, with an architectural quality that arises in dependence on and with careful dialogue with the site, environmental factors, and a palette of high quality modern materials - fit for purpose in the 21st century. PMD2 is positioned to support innovative and contemporary design which results in strong sense of place.

The sensitive combination of a one and a half storey element with single storey element, in conjunction with careful placement of the garage allows for the emergence of an intimate place adjacent to the mature trees on the site, while at the same time allowing for an authentic expression of net-zero sustainable building practice.

The fenestration pattern has been carefully refined to optimise passive solar gains, views, light, and expression of the rooms, which, on the one and a half storey element utilise the roof space.

Similarly, the roof pitch has been honed to allow for both a dual pitch arrangement, and one which affords views out from the principle upper floor rooms – without the need for an increased ridge height.

The width of the gable has been determined by a single room approach which maximises solar gains to all rooms.

Overhangs to the roofs have been carefully considered to offer protection to the timber cladding, to offer sheltered transition zones around the building, and to offer protection from summer mid-day solar penetration, a device which helps prevent overheating.

The grouping to which this proposed dwelling contributes has a mix of forms and styles with no one design character to the building group: the group hosts numerous forms, colours and materials. What these dwellings do have in common is the access route from the lane, and a distance to the lane which is proportionate to the proposed setting of this dwelling.

Access:

The proposed access is from the small lane serving the rest of the building group. Each one of the existing four properties are accessed from the lane with individual appropriately scaled vehicular access routes serving the properties to the north. The proposal is no different.

Materials:

The materials selection expresses the inherent deeply sustainable nature of the proposal.

In order to achieve the desired net-zero carbon outcome, the predominant material employed is Scottish sourced timber. This is used throughout the structure, external cladding and internal finishes of the dwellinghouse proposal.

Scottish Borders Council were the first Council in Scotland to prepare and implement Supplementary Guidance on use of timber in design with its document – *Use of Timber in Sustainable Construction.* This proposal follows this guidance.

Use of Timber - Supplementary Planning Guidance Placemaking and Design page 61:
The use of timber in buildings within the Scottish Borders can provide numerous benefits, particularly if it is sourced locally. Timber as an external finish can provide a high quality, natural finish provided it is sensitively designed and detailed. Timber used in such a way can work well when used either on its own or alongside other materials such as stone or render. Scottish Borders Council have produced Supplementary Planning Guidance on The Use of Timber in Sustainable Construction, that provides more detailed guidance.

The delivery of this dwelling would be by means of an off-site manufactured Modern Method of Construction (MMC) process. The future for net-zero sustainably constructed dwellings in Scotland is recognised by the Scottish Government as being an innovative Design for Manufacture and Assembly (DfMaA) integrated approach.

Sub-assembly building elements; complete with structure, insulation, windows, doors and timber cladding would be delivered to site for rapid assembly.

The one and a half storey element utilises sinusoidal profile sheeting; very common historically in the rural Borders area, while the lower roof (which will be visible form the upper story) will be a living roof; planted with Sedums. MAKAR has employed this type of roof finish successfully many times in varied locations.

The incorporation of sedums on a roof will have multiple benefits: rain water run-off will be reduced; snow adhering to the sedum will slide less easily and the sedums, as they flower, will attract pollinators. Visually, the natural texture and colours of the sedum harmonise with the timber cladding, and will make for a low-impact outcome.

PMD2 Quality Standards

We believe we have fully responded to the spirit and purpose of the policy with the proposal. This policy is particularly concerned with:

1 Sustainability,

2 Placemaking & Design,

3 Accessibility,

4 Green Space, Open Space & Biodiversity

The policy opens with the following statement:

1.1 *The aim of this policy is to ensure that all new development, not just housing, is of high quality and respects the environment in which it is contained. The policy does not aim to restrict good quality modern or innovative design…..*

1. Sustainability

Adherence to the principles of Sustainability is at the core of this proposal in terms of layout, solar orientation, modern methods of construction and decreased energy demand. We believe we have demonstrated that significant measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy, and state of the art sustainable construction techniques in accordance with supplementary planning guidance both from SBC and Scottish Government (SG) sources.

Independent verification by ECCOlab modelling indicates this proposal will be net-zero carbon (in terms of embodied carbon) on delivery; exceeding the performance target of 75% reduction of carbon dioxide emissions by 2030, the target set by the Scottish Government.

In addition to the building fabric with its materials and MMC method contributing to net-zero, very low operational energy use will be experienced due to the use of low and zero carbon technology in the form of PV panels and air-source heat pump.

2. Placemaking & Design

This proposal relates to the building group as a whole and is not restricted to a limited relationship with the most adjacent properties.

The building group currently comprises two single storey homes; one a small cottage (Westwater Cottage), and (The Old Barn) developed on the footprint of a former agricultural

building. Significantly, the two other properties making up the building group are substantial houses both comprising main building elements of 1.5 / 2 storey with single storey wings. This scale has been echoed in the proposed dwelling whose massing, height and positioning have been carefully considered relative to the building group.

The siting also draws on the building line created by Lymefield House and Westwater and 'bookends' the group, respectful of the containment and backdrop offered by the mature trees bounding and screening the building group from the public road.

The contemporary design intentions (including desire for net-zero carbon and ultra-low energy running costs) are expressed clearly whilst drawing on a palette of traditional materials respectful of the the wider Borders region.

We believe the result; high quality domestic architecture at the forefront of sustainability, will make a valuable and genuine contribution not only the Westwater building group and West Linton, but to the wider Borders region.

The wider 3.2 acre site has been carefully considered from a future landscaping point of view. A detailed proposal has been developed to enhance the overall long-term improvement of the site relative to its domestic context. These proposals enhance the site and its aesthetic, biodiversity and regenerative contribution to the building group. See Appendix C.

All existing trees are to be safeguarded with the exception of two individual trees. These have been assessed by the Council's tree officer Simon Wilkinson as follows:

Further to your application, I can confirm the Local Planning Authority has no objections to the controlled removal of Tree 416 Lime and Tree 412 Sitka Spruce. The Lime is displaying signs of crown die back. While a heavier crown reduction would address this in the short term, the branch framework form and gradual decline has in this case meant removal can be agreed. The Sitka is a large and dominant tree located within the site. Given the proposed extent of planting and dwelling location you propose, the tree may be removed.

3. Accessibility

After internal consultation during the planning process the Council's Roads Department have stated that they have no objection to the proposed access arrangements.

The proposal incorporates adequate access off the existing lane serving the entire building group. Car turning and parking is provided for within the site.

The proposed house has been designed to anticipate accessibility for ambient and disabled use. Width of doorways, corridors, toilet and shower room size and layout, have been carefully considered with this respect.

4. Green Space, Open Space & Biodiversity

From a landscaping point of view, the design intention is to not only retain the predominant physical and natural features and habitats but to significantly enhance them. Biodiversity will be measurably improved through a programme of work including tree and hedge establishment.

A detailed Landscape and Biodiversity enhancement proposal has been prepared by Alan MacInnes of Stephen Ogilvie Consultants Edinburgh. See page 14, at *Trees* below. See also Appendix C.

The Delegated Report in detail.

What follows is a paragraph by paragraph summary of the DR and the applicant response:

Paragraph 1 - Visual impact

Referring to policy PMD2 the report acknowledges:

That policy aim does not restrict good quality modern or innovative design. What is at question here is whether the proposal is good quality or innovative design; whether it would be in keeping with scale, extent, form and architectural character of the existing buildings and; whether or not the proposed dwelling would make a positive contribution to the character of the area.

We have set out above the architectural grounds for the considered scale and massing and how these relate to the existing grouping – which is itself a diverse expression of varying forms, materials, colours and massing.

Paragraph 2 – single storey

The character of the area is single houses of traditional proportions and materials set within generous grounds, with mature trees lining the access avenue. There is, as noted above, variety in heights of the buildings in the area but the closest properties, Westwater Cottage to the south west and The Old Barn to the east, are single storey and it is those which have greatest bearing on the setting of the site.

We do not agree with this site analysis or the presumption of a single storey cottage on the site. The proposal is for a medium scale house similar in footprint and scale to the main properties making up the building group. The Local Review Body (LRB) consent did not stipulate or restrict the scale of the future development.

With the proposed site organisation the proposed dwellinghouse and separate garage seek to relate to the building group as a whole. While the single storey Old Barn property lies to the east, the two other properties making up the building group are rather larger both in overall height, and in footprint. See Appendix B

Paragraph 3 – Building form

The proposal would see a timber framed and clad house with a T shape planform based on a standard kit and it could not reasonably be described as contemporary or innovative design……. two storey element orientated north south……. Would give an unappealing and overbearing appearance when viewed from the adjoining property….. proportions ….. lend the building an odd appearance. The width is too narrow and, …. the apparent height of the building is exaggerated.

Had the planner engaged we could have confirmed that his assumptions were a misunderstanding:

- The T planform echoes the eastern house know as Westwater with a one and a half storey main built element and living room wing, very similar to the proposal.
- The proposal is not a standard kit but rather the outcome of a carefully designed exclusively timber structure avoiding steel structural elements following Passivhaus principles and manufactured utilising state of the art Modern Methods of Construction Off-site methods.
- We therefore contest that the proposal absolutely represents the qualities of modern, contemporary and innovative design. A Design Statement was submitted in support of the application which set out these matters.
- The two storey reference is incorrect, the main building element can accurately be described as one and a half storey as per the application and supporting Design Statement; given the use of the volume within the roof-space, itself an innovative feature.
- Unappealing, overbearing, odd, all seem subjective rather than objective responses. The narrow nature of the main building element purposefully provides for a built element of single room width thus allowing sunlight into every part of this element as one would expect with a passive solar house. The aim was to avoid a deep plan with limited sunlight available to half of the spacres.The added and supportive intention is for a design incorporating Scottish timber throughout for net-zero purposes, avoiding steel and elaborate engineered components.
- The overall height of the main element is lower when compared with the gable of Westwater, a key building making up the building group.

Form and Proportion – Supplementary Planning Guidance on New Housing in the Borders Countryside

This guidance should not, however, be applied unthinkingly nor across the board, as there will be circumstances where, with sound reasoned justification, a different solution, in terms of building form, proportion and materials, can legitimately be pursued. Innovative designs, therefore, which are sympathetic to their setting and to the general principles in respect of siting set out above, will also be encouraged. There are a number of examples of new

buildings which relate well to neighbouring buildings of past styles without attempting to copy those styles. Page 20 - NHitC

Modern houses vary greatly in size but are almost invariably larger than the traditional farmworkers' cottages and, as a consequence, have both deeper plans and longer frontages. This makes it extremely difficult to achieve a satisfactory composition if a roof of between 40 and 45 degrees is to be used. The resultant house will inevitably have a "long roof" from eaves to ridge and appear top heavy and clumsy. A top heavy appearance also occurs in many current designs for one and half storey houses where the plan is deep and the accommodation requirements result in rooms in the roof space.

The size of house and its component parts can however, be kept in balance and within reasonable limits if the basic house plan is combined with suitably designed and proportioned extensions either to the side or rear. In this way the key elements of plan depth, wall height, roof pitch and length of frontage, can be both traditionally derived and in balance. This should also allow the prospective occupant to achieve the space standards necessary for a modern lifestyle. P20

Our proposal creates a balanced whole with a clear design concept utilising an appropriate palette and quality of materials and colour tones when viewed within the wider building group context.

Paragraph 4 - Roofs

The roofs of the two elements would both have a pitch of only 29 degrees, which would be out of keeping with the predominant pitch of roofs found in the Borders. In addition, both roofs would have generous overhangs, a characteristic not seen on the neighbouring buildings. In terms of finishing, the two storey element would be finished in profile steel sheeting, whilst the single storey element would be sedum. Neither of those materials is found on the neighbouring properties nor on houses in the surrounding area.

From a fundamental design and technical point of view a roof pitch is the result of a number of contributing factors. These factors include the structural materials utilised, the waterproofing finish employed, space, volume and form.

The two roofs to the proposed dwelling in addition to the garage are all 30 degrees in order to compliment one another.

Roof overhangs are incorporated to visually articulate the roofs themselves and to offer protection to the timber clad external finishes. It is proposed that the higher roof is finished with a high quality sinusoidal steel profile sheeting, a commonly used roof finish in rural Scotland. The lower roof will have a living Sedum finish. This is a contemporary response to our climate and biodiversity crisis: Rather than use energy intensive concrete or imported slate, Sedum roofs bring positive ecological and biodiversity benefits: in the spring, summer and autumn the flowering Sedum will provide habitat for pollinators and in the winter it will contribute in

part to the overall thermal performance. Both roof types while long lasting, can be maintained, replaced and recycled with ease.

Paragraph 5 – Garage

The garage creates a positive defensible space between the external usable area of the house, far enough away from the house so as not to interrupt direct solar gain but close enough to be easily accessed.

Although named a garage this building will not be used to park vehicles but will rather serve an ancillary function related to the development, maintenance and upkeep of the land in the ownership of the applicant. The building is therefore necessary for the storage of tools and equipment, will have a domestic workshop area within it, and will be used as a general domestic store.

Where new houses are proposed it is also important to consider the location and appearance of outbuildings such as garages and liquid gas and oil storage tanks. The position of these buildings and structures should be considered at the outset of the planning process and should be used to create a sense of enclosure, define spaces and, built in a style and with materials similar to the dwelling house. Page 19 New Housing in the Countryside SBC Supplementary Guidance.

Paragraph 6 – Context

no obvious regard to the pattern of houses here, and, *lack of visual sympathy between the development and the existing context.*

Our site analysis and resulting appreciation for the wider grouping, combined with careful examination of the customer brief, and the requirement for a modern, innovative net-zero carbon outcome, clearly and coherently informed the siting and design of the proposed dwelling and garage. We are somewhat at a loss, therefore, to understand the Planners view that we have paid

Paragraph 7 – Visual impact summary

The delegated report finds fault with:

- The siting of the buildings on the site,
- The form,
- The height and massing,
- The proportions, proposed materials,
- Roof pitch and overhangs, and

- Fenestration pattern.

And yet, the planner in listing these criteria is in fact making the case for a contemporary, modern and innovative approach to the development on the site, conceding that he has: *little doubt that the buildings would be designed to be highly insulated and energy efficient…*

We would have welcomed an earlier opportunity to highlight to the planner, that many of the integrative design features he has found fault with, emerge distinctly from the purpose and ambition of a proposal which follows Passivhaus and Net-zero principles.

The performance characteristics of the proposed dwelling require to be based on both Net-zero Carbon and Passive House principles. Thus the delivery of the overall development is required to be at least carbon neutral; off-set by sequestrated carbon in the form of timber and other natural materials used to insulate the dwelling. Operationally, the dwelling is required to be ultra-low in energy usage and Energy-Positive in site derived micro generation via an extensive PV array fitted to the garage building.

1. Accurate energy-use modelling using the Passive House Planning Package (PHPP)
2. Very high levels of Insulation
3. Extremely high performance windows & doors with insulated frames
4. Airtight building fabric avoiding heat-loss ventilation
5. Thermal bridge-free construction due to off-site manufacture
6. Mechanical ventilation with highly efficient heat recovery

Development criteria included:

1. Overall site organisation delivering built-environment, landscape and biodiversity enhancement.
2. Respectful and responsive to the building group adding a positive contribution.
3. Safeguarding the mature trees on the site while increasing tree establishment.
4. Best national practice in ecological, sustainable-construction delivery.
5. Passivhaus principles incorporated throughout the dwellinghouse.
6. Circularity of materials selection throughout with healthy, chemical free and non-toxic specification, anticipating re-use, re-cycling and re-manufacturing.
7. An overall Net-zero development acting as an example in the Scottish Borders region.

Amenity Policy HD3

The planner suggests that due to the proposal's:

scale and form it would not fit within the existing pattern of development in the area and the design would have an undue visual impact on the area and, in particular, the existing property to the east where the appearance of the east elevation would be overbearing. In addition the fenestration layout, siting of the house and its orientation in relation to the property to the east would lead to an unacceptable adverse impact on the privacy through overlooking. That issue could not be mitigated through landscaping or fencing. As a result of those factors, the proposal would be contrary to policy HD3.

Using the Councils Privacy and Sunlight Guidance of July 2006, and methodology this is clearly not the case. See Appendix D

Daylight and sunlight

The planners delegated report under this heading states:

The proposal would not result in overshadowing or loss of light.

Trees

All existing trees will be retained with the exception of two individual trees; one Lime and one Sitka spruce, identified by the Council's own tree officer, Simon Wilkinson, as requiring to be removed. See Appendix E

Support and advice has also been offered by tree and woodland experts. See Appendix F.

A detailed Landscape and Biodiversity enhancement proposal has been prepared by Alan MacInnes of Stephen Ogilvie Consultants Edinburgh. See Appendix C.

The illustrated proposal contains the following contents:

- Site Masterplan
- Perennial planting
- Hedgerows
- Orchard
- Tree Planting
- Hardscape

The proposal is responsive to the particular site conditions as they exist at present, and the proposal aims to enhance the biodiversity and landscape quality of the site using regenerative interventions. Hence habitats including; lawn, grassland, orchard, wetland, hedgerow and woodland, are considered as an overall assembly within and outwith the immediate site. The means for achieving this detailed landscape development proposal are covered by way of a section on Resources, Funding and Applications.

We believe these proposals represent an exemplary level of imaginative consideration and integration with the dwellinghouse, garage and access proposals. The resulting outcomes will maintain and enhance the existing wooded nature of the site together with an enhanced level of biodiversity.

Setting a building against a background of trees is one of the most successful means by which new development can be absorbed into the landscape. Page 18 New Housing in the Countryside Supplementary Planning Guidance

Developer contributions

This aspect of the planning process was discharged on receipt of the Planning in Principle consent LRB ref 21/00010/REF; therefore no additional developer contributions are due to the Council on gaining planning permission for this development.

Roads issues

The Councils Roads department have no objections to the proposal.

Services

Services are available for the full development of the proposal.

The report confirms that matters relating to potable water and foul drainage could be covered by a Condition. The report further states:

There is sufficient space within the site to site waste and recycling containers away from the front elevation.

Conclusion

The design of the proposed house is unsympathetic to the surrounding context in terms of siting, orientation, form, scale, height, massing and materials and would have an overbearing appearance and unacceptable adverse impact on the privacy of the existing property to the east. The proposal has taken no account of the trees within the site. It is therefore contrary to policies PMD2, EP13, HD2 and HD3.

The above response to the planning officers DR aims to make clear the misunderstandings and false assumptions on which the recommendation for refusal was made. We believe these were adequately significant to render this decision unsubstantiated and therefore, we request that the decision is reconsidered.

We reiterate that had the Planning Officer engaged with the applicant or applicant's agent many or all of these concerns could have been clarified and or corrected. We could have had more understanding and a different planning outcome may have resulted.