

# APPEAL STATEMENT



## **Park View Lodge Dryinghouse Lane Kelso**

**rm** architecture ltd

## CONTENTS

INTRODUCTION	3
DEVELOPMENT PROPOSAL AND CONTEXT	5
GROUNDINGS OF APPEAL	15
CONCLUSION	33

## INTRODUCTION

- 1.1 This Appeal Statement is submitted on behalf of Mr and Mrs Curtin (the appellants) and sets out the grounds of appeal against the decision of Scottish Borders Council (SBC) to refuse planning application 22/01903/AMC by delegated decision on 9<sup>th</sup> March 2023.
- 1.2 The reason for refusal of the application is as set out below.
- The proposal would be contrary to National Planning Framework 4 Policy 14 and Policies PMD2 and PMD5 of the Local Development Plan 2016 and Supplementary Planning Guidance: Placemaking and Design 2010 in that, due to the scale and design of the proposal, it would result in development which is out of keeping with the character of the existing development pattern and would represent over-development and town cramming to the detriment of the amenity and character of the surrounding area, with specific reference to the adjacent Conservation Area.
- 1.3 The table below provides a summary of the technical consultee responses to this application.

Consultee	Status	Comments
<b>Kelso Community Council</b>	No objection	Confirmed with the KCC secretary, item was discussed in January 2023 meeting.
<b>Roads Planning</b>	No objection	Access has been approved under previous planning applications and partially implemented
<b>Scottish Water</b>	No objection	
<b>Contaminated Land Officer</b>	No objection	A decontamination scheme will need to be provided to assess potential contamination prior to any development commencing on site

- 1.4 The appellants received two letters of support, outside of the consultation period. One from the adjoining property owner, “Woodlands” and a second from a member of the public. These have been submitted as part of the appeals documentation.
- 1.5 The remaining sections in this appeal statement comprise of:
- A description of the appeal site and surrounding context
  - Grounds of appeal
  - Conclusion.

## 1.6 Supporting Documents

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

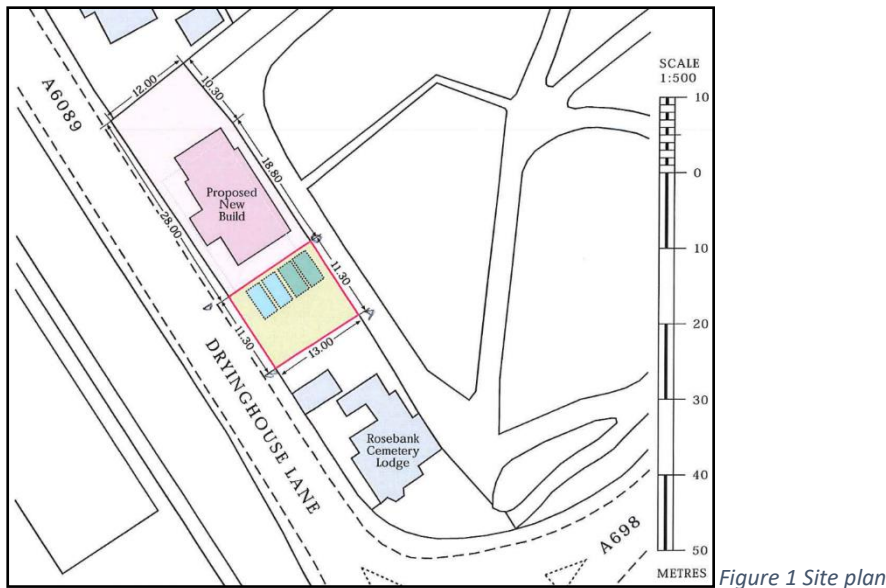
This appeal is made to the Local Review Body on the basis it was a local application which was determined under delegated powers. We conclude that the development is in accordance with relevant development plan policies and supported by significant material considerations.

## DEVELOPMENT PROPOSAL AND CONTEXT

### Definitions

2.1 For the purposes of clarity, the following definitions are used within this appeal statement.

**Site:** This refers to the application site which currently includes a multipurpose building, the land within the boundaries and shared access and parking as indicated in the plan below.



**Lodge:** Rosebank Cemetery Lodge

**Plot:** This refers to northern part of the site adjacent to the shared access and driveway which is the subject of this planning application

### Site and Surroundings

2.2 The site is adjacent to Rosebank Cemetery Lodge which is situated within the walls of Rosebank Cemetery. This is adjacent to Shedden Park, to the east of Kelso town centre. The site is situated on a prominent corner, opposite the northern approach to Hunters bridge, adjacent to the river Tweed and the main thoroughfare to Coldstream and Gordon. Whilst the current postal address of Rosebank Cemetery Lodge is Shedden Park Road The building plot faces Dryinghouse Lane and would form the first dwelling upon entering this road.



Figure 2 Location of site within Kelso (Grey dot)

2.3 A provisional address has been approved and registered as follows:

Park View Lodge, Dryinghouse Lane, Kelso. TD5 7BP

2.4 It is thought that the site formed part of the former Rosebank estate with links to Sir Walter Scott who owned it briefly in 1804 after inheriting the estate upon the death of his uncle, Captain Robert Scott.

2.5 In recent times the Lodge and site were utilised for offices by the Scottish Border Council, supplemented by the large general-purpose building on the proposed site. Following relocation to a purpose-built unit, the Lodge, general purpose building and plot, were sold off in 2016. The site has stood derelict and neglected since then.

2.6 The site is bounded by a stone wall to the north and west, hedging and fencing to the east and the lodge to the south. The site is mostly hard surfaced with a large yard area accommodating a general-purpose building adjacent to the lodge.

2.7 Vehicular and main access is through newly formed access from Dryinghouse Lane.



Figure 3 Site for proposed development

2.8 The general-purpose building has a gross internal area of approx. 175sq m. This building is of steel portal framed construction with galvanized z-purlins supporting a pitched roof clad in corrugated fibre cement cladding incorporating polycarbonate roof lights. The eaves height is approx. 3.25m and ridge height is approx. 4.60m. The external elevations are finished in box profile metal sheeting with blockwork perimeter

walls to a height of approximately 1.3 metres. There is a personnel access door to the southern elevation and sliding double doors (3m x 3m) to the north elevation originally providing vehicular access which is no longer in use. The building has solid concrete floors.

- 2.9 It is worthy of note that the adjacent property, Rosebank Cemetery Lodge, is a striking period sandstone former cemetery keepers lodge which is under the ownership of the appellants This is currently being extended and converted to a private dwelling by themselves on a self-build basis.
- 2.10 The lodge was most recently used for office space, comprises an entrance hall, three public rooms, kitchen and W/C. and whilst not listed, boasts character features such as the traditional open gabled entrance porch, polished dressings, and octagonal chimney stacks. Windows are Victorian sash windows with a bay feature to the front. The roof is Scottish slate with fish scale slate feature tiling. The lodge and site are adjacent to the conservation area which boundaries Shedden Park. The appellants are at pains to reiterate they appreciate the architectural value of the property and positioning of the site to the conservation area and it is a foremost consideration in all aspects of the development of this site.

### Planning Applications

- 2.11 Previous planning applications for both the site and adjoining Lodge have been included, as there is an interface with both the shared access and the architectural relationship of the buildings. They are listed most relevant first.

<b>Reference</b>	<b>20/00874/PPP</b>
<b>Alternative Reference</b>	100290296-001
<b>Application Received</b>	Mon 10 Aug 2020
<b>Address</b>	Land Northwest of Rosebank Cemetery Lodge Shedden Park Road Kelso Scottish Borders
<b>Proposal</b>	Demolition of shed and erection of dwellinghouse
<b>Status</b>	Approved 02/12/20

The above application relates to planning permission in principle, for a dwelling on the site, which forms this appeal application.

- 2.12 The application below relates to the shared access and driveway.

<b>Reference</b>	<b>21/01076/FUL</b>
<b>Alternative Reference</b>	100437466-001
<b>Application Received</b>	Tue 29 Jun 2021

<b>Address</b>	Rosebank Cemetery Lodge Shedden Park Road Kelso Scottish Borders TD5 7BW
<b>Proposal</b>	Formation of new access
<b>Status</b>	Approved 02/09/21

The above application supersedes the previous successful planning application 16/01553/FUL which expired prior to the purchase of the property by the current owners. The seller resubmitted the application, which was approved on 2<sup>nd</sup> September 2021, subject to several conditions. The conditions were purified on 4<sup>th</sup> February 2022.

2.13 Work has now commenced with the drop kerb installed along with a temporary surface driveway. Outstanding work to complete the access as per the application will be conducted on completion of all site works pertaining to the lodge and proposed new dwelling. Further amendments were made to the driveway layout as part of 21/01907/FUL

2.14 The following applications refer to the lodge and shared access and driveway arrangements.

<b>Reference</b>	<b>21/01907/FUL</b>
<b>Alternative Reference</b>	100512534-001
<b>Application Received</b>	Tue 07 Dec 2021
<b>Address</b>	Rosebank Cemetery Lodge Shedden Park Road Kelso Scottish Borders TD5 7BW
<b>Proposal</b>	Change of use from office, alterations and extension to form dwellinghouse (renewal of planning permission 18/00787/FUL)
<b>Status</b>	Approved 6 <sup>th</sup> May 2023

The above planning application is an amendment to the previous planning approval for change of use and extension of the lodge, ref 18/00787/FUL. The conditions related to the building warrant application have been satisfied and work commenced.

2.15 Other superseded applications on record.

<b>Reference</b>	<b>18/00787/FUL</b>
<b>Alternative Reference</b>	100125268-001
<b>Application Received</b>	Tue 19 Jun 2018
<b>Address</b>	Rosebank Cemetery Lodge Shedden Park Road Kelso Scottish Borders TD5 7BW
<b>Proposal</b>	Change of use from office, alterations and extension to form dwellinghouse



<b>Status</b>	Decided 23 <sup>rd</sup> January 2019
---------------	---------------------------------------

<b>Reference</b>	16/01553/FUL
<b>Alternative Reference</b>	100034363-001
<b>Application Received</b>	Thu 15 Dec 2016
<b>Address</b>	Rosebank Cemetery Lodge Shedden Park Road Kelso Scottish Borders TD5 7BW
<b>Proposal</b>	Formation of new access
<b>Status</b>	Decided 8 <sup>th</sup> February 2017

### The Appellants

- 2.15 The current owners, Linda and Michael, are looking to relocate for a lifestyle change through the purchase and development of this site. Originally from Hawick, Linda relocated to Kent where they met whilst dedicating themselves as nurses to the NHS. After the accumulation of 76 years of service between them, they seized the opportunity to retire early and seek a lifestyle change. Not least because of the pace of life and family connections in the Scottish Borders, Rosebank Cemetery Lodge and site was purchased.
- 2.16 Once developed, the lodge and building plot provide the potential to accommodate the owners, their adult son, and elderly mother away from the high paced, densely populated southeast, for a more leisurely pace of life more suited to their stage in life. Furthermore, the site offers the opportunity for development to provide the owners son with independent living. The intention is to develop the site on a self-build basis with father and son completing much of the work, employing specialist trades people where necessary.

### Principles of Proposed Design

- 2.17 As reflected within this planning application the intention is to develop the plot into a dwellinghouse fit for modern flexible living whilst reflecting, maintaining and preserving the integrity, style, heritage, and patina of the adjacent lodge and surrounding architecture. The entire site is in a prominent position and the applicants are keen to ensure that the development provides a positive statement that reflects Kelso as a whole.
- 2.18 Upon the purchase of the lodge and site, planning permission in principle was previously in place for demolition of the shed and construction of a new dwelling. As a result of this, a report was completed by the planning officer, whose concerns were studied and mitigated within this detailed planning application.
- 2.19 A list of priorities constituting a succinct design brief were formulated as follows:

- Structure and finish to complement the lodge and not be overbearing. Ridge height to be no higher than the Lodge Ridge height.
- To protect the private amenity of “Woodlands”
- To reflect and compliment the traditional curtilage of Shedden Park, the adjoining conservation area and local listed buildings.
- To have architectural merit in its own right
- An “upside down” configured layout to make best use of the location and outlook.
- Flexible multigenerational living space
- Ensuite “full size” double bedrooms.
- Complementary design features to the lodge and extension where they can be replicated without complexity or excessive cost, particularly the use of slate and stone.
- Contemporary design features to enhance and contrast the local older traditional style construction such as coloured and textured cladding, double glazing, and panoramic full height glazing.

### The Proposed Design

2.20 The proposed dwelling is a 3-bedroom detached 1.5 storey timber framed construction sited on the footprint of the original multipurpose shed within the plot. The style is typical of Scottish Borders rural homes, with render and stone finishes and a natural slate roof. The dwelling reflects the style and finish of the recently approved plans to extend the adjacent lodge, complimenting the older period styling of both the lodge and the area around Shedden Park

2.21 The proposed development and lodge share access and parking along with a separate pedestrian access from the road. Amenity space is to the north of the proposed development adjacent to Woodlands.

The proposed development will be bounded by the existing substantial stone wall and fencing previously installed to separate its function from the cemetery.

2.22 As highlighted in the list of design priorities, the dwelling compliments the older traditional style, also incorporating some contemporary design aspects. This includes full height glazing and upside-down living, to capitalise on the outlook, giving the proposal its own architectural stamp and merit.



*Figure 4 CGI of the proposed development from the junction of Dryinghouse Lane and Shedden Park Road*



*Figure 5 Front Elevation*



*Figure 6 Rear Elevation*



*Figure 7 South Elevation*



*Figure 8 North Elevation*

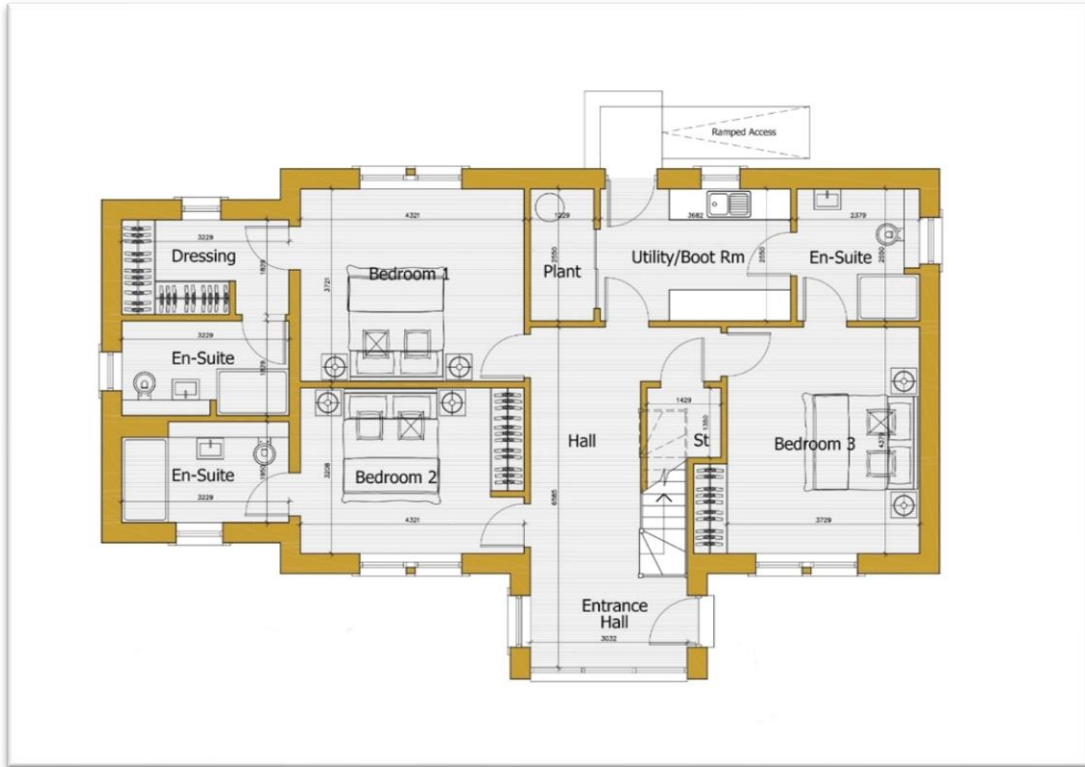


Figure 9 Ground Floor Plan

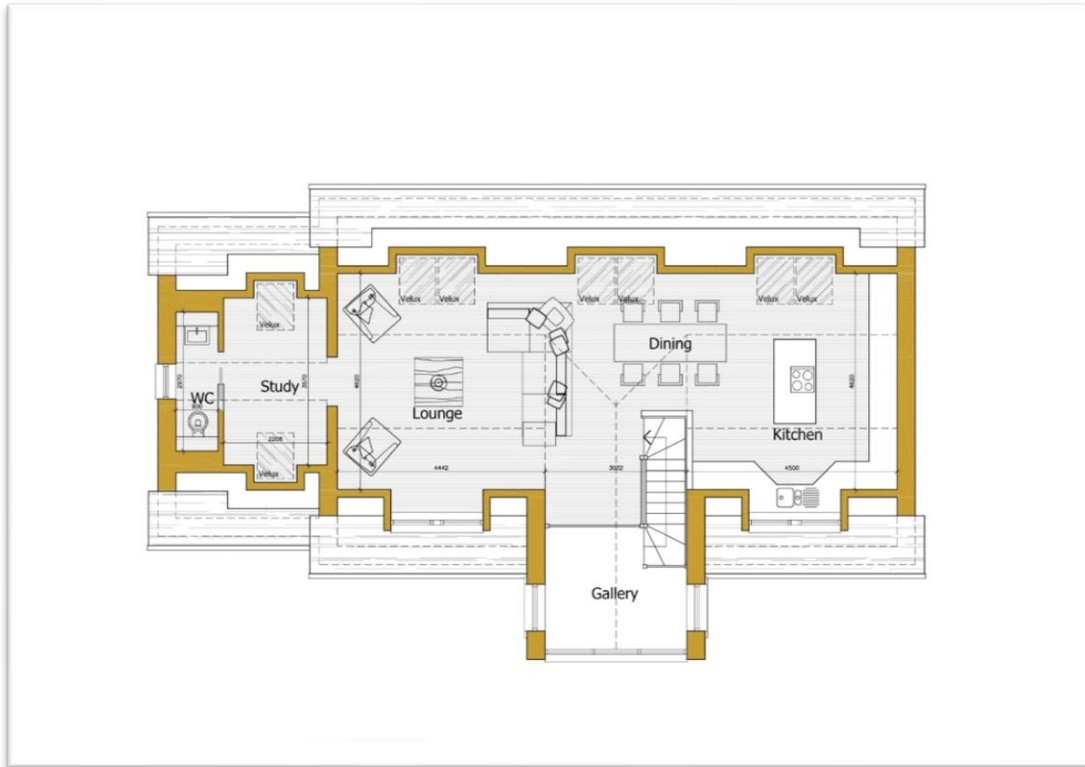


Figure 10 First Floor Plan

## Policy Considerations

- 2.23 The proposed development was measured against relevant policies listed below.
- PMD2: Quality Standards
  - PMD5: Infill Development
  - HD3: Protection of Residential Amenity
  - EP9: Conservation Areas
  - IS2: Developer Contributions
  - IS7: Parking Provision and Standards
  - IS9: Wastewater Treatment Standards and Sustainable Urban Drainage
- 2.24 Also relevant will be the following supplementary guidance.
- Developer Contributions, April 2015
  - Guidance on Householder Developments, July 2006
  - Placemaking and Design, 2010
- 2.25 Considerable work has been completed to ensure the proposed design meets the policy requirements along with addressing the planning officer's concerns within his part III report (20/00874/PPP). The detail of the assessment against policy is comprehensively stated within the design statement. Key points of which are referred to within the grounds of appeal section of this document.

## GROUNDS OF APPEAL

3.1 The local authority's decision to refuse the application, based on overdevelopment and sense of place, is challenged on the following grounds set out below.

- The development complies with NPF4 Policy 14
- The development complies with PMD2
- The development complies with PMD5
- The development meets the Supplementary Planning Guidance: Placemaking and Design 2010

3.2 There is a considerable overlap of common themes across the policies referred to within the report of handling. For the sake of clarity, they have been grouped into four grounds of appeal, as listed in the table below.

Grounds of Appeal		NPF4 Section 14	PMD2	PMD5	Placemaking and Design
GOA 1	Over development		√	√	
	Town cramming			√	
	Density		√	√	
	Mass				√
GOA 2	Plot ratio		√		
	Proportion				√
	Size				
	Scale		√	√	√
GOA 3	Design	√		√	
	Detail				√
	Form			√	√
	Materials		√	√	√
GOA 4	Character		√	√	
	Sense of place	√	√		√
	Visual Amenity	√		√	

3.3 Lastly a response relating the National Planning Framework 4 document has been formulated. The document published in February 2023, was previously unavailable at the time of the planning submission in December 2022

### Factual Accuracy Check

3.3 Before detailing the grounds of appeal, the appellants wish to clarify several factual inaccuracies in the report of handling, which relate to this application and the PPP. It is vital that the panel are provided with factually correct information, to ensure accurate information is duly considered, that will contribute to the panels' judgements.

Document	Statement	Fact
22/01903/AMC Report of Handling	"The proposal is for a rectilinear planned dwellinghouse measuring 12.75m x 7.8m in footprint under a dual pitched and gabled roof, 1 and 3/4 storey in height."	The proposed development is 1 ½ storey in height
	"all neighbouring buildings are on larger plots and are predominantly single storey"	Other than Rosebank Cemetery Lodge, there are no single storey dwellings within the Shedden Park landscape
20/00874/PPP Report of Handling	"This side of Dryinghouse Lane is characterised by the lodge and the piended bungalows. The adjacent bungalow."	<p>The adjacent bungalow, Woodlands is a dormer bungalow, which is classed as a 1 ½ storey home or chalet bungalow. Living space is in the eaves with Velux style windows to the rear of the property.</p> <p>The principal elevation and most dominant features of the lodge face onto Shedden Park Road. The side gable elevation to Dryinghouse Lane is partially obscured by the Boundary Wall (Figure 4)</p>



## Appellants Case: Grounds of Appeal 1

The development complies with the policies relating to over development, town cramming, density and mass.

- 3.1 Whilst the report of handling describes a prominence of low-density housing in the surrounding neighbourhood there is overwhelming evidence to suggest the proposed development is in keeping with the character and appearance of the surroundings.
- 3.2 The planning officer's statement for the report of handling is as follows:

*"The character and amenity of the surrounding area has been considered. The site density has been considered, including the building to plot ratio on Dryinghouse Lane. My observation is that proposed plot ratio will contrast with the characteristic of this street. The types of dwellings and age of architecture varies significantly. However, all neighbouring buildings are on larger plots and are predominantly single storey.*

*Neighbouring development is therefore lower density.*

*One of the defining characteristics of the surrounding plots is the well sized gardens and this contributes significantly to the sense of place and visual amenity. I consider the size, scale and layout of the proposed dwellinghouse to detract (rather than positively contribute) to the character and amenity of the surrounding area in conflict with criterion b). The proposal would appear as an incongruous addition.*

*The proposal would significantly adversely impact the character and appearance of the surroundings, specifically views into and out of the neighbouring conservation area."*

- 3.3 Contrary to the statement above from the report of handling, it is considered the proposal is appropriate and typical for the site, immediate surroundings, town, and area. The characteristics of the surroundings do vary considerably as stated by the report of handling. Unfortunately, the planning officer's observations are inaccurate. A detailed study of the surrounding area was completed, and several dense developments were noted.

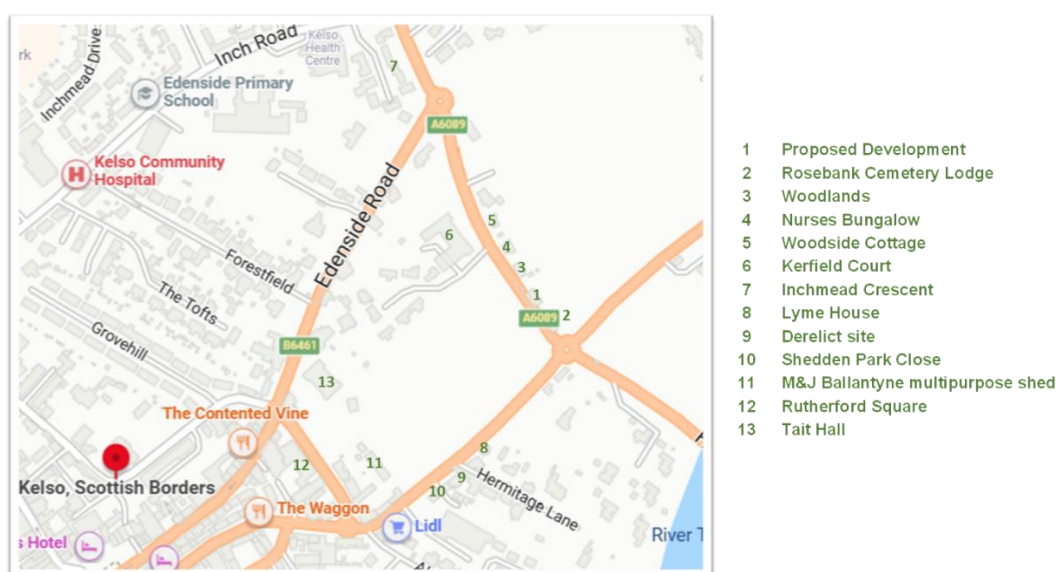


Figure 11 Developments of note at Shedden Park



Figure 12 Kerfield Court Dryinghouse Lane



Figure 13: Kerfield Court and Shedden Park North Curtilage.



Figure 14 Inchmead Crescent, viewed from Dryinghouse Lane



Figure 15 Shedden Park Close

- 3.4 There are several commercial buildings and a derelict site, incongruous to the conservation area, impacting on the character and appearance of the surroundings which include:

Lidl Supermarket on the southern aspect of Shedden Park. M&J Ballantyne building yard and storage, more specifically the multipurpose shed which forms the boundary of Shedden Park on the Western aspect of the park. Rutherford Square and the rear of Tait Hall, built circa 1935, which also boundaries the western aspect of Shedden Park.



*Figure 16 Derelict site on southern aspect of Shedden Park*



*Figure 17 Rutherford Square*

- 3.5 Along with the examples described above, there are historical developments that would be considered cramming when using the planning officer's interpretation. One example is Lyme House a category C listed building, which is currently on the property market. This is accommodated on a very small plot no wider than the building. A modern rear extension has been added to in recent years reducing the small garden further. There is no off-road parking and the adjoining garage belongs to the adjacent property which appears to have been built in part of the original garden of Lyme House some time ago which is also suggestive of cramming.



Figure 18 Lyme House Shedden Park Road



Figure 19 Rear of Lyme House

3.6 Contrary to the report of handling the adjacent buildings are built on very similar sized plots to the proposed development. This is evident from a very recent utilities map and Google map, below.

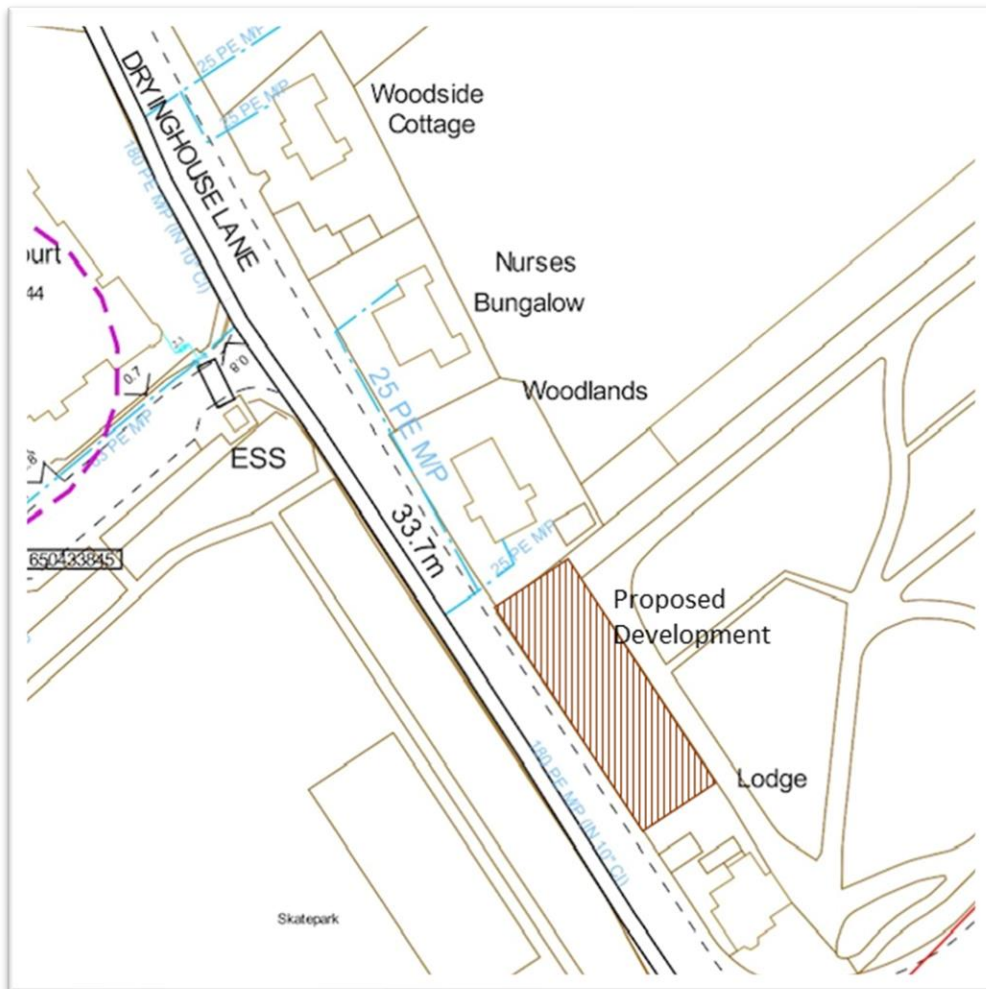


Figure 20 Utilities map

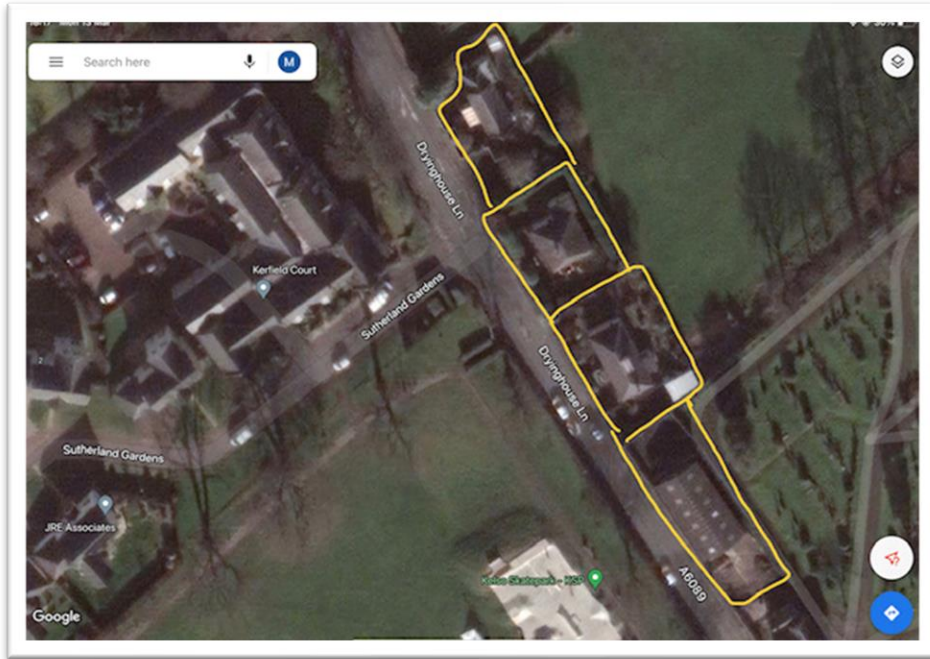


Figure 21 Google map of Dryinghouse Lane

3.7 Furthermore, the street scene as depicted in the scale drawing below is not suggestive of cramming or over development and is in keeping with the density of the adjoining properties on Dryinghouse Lane.



Figure 22 Proposed development street elevation.

3.8 The proposed development has the added benefit of vehicle turning space which is incorporated into the off-road parking arrangements. The arrangements, which were subject to previous application and subsequently approved, are shared with the lodge, based on equal ownership, access and maintenance. The property deeds reflect this arrangement.

### Summary

3.9 In summary, contrary to the report of handling, which idealises and simplifies the description of the surrounding area, the proposed development complies with the policies relating to over development, town cramming, density and mass. The proposal is appropriate and typical for the site, immediate surroundings, town and area.

## The Appellants Case: Grounds of Appeal 2:

The development complies with the policies on plot ratio, proportion, size and scale. The proposal is of appropriate scale and size and proportion relative to the plot size and is in keeping with of local architectural practice reflecting the local architecture and landscape. It is also appropriate to the local surroundings and architecture.

- 4.1 Considerable work was completed to ensure the planning application met the policy guidelines and the planning officer’s concerns as follows, raised in the PPP Report of Handling.

“Scale and form will require careful consideration. The adjacent Lodge characterises this site and, owing to this relationship, the design on this plot must be influenced, and will have to respond, appropriately.”

- 4.2 In relation to scale, the proposal whilst in the same position relative to the existing shed the proposed dwelling is considerably smaller in footprint to the existing building.

The multipurpose shed has a footprint of 176m<sup>2</sup> and the proposed developments footprint of 130.4m<sup>2</sup>. Therefore, the proposal is less dense than the building it replaces.

The footprint is also similar in comparison to the lodge and adjacent properties.

- 4.3 Whilst the plot is elevated from the public road, it is acknowledged that any addition has potential to be a highly prominent addition to the street scene. Therefore, in line with the PPP report of handling, the impact of the proposed development has been considered through obtaining accurate levels and ensuring that the maximum ridge height is no greater than the lodge. The ridge height has been further reduced where the property is adjacent to Woodlands. Ridge heights relative to the Lodge and Woodlands are indicated in the street plan below. A datum point has been established at finished floor level in Rosebank cemetery Lodge from which the ridge height can be measured and monitored during construction.



Figure 23 Street elevation depicting ridge height.

- 4.4 As noted in the statement of facts, the principal elevation of the lodge faces Shedden Park Road and is a prominent feature of the cemetery entrance and the local landscape, The proposed development is within the height and building lines of the lodge and is therefore not visible when viewing the principal elevation and most distinctive part of the lodge and cemetery from Shedden Park Road
- 4.5 The height of the proposal is further reduced by removing oversight across the whole plot to the same levels required for the approved access and driveway. This will reduce the prominence of the dwelling whilst maintaining the character of the design and ensuring the lodge is not overwhelmed. As a result of this, the disabled access is also further improved.
- 4.6 It is also noted that the proposed dwelling is positioned equidistant from the adjacent properties, so its prominence is further reduced against the lodge and the neighbouring

property, "Woodlands". The driveway and garden spaces function as buffers between the adjacent properties reducing prominence and ensuring privacy.

- 4.7 Prominence is further reduced by preserving the existing cemetery boundary wall. Changes to which are kept to a minimum to accommodate minimum requirements for visibility splays etc, to ensure its integrity and maintain a positive contribution to the adjacent conservation area.
- 4.8 It is of note that the adjoining property "Woodlands" is a 1.5 storey non-traditional construction. Therefore, the proposed 1.5 story development is not setting a precedent in this instance.



*Figure 25 Woodlands*

- 4.9 In accordance with the privacy and sunlight guidance published by SBC in 2006, the space identified for private garden ground under the present proposal fully meets with the recommendations. For a 3-bed property the requirement is stated at 70-90sq.m. The space afforded under the proposal is 126sq.m. The positioning of the proposed development and private garden ground replicates the lodge with the private garden space to the north of the dwelling, bounded by the original cemetery wall adding to the sense of place.
- 4.10 Whilst not commercially driven, the scale of the development is also determined by viability. As highlighted in the design statement, options such as a single storey proposal were considered, though ruled out due to cost. In simplistic terms, a single storey construction costs more per square metre, due to double the amount of ground works and roof construction, to obtain a similar floorspace to a two-storey construction. Whilst some cost savings could be made with a very simple single storey design, this would be incongruous to the site, adjacent buildings and surrounding area and cost more to build than its worth. Whilst ensuring site viability is the plan makers responsibility, the appellants were of the (now incorrect) view, that a viable, high quality, distinctive proposal, that meets policy would be welcomed and actively supported by the planning officer.

4.11 Considerable efforts were made to ensure this aspect of design was well thought out, to ensure compliance against policy and to meet the planners PPP conditions relating to scale and size. It was therefore disappointing to find a similar infill development which appeared to be subject to less rigorous conditions relating to size, scale and roof height. It is a 1 ¾ storey design, sited between a bungalow and 1 ½ storey dwelling, approved in November 2021. This development is in a smaller conurbation (Gordon) therefore has arguably more impact on the landscape. Street elevation below.



Figure 24 Development in Gordon approved in 2021.

### Summary

4.12 As stated above and highlighted in the design statement, the development is compliant with the policies relating to plot ratio, proportion, size and scale. It is also respectful of and in keeping with of the planning officers wishes in the PPP report of handling. Furthermore, the developments plot ratio, proportion, size and scale are not out of keeping with the local landscape and fulfils the policy requirements and guidance on private amenity space and sunlight.

The proposal is of appropriate scale and size and proportion relative to the plot size and is in keeping with of local architectural practice.



### The Appellants Case: Grounds of Appeal 3:

The development complies with the policies relating to design, detail, form and materials. The proposal reflects and respects the form, design, detail of the local architecture and surroundings.

- 5.2 Whilst not sharing the same aspect, with the lodges characteristic principal elevation facing towards Hunters Bridge, the proposal provides a distinctive backdrop to the Shedden park landscape on an otherwise bland landscape. This style is also mirrored with Lyme House being a key part of the southern aspect of the park opposite the listed park gateway.
- 5.3 Whilst providing a distinctive attractive landmark, one of the key principles of the design was to reflect the high quality and form of the Lodge. The planning officer agreed in the report of handling “the form and design may make relationships to the adjacent vernacular,” the proposed dwelling has taken considerable design cues from the adjacent lodge. As mentioned, the lodges characteristic principal elevation faces Shedden park Road with the more simply styled side gables facing Dryinghouse lane. The proposal picks up on this aspect, utilising the gable design and extends and compliments it further whilst providing a face towards Shedden Park.
- 5.5 The planning officer noted the proposed glass gable front and highlighted in the PPP report of handling “any addition has potential to be a highly prominent addition to the street scene, seen both in the passing and as a backdrop to the Park.” Therefore, the appellants set out to ensure that the chosen prominent proposal was relevant, functional and in keeping with the Scottish aesthetic. It is also key to the overall design for the following reasons:
- It provides light into the top part of the upside-down living arrangement. To note this arrangement was chosen to elevate the living space above the high cemetery boundary walls avoiding any drastic reduction or removal of the walls.
  - It makes use of the views towards the parkland and landscape.
  - Its respectful of the local architecture providing a focal point on the eastern aspect of Shedden Park.
- 5.6 This design aspect is part of the current contemporary Scottish architectural aesthetic, with examples both locally and across the region. A local two storey example in Coldstream Road is depicted below.



Figure 26 Two Storey Glass gable property Coldstream Road



*Figure 27 1 3/4 Storey Gable fronted properties near Peebles*

- 5.7 Contrary to the planning officer's views that this design is more suited to rear elevations, it is equally appropriate placed on the principal elevation as shown in these examples.
- 5.8 Several Scottish kit house companies also feature this design aspect heavily in their products and promotional material, indicating a healthy demand nationally, as depicted below.



*Figure 28 1 1/2 storey kit house design.*

- 5.9 As highlighted in the design statement the design reflects the design, construction and finish of the Lodge and new extension preserving and complementing the lodge continuing the architectural narrative throughout the site. The proposed dwelling is of timber frame construction, utilising sandstone features created from appropriate oversite and stone. This would be complimented by small areas of render and cement weather board cladding. It is envisaged the weatherboard cladding colour would match the soffits, fascias, bargeboards etc, installed throughout the building to ensure a cohesive look. The building will also compliment the Lodge with the extension built with

the same finishes including the use of traditional materials including a slate roof and stone features.

- 5.10 Specific finishes are listed in the design statement, though the overall finish will be reflective of a recent development in Birgham which has been finished in the same manner. An example below.



*Figure 29 Birgham development*

### Summary

- 5.11 The development complies with the policies relating to design, detail, form and materials. The proposal reflects and respects the form, design, detail of the local architecture and surroundings. It avoids the ubiquitous block and render style dwelling, bringing a fresh, contemporary, attractive, distinctive, though complimentary design to the landscape with a high-quality design and finish that will stand the test of time.

## The Appellants Case: Grounds of Appeal 4:

The development complies with the character, sense of place and visual amenity, making a positive impact and contribution to the adjacent conservation area.

- 6.1 As previously mentioned, the appellants are respectful of the surrounding area and the adjoining conservation area. They are keen to bring a high quality and well finished development to the area that will flatter and compliment the adjacent lodge and surrounding buildings.

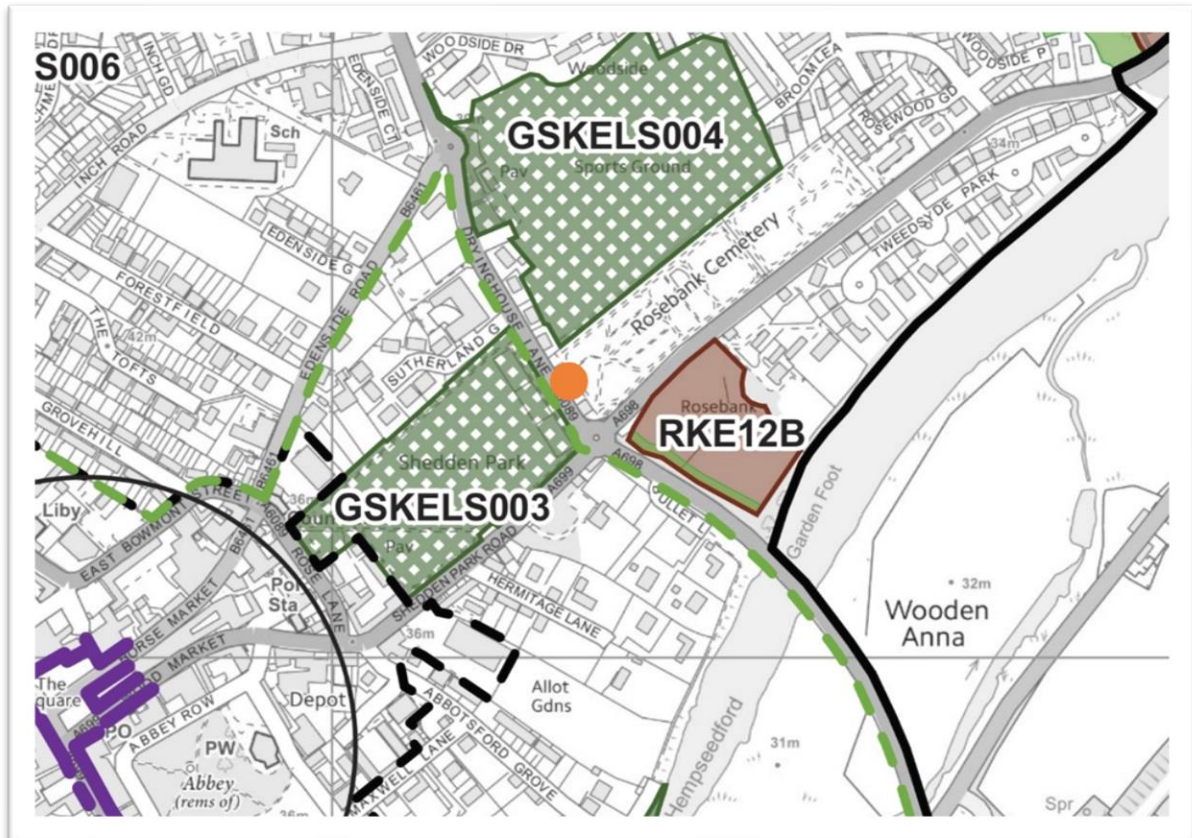


Figure 30 Conservation area- green dash line, Plot-orange dot

- 6.2 The proposed design mitigates the planning officers' views and concerns by reducing the height, impact and dominance of the design in relation to the immediate and surrounding area, furthermore the design is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form.
- 6.3 Whilst Rosebank Lodge has considerable period character it is neither protected by listed Building status nor does it fall within the Kelso Conservation Area. Conversely the plot and current multipurpose shed has no architectural merit and offers nothing to add to the character of the surrounding area other than negative impact. This is further exacerbated by the run-down nature of the site.
- 6.4 That said, the appellants do acknowledge and respect the architectural importance of the site and its prominence and proximity to the conversation area. This is reflected by the high-end approach to the quality of the extension for the lodge and this current proposed development.

- 6.5 As previously stated, the design relates to the adjacent vernacular whilst not imposing on or dominating the views of the lodge. Particularly the principal elevation, main features of the lodge and its setting behind the cemetery gates are very much intact.
- 6.6 The design has captured some traditional characteristics of typical Scottish rural living incorporating contemporary full-length glazing an upside-down living configuration. The use of traditional materials, flattering and mirroring the character of the lodge, also ensuring the design fits well with its immediate surroundings.
- 6.7 To ensure the design is congruent with the surrounding area, stone and natural slate are used in the construction along with cladding and colours to tie in with the lodge.
- 6.8 To further ensure sense of place and an addition in context with the somewhat eclectic urban fabric, several architectural adjacencies that draw on the positive features of the surrounding area have been integrated within the proposal as follows.
- Form scale and mass are in keeping with the urban fabric.
  - Height is aligned with the adjacent properties.
  - Key elements of the traditional lodge design are integrated.
  - Characteristic, attractive, contemporary elements coexist with traditional materials and features.
  - Provides a distinctive landmark mirroring the southern aspect of Shedden Park that will stand the test of time.
- 6.9 Lastly it is relevant that policy clearly supports distinctive and innovative design. Distinctive design is one of the six qualities of successful places within the recently published National Planning Framework 4.
- 6.10 Distinctive planning is also described within PMD2 which states:
- “It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design.”*

## Summary

- 6.11 Throughout the design process the emphasis has been on integration of the design within the bigger picture. Whilst fittingly distinctive, the development complies with policies relating to character, sense of place and visual amenity, making a positive impact and contribution to the adjacent conservation area and general landscape.

## National Planning Framework 4

7.1 The National Planning Framework 4 revised draft was published in February 2023, consequently, no reference was made in the original planning application in December 2022. Whilst the Planning Officer cites Policy 14 of NPF4 in his reasons for refusal, he fails to mention the various other policies within the same document which support the proposals. The headlines can be summarised as follows:

### Policy 7d - Historic Assets and Places

7.2 *"Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:*

- i) architectural character of the area;*
- ii) existing density, built form and layout; and*
- iii) context and siting, quality of design and materials."*

### Response

7.3 The development proposal constitutes the redevelopment of a brownfield site to a detached private residential dwelling in an architectural style and scale which is respectful to the architectural narrative of the properties looking on to Shedden Park within the conservation area. The existing substantial natural stone boundary wall in front of the property will remain at its current height which obscures the ground floor level from public view as does the existing skate park and mature parkland trees which are both located directly in front of the application site.

### Policy 9a - Brownfield, vacant and derelict land and empty buildings

7.4 *"Proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported."*

### Response

7.5 As previously stated, the development proposal site is brownfield, derelict and vacant therefore meets this policy criteria.

### Policy 11a - Energy

7.6 *"Development proposals for all forms of renewable, low carbon & zero emissions technologies will be supported."*

### Response

7.7 The building will be constructed from low VOC, sustainable materials taking advantage of modern methods creating a highly insulated airtight construction, which in turn will reduce the energy needs of the building. This provides a highly sustainable envelope for the building which will require very low energy consumption, it is proposed that the building will be served by a low energy air source heating system.

As previously noted, it is proposed to finish the new parking in a fully permeable surface to encourage SUDS and also ensure that the surrounding visual area is not impacted.

### Policy 13b - Sustainable Transport

7.8 *"Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:*

- iv) provide low or zero emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards:"*

### Response

7.9 Both E-Vehicle and E-Bike charging points will be installed as a main feature ensuring that future technologies and growing markets are pre-catered for.

### Policy 14b - Design, Quality and Place

7.10 *"Development proposals will be supported where they are consistent with the six qualities of successful places:*

- 1. Healthy*
- 2. Pleasant*
- 3. Connected*
- 4. Distinctive*
- 5. Sustainable*
- 6. Adaptable"*

### Response

7.11 With the information provided in Annex D of the NPF4 we can summarise that the proposed development is supported by the following qualities:

- Healthy: The proposals support the creation of an environmentally positive place with improved air quality, reactivating derelict and brownfield land.
- Connected: The proposed house is within walking distance of all of the town's local amenities and has superb connectivity to public transport, local footpaths and cycleways reducing reliance on vehicular transport.
- Distinctive: The proposed design respects the scale, density and architectural character of the area and is a positive addition to the existing park and adjacent conservation area.
- Sustainable: The proposals incorporate energy and carbon efficient solutions and re-uses existing infrastructure connections.
- Adaptable: The high quality of the designed space allows for flexible living incorporated through creation of home working space and digital connectivity.

### **Policy 24a - Digital Infrastructure**

7.12 *"Development proposals that incorporate appropriate, universal and future-proofed digital infrastructure will be supported."*

### **Response**

7.13 Wi-Fi connections will also be installed to ensure high speed internet is available as standard.



## 4. CONCLUSION

- 8.1 The proposal is well considered, thought through, embracing the principles defined in the relevant national and local planning development plan policies and Scottish Borders Council Guidance, which is summarised below. The proposed development will provide an attractive addition to this part of Kelso, enhancing the character of the immediate site and the surrounding area, revitalising a long neglected prominent part of the local landscape.

### GOA 1

- 8.2 The development complies with the policies relating to over development, town cramming, density and mass. The proposal is appropriate and typical for the site, immediate surroundings, town and area.

#### PMD5

- a) where relevant, it does not conflict with the established land use of the area
- b) it does not detract from the character and amenity of the surrounding area
- c) the individual and cumulative effects of the development can be sustained by the social and economic infrastructure and it does not lead to over-development or 'town and village cramming'

#### Placemaking and design principles 2010

- Relating to the townscape
  - Sits well within wider townscape.

### GOA 2

- 8.3 The development complies with the policies on plot ratio, proportion, size and scale. The proposal is of appropriate scale and size and proportion relative to the plot size and is in keeping with of local architectural practice reflecting the local architecture and landscape. It is also appropriate to the local surroundings and architecture.

#### PMD2

- l) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building
- l) it can be satisfactorily accommodated within the site

#### PMD5

- d) It respects the scale form design materials and density in context of its surroundings.

#### Placemaking and design principles 2010

- Scale, Massing and Form.
  - Creates a balanced whole with a clear design concept.

### GOA 3

8.4 The development complies with the policies relating to design, detail, form and materials. The proposal reflects and respects the form, design, detail of the local architecture and surroundings.

#### PMD2

- j) it 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
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form

#### PMD5

- d) it respects the scale, form, design, materials and density in context of its surroundings

#### Placemaking and design principles 2010

- Materials and Colour
  - Utilises an appropriate palette and quality of materials and colour tones when viewed within the wider context.

### GOA 4

8.5 The development complies with the character, sense of place and visual amenity, making a positive impact and contribution to the adjacent conservation area.

#### PMD2

- h) it creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design

#### PMD5

- b) it does not detract from the character and amenity of the surrounding area

#### NPF4

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity

#### Placemaking and design principles 2010

- Built Form
  - Creates a contextual addition to the urban fabric.