



**NOTICE OF REVIEW**

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

**IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.**

**Use BLOCK CAPITALS if completing in manuscript**

**Applicant(s)**

**Agent (if any)**

Name Nigel Carey

Name

Address 7 Over Roxburgh Farm Cottages, Kelso.

Address

Postcode TD58LY

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

E-mail\*

E-mail\*

Mark this box to confirm all contact should be through this representative:

Yes No

\* Do you agree to correspondence regarding your review being sent by e-mail?

Planning authority Scottish Borders

Planning authority's application reference number 23/00716/FUL

Site address Cheviot View, Eden Road, Gordon, TD36JT

Description of proposed development Erection of small bungalow

Date of application 09/05/2023

Date of decision (if any) 06/09/2023

Note: this notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review (tick one box)**

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions; and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

**Statement**

You must state, in full, why you are seeking a review of your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Two reasons have been cited for refusal:

1: "in that the small size of the site and cramped layout would constitute overdevelopment that fails to respect or respond to the character or density of the surrounding area resulting in adverse impacts on the character and amenity of the surrounding area".

2: "in that the small size of the site would result in the proposed dwellinghouse being positioned in close proximity to the new house being built to the east, harming the residential amenities of future occupants of the new house in terms of light, privacy and outlook".

"the small size of the site": the site is not small, it is approximately 450 square meters, which is substantial by modern standards.

"cramped layout would constitute overdevelopment": the layout is not cramped, the footprint to area ratio is 0.155, or 15.5%, very much more generous than many hundreds of modern developments around the borders, as well as more generous than a newly permitted local development in Station Road, Gordon, which varies from 0.245, 24.5%, to 0.315, 31.5%.

"Amenity:"  
The proposed dwelling house will not harm the residential amenities of occupants of neighbouring houses in terms of light, privacy and outlook. It will not result in an unacceptable loss of daylight or sunlight to neighbouring properties. The proposed development is a minimum of 4 meters from the closest point of the neighbouring cottage, to the east, and mostly much more. The subject proposal is sited to ensure the south/westerly aspect of the neighbouring cottage will not experience any loss of light or overshadowing whatsoever.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes  No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. Note: there will be no opportunity to submit further documents to accompany this notice of review.

Supplementary information - 3 PAGES TEXT  
Diagrams - 4 PAGES.  
Photos/ILLUSTRATIONS - 6 PAGES.

Note: the planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

**Checklist**

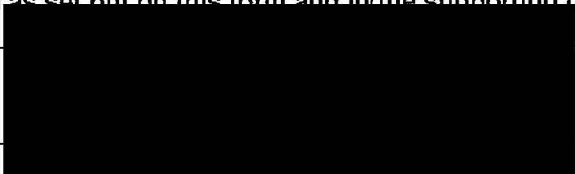
Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note: where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed  Date

**The completed form should be returned to the Clerk of the Local Review Body, Democratic Services, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA or sent by email to [localreview@scotborders.gov.uk](mailto:localreview@scotborders.gov.uk)**

" Small size of the site":

The site is not small. At 450 square meters, is substantial by modern standards. Five sites close by, in station road, for which planning permission has recently been approved, are approximately 370, 275, 340, 310 and 220 square meters respectively. (site plans attached)

"Character"

The character of the village of Gordon is not homogeneous. The main street has a mix of terraced, semi-detached as well as detached dwellings which represent different styles and eras. The colour patina varies greatly as does the mix of rendered and stone finishes. The area continues to change and develop. There is a mix of different architectural styles, as evidenced by the attached photos. The design and colours of the newly approved development on Station Road introduces yet another element to the palette of styles in Gordon. (see attached illustrations)

A previous application for the subject proposal, (21/01905/FUL, Decided 01/06/2022), although declined for unrelated reasons, was reported by the planner, Mr Cameron Kirk, thus:

" Policy PMD5 advises that the development must not conflict with the established land use of the area. The application site is located within a residential area it would therefore be in keeping with the established use and character of the area."

and

"The proposed dwellinghouse would be of an appropriate scale, character and appearance. The materials to be used for the external finish for the proposed dwellinghouse would be acceptable."

This was for a slightly larger, but generally similar design.

Furthermore, the newly approved development close by introduces an even more eclectic flavour to the character of the area.

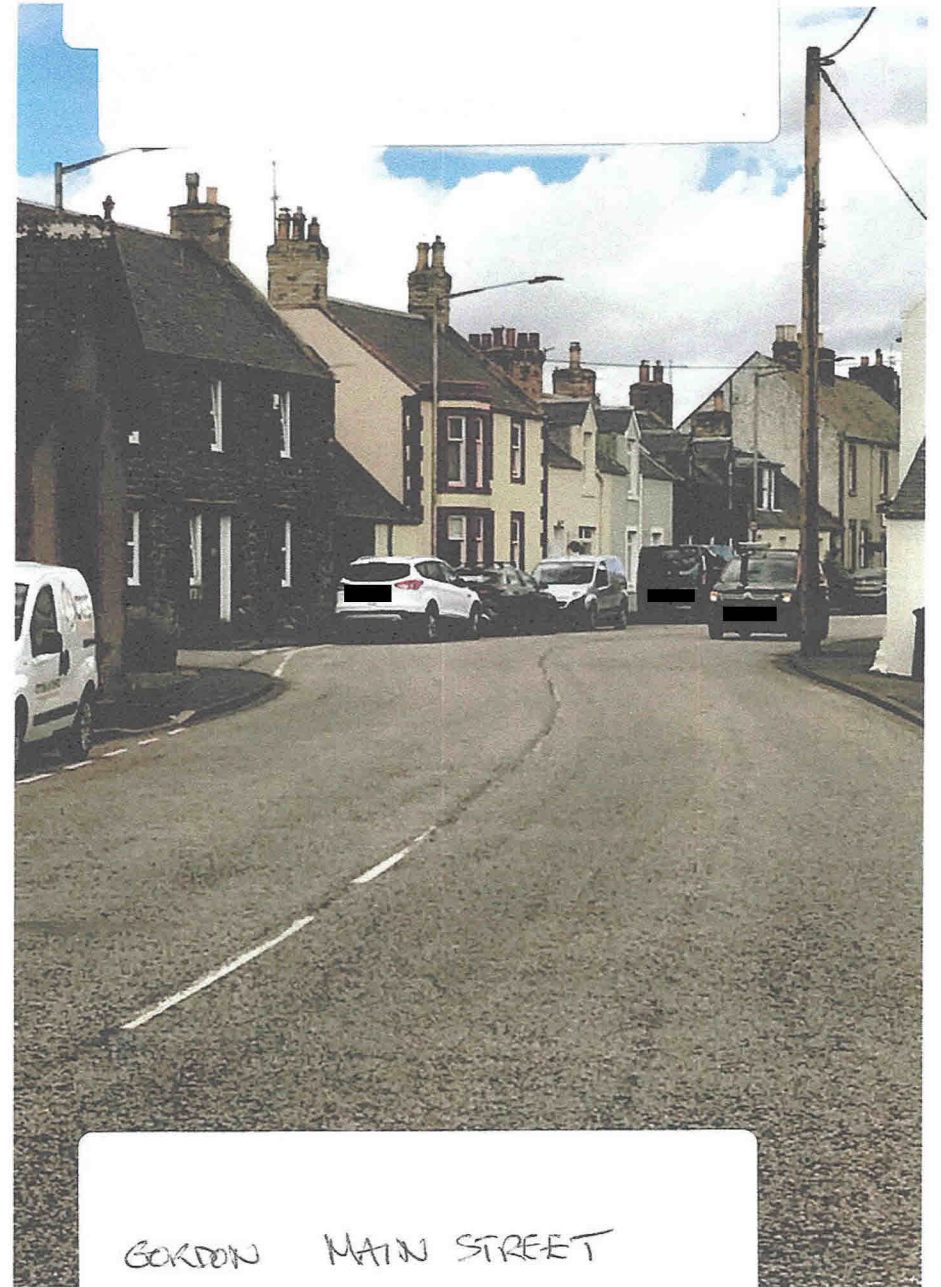
Therefore how can the subject proposal be labelled "out of character"! (see attached illustrations)

100 METERS WEST OF SUBJECT PROPOSAL



GORDON MAIN STREET

200 METERS WEST OF SUBJECT PROPOSAL



GORDON MAIN STREET

LOOKING OUT FROM SUBJECT PROPERTY



OPPOSITE CHEVIOT VIEW, EDEN RD

100 YDS EAST OF SUBJECT PROPERTY



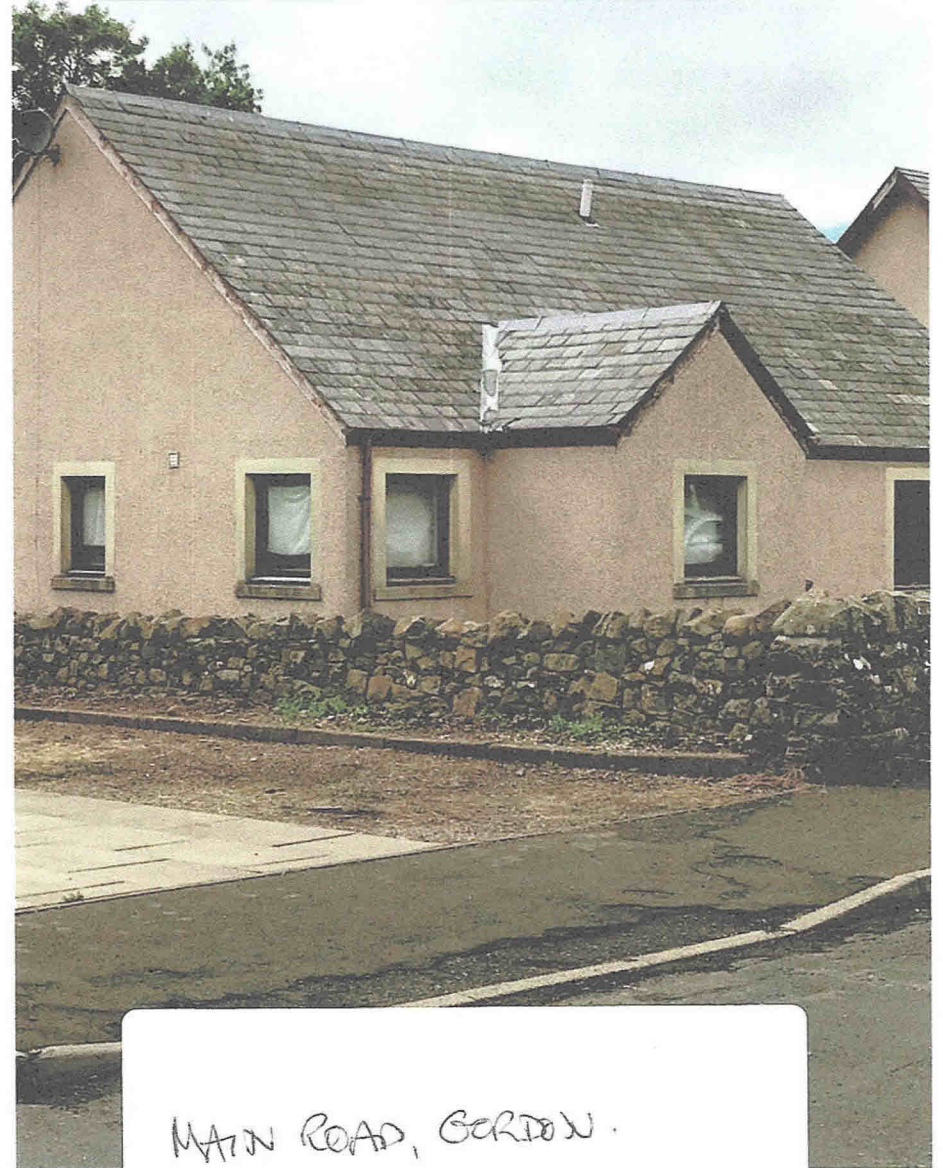
EDEN RD, GORDON

400 YDS WEST OF SUBJECT PROPERTY



MAIN ROAD, GORDON.

400 YDS WEST OF SUBJECT PROPERTY



MAIN ROAD, GORDON.



PATERSON ARCHITECTS

Hunter's Yard, Station Road, Gordon, Scottish Borders | Adobe Land (Scotland) Ltd | Design Statement

Image: Sketch View of Houses



"Density" (cramped layout, overdevelopment):

The subject proposal is for a small cottage of around 70 square meters. The area of the site is some 450 square meters. That equates to a footprint ratio of .155 or 15.5%. Compared to many recent developments around the borders a 15.5% ratio is a very low ratio. The newly approved development around the corner in Station Road, has footprint ratios of 24.5% for a 370 meter site, 31% for a 275 meter site, 25% for a 340 meter site, 27.4% for a 310 meter site and 31.35% for a 220 meter site, all significantly "denser" than the subject proposal.

Furthermore, the distance between three of the dwellings is little more than 2 meters whereas the minimum distance between the subject proposal and the nearest dwelling, the cottage to the east, is at least 4 meters, and mostly more. (see attachment)

"Amenity"

Careful consideration was given to the design of the subject proposal so as not to intrude or overwhelm neighbouring properties. The roof angle slopes up from the southern elevation to the apex which is opposite the northern end of the neighbouring cottage (to the east) therefore eliminating possible shadowing. Furthermore the proposed dwelling is sited to enable the neighbouring cottage, under construction, to benefit from good light and sun for its' entire southerly and westerly outlook/aspect.

Mr Kirk reported in the application 21/01905/FUL (a slightly larger dwelling):

"Policy HD3 aims to protect neighbouring residential properties against inappropriate development that would result in the loss of amenity or privacy. The proposed dwellinghouse would not result in an unacceptable loss of daylight or sunlight to neighbouring properties. The proposed development would create a degree of overshadowing to adjacent properties garden ground, although it would not be significant enough to justify refusal"

and

"The windows to the north elevation of the proposed dwellinghouse would overlook the parking and turning area, while the windows to the south elevation of the proposed dwellinghouse would overlook the rear garden ground for the proposal. The windows to the north and south elevations of the dwellinghouse would not unduly impact upon the amenity or privacy of neighbouring properties. The windows to the east and west elevations of the dwellinghouse would overlook the neighbouring properties as they are close to the mutual boundaries. They are however to secondary rooms within the proposed dwellinghouse, one of which is the bathroom. It is expected that the bathroom would have obscure glazing for privacy. The window to the east elevation is located at the entrance to the proposed dwellinghouse. In light of this, it is not expected that the aforementioned windows would adversely impact



RICS®



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23/00716/FUL  
06/09/2023

Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

A	18.04.23	Client Amends	JOR
Rev	Date	Details	Drawn By



Chartered Building Consultancy & Contracting

205 Berwick Workspace  
Boarding School Yard  
Berwick-upon-Tweed  
TD15 1BN

Tel: 01289 309752

e-mail: [info@profounddevelopment.com](mailto:info@profounddevelopment.com)

web: [www.profounddevelopment.com](http://www.profounddevelopment.com)

Client:

Nigel Carey

Project:

Cheviot View, Gordon

Drawing Title:

Proposed Site / Block Plan

Drawing Status:

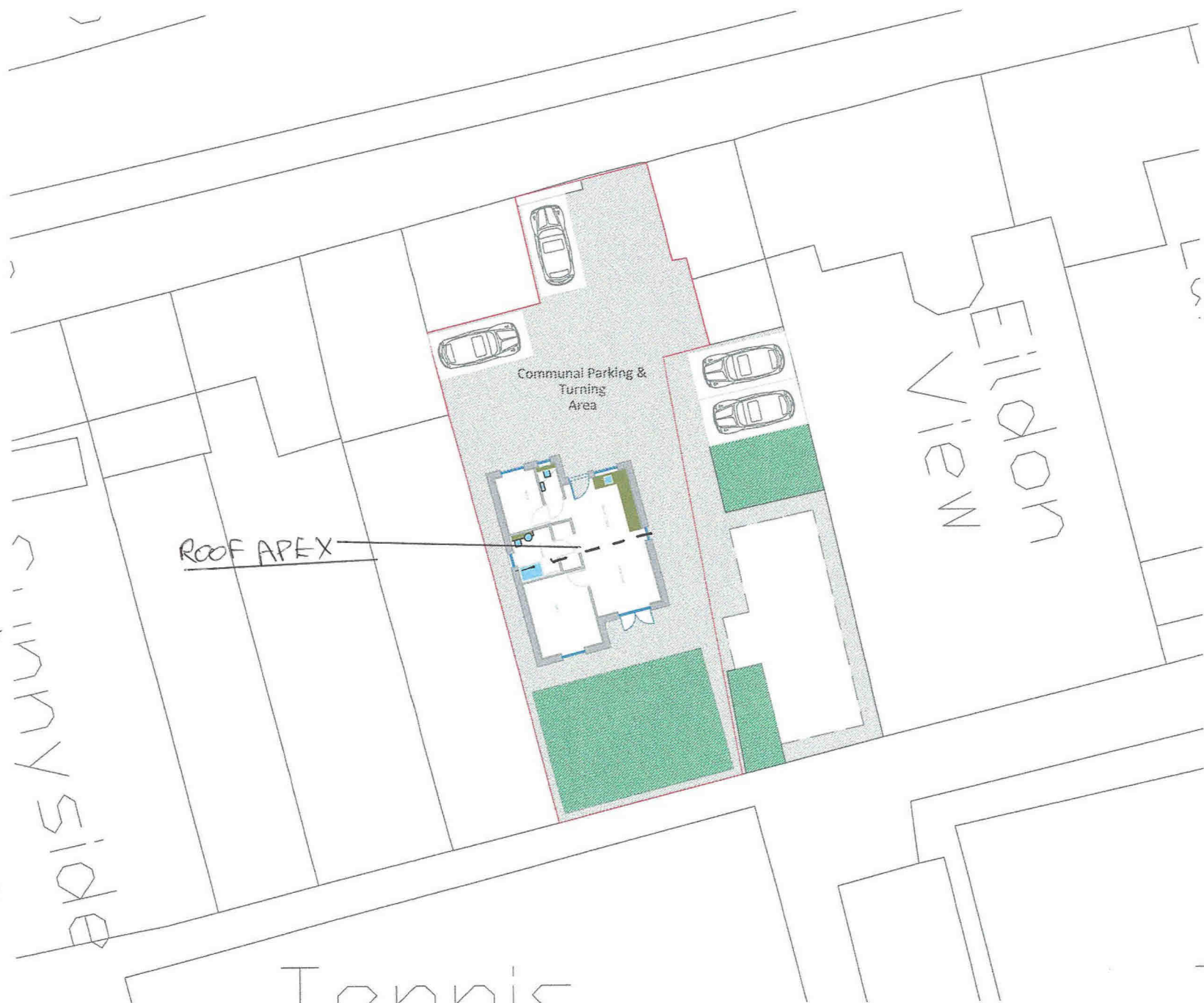
Planning | Building Control

Tender | Construction

All dimensions checked on site with any discrepancies reported to Pro-found - do not scale from drawing.

Drawing No:	C662-PP-2-002
Scale:	1:200 @ A3
Drawn by:	JOR
Revision:	A
Date:	27.03.23

This drawing is copyright of Pro-found.



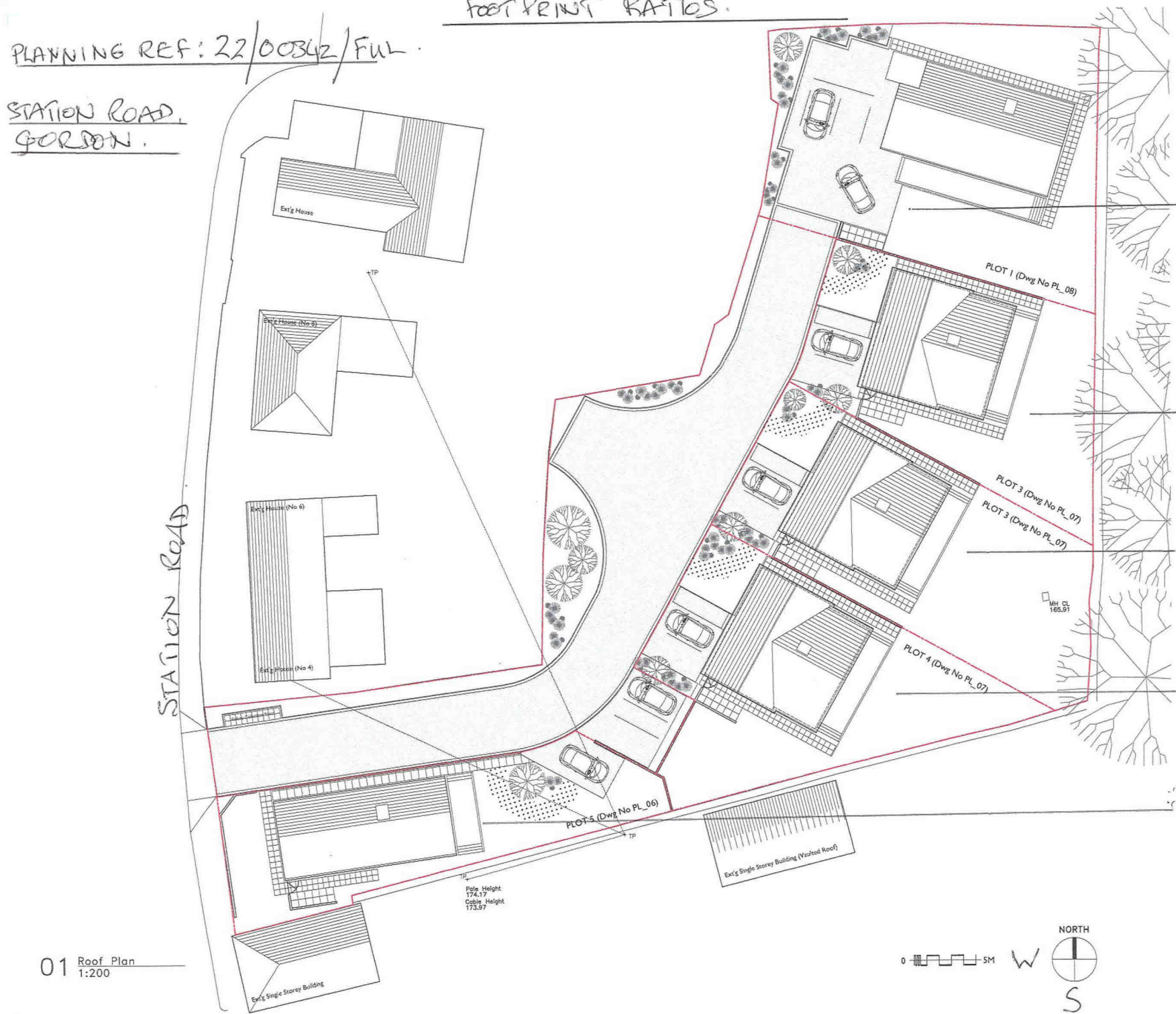
PLANNING REF: 22/00342/FUL

STATION ROAD,  
GORDON.

FOOTPRINT RATIOS.

DO NOT SCALE THIS DRAWING

10



AREA (sqm)	FOOTPRINT RATIO (%)
370	24.5
275	31.0
340	25.0
310	27.4
220	31.5

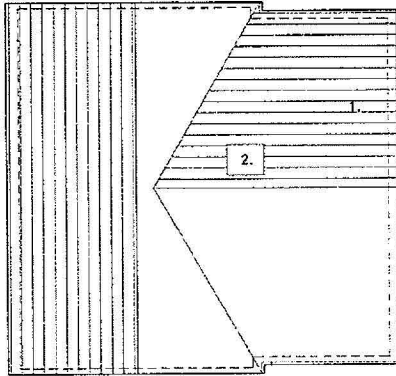
01 Roof Plan  
1:200

**PLANNING**

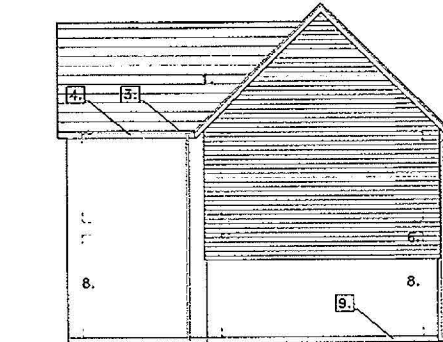
PATERSON ARCHITECTS  
 3 SETON MAINS, LONGNIDDRY, EAST LoTHIAN, EH32 0PG  
 TEL / FAX 01875 852211  
 studio@paterseanarchitects.com www.paterseanarchitects.com

DATE JAN 22	SCALE 1:200@A3	JOB 148	DWG
Hunters Yard, Station Road, Gordon			PL_05
Proposed Roof Plans			

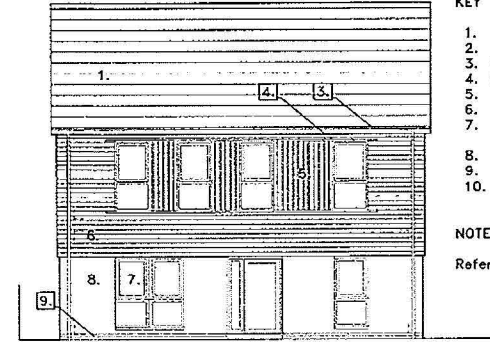
DO NOT SCALE THIS DRAWING



01 Roof Plan  
1:100



04 North Elevation  
1:100



07 West Elevation  
1:100

KEY

1. Slate roof.
2. Velux roof light
3. Plastic rain water goods.
4. Painted timber eaves and soffit.
5. Stained timber board on board panel.
6. Stained timber cladding.
7. Timber windows and doors, colour factory finished to match cladding.
8. Render: 1.5mm Grain. Colour, cream.
9. 150mm Dark grey facing brick.
10. Stained timber deck (shown overlaid) to accommodate finished ground levels.

NOTE

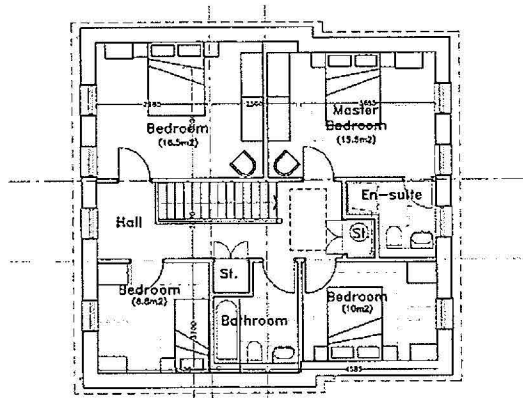
Refer to Design Statement for further detail.

22/00342/FUL  
08.02.2023

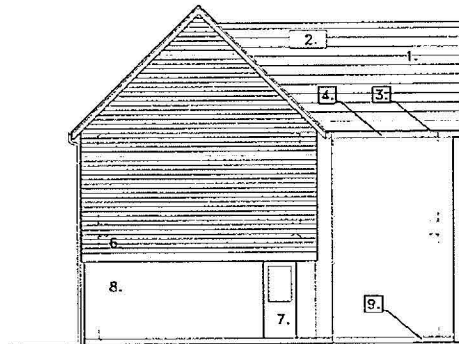
Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

**APPROVED**

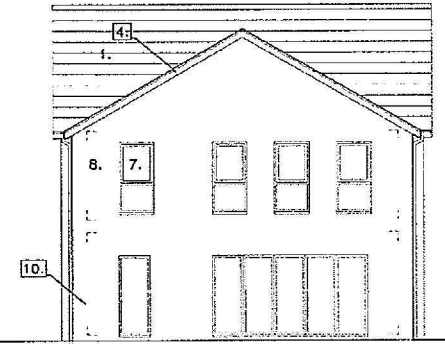
subject to the  
requirements of the  
associated Decision  
Notice



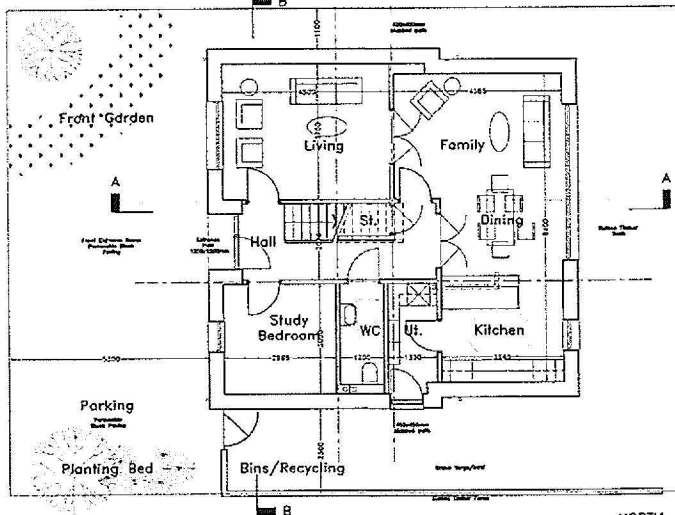
02 First Floor Plan  
1:100



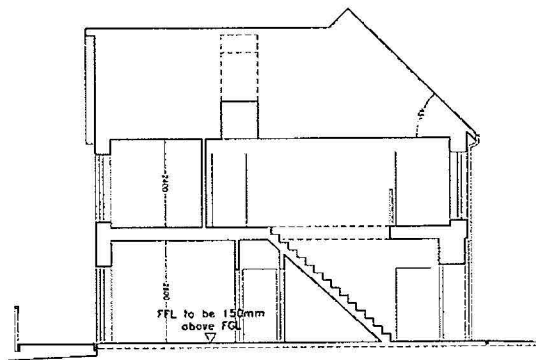
05 South Elevation  
1:100



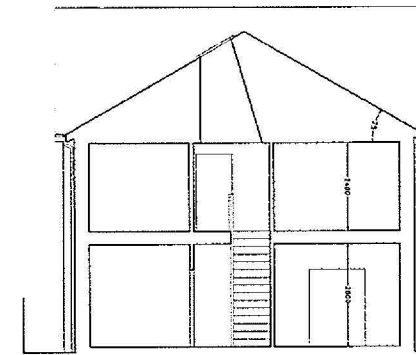
08 East Elevation  
1:100



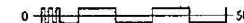
03 Ground Floor Plan  
1:100



06 Section AA  
1:100



09 Section BB  
1:100



PLANNING

PATERSON ARCHITECTS 3 SETON MAINS, LONGNIDDY, EAST LoTHIAN, EH32 0PG TEL / FAX 01875 852211 studio@paterosnarchitects.com www.paterosnarchitects.com			
DATE: JAN 21	SCALE: 1:200/1:100	DWG: 118	DRWG
Hunters Yard, Station Road, Gordon Plot 23.4: Plans, Sections, Elevations			PL_07

WHITE END COTTAGE (ALONG G ALLEY).



OFF GORDON MAIN STREET 200 YDS W

BANK HOUSE COMMUNAL COURTYARD.



OFF GORDON MAIN STREET 180 YDS W

upon the privacy of the neighbouring properties".

It is planned that the small window on the eastern elevation will be opaque, for light only.

The newly approved development close by does not seem to respect amenity as sensitively as the subject proposal. Two storey properties directly overlook the private rear gardens of homes opposite and are spaced such that they will create significant overshadowing to each other especially when the sun shines from a south and westerly direction.

Seeming planning contradictions feels like uneven application of policies.