

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 Gary Johnstone

Name

Address 24A Etrick Terrace Hawick

Address

Postcode TD9 9LJ

Postcode

Contact Telephone 1 [REDACTED]

Contact Telephone 1

Contact Telephone 2 [REDACTED]

Contact Telephone 2

E-mail* [REDACTED]

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 Council

Planning authority's application reference number 23/00847/FUL

Site address 24A Etrick Terrace, Hawick, TD9 9LJ

Description of proposed development
Erection of boundary fence

Date of application 02/06/2023

Date of decision (if any) 02/08/2023

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:

To establish the reasons for the refusal and discuss what, if any, the impact of the fence is.

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.

I am seeking a review of my application on the basis that the refusal does not appear to be in line with the application itself. The refusal suggests that the proposal could constitute a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area. Firstly, the proposal relates to a garden fence which I would argue is not a development. The fence has replaced a pre-existing hedge and is no higher than this ever was. Whilst I understand the permissions surrounding hedges vary, I would point out that the appearance in regard to height has not altered. Please also note that a partial fence with gate, offering side entrance to the property, was replaced with the current fence which is of equal height. Therefore one structure was replaced with another with no change in height/appearance. The fence starts from the side extension of our building, which at the opposite end, has a fence much higher than ours, housing an electric substation (see images 1-3). I would therefore argue that this fence is in keeping with the surrounding area. The position of my house is not of a traditional front facing home, whereby the house structure creates a natural privacy barrier between the road and garden, as my house sits on a corner plot at an angle, and this offers no privacy to the side and rear elevations. This set-up allows anyone driving by or walking by to see and access my private property. The fence provides a security barrier to allow my young children to play in the garden space. Furthermore, I would point out that the terraces area of Hawick is a busy area, both in terms of traffic and footfall. Please see attached various images (4-10) which evidence the types of vehicles which park (without restriction) next to our perimeter/garden fence on a daily basis. This not only negates the fence height, as most of the vehicles are taller resulting in the fence almost becoming unseen, but also encroaches massively on our privacy. In addition to the above, and an issue that was not mentioned in the original proposal due to the fact it wasn't there, is the installation of a new telegraph pole directly outside our fence (near touching). May I point out that no neighbours were informed of this installation – which exceeds 1 meter in height and may possibly constitute a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area, see images 11 & 12... (see attached statement).

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.

The addition/installation of the new telegraph pole has happened post submission and I was unaware this was happening.

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.

Review Statemnet
Images 1 - 12

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

[Redacted Signature]

Date

25/10/2023

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