

**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 23/01014/FUL

**APPLICANT :** Mr Keith Robertson

**AGENT :** Stuart Davidson Architecture

**DEVELOPMENT :** Erection of dwellinghouse

**LOCATION:** Garden Ground Of  
Glenbield  
Redpath  
Earlston  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
P818-PL-LOC2	Location Plan	Refused
P818-PL-005 B	Proposed Plans	Refused

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

No representations have been received.

**CONSULTATIONS:**

Community Council: No response.

Education and Lifelong Learning: No response.

Scottish Water: No objections. There is currently sufficient capacity in the Howden Water Treatment Works to service the development. Further investigations may be required to be carried out once a formal application has been submitted to Scottish Water.

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

Roads Planning Service: Object. Whilst I have no objections to the principle of a dwelling in the garden ground of this property, I have concerns regarding the layout proposed. It is our policy to look for two parking spaces to be provided for new build dwellings such as this and whilst the layout indicates two, I am not satisfied these will operate satisfactorily due to the constrained nature of the layout and site. The bay immediately adjacent to the access has no room for vehicular manoeuvrability due to the adjacent hedging and PU apparatus. The bay in front of the house is in

such a location it is unlikely a car will get into it as shown, the result being it will not allow a second vehicle into the area in front of the access.

Until it can be demonstrated that parking for two vehicles can be accommodated, I will not be able to support the proposal. To provide these bays may require the dwelling to be moved back further into the plot, thus allowing more room at the front to accommodate the parking.

The development proposed does not comply with Policies PMD2 and IS7 with regards access safety and parking.

Heritage and Design Officer: Objects. The site is located in Redpath Conservation Area. Redpath Village Hall is set relatively close to the application site, and is the only Listed Building in the Conservation Area.

The density of development within Redpath Conservation Area varies, although overall it retains a spacious, rural character. High density sections tend to be comprised of row houses/attached properties rather than detached properties. The area is generally characterised by houses set parallel to the street; the few gables fronting the road are garages/ancillary buildings rather than dwellings.

The proposed property is detached and set very close to another detached property in the Conservation Area. It is set at right angles to the road and extends significantly into the plot. The density, layout, form and design of development that would be created would therefore not be characteristic of the Conservation Area.

The area to the front of the property is characterised by high levels of vegetation which give a sylvan and rural character to the Conservation Area. The space available for parking and access to the proposed property would significantly impact this.

A path runs to the side of the property. This path/track is shown on historic maps from at least the first OS map (1843-1882). The width of the track would be reduced by the proposal. The proposed fence and the depth of the property would be apparent in the public realm.

## **PLANNING CONSIDERATIONS AND POLICIES:**

National Planning Framework 4

Policy 1: Tackling the Climate and Nature Crises

Policy 2: Climate Mitigation and Adaptation

Policy 4: Natural Places

Policy 6: Forestry, Woodland and Trees

Policy 7: Historic Assets and Places

Policy 14: Design, Quality and Place

Policy 16: Quality Homes

Local Development Plan 2016

PMD1: Sustainability

PMD2: Quality Standards

PMD5: Infill Development

HD3: Protection of Residential Amenity

EP4: National Scenic Area

EP7: Listed Buildings

EP9: Conservation Areas

EP13: Trees, Woodlands and Hedgerows

IS2: Developer Contributions

IS3: Developer Contributions Related to the Borders Railway

IS7: Parking Provisions and Standards

IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

Supplementary Planning Guidance

Sustainable Urban Drainage Systems August 2020  
Development Contributions 2023  
Householder Development (incorporating Privacy and Sunlight Guide) 2006  
Placemaking and Design 2010

**Recommendation by** - Julie Hayward (Lead Planning Officer) on 15th September 2023

#### Site and Proposal

The site is an area of garden ground associated with Glenbield, a bungalow with rendered walls and tiled roof, situated on the southern side of the main street through Redpath, within the Conservation Area and National Scenic Area. There is a substation in the north eastern corner of the site, a mature hedge along the road frontage and a close boarded fence and a footpath along the eastern boundary within the site.

The proposal is to erect a dwellinghouse on the site. This would be one-and-a-half storey with three bedrooms. The gable end would face the public road and the dwellinghouse would have render and vertical timber boarding for the walls with UPVC windows and doors and a slate roof.

A new access would be formed onto the public road and 2 on-site parking spaces are proposed within the site. One tree would be felled, the banking along the eastern boundary would be partially removed, the ground regraded and the boundary fence would be repositioned further to the east, allowing a 1.8m gap for the route of the public footpath.

#### Recent Planning History

16/01096/TCA: Works to trees. Approved 12th October 2016.

18/00460/FUL: Alterations to dwellinghouse, replace fencing and erection of garden shed. Approved 5th June 2018.

23/00407/FUL: Alterations and extension to dwellinghouse. Approved 2nd August 2023.

#### Assessment

##### Policy Principle

Policy 16 of National Planning Framework 4 encourages the delivery of high quality, affordable and sustainable homes in the right locations.

The application site lies within the Development Boundary of Redpath. In order to establish the principle of development, the proposal must be assessed against Policy PMD5 of the Local Development Plan 2016.

Policy PMD5 states that within development boundaries development on non-allocated, infill or windfall sites will be approved if certain criteria are met.

One criterion is that the development should not conflict with the established land use of the area.

The application site is located within a residential area and so the proposal would be in keeping with the established use and character of the area.

##### Layout, Siting and Design and Impact on the Conservation Area

Policy 4 of National Planning Framework 4 states that development proposals, which by virtue of type, location or scale will have an unacceptable impact on the natural environment will not be supported. The objectives of designation and the overall integrity of National Scenic Areas will not be compromised.

Policy 7 states that proposals affecting Conservation Areas will only be supported where the character and appearance of the Conservation Area and its setting are preserved or enhanced. Relevant considerations

are the architectural historic character of the area and existing density, built form, layout, context, siting, quality of design and suitable materials.

Policy 14 of NPF4 requires development proposals to be designed to improve the quality of an area, whether urban or rural locations and regardless of scale. The policy encourages, promotes and facilitates well designed development that makes successful places by a design-led approach. Proposals will be supported where they are consistent with the 6 qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places will not be supported.

Policy PMD2 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development.

Policy PMD5 requires that the development respects the scale, form, design, materials and density of its surroundings; the individual and cumulative effects of the development should not lead to over-development or town cramming; the proposal should not detract from the character and amenity of the surrounding area.

Policy EP4 seeks to protect the special qualities of the National Scenic Area.

Policy EP9 states that the Council will support development proposals within or adjacent to Conservation Areas which are located and designed to preserve and enhance the special architectural or historic character and appearance of the Conservation Area, respecting the scale, proportions, alignment, density, materials and boundary treatments of nearby buildings and open spaces.

The Council's Supplementary Planning Guidance Placemaking and Design 2010 emphasises that new development must integrate well with the existing pattern of development, build upon the established character of an area and contribute positively to a sense of place.

The Settlement Profile for Redpath within the Local Development Plan states that the character of Redpath is established by its linear layout and countryside setting. The quality of the surrounding countryside is recognised by its inclusion in the National Scenic Area. The Conservation Area incorporates most of the village and part of its surroundings. The village developed in a linear form between 2 farms at the east and west ends of the village and is characterised by rows of traditional cottages and more recent housing development on larger plots. The village hall is a category C Listed Building.

The density of development within Redpath varies, from traditional cottages to more modern housing. The houses are single, one-and-a-half and two storey of traditional materials of whin and sandstone, harl and slate with timber, sash and case windows in the traditional properties.

The village retains a spacious, rural character. High density sections tend to be comprised of row houses/attached properties rather than detached properties. The village is generally characterised by houses set parallel to the street; the few gables fronting the road are garages/ancillary buildings rather than dwellings.

The proposal is to erect a detached dwellinghouse to the east of the existing house. This would have the gable end to the public road with a similar building line to Glenbield and extending significantly back into the narrow plot.

The proposed house would be sited 2m from the side elevation of Glenbield and between 2.5m and 3m from the fence on the eastern/side boundary. The sub-station and footpath take up a significant portion of the front and side of the plot.

This is considered to be a small and narrow plot (757 square metres), when compared to house and plot ratios elsewhere in the village, out of keeping with the character of the Conservation Area. The size of the site means that the proposed dwellinghouse would be positioned close to the boundary with the existing house to the west. This would result in an uncomfortable relationship with the existing house.

It is considered that, due to the size of the site and its narrow nature, the proposal would constitute overdevelopment that does not respect the character of the area or existing density and pattern of development in Redpath. In addition, the orientation and layout of the proposal, with the gable fronting the road, would be out of keeping with the established character and pattern of the street scene.

In respect of the design of the proposed dwellinghouse, this is lacking in architectural merit and interest and is not the high quality of design required by policies 14, PMD2 and EP9 and the Supplementary Planning Guidance Placemaking and Design 2010. In particular, the timber clad gable that would front the road would not respect the character of the Conservation Area, as the few gables fronting the road are garages/ancillary buildings rather than dwellinghouses. The proposal would not enhance the character or appearance of the Conservation Area. However, as the principle of residential development on this site cannot be accepted, discussions have not taken place with the agent to secure an improved design and orientation; the narrow nature of the plot may be a challenge in this respect.

Policy 7 of NPF 4 states that development proposals in Conservation Areas should ensure that existing natural and built features that contribute to the character of the Conservation Area and its setting, including boundary walls, trees and hedges are retained. The area to the front of the property is characterised by high levels of vegetation, which give a sylvan and rural character to the Conservation Area. The space required for parking and the vehicular access to the proposed property would significantly impact this.

A path runs to the side of the property. This path/track is shown on historic maps from at least the first OS map (1843-1882). The width of the track would be reduced by the proposal. The proposed fence and the depth of the property would be apparent in the public realm.

The proposal therefore fails to comply with policies 7 and 14 of National Planning Framework 4 and PMD2, PMD5 and EP9 and Supplementary Planning Guidance Placemaking and Design 2010.

#### Impact on Residential amenity

Policy HD3 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The Council's Supplementary Planning Guidance: Guidance on Householder Developments July 2006 contains guidance on privacy, overlooking and access to light that can be applied when considering planning applications for new household developments to ensure that proposals do not adversely affect the residential amenities of occupants of neighbouring properties.

The proposed dwelling would be 2m from the side elevation of the existing house, which would result in an uncomfortable relationship between the two properties. The windows proposed for the side elevation would be to a shower room and utility room, so not habitable rooms; it is accepted that there would be no overlooking or loss of privacy to Glenfield.

There are no windows in the side elevation of Glenfield but bedroom windows in the rear elevation. In applying the 45 degree rule, the new dwellinghouse would encroach beyond the horizontal 45 degree line, suggesting a loss of daylight to the closest bedroom window. However, it is accepted that the owner of Glenfield is the applicant and so this would not constitute a reason for refusal.

There would be no loss of privacy or light to Braeside to the east.

#### Trees

Policy 6 of NPF 4 supports proposals that enhance, expand and improve woodland and tree cover. Development will not be supported where they will result in adverse impacts on native woodlands, hedgerows and individual trees of high diversity value or identified for protection in the Forestry and Woodland Strategy.

EP13 seeks to protect trees from development.

The trees within the site are protected by the Conservation Area status. One tree would be felled to accommodate the development. No details of the tree, its species or health have been provided to assess its contribution to the character of the Conservation Area.

#### Access, Parking and Road Safety

Policy PMD2 aims to ensure that there is no adverse impact on road safety, including but not limited to the site access. In addition, Policy IS7 states that development proposals should provide car parking in accordance with the approved standards.

Vehicular access to the site would be taken from the public road to the north. Two on-site parking spaces are proposed.

The Roads Planning Service has concerns regarding the layout and car parking proposed as the parking would not operate satisfactorily due to the constrained nature of the layout and site. The bay immediately adjacent to the access has no room for vehicular manoeuvrability due to the adjacent hedging and sub-station; the bay in front of the dwellinghouse is in such a location it is unlikely a car will get into it as shown, the result being it will not allow a second vehicle into the area in front of the access.

The Roads Planning Service therefore cannot support the proposal. The parking layout as proposed emphasises the cramped nature and overdevelopment of the site.

The development proposed does not comply with policies PMD2 and IS7 with regards access safety and parking.

#### Services

Policy IS9 states that the preferred method of dealing with waste water associated with new developments would be the direct connection to the public sewerage system and for development in the countryside the use of private sewerage may be acceptable provided that it can be provided without negative impacts to public health, the environment, watercourses or ground water. A SUDS is required for surface water drainage.

The proposed dwellinghouse would be connected to the public water supply network and public drainage network. No details of the surface water drainage have been provided.

The proposed servicing for the development would be acceptable in principle and the precise details for drainage would be agreed at the Building Warrant stage. Conditions would be required to ensure that the proposed development is serviced as specified and to secure details of surface water drainage, which should be to a SUDS.

There would be space within the application site to store refuse bins.

#### Developer Contributions

Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies. This is set out in policy IS2.

Developer contributions are required towards the Borders railway (£2,587) education (Earlston Primary School: £3,349 and Earlston High School: £4,709) and would be secured by way of a legal agreement, should the application be approved.

#### Conclusion

It is considered that, due to the size of the site and its narrow nature, the proposal would constitute overdevelopment that does not respect the character of the area or existing pattern of development in Redpath. In addition, the orientation, layout and density of the proposal would be out of keeping with the established character and pattern of the street scene.

The proposed dwellinghouse is poorly designed and is not the high quality of design and materials required by policies 7 and 14 of National Planning Framework 4 and policies PMD2 and EP9 of the Local Development Plan 2016 and the Supplementary Planning Guidance Placemaking and Design 2010. The proposal would be detrimental to the surrounding area, adversely affecting the character and appearance of the Conservation Area.

The development proposed would not comply with policies PMD2 and IS7 with regards access safety and parking as the layout and car parking proposed would not operate adequately due to the constrained nature of the layout and site.

There are no material planning considerations which suggest that housing development in this location would be acceptable and there are no known extenuating circumstances of other material considerations which indicate that the application should be supported as an acceptable departure from the Scottish Borders Local Development Plan 2016.

### **REASON FOR DECISION :**

It is considered that, due to the size of the site and its narrow nature, the proposal would constitute overdevelopment that does not respect the character of the area or existing pattern of development in Redpath. In addition, the orientation, layout and density of the proposal would be out of keeping with the established character and pattern of the street scene.

The proposed dwellinghouse is poorly designed and is not the high quality of design and materials required by policies 7 and 14 of National Planning Framework 4 and policies PMD2 and EP9 of the Local Development Plan 2016 and the Supplementary Planning Guidance Placemaking and Design 2010. The proposal would be detrimental to the surrounding area, adversely affecting the character and appearance of the Conservation Area.

The development proposed would not comply with policies PMD2 and IS7 with regards access safety and parking as the layout and car parking proposed would not operate adequately due to the constrained nature of the layout and site.

### **Recommendation:** Refused

- 1 The proposed development would fail to comply with Policy 14 of National Planning Framework 4 and Policies PMD2 and PMD5 of Scottish Borders Local Development Plan 2016 and the Council's Supplementary Planning Guidance Placemaking and Design 2010 in that, due to the small size of the site and its narrow nature, the proposal would constitute overdevelopment that would not respect the character of the area or existing pattern of development in Redpath.
- 2 The proposed development would fail to comply with Policies 7 and 14 of National Planning Framework 4 and Policies PMD2, PMD5 and EP9 of the Local Development Plan 2016 and the Council's Supplementary Planning Guidance Placemaking and Design 2010 in that the orientation, layout and density of the proposal would be out of keeping with the established character and pattern of the street scene resulting in adverse impacts on the character and appearance of the Conservation Area.
- 3 The proposed development would fail to comply with Policies 7 and 14 of National Planning Framework 4 and Policies PMD2, PMD5 and EP9 of Scottish Borders Local Development Plan 2016 and the Council's Supplementary Planning Guidance Placemaking and Design 2010 in that the proposed dwellinghouse is poorly designed, detrimental to the surrounding area, adversely affecting the character and appearance of the Conservation Area.

- 4 The proposed development would not comply with Policies PMD2 and IS7 of the Scottish Borders Local Development Plan 2016 in that the layout and car parking proposed would not operate adequately due to the constrained nature of the layout and site resulting in vehicular access and parking to the detriment of road safety.

**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**