

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/00844/FUL
APPLICANT : Mr Francis Gilhooley
AGENT : James Moir
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land South Of
1 Old Edinburgh Road
Eddleston
Scottish Borders
TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
01	Proposed Plans, Sections & Elevations	Refused

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

One representation received. That was an objection and the material grounds can be summarised as follows: impact on infrastructure; parking; visual impact; privacy. Consultation responses received from: Roads - further information required; Scottish Water - no objection.

PLANNING CONSIDERATIONS AND POLICIES:

In determining the application, the following policies and guidance were taken into consideration:

Scottish Borders Local Development Plan 2016
PMD2 - Quality standards
PMD5 - Infill developments
HD3 - Protection of residential amenity
EP13 - Trees, woodlands and hedgerows
IS2 - Developer contributions
IS7 - Parking provision and standards
IS9 - Waste water treatment standards and sustainable urban drainage

NPF4

Policy 3 - Biodiversity
Policy 6 - Forestry, woodland and trees
Policy 9 - Brownfield, vacant and derelict land and empty buildings
Policy 14 - Design, quality and place
Policy 16 - Quality homes
Policy 18 - Infrastructure first
Policy 22 - Flood risk and water management

Supplementary Planning Guidance:

Development contributions;
Placemaking and design;
Privacy and sunlight guide;
Sustainable urban drainage systems;
Trees and development;
Waste management.

Recommendation by - Ranald Dods (Planning Officer) on 8th August 2023

Site and proposal

The site lies immediately to the east of Old Edinburgh Road in Eddleston and there is currently a stone dyke, approximately 900mm high between the site and the road surface, although vegetation and detritus has led to an apparent reduction in that height. It is approximately 8m wide at its narrowest, broadening out to a maximum of about 8.8m. From front to back the site measures 21.5m and in total, the area is a little over 180sqm. A mature tree, which is one of a number lining Old Edinburgh Road, appears to lie adjacent to the common boundary with the garden of the property to the south (numbers 15 and 19 Bellfield Road). To the north lies the garden of 1 Old Edinburgh Road, with that house being approximately 26.5m from the boundary.

The site slopes upwards approx 2.8m from front to rear, and has approx 5 very large mature conifers directly behind the site on the East, rising to a height approx 11m higher than the entry point to the site.

In determining the application, the following factors were considered:

Planning history

There is no specific planning history associated with the site but it appears to have been part of 21 Bellfield Road. A permission was granted in January 2007 for alterations to that property (reference 06/01451/FUL). A pre-application enquiry (reference 20/00777/PREAPP) was made for the development of the site under consideration. Far from being "supportive" as stated in the current application form, the pre-application response concluded that "Whilst it may be physically possible to fit a house onto the site, I have concerns... about the quality of development that would result in terms of amenity, privacy, cramming and I also have severe reservations about being able to develop a house on this site without serious damage to or loss of the tree at the roadside".

To take a single comment from the pre-application in this manner gives a slanted view of the evaluation given in the pre-application as a whole.

Also, there are very clear criteria set out in the pre-application which our design and objective clearly and confidently ticks every box.

Here are the criteria...

- A) 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;**
- D) it respects the scale, form, design, materials and density in context of its surroundings;**
- E) adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity;**
- F) it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.**

Our proposal complies with every one of these policy items.

Policy

The key LDP policies against which this proposal is assessed are PMD2, quality standards and PMD5, infill developments. In terms of NPF4, key is policy 14, design, quality and place. As set out below, the proposal does not comply fully with the terms of these key policies.

This is misleading and very unfair. Ranald is completely mis-representing the specific reason for the policy. The general drive of NPF4 Policy 14 is clear, and is specifically to try and improve the locality, with a drive to achieve more sustainable, local user friendly, community based developments. By filling in this gap plot on the Old Edinburgh Road with our proposed sustainable, solar powered development we will:

- 1. Take full advantage of the annual 1650 hours of usable local solar in this area.**
- 2. Charge our 2 electric vehicles using 100% solar power with the south facing apex covered in solar panels.**
- 3. Provide substantial garden vegetable growing areas to maximise food sustainability.**

4. Ensure our children can hop on the local school bus some 200 yards from our door.
5. Ensure with the new local fibre optic cable recently installed, Mrs Gilhooley can work from home, maximising sustainable use of the property.
6. Mr Gilhooley can teach clients from home, instead of having to rent space elsewhere to teach. This again maximises the sustainable use of the property compared to travel and other property rent.
7. In addition, using from a rural location, we will be able to regularly support the local restaurants The Horse Shoe and The Scots Pine and The Barony Castle, as well using the local membership Gym at The Barony Castle Hotel, all part of the drive for localising living in Policy 14.
8. The vast improvement the proposed development would provide in comparison to the current form of this somewhat abandoned land
9. As a family of cyclists, from this development we can also use the new cycle path from Eddleston to Peebles, frequenting The Cringletie Hotel & Restaurant, and all of the services in Peebles and beyond to Innerleithen by cycling. This is taking full advantage of the joined up community thinking and cycle path developments in the locality.
10. As a family who have lived in the area for over 20 years, we would be moving in from some distance in the nearby hills, completely changing our lives in a positive way, contributing to the local community, whilst also enhancing the local community, and living a vastly more sustainable lifestyle.

Here is the actual POLICY INTENT. You will see our proposal absolutely complies with policy 14 intent.

Policy 14 Intent:

To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

Policy Outcomes:

- Places are planned to improve local living in a way that reflects local circumstances.
- A network of high-quality, accessible, mixed-use neighbourhoods which support health and wellbeing, reduce inequalities and are resilient to the effects of climate change.
- New and existing communities are planned together with homes and the key local infrastructure including schools, community centres, local shops, green-spaces, health and social care, digital and sustainable transport links.
-

Local Development Plans:

LDPs should support local living, including 20 minute neighbourhoods within settlements, through the spatial strategy, associated site briefs and masterplans. The approach should take into account the local context, consider the varying settlement patterns and reflect the particular characteristics and challenges faced by each place. Communities and businesses will have an important role to play in informing this, helping to strengthen local living through their engagement with the planning system.

In conclusion of this section, for your planner Ranald Dods to attempt to convey that this development is at odds with Policy 14 is gravely concerning. What is the reason for a planner for Borders council to actively warp the very purpose of a policy, and create a barrier when there is none?

The placemaking and design criteria set out in policy PMD2, amongst other things, require that a proposal: creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles, whilst not excluding appropriate contemporary and/or innovative design; is of a scale, massing and height appropriate to its surroundings; is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality; is compatible with and respects the character of the surrounding area and neighbouring built form.

There are 6 drastically different house designs within 50 metres of this plot. Here they are... every one of them completely different designs, completely different windows, completely different roofs, completely different cladding, completely different paving.



This is why we have chosen a design that should use the best aspects of all, but with a minimalistic approach.



Our application tries to fit in with the general feel of the area, and aims to neatly nestle in to the surrounding area offering privacy and sustainability, with no aggressive feature designs to invoke negative neighbour responses. The drawing were sent personally by Mr Gilhooley to the closest 8 properties before submitting the plans, asking that any objections would be welcomed personally, so Mr Gilhooley could have opportunity to re-design in early course, to attempt to satisfy all neighbours. No Neighbours responded negatively to this effort.

Policy PMD5 sets out the criteria against which development on non-allocated, infill or windfall sites will be assessed. Amongst those is a requirement that a development does not detract from the character and amenity of the surrounding area, respects the scale, form, design, materials and density in context of its surroundings; that adequate access and servicing can be achieved, particularly taking account of water and drainage; it does not result in a significant loss of privacy to adjoining properties and; can be satisfactorily accommodated within the site.

**We believe we comply with each of the requirements of PMD5.
This is PMD5 below...**

POLICY PMD5: INFILL DEVELOPMENT

Development on non-allocated, infill or windfall, sites, including the re-use of buildings within Development Boundaries as shown on settlement maps will be approved where the following criteria are satisfied:

- 1. where relevant, it does not conflict with the established land use of the area.**
- 2. it does not detract from the character and amenity of the surrounding area.**
- 3. 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.**
- 4. it respects the scale, form, design, materials and density in context of its surroundings.**
- 5. adequate access and servicing can be achieved, particularly taking account of water and drainage and schools capacity.**
- 6. it does not result in any significant loss of daylight, sunlight or privacy to adjoining properties as a result of overshadowing or overlooking.**
- 7 All applications will be considered against the Council's Supplementary Planning Guidance on Placemaking and Design. Developers are required to provide Design Statements as appropriate**

Our development does not conflict with the localised land usage.

Our development has been designed to mimic aspects of the character of the local buildings, all of which are completely different.

The building can in no way be deemed as to be unsustainable by the local infrastructure, and with two more similar areas adjacent cannot be deemed as cramming. We are building on less than 45% of the plot size. This cannot be deemed cramming.

The design shape is similar to the house immediately to the South. The materials used are in sympathy to the other houses within sight to the north.

Adequate access, in particular consideration of water and drainage and schooling is fine.

There is no sunlight diminish caused by over shadowing.

There is no diminished privacy by Overlooking, as we do not overlook any properties.

The mature sized conifers on our East boundary offer considerable privacy to our development from the houses above, making our property more private than the adjacent low lying neighbours houses as per the photo below... See the large conifers offering privacy to our property.



NPF4 policy 14 requires, amongst other things, that development proposals be designed to improve the quality of an area, whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, as set out in NPF4, will not be supported.

This item has been addressed in Policy 14 earlier. We are compliant at every point and should be approved.

Assessment

Policy PMD2 aims to ensure all new development is of the highest quality and respects the environment in which it is contained. That policy aim does not restrict good quality modern or innovative design. What is at question here is whether the proposal is good quality or innovative design; whether it would be in keeping with the scale, extent, form and architectural character of the existing buildings and; whether or not the proposed dwelling would make a positive contribution to the character of the area.

The character of the area is single houses of varying styles, set within generous grounds, with mature trees creating an avenue along Old Edinburgh Road.

This is simply not true. The majority of the properties in the immediate surrounding area are made up of the council housing immediately East of our plot. There are in total 8 council properties within yards of our plot. None of these are single houses, they are all flats and semi detached, and the only mature trees are the conifers directly behind our plot. The properties of which Ranald refers to are much further along the street, the same distance away as more council blocks. None of these Council houses are surrounded by generous grounds, though they do have some low lying garden plots down the hill from these properties.

The nearest property to the south is known as Kilrubie. There is then a distinct break in development of some 80m before the next house at 1 Old Edinburgh Road, to the north of the application site. Other than a small telephone exchange building, the intervening land comprises the rear garden ground of 11-21 Bellfield Road and the southern part of the garden of number 1 Old Edinburgh Road. There is, as noted above, variety in styles of the buildings in the area but the closest properties, those noted above, are set back from the road and have generous gardens surrounding them.

Again, this is false and extremely important and in our opinion misleading.

The closest properties by far are the Council houses and flats which sit above the proposed development. These are 2 councils houses and 4 flats which are all attached in one large building approximately 40 metres long. To try and project this as an area of idilic large gardens is more than a little misleading. The gardens are all lawn and other than 5 mature conifers bordering the proposed development, there are no mature trees. This point needs to be made very clear, as there seems an attempt to mislead the nature of the proposed build compared to the exiting builds.

By contrast, the proposed house would be built hard up to the northern boundary. Being on the boundary, there would be no fenestration on the north elevation which would present an unattractive blank elevation on the approach to the village from the north.

This is an absolutely disgusting attempt to warp the look of the proposed property. I attach a few photos below which will precisely address the deliberate false skewing of the vision of this development by Ranald Dods.

Below there are two photos that clearly show how false and misleading Ranald assertion of the view of the development is. It's an utterly ridiculous indefensible comment and stance.





Closer view of the side of the building Ranald states would be an unattractive blank elevation on the approach to the village. It's almost completely sheltered and hidden behind the trees.

Viewed from the road, the house would have an area of underbuild, approximately 1m and the fenestration would give the property a symmetrical appearance. The entrance would be to the south and, as with the northern elevation, the elevational treatment would be unattractive, with only one window lighting a bathroom. The building, being located some height above the road level, would be unduly prominent when entering or leaving the village.

Please see my photos and comments above. This is simply an untrue deeply negative fabrication quite frankly.

Despite the variety of building styles in the village, this proposal would not relate well to its surroundings. There appears to be a lack of contextual understanding, leading to an ill-fitting development with the immediate area. This incongruity is exacerbated by the orientation and elevated position of the house and the lack of development on either side of the site.

I would have thought that Ranald would know that the orientation of the house has been chosen specifically to maximise the solar power production from the roof by means of the perfect southerly aspect the plot enjoys. Ranald must move into this century given the entire climate crisis, and start actively looking at the benefits of design with a view of the climate technology needed these days. Failure to take this into consideration is bad enough. But to actively condemn the orientation of the proposed build is nothing short of ignorance at the expense of the environment.

In addition, we have used the relative height and frontage shape as the house to the South, whilst incorporating the general brick/render mix as the house to the North. If this is not planning with great consideration to the local area, then I do not know what is. Having asked Ranald for guidance at the very beginning so we could comply with the area, he was not forthcoming with any assistance. Considering the sheer variance of existing house designs in the area, we thought complimenting several aspects of immediate properties would ensure we are planning with consideration of the surrounding area, yet this seems to have been completely overlooked by Ranald.

In terms of PMD5, whilst the applicant has demonstrated that a house could physically be fitted onto the site, the fact is that the house would be over-development or cramming of the site. The submitted plan shows that the site area is in the order of 180sqm and the house would be approximately 79sqm. In other words, the house would occupy 56% of the entire site.

We specifically designed the build to ensure the house would only occupy 44% of the property. We want a large vegetable garden and greenery to surround our house where possible. The figures you have calculated are completely back to front. We have 44% house build, and 56% Garden, so your assertion above is completely false and completely misleading.

In addition to this, I addressed all of the points you are raising about potential over-development (and addressing a neighbour comment) etc in an email I sent you on 17 July 2023, which clearly and in great detail conveys our willingness to adjust the property, and even flip the property round if required. I shall attached that email which you chose not to reply to, at the end of this appeal statement.

The house would be built directly onto the northern boundary, be between 1m and 1.4m from the southern boundary and 4.9m from the eastern boundary with only 35sqm (excluding the retaining gabion baskets) available as garden ground. The appearance would be one of a house crammed onto the site, which would be very much at odds with the pattern of development in the area.

Our intention is to form terraced timber framed vegetable plots integrated into the garden space to maximise vegetable production from all areas of the garden. This leaves adequate garden area of over 60 sq m, over and above gabions and pathways. It also is a greater than the garden we had in the street above this plot when we lived there on Bellfield Road. It is also very similar to the split of land/garden percentage in the house to the south of the plot. This proposal has enough garden front and rear to have a patio and social area, and lots of planting beds for home grown veg & fruit trees. The world is changing Ranald, and scaled down sustainable living is a must for the environment, and I shouldn't have to argue with planners on this kind of matter.

The submitted plan shows the front of the house to be only 5.5m from the boundary and that area (about 48sqm) would be given over to car parking and surface water drainage. The proposed "surface water sump" would not appear to be compliant with building regulations. Having discussed the proposal with Building Standards, that would have to be 5m from the house and the boundaries. Clearly that would be a matter for that department to consider under the relevant legislation but it does indicate that drainage from the site would be an issue and therefore, compliance with PMD5, as well as IS9 and policy 22, would have to be called into question.

Our intention is to excavate and create a very large sump under much of the parking. All pathways should be of the type "Ceda Gravel" allowing natural ground drainage at all points where possible. We believe we can make a sump large enough at the front of the property to adequately cope with all of this sites surface water needs.

In relation to policy 14 of NPF4, the matters set out above lead me to believe that the proposed house would not improve the quality of the area. The development is poorly designed and would be detrimental to the visual amenity of the area. The development would be crammed onto the site and would not enhance the pleasant entrance to the village and therefore the built space.

This is simply not true. The flaws, mis-calculations and lack of understanding of the Policy is beyond negligent. These are fundamental flaws. This will be the most environmentally friendly, well designed house in the area, with a productive insect, bee and butterfly friendly garden with 100% of surface water being cycled straight into the water table.

On the basis of the above, I conclude that the proposed development cannot be said to demonstrate a clear understanding of the context and would not be appropriate in siting and design terms. As it would not be designed in sympathy with its surroundings, it would not be sympathetic to the character of the immediate area and the village as a whole nor would it improve the quality of the area. Taking all of the above factors into consideration, the proposal does not comply with the terms of LDP policies PMD2, PMD5, HD2 and NPF4 policy 14.

Amenity

Policy HD3 aims to protect the amenity. It states that development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted.

There is zero impact on the amenity of the residential area in this location. We propose to take an overgrown derelict plot and make it something attractive and absolutely worthwhile in line with the ethics of NPF4 Policy 14 and local development. There's is no impact on the traffic, the drainage, the water or electricity supply. The visual amenity will be dramatically improved. See below, a photo of the current site.



As set out above, the form of the development would not fit within the existing pattern of the area and the design would have a undue visual impact on the village and, in particular, the existing property to the north where the appearance of the north elevation would be particularly prominent and overbearing.

I specifically addressed this in my email on 17 July to Ranald which was completely ignored. In addition to this, I have above shown clearly with photographic evidence that the visual impact on entry to the village is zero. This is a completely and alarmingly false claim. I have taken the time to provide photos to prove this is absolutely false.

Whilst the proposal would not result in overshadowing or loss of light, I have reservations about privacy issues. The submitted plans do not show the relationship with the properties to the east in any detail. An estimate has had to be made of the distance to the properties on Bellfield Road and that is approximately 17m. Had the land been flat, then it may have been possible to allow for some flexibility in terms of the window to window privacy distance, accounting for any mitigation that could have been provided. In this case, however, the properties on Bellfield Road are approximately 5m higher than Old Edinburgh Road. Assuming the rear of the proposed house to be half way between Old Edinburgh Road and Bellfield Road, that would mean a level difference in the order of 2m to the existing houses. As set out in the council's Privacy and Sunlight Guide, for every metre difference in height (or part thereof), the distance in the standard is increased by approximately 2 metres. In order to safeguard the privacy of the proposed house, the privacy distance would need to be increased from 18m to 22m. As a result of those factors, the proposal would be contrary to policy HD3.

The distance from property to property is 22.3m which is over your required minimum distance. In addition to this, if you look at the above photo of the site taken from the front entry, you will see 5 large mature conifers right on the rear/upper boundary that almost completely remove any concerns of privacy. But the fact the distance is 22.3m from building to building, this means the distance complies with HD3 regardless.

Trees

The site has a mature tree within it and that forms part of an avenue of trees lining Old Edinburgh Road. Although those are not protected, they are of high amenity value to the area and form an attractive entrance to the village when travelling south on the A703. The applicant was advised at pre-application stage that an arboricultural impact assessment and tree survey would be required. No such reports were submitted with this application. Since the tree is not shown with any degree of accuracy, I estimate that the house would be positioned no more than 4.5m from the centre of the trunk. Given the size of the tree, that is likely to be well within the root protection area. In addition, the proposal to use that area as car parking and for surface water drainage is likely to increase pressure on the root structure and, in combination, lead to the loss of the tree. However, the tree is worthy of protection and the application takes no account of it, despite the probability of the development proposal having a negative impact on it. As a result, the proposal has to be found contrary to policy EP13.

I have made it absolutely clear both in the pre-application and all throughout that I want to keep this beautiful old tree. I'm aware that 2 of the avenue of trees have fallen over in the wind in the last few years, and another removed for safety concerns, but I believe the tree is a great old character and we would like to do anything to make sure we can keep it. I conveyed this clearly to you in another email you ignored on July 19th, and I quote... "We believe that the house at the next stage of planning would be on a concrete stilt in that corner, hand dug to avoid damaging any roots". This is pretty damning that you just straight forward refuse to discuss this. We have always made it clear we will retain this lovely tree.

Developer contributions

Were the proposal to be acceptable, developer contributions would be payable towards education provision. Those would require to be secured by a legal agreement.

This is all as expected.

Roads issues

I have discussed the case with the Roads Planning Service in light of their consultation response. An assumption had been made in error that the site would be accessed from Bellfield Road. Accepting that the access would be from Old Edinburgh Road, Roads state that their preference would be for 2 in-curtilage

parking spaces. The distance from the front wall of the house to the edge of the site would be 5.5m. This would mean that any car parked in the site would be likely to overhang the public road. In addition, no account has been taken of the slope of the site nor of the presence of the tree, both of which are likely to further cause issues for parking within the site. Whilst the starting position is for in-curtilage, Roads acknowledges that there would be on-street parking available.

We would like to park two vehicles on the drive for the purpose of electrical charging, however we were not particularly overly concerned about the parking as you have stated in your pre-application that “Two off street parking spaces would normally be required for a house. Given the road in front of the site is no longer a through road for motor vehicles and the site is towards the end of the stretch where vehicles could access, it may be possible for that requirement to be relaxed. That comment is made on the basis that I have not consulted my colleagues in Roads”.

We believe that we can fit two car parking inside, whilst looking after the tree root system if we excavate sensitively. There is also an option to bring a second charger to the front of the property if we remove the abandoned overgrowth, and park a vehicle against the front of the property. Please see photo below.



Services

The application form states that a connection would be made to the public water supply and foul drainage networks. Those matters would be acceptable, subject to condition. Surface water would be by means of a soakaway located to the front of the house. As noted above, the proposed soakaway is unlikely to be acceptable in terms of building regulations, albeit that is a separate regulatory regime, since that would have to be a minimum of 5m from the house and boundary of the site.

As someone who has worked in drainage for most of his life, I am absolutely sure that after discussion with an engineer, we can create a functioning drainage sump to handle the roof surface water from this site.

Finally, although there would appear to be sufficient space within the site to site waste and recycling containers to the rear of the property, the plans show the difference in level between the front of the house and the main entrance (roughly 1m) to be taken up by steps. In practical terms therefore, it is likely that the bins would be located to the front of the property, further adding to the unacceptable impact on the amenity of the area.

We will create a suitable bin store and sloping paths to ensure no bins are in the front of the property. This omission was an oversight between myself and my architect believing this was a building control matter for future drawings. There is clearly no negative issue here which adds to any negative potential with regards to the site amenity. The stance of negativity Ranald has taken from start to finish regarding this application. Ranald ensures a problem in every solution. This is an unacceptably negative starting point to work with.

Other matters

As noted already, there would be issues in terms of building regulations relating to the provision of a soakaway.

I have addressed this above. I don't see a problem.

The internal layout of the house is also likely to raise issues for Building Standards and revisions to make the development acceptable for that regulatory regime may then have a bearing on the exterior of the property and its impact on amenity and privacy. Were the proposal to be otherwise acceptable, in order to prevent privacy issues arising as a result of internal alterations, a condition would be recommended in order to remove permitted development rights for the creation of windows or openings in the north and south elevations.

I assume this is regarding future alterations... I agree.

Conclusion

The design of the proposed house is unsympathetic to the surrounding context in terms of siting, design, height and massing and it would have an overbearing appearance and unacceptable adverse impact on the existing property to the north.

The property to the North is approx 26.5 m away. There would normally be a 6ft boundary fence between properties. So the verdict of the "overbearing appearance" is literally the couple of feet of extra height to the roof. This is unduly negative considering the house is 26.5 m away from the boundary. In my email of both the 17th & 19th July which Ranald ignored both, I expressly stated "We would also happily flip the house so our front door faces his side, so we don't require access to his property for anything. We would erect a fence between us along the boundary to offer privacy to the bottom of his garden. His house is however a considerable distance from the boundary".

When the girls in reception tell us there is no point in them putting us through to planners by phone because they won't take the calls, and the emails we send are completely ignored, I wonder what we are paying our fee for.

There would be insufficient distance between the proposed house and the existing properties to the east to provide sufficient privacy distance, due to the difference in levels present in the area.

This has been dealt with in my comments above. There is sufficient distance to comply, and plenty of tree coverage over and above, so this comment should be removed.

The proposal has taken no account of the tree within the site.

We made clear in our pre-application that the tree will stay. I have stated this to you personally, and intimated it to you by email. I covered this point thoroughly above, and offered adequate coverage to ensure the tree's well being. We love this old tree.

The proposed means of surface water drainage is unlikely to be acceptable.

I reiterate, this is a complete false assumption. We will make the roof surface water drainage system and sump comply.

The proposal is therefore contrary to LDP policies PMD2, PMD5, HD3, EP13 and IS9 together with NPF4 policies 6, 14, 16 and 22. The principle of a house on the site is therefore not accepted.

Having addressed all of these points above in several ways, I believe the conclusions herein are completely wrong and an unacceptable conclusion to come to with this proposal.

REASON FOR DECISION :

The development would be contrary to policies PMD2, PMD5 and HD3 of the Local Development Plan 2016 and NPF4 policies 14 and 16 together with Placemaking and Design and; Privacy and Sunlight guidance in that the scale and form of the development would not fit within the existing pattern of development in the area, the proposal would be over-development of the site and the design would have a undue visual impact on the area, the existing property to the north and on the approach to and exit from the village. In addition, the fenestration layout, siting of the house and its orientation in relation to the properties to the east would lead to an unacceptable adverse impact on the privacy of the proposed house through overlooking. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

This is an exact repetition of the items above which I have made clear the issues, flaws and errors with above several times. I also emailed several of these points twice, on 17th & 19th July and my emails were ignored.

The development would be contrary to policy EP13 of the Local Development Plan 2016 and NPF4 policy 6 together with Trees and Development guidance in that no account has been taken of the tree within the site. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

I emailed my proposal to keep the tree along with my solution on 19th July and my email was ignored. These are clearly important points for the council and for ourselves, and as such to have my emails completely ignored is puzzling and extremely frustrating. This point cannot be ignored as I have my emails clearly time-stamped and I shall include/attach below.

The development would be contrary to policies PMD2 and IS9 of the Local Development Plan 2016 and NPF4 policy 22 together with Sustainable Urban Drainage Systems and Waste Management guidance in that the proposed surface water drainage is unlikely to be able to be provided within the site

I have made this point clear in my email of 19th July which was ignored. You have simply assumed non compliance with no back up or calculations to confirm your appraisal. I have made clear in my email our intention to design a large sump to take care of this.

...and there is not adequate provision for waste and recycling containers away from the elevation of the building which faces the public road. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

I have explained the simplicity of a bin store construction to the rear of the property, and this simple oversight on my part. It is simply ridiculous, unfair and negatively biased against any construction to use this as a point to refuse this application. I have made clear the issues I have with Ranald's extremely negative views on several aspects of this application.

Recommendation: Refused

- 1 The development would be contrary to policies PMD2, PMD5 and HD3 of the Local Development Plan 2016 and NPF4 policies 14 and 16 together with Placemaking and Design and; Privacy and Sunlight guidance in that the scale and form of the development would not fit within the existing pattern of development in the area, the proposal would be over-development of the site and the design would have a undue visual impact on the area, the existing property to the north and on the approach to and exit from the village. In addition, the fenestration layout, siting of the house and its orientation in relation to the properties to the east would lead to an unacceptable adverse impact on the privacy of the proposed house through overlooking. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.
I am confident Ranald is completely wrong with this assertion, in particular NPF4 policy 14 where it seems he has completely mis understood the motives behind the policy.
- 2 The development would be contrary to policy EP13 of the Local Development Plan 2016 and NPF4 policy 6 together with Trees and Development guidance in that no account has been taken of the

tree within the site. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

If my emails had not been ignored by Ranald, these points would have been covered, but Ranald's lack of communication or response to my emails has made this application discussion impossible.

- 3 The development would be contrary to policies PMD2 and IS9 of the Local Development Plan 2016 and NPF4 policy 22 together with Sustainable Urban Drainage Systems and Waste Management guidance in that the proposed surface water drainage is unlikely to be able to be provided within the site and there is not adequate provision for waste and recycling containers away from the elevation of the building which faces the public road. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations.

As mentioned previously several times, Ranald has made this impossible by not replying to my emails.

I have also prepared a video of my objection to many of these points from the site.. <https://youtu.be/mz9agdyIKg0?feature=shared>

As the final part to this statement, I attach the emails I had sent in plenty of time to discuss the application with Ranald. One email on 17th July, and One on 19th July. Both of these emails were completely ignored. See below:

FG Fran Gilhooley
To: Ranald.Dods@scotborders.gov.uk > 22:49

Planning application [23/00844/FUL](#)

Hi Ranald,

Fran Gilhooley here, regarding our plot in Eddleston.

I wasn't sure if I am required to reply to the 2 notes that have been posted on the councils planning portal.

I thought I'd just comment to you if that's ok...

Reply to Roads Planning comment from Craig Johnston:
We can fit 2 cars into the driveway no problem whatsoever.
When we met for the pre-planning ages ago to discuss the potential Ranald, you had felt as I did that there was an abundance of parking outside the property on the old edinburgh road. But we can adjust the plans to show two cars reversing in, parking side by side, and driving out. Showing only one vehicle was an architect oversight. Also, the road is totally quiet and actually way wider than it looks because the grass has grown over the road by nearly 2.5 metres in total. I don't mind scraping back and re-widening this as part of our work.

Replying to the Neighbour's comment:
We feel that the water pipe in his garden is irrelevant to our work as we won't be near it... the waterboard have confirmed no objection... and it's also here-say from an old acquaintance of his. This chap has 3 boats and four cars sitting out on the road. This not only nullifies the integrity of his comments regarding parking shortage, but also indicates a self belief that he feels he has rights for his property that he clearly wouldn't endow us with, which is a little odd.

We would also happily flip the house so our front door faces his side, so we don't require access to his property for anything. We would erect a fence between us along the boundary to offer privacy to the bottom of his garden. His house is however a considerable distance from the boundary.

Regarding the house line. There are several different house lines within the stretch of road. There seems no good reason to match his house line, whilst ignoring all the others.

I hope our replies are useful Ranald. The response from all the neighbours was overwhelmingly kind and lovely when I personally visited them all with drawings a few months ago.

Please call me if I can be of further assistance in this application [REDACTED]

We can amend the drawing to suit your requirements if you feel it's necessary.

Kindest thanks

Francis Gilhooley



Planning for Eddleston plot, South of 1 Old Edinburgh Road.

Dear Ranald,

I'm writing to you to convey my surprise that you feel you may be leaning to rejecting our proposal for the house on the plot at Old Edinburgh Road, Eddleston.

There's a couple of reasons, and I'll explain below...

When you state that you felt concerned for the tree at the front of the property, both my wife and I feel strongly that the tree must stay. When we visited there some time before buying the plot, there were 5 or 6 Blue Tits jumping from branch to branch. This was brilliant for us to see! We believe the house at the next stage of planning would be on a concrete stilt in that corner, hand dug to avoid damaging any roots.

And when you mention low amenity, this house has a garden front and back, with enough room for a patio and social area, and lots of planting beds for home grown veg and fruit. This is fantastic amenity, and considering we lived previously in the council estate above the site, there's vastly more amenity on our design than the houses on that street... and we loved living there.

If you consider amenity internally too, the open living area upstairs is a fantastic space. We do only need 2 bedrooms, but felt that a third bedroom would allow family members to stay sometimes, but it's not essential, so the house can be smaller if required.

When it comes to the Traffic comment from the authority on the online portal... there is no need whatsoever for two cars to drive in and turn on the site before leaving. The huge house number 1 (next door) with all the boats and vans and cars everywhere doesn't have any such turning spot, and he's not at the dead end where it is quietest. The road, 'Old Edinburgh Road' is dramatically wider than it looks because the grass has grown into it from both sides, encroaching onto the road, reducing its width by almost 2.5m.

I have no problem skimming the entire street to make this road the width it's actually meant to be.

This creates masses more room for parking and turning... but I might point out this is already the quietest road in the entire village of Eddleston.

With regards to the comments from the neighbour, some of them are nonsensical, especially the parking comment, considering he has 11 vehicles and boats there all year round they never move. You can see by their condition.

Scottish Water don't share his concerns about the comment from his "old friend" who commented on some old pipe somewhere "on his property".

I stated to you I am also open to flipping the house round to pacify his comment about looking at the side of our house, even though it's at the farthest point from his house.

Ranald, we are desperate to move back into the community, so much so when we went round all the houses giving them drawings just before planning, the only comments we had from each house was that they'd be delighted to see us back as neighbours... all bar the chap at Number 1.

I have shown you my commitment to:

- 1) Adjusting the drawings if required by flipping the house round.
- 2) Scraping all the grass off the road to re-reveal hundreds of square metres of perfectly good but currently hidden road.
- 3) Keeping the tree and the wonderful wildlife living in it.
- 4) Maximising this property's potential amenity in every quarter.

In addition to this, I appreciate you said you have forgotten your comment to me from a couple of years ago, when you suggested that the road was so quiet there and the fact it was a dead end anyway, that there may be no actual need for a driveway.

I don't expect you to necessarily remember, but my reply to you was simply that I want a driveway so we can charge our cars, because we fully intend to take advantage of the perfect southerly aspect from the roof apex, and install solar power across that side of the roof, which will produce enough power from the local areas adequate 1650 annual usable sun hours. This will fuel both cars fully, giving the property possibly the smallest carbon footprint in the village.

All I ask, is that you consider all of my points, and urge you to make some sensible conditions so I can be held to my word, if you do approve the proposal.

We will definitely appeal a refusal of permission if it is refused, but we genuinely feel this is a good, and environmentally friendly, small sustainable development, with far more amenity than both the council estate houses above the plot, and the modern houses squeezed into the 6 metre wide plots that were passed and then built in Peebles.

Finally, if you would like to meet me on site to discuss any points whatsoever on the plot, I'd be delighted to meet and answer any questions on the site.

Regards

Francis Gilhooley