

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.

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".

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.

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.

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.

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.

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. 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. 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. 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.

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.

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. 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.

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.

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.

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. As set out above, the form of the development would not fit within the existing pattern of the area and the design would have an 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. 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.

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.

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.

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.

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. 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.

Other matters

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

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. 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. The proposal has taken no account of the tree within the site. The proposed means of surface water drainage is unlikely to be acceptable. 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.

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.

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.

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.

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.
- 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.
- 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.

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