

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 23/01135/FUL

**APPLICANT :** Mr Matthew Parker And Miss Lindsay Sayer

**AGENT :** Stuart Davidson Architecture

**DEVELOPMENT :** Formation of dormer window in lieu of previously approved rooflight  
(retrospective)

**LOCATION:** 8 St Dunstan  
Lilliesleaf  
Melrose  
Scottish Borders  
TD6 9FG

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
P714-PL-L02	Location Plan	Refused
P714-PL-018	Proposed Plans & Elevations	Refused

**NUMBER OF REPRESENTATIONS: 2**  
**SUMMARY OF REPRESENTATIONS:**

No consultations undertaken

Two letter of support received commenting mainly as follows:

- Existing dormer is more aesthetically pleasing and less intrusive to neighbours.

**PLANNING CONSIDERATIONS AND POLICIES:**

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

National Planning Framework 4

Policy 14: Design, Quality and Place

Policy 16: Quality Homes

Scottish Borders Local Development Plan (2016)

PMD2 - Quality standards

HD3 - Protection of residential amenity

Supplementary Planning Guidance

Householder Development (incorporating Privacy and Sunlight Guide) (2006)

**Recommendation by** - Alla Hassan (Assistant Planning Officer) on 27th October 2023

This application relates to 8 St Dunstan, in Lilliesleaf, Melrose. It seeks retrospective consent for a dormer window.

The application site has the following site history:

-22/01358/FUL- Erection of 2 no dwellinghouses (change to house type to previously approved 05/01796/FUL- Approved subject to conditions

-05/01796/FUL- Conversion of steading building to form two dwellinghouses and erection of eight dwellinghouses with integral garages- Approved with conditions.

During the handling of 22/01358/FUL, the scheme was revised to remove the dormer, and replace it with a rooflight to avoid significant adverse impacts on neighbouring amenities. The revision allowed for consent to be granted for the repositioning of the house from that originally approved under 05/01796/FUL. The current scheme wishes to retain the dormer in situ.

As such, the principal consideration to the acceptability of the scheme is impacts on residential amenities.

The proposed dormer overlooks the private rear garden of the dwelling Fraser Byre to the west and therefore they are the most sensitive neighbours. Whilst it is noted that the rooflight would still result in some intervisibility and overlooking between adjoining neighbours (at what is contended by the applicant to be at a similar level as the dormer) it is considered that the perceived overlooking from a dormer is materially more substantial and therefore more harmful than a rooflight. The dormer also provides for an easier means of overlooking. The rooflight was accepted in lieu of the dormer fundamentally on that basis. It is notable that Permitted Development rights exist for householders to install rooflights, whereas there is no PD right to install a dormer unless more than 10 metres from the curtilage boundary. This dormer is well within 10 metres of the rear boundary, and overlooks Fraser Byre's garden from a side position over which the entire rear garden is visible. A rooflight would do the same, but in a materially less conspicuous and intrusive manner.

Consequently, it is the officer's opinion that the proposal would have significant adverse impacts on residential amenities. It is accepted that there are supporting comments, however, neither alter the above view as regards the risk to the amenity of Fraser Byre. It is also accepted that the usability of the bedroom will be compromised. However, this compromise to the use of the property (which was reorientated to a more intrusive position from the originally approved scheme) must be balanced with the compromise to the amenity of Fraser Byre. It is also acknowledged that no objection has been submitted on behalf of Fraser Byre, however, the absence of an objection is not determinative in itself and, at the time of 22/01358/FUL, an objection to the dormer had been submitted.

It is also noted that the letters of support prefer the dormer as it maintains the symmetry of the host dwelling. Those comments are acknowledged, however, the host dwelling is not visually prominent from any public vantage points and the lack of symmetry would therefore have no significant adverse impacts to the visual amenity of the area.

**REASON FOR DECISION :**

The proposed development would permit an unacceptable degree of overlooking of neighbouring garden ground to the detriment of the privacy of the neighbouring property and would, therefore, be contrary to Policy 16 of National Planning Framework 4 and Policy HD3 of the Local Development Plan 2016

**Recommendation:** Refused

- 1 The proposed development would permit an unacceptable degree of overlooking of neighbouring garden ground to the detriment of the privacy of the neighbouring property and would, therefore, be

contrary to Policy 16 of National Planning Framework 4 and Policy HD3 of the Local Development Plan 2016

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