

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/01424/FUL
APPLICANT : Maureen Lewis
AGENT :
DEVELOPMENT : Erection of fence (retrospective)
LOCATION: 11A Roxburghe Drive
Hawick
Scottish Borders
TD9 7QP
TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
Location Plan	Location Plan	Refused
Block Plan	Proposed Block Plan	Refused
Block Plan	Proposed Block Plan	Refused

NUMBER OF REPRESENTATIONS: 1
SUMMARY OF REPRESENTATIONS:

Roads Planning Service: No objection

The fence runs adjacent to the footway along Roxburgh Drive and an unlit public footpath that leads into the housing development. After taking a look at the fence on site, I am of the opinion that it does not have an adverse impact on either the footway or footpath and therefore I have no objections to this application.

Two letters of objection have been received and can be viewed in full on public access. A summary of the concerns raised is set out below:

- Height
- No gate between fences
- Fence built without planning permission
- Reduction in light along adjacent path
- Neighbouring properties emergency exit blocked

PLANNING CONSIDERATIONS AND POLICIES:

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

National Planning Policy Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

Policy 14: Design, quality and Place
Policy 16: Quality homes

Scottish Borders Local Development Plan (2016)

Policy PMD2: Quality Standards
Policy HD3: Protection of Residential Amenity

Supplementary Planning Guidance:

Placemaking and Design (2010)
Householder Development (2006)

Recommendation by - Stuart Small () on 10th January 2024

This application seeks retrospective planning permission for the erection of a boundary fence at 11A Roxburghe Drive, Hawick. The fence and decking has been erected on a former shared drying area which served both 11A and 11B Roxburghe Drive. The height of the fence is staggered and due to the drying area being raised above street level, it measures about 8 feet at its highest point.

Assessment

The key planning issues under consideration for the assessment of the application are the scale, design and materials of the development and the impact it has on the amenity and privacy of neighbouring properties.

Layout, siting and design

Policy PMD2 of the Local Development Plan 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 14 of NPF4 protects against developments that are poorly designed and detrimental to the amenity of the surrounding area.

Roxburghe Drive is characterised by similar sized dwellings with garden areas fronting the road and several different sizes and styles of boundary treatments. The inclusion of the drying area into the garden of 11a Roxburghe Drive provides a generous side garden but also leads to a staggered garden level which has been reflected in the recently erected fence. There are several other properties on Roxburghe Drive with large fences but those over 1 metre high have not received planning permission. It is unclear as to when these larger fences on the street were erected but it is likely that they have been in place for more than 4 years so are, therefore, lawful.

The large fence erected at 11a Roxburghe Drive is unnecessarily high adjacent to the public footpath and has an intrusive impact on the visual amenities of the area, even allowing for other high fences in the street. It towers over the adjacent 2 metre high fence at 10 Roxburghe drive and represents an awkwardly placed structure and an incongruous feature that is not in keeping with the visual amenities of this area of Roxburghe Drive. I consider it to be contrary to Policy PMD2 of the LDP and Policy 14 of NPF4. Material considerations do not outweigh its adverse impact, and planning conditions would not achieve mitigation.

Residential amenity

Policy HD3 of the LDP and Policy 16 of the NPF4 aims to protect the amenity and privacy of neighbouring properties from inappropriate development. I have considered the impact of the development on the neighbouring amenity of surrounding residential properties and I am satisfied that the proposal does not adversely impact upon daylight, sunlight, outlook and privacy. The proposal is considered to form a prominent and inappropriate form of development in this location and does not comply with Policy HD3 of the LDP and Policy 16 of NPF4.

Impact on Road and Pedestrian Safety

The Roads Planning Officer was consulted as part of this application and has raised no objections to the application on road or pedestrian safety grounds.

REASON FOR DECISION :

The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 and Policy 14 of NPF4 in that it would constitute a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area. Other material considerations do not outweigh the adverse visual impact of the development

Recommendation: Refused

- 1 The development would be contrary to Policy PMD2 of the Scottish Borders Local Development Plan 2016 and Policy 14 of NPF4 in that it would constitute a prominent and incongruous form of development that would have an adverse impact on the character and appearance of the surrounding area. Other material considerations do not outweigh the adverse visual impact of the development

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