

SCOTTISH BORDERS COUNCIL

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

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 23/01381/FUL

APPLICANT : Mr Graeme Wright

AGENT : Jewitt & Wilkie Architects

DEVELOPMENT : Change of use of church and alterations to form dwellinghouse (revision to planning permission 22/01508/FUL)

LOCATION: Westruther Parish Church
Westruther
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
3638_L_100	Location Plan	Refused
3638_P_300_A	Proposed Plans	Refused
3638_P_401	Proposed Sections	Refused
3638_P_500_B	Proposed Elevations	Refused

NUMBER OF REPRESENTATIONS: 1

SUMMARY OF REPRESENTATIONS:

One general comment has been received by the Planning Authority. All issues raised have been considered. The letter raises concerns regarding the impact the proposed sliding doors would have on privacy of the neighbouring property's garden ground.

Consultations

Community Council: No response received at the time of writing this report.

PLANNING CONSIDERATIONS AND POLICIES:

National Planning Framework 4

Policy 1: Tackling the climate and nature crises
Policy 2: Climate mitigation and adaption
Policy 6: Forestry, woodland and trees
Policy 7: Historic assets and places
Policy 9: Brownfield, vacant and derelict land and empty buildings
Policy 13: Sustainable transport
Policy 14: Design, quality and place
Policy 16: Quality homes
Policy 18: Infrastructure first
Policy 22: Flood risk and water management

Scottish Borders Local Development Plan 2016

PMD1: Sustainability
PMD2: Quality Standards
PMD5: Infill Development
HD3: Protection of Residential Amenity
EP8: Archaeology
EP13: Trees, Woodlands and Hedgerows
IS2: Developer Contributions
IS5: Protection of Access Routes
IS7: Parking Provision and Standards
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage
IS13: Contaminated Land

Supplementary Planning Guidance

Contaminated Land Inspection Strategy 2001
Developer Contributions 2011 (updated 2023)
Placemaking and Design 2010
Householder Development (Privacy and Sunlight) 2006
Trees and Development 2008 (updated 2020)
Waste Management 2015

Recommendation by - Cameron Kirk (Assistant Planning Officer) on 4th December 2023

Site description

The application relates to the former Westruther Parish Church, which is located within the settlement of Westruther. The former church dates back to 1838 and it has been altered over the years. It is of traditional stone and slate construction. It has a churchyard to all sides and there are neighbouring residential properties within the surrounding locality.

Proposed development

Permission was granted under planning application 22/01508/FUL to convert the former church to a dwellinghouse. This application seeks to amend the design of the fenestration to the south elevation of the proposed dwellinghouse. It is proposed to alter two of the existing windows to the south elevation and form a large opening to install sliding patio doors.

No other changes are proposed to the development under the cover of this planning application.

Relevant planning history

22/01508/FUL Change of use of church and alterations to form dwellinghouse. Granted 03 February 2023.

23/00109/UNDEV - Enforcement case.

Assessment

Principle

The principle of development is considered to be acceptable by virtue of the consent granted under planning application 22/01508/FUL, which has been implemented. This application merely seeks to change the design of the fenestration to the south elevation of the existing building. The principle of development is considered to be acceptable, subject to further policy consideration below.

Layout, design and materials

Under the previous planning application 22/01508/FUL it was proposed to alter two of the existing windows by extending them to floor level to the south elevation. In addition, a large opening would have been created between the two altered windows and bifold doors would have been fitted. The Planning Authority advised the applicant's agent that a large opening to the south elevation would impact upon the existing fenestration of the former church which would be detrimental to its character and appearance.

One of the arched windows to the south elevation had been altered in the past. The sill height of the arched window was raised to allow for a single door opening to be formed below. Although these alterations are not original to the design of the church, they are historic.

In light of the Planning Authority's comments the applicant's agent amended the design accordingly to omit the alterations to the existing windows and formation of a large opening between the two altered windows. Instead, it was agreed that a replacement glazed door would be installed to the existing door to the south elevation.

It was brought to the Council's attention that a large opening had been created to the south elevation of the existing building. The Council's Enforcement Section investigated the matter, and they concluded that the works had been undertaken without the benefit of any planning permission. This application was subsequently submitted to regularise the unauthorised works.

In the supporting statement for the current planning application, the applicant's agent states that the proposed sliding doors are required to improve daylight to the living area of the proposed dwellinghouse. Church conversions are inherently dark by their nature. Whilst it is acknowledged that additional opening may bring additional daylight into the building, it is considered that any opening should be designed in such a way as to not impact upon the character or appearance of the existing building.

The insertion of sliding doors to the south elevation would require the existing windows to be significantly altered. The scale and design of the proposed sliding doors would make little attempt to respect or respond to the existing fenestration to the south elevation of the building. In addition, the proposal would result in the loss of one of the surviving stained glass windows to the south elevation.

Although not listed, the scale and design of the proposed sliding doors to the south elevation of the former church would have a detrimental impact upon the historic character and appearance of this elevation and so they would not be appropriate in this context.

Residential amenity

The proposed development has the potential to impact upon the amenity and privacy of neighbouring residential properties, particularly the dwellinghouse to the south, 1 Houndslow Road.

Currently, a low level stone wall forms the mutual boundary to the south between the application site and the neighbouring property, 1 Houndslow Road. The proposed sliding doors to the south elevation would create a degree of overlooking to the rear garden ground of the aforementioned property due to the height of the mutual boundary. They would impact upon the amenity and privacy that the occupants of the property currently enjoy.

The submitted proposed contextual plan and section (drawing no. 3638_P_401) indicates that a 1.8 metre high fence would be erected along the south boundary of the application. This would mitigate against any overlooking created by the proposed sliding doors to the neighbouring properties rear garden area. If approved, a condition is recommended to ensure that the fence is erected prior to the occupation of the proposed dwellinghouse.

Overall, it is considered that the proposed development would not unduly impact upon the amenity or privacy of neighbouring residential properties.

Other matters

There are no other determinative matters. The changes to the design of the proposed development would not impact upon other matters such as access and parking, services, contaminated land, trees, archaeology, waste, developer contributions or access routes. The conditions attached to the original permission

22/01508/FUL are still relevant to the development and must be adhered to. It would be prudent to attach them to this planning application should permission be granted.

REASON FOR DECISION :

The proposed development fails to comply with Policy 14: Design, quality and place of National Planning Framework 4 and Policy PMD2: Quality Standards of the Scottish Borders Local Development Plan 2016 in that the scale and design of the proposed sliding doors to the south elevation of the building would have a detrimental impact upon its character and appearance.

Recommendation: Refused

- 1 The proposed development fails to comply with Policy 14: Design, quality and place of National Planning Framework 4 and Policy PMD2: Quality Standards of the Scottish Borders Local Development Plan 2016 in that the scale and design of the proposed sliding doors to the south elevation of the building would have a detrimental impact upon its character and appearance.

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