

STATEMENT IN SUPPORT OF
REQUEST TO REVIEW THE REFUSAL
BY SCOTTISH BORDERS COUNCIL OF
PLANNING APPLICATION REFERENCE
23/01381/FUL

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BY SCOTTISH BORDERS COUNCIL OF
PLANNING APPLICATION REFERENCE
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1.0 INTRODUCTION

- 1.1 This Statement has been prepared by Andrew Bennie Planning Limited on behalf of Mr G Wright in support of his request that the Planning Authority, under the provisions of Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 Review the decision of the Appointed Person to refuse planning permission in respect of planning application reference 22/0067/PPP.

- 1.2 This Statement should be read in conjunction with the matters set out within the completed Notice of Review Form.

2.0 PROPOSALS SUBJECT TO REVIEW

- 2.1 Under the terms of the planning application which forms the basis of this Request to Review, full planning permission was sought for change of use of church and alterations to form dwelling house, this development representing a revision to the development of the Site, as granted under the terms of planning permission reference 22/01508/FUL.
- 2.2 Under the terms of this earlier application, full planning permission was granted for the conversion of the former Westruther Parish Church to form a single dwelling house.
- 2.3 Under the application which forms the basis of this Request to Review, the appellant sought to amend the details of the southern elevation of the approved design for the dwelling house by way of the formation of a new opening in the wall to allow for the creation of sliding patio doors.
- 2.4 This proposed design change also involves alterations to two of the existing windows in the southern elevation, these alterations involving lifting the sills heights of the windows to accommodate the new opening.
- 2.5 The building which forms the basis of this application is not listed and is not located within, with it being of further note that the elevation within which the proposes patio doors would be located is sited to the rear of the building and in a position which is not visible from any publically accessible locations.
- 2.6 Full details of the proposals which form the basis of this Request to Review are provided within the documentation which supports this submission.

3.0 REASONS FOR REQUESTING THE REVIEW

- 3.1 On the basis of the Grounds of Review, which are set out within Section 5.0 of this Statement, it is submitted that the Appointed Person has failed to provide sufficient reason to reasonably justify the refusal of this planning application when considered against the relevant provisions of the development plan.
- 3.2 It is submitted that the application proposals can be both fully and reasonably justified against the relevant provisions of the development plan.
- 3.3 Consequently, this Review is put forward on the basis of the unreasonable and unjustifiable grounds for the refusal of the planning application in question.

4.0 REVIEW PROCEDURE

- 4.1 In addition to consideration of those matters, which are set out within the Notice of Review Form and this Statement, it is requested that the Local Review Body also carry out an inspection of the Site prior to their consideration and determination of this Review.
- 4.2 A site visit is considered to be appropriate in this case as it represents the best means of ensuring that the members of the Local Review Body can gain a full and appropriate understanding of the appeal site and its relationship to the surrounding area, all of which serve to demonstrate and support the case in favour of this Request to Review.

5.0 GROUNDS OF REVIEW

5.1 The application which forms the basis of this Request to Review was refused planning permission by Notice dated 7th December 2023, with the single stated reason for the refusal of the application being as follows:

"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.

5.2 A full copy of the Decision Notice on this application is provided within the list of documents lodged in support of this Request to Review.

5.3 In the first instance it is worth noting that the Report of Handling that has been prepared in respect of this application does not provide a clear or definitive account of which aspects of the above noted policies the proposed development is considered to offend against and as such provides little guidance as regards which elements of these policies are of principle relevance to the decision that was taken on the application.

5.4 Consequently, we set out below an assessment of the proposals against those aspects of the policies which are considered to be of material relevance to the assessment of the acceptability of the proposed development.

5.5 Policy 14 "Design, quality and place" of National Planning Framework 4 advises that:

a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: *Supporting the prioritisation of women's safety and improving physical and mental health.*

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the six qualities of successful places are set out in Annex D.

c) *Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.*

- 5.6 Given the specific terms of this Policy, it is considered that the first two aspects of part c) thereof are of principle relevance to the assessment of this proposed development.
- 5.7 The element of the proposed development which is the sole source of concern is the proposed sliding patio door opening.
- 5.8 In "simple" design terms, there is little that can be done to change the detailing of this aspect of the development other than amend the opening method, as could be achieved through the use of bi-fold doors.
- 5.9 Proper design considerations however go beyond the simple question of the appearance of the patio doors and must take into account also how design influences the use and functionality of the building.
- 5.10 In this instance, natural daylight to the interior of the building is by way of the original stained glass lancet windows which are located within the two side elevations of the building.

- 5.11 The nature of these windows is such that they allow only a limited amount of daylight to penetrate the main living area within the proposed dwelling house, and as such significantly impacts upon the quality and ultimate useability of this internal space.
- 5.12 The "design" response to ensuring that the proposed dwelling house is provided within an appropriate level of internal daylighting is to either increase the size of the existing windows or to create a new glazed opening.
- 5.13 Increasing the size of the existing windows would clearly have an impact upon these features of the original building and unless an alternative thereto could not be identified, this would be the least preferred option.
- 5.14 The creation of the new patio door opening impacts on only two of the original windows (by way of increasing their sill height to accommodate the new opening) and allows for the retention of most of the windows in their original form.
- 5.15 The proposed installation of the patio doors only affects the lower portion of these two windows, with the majority of the original window openings, and importantly their stained glass, to be retained. The proposed retention of the stained glass by the appellant, on a voluntary basis, is an important consideration with it being noted that in other recent developments approved by the Council, such as the conversion, to residential use, of a former church at Burnmouth original features such as stained glass windows have been lost as part of the approved works.
- 5.16 It is also noteworthy that under the presently approved scheme for the conversion of the former church, the ground floor accommodation has no visual connection to the external garden/amenity areas, with the only means of direct access to these areas being by way of the small dorrway approved as part of the earlier planning permission (this door opening being subsumed within the patio door opening proposed under the application which forms the basis of this Request to Review).
- 5.17 The lack of an appropriate visual connection to the outside of the property impacts adversely upon the level of amenity that the residents of the property will enjoy and also significantly reduces the passive security aspects associated with the occupation of the dwelling house.
- 5.18 Consequently, the introduction of the proposed patio door is considered to be an appropriate and wholly reasonable design response to the conversion of the former church and in this regard the proposals are compliant with this aspect of Policy 14 of NPF 4.

- 5.19 The second relevant aspect of part c) of the policy concerns the question of whether the proposals would be detrimental to the amenity of the surrounding area.
- 5.20 It is of importance to note that this aspect of the policy does not address the impact of any works upon the host building itself, rather it addresses only the question of the impact of works upon the amenity of the "*surrounding*" area.
- 5.21 The reason for the refusal of the application has failed to understand or take into account distinction when noting the "*...the proposed sliding doors to the south elevation of the building would have a detrimental impact upon **its** character and appearance.*"
- 5.22 The use of the word "it's" clearly refers to the building and hence demonstrates clearly that this aspect of Policy 14 has been misapplied and cannot reasonably be used to support the refusal of the application.
- 5.23 When assessing the impact of these works upon the amenity of the surrounding area, it is submitted that as the elevation within which the new opening would be located is at the rear of the building and in a location that it not readily or easily viewed from any publicly accessible location, it cannot be reasonably or justifiably claimed that the proposals will have an adverse effect on the amenity of the surrounding area. The fact that the new opening can be seen by 1 or 2 adjacent private properties does not change this judgement noting that case law supports that standpoint that the preservation of a private view cannot, in and of itself, be held to be in the wider public interest.
- 5.24 **On the basis of the foregoing it is respectfully submitted that the proposed development can be fully and reasonably justified against the relevant provisions of Policy 14 of NPF 4.**
- 5.25 Turning now to Policy PMD 2 of the adopted Local Development Plan, it is considered that only the Placemaking & Design section of the policy is of relevance to the assessment of the proposed development, noting further that not all of parts h) – n) of this section of the policy are of relevance in this regard.
- 5.26 For the sake of completeness, all of these parts of the policy are addressed below.

h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design.

5.27 This aspect of the policy is not considered to be directly applicable to the assessment of this proposed development. This having been noted, the issue of over-riding importance in this case is that the proposed development will secure the long-term future of the original building and will allow for the creation of a new residential unit which is afforded an appropriate level of internal daylighting/amenity.

i) It is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building.

5.28 Only the final part of this aspect of the policy is of relevance to the assessment of the proposed development. In assessment this consideration, it is significant to note that the host building is neither listed nor located within a Conservation Area and as such is not subject to any specific architectural/heritage considerations.

5.29 The simple rectangular plan form of the building is replicated within the horizontal emphasis of the new opening and in this regard, this aspect of the overall development is in keeping with the general character of the original building.

j) It is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building.

5.30 The materials to be used as part of this proposed development are wholly acceptable within the context of the approved development proposals which relate to the site.

k) It is compatible with, and respects the character of the surrounding area, neighbouring uses and neighbouring built form.

5.31 For the reasons set out above in respect of Policy 14 of NPF 4, it is considered that the proposed development both respects and will have no impact on the character of the of the surrounding area.

5.32 Furthermore, it is noted that the presence of patio doors within non-principle elevations of other existing dwelling houses within the village is relatively common place.

l) It can be satisfactorily accommodated on the site.

5.33 This consideration is of no material relevance to the assessment of the proposed development.

m) It provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings.

5.34 This consideration is of no material relevance to the assessment of the proposed development.

n) It incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

5.35 This consideration is of no material relevance to the assessment of the proposed development.

5.36 **On the basis of the considerations set out above, it is submitted that the proposed development can be fully and reasonably justified against the relevant provisions of Policy PMD 2 of the adopted Local Development Plan.**

6.0 SUMMARY

- 6.1 It is our respectful submission that the Council, via the Appointed Person has failed to provide sufficient information to support and justify the stated reasons for the refusal of this planning application.
- 6.2 It is submitted that in terms of the relevant provisions of NPF 4 and the adopted Local Development Plan, the proposed development can be fully and reasonably justified against the various policies which have been referenced within the stated reason for the refusal of the application.
- 6.3 **Considering all of those matters set out above, I would respectfully request that the Local Review Body uphold this Review and in so doing, grant planning permission pursuant to planning application reference 23/01381/FUL.**