

- 7 MAR 2016

Notice of Review



Democratic Services

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.**

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)	Agent (if any)
Name MR AND MRS P BURNS	Name
Address 18 WEAVERS LANE THREEDANK GALASHIELS	Address
Postcode TD1 3SX	Postcode
Contact Telephone 1 [REDACTED]	Contact Telephone 1
Contact Telephone 2 [REDACTED]	Contact Telephone 2
Fax No [REDACTED]	Fax No
E-mail* [REDACTED]	E-mail*

Mark this box to confirm all contact should be through this representative:

Yes No

\* Do you agree to correspondence regarding your review being sent by e-mail? YES

Planning authority SCOTTISH BORDERS COUNCIL

Planning authority's application reference number 15/01491/PL

Site address LYE ROAD DARNICK TD6 9AT

Description of proposed development ERECTION OF DWELLINGHOUSE AND DETACHED GARAGE / ANNEX

Date of application 09 DEC 2015 Date of decision (if any) 08 FEB 2016

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- ① Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review**

- ① Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions ✓
- 3. Site inspection ✓
- 4. Assessment of review documents only, with no further procedure ✓

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

① LARGE HOUSES BEING PASSED FOR PLANNING NEXT DAY

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- 1. Can the site be viewed entirely from public land? YES
- 2. Is it possible for the site to be accessed safely, and without barriers to entry? YES

① Yes No

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

## Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

- ① IN THIS PACKAGE WE HAVE INCLUDED A LETTER STATING ALL THE REASONS FOR OUR APPEAL
- ② ALSO PROVIDED IS ELEVATION DRAWINGS WITH COMPARISONS TO NEW HOUSES NEXT DOOR THAT HAVE BEEN APPROVED.
- ③ PICTURES OF EXISTING HOUSES THAT HAVE ROOF DESIGNS ~~WHICH~~ NOT IN KEEPING WITH THE PLANNERS IDEAS
- ④ PICTURES OF POSSIBLE DANGEROUS TREE WITH SITE PLAN SHOWING WHERE IT IS
- ⑤ COPY OF NEIGHBOURS LETTER SAYING THEY HAVE NO PROBLEM WITH OUR DESIGN.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

**List of documents and evidence**

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

ALL IN ENVELOPE

**Note.** The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

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**Checklist**

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review.

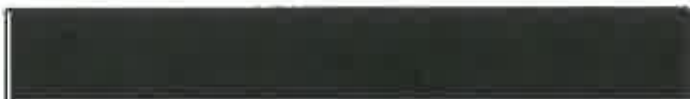
- Full completion of all parts of this form ✓
- Statement of your reasons for requiring a review ✓
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ✓

**Note.** Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

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**Declaration**

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed  Date 07/03/2016

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**Application for Planning Permission**

**Reference: 15/01491/FUL**

**To: Mr and Mrs P Burns 18 Weavers Linn Tweadbank Galashiels Scottish Borders**

With reference to your application validated on **9th Decamber 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal: Erection of dwellinghouse and detached garage/annex**

**At: Land West Of Whistlefield Darnick Scottish Borders**

The Scottish Borders Council hereby **refuses** planning permission for the reason(s) stated on the attached schedule.

**Dated 8th February 2016  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



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**Chief Planning Officer**

**APPLICATION REFERENCE: 15/01491/FUL**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
REC 09 DEC 2015	Location Plan	Refused
REC 03 FEB 2016	Site Plan	Refused
HOUSE REC 03 FEB 2016	General	Refused
GARAGE REC 03 FEB 2016	General	Refused

**REASON FOR REFUSAL**

- 1 The development will conflict with Policies G1 and G7 of the Consolidated Local Plan 2011 because the proposed dwellinghouse is not of a design quality that complies with the Council's Supplementary Planning Guidance "Placemaking and Design" 2010. The proportions of roof to wall, plan depth and overall footprint and profile all combine to produce an inappropriate form and massing which amount to an unacceptable overall design. The development will also contribute negatively to the visual amenity of the surrounding area as a result.
- 2 The development will conflict with Policy NE4 of the Consolidated Local Plan 2011 in that the development may lead to loss of mature trees that have public amenity value, and the application contains insufficient information to demonstrate that this will not be the case. The potential loss of the trees will harm the visual amenity of the surrounding area

**FOR THE INFORMATION OF THE APPLICANT**

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

**SCOTTISH BORDERS COUNCIL**

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

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

**REF :** 15/01491/FUL

**APPLICANT :** Mr And Mrs P Burns

**AGENT :**

**DEVELOPMENT :** Erection of dwellinghouse and detached garage/annex

<b>LOCATION:</b>	Land West Of Whistlefield Darnick Scottish Borders
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**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
REC 09 DEC 2015	Location Plan	Refused
REC 03 FEB 2016	Site Plan	Refused
HOUSE REC 03 FEB 2016	General	Refused
GARAGE REC 03 FEB 2016	General	Refused

**NUMBER OF REPRESENTATIONS: 2**

**SUMMARY OF REPRESENTATIONS:**

Two representations have been received. The first does not include an objection, but notes that only two houses were built off Lye Road in 1990 because to build three would require the road be upgraded. It is queried if these conditions still apply.

The second is a letter of support sent on behalf of the property to the east, Whistlefield, in which the owner states that she has no objections whatsoever to the plans. She has seen the detailed layout and reiterates that she is more than happy to go along with the plans. Reference is made specifically to the library window.

**Consultations**

**Historic Environment Scotland:** No objection and no comment

**Roads Planning Service:** Have no objections in principle but do have a few mainly minor roads concerns. Lye Road is generally single track in nature and the surfacing on the road shows signs of some deterioration. Also, the junction between Lye Road and Smith's Road is slightly awkward in shape, and the visibility is not ideal in either direction, though traffic speeds are very low. These concerns are not significant enough for them to object. Parking and turning for two cars will be required. The first 2 metres should be constructed in accordance with an approved specification.

**Community Council:** No comments

**Education and Lifelong Learning:** Contributions are required towards Melrose Primary School and Earlston High School

**Archaeology Officer:** The development area coincides with the Inventory Battlefield for the Battle of Darnick. The likely line of retreat is somewhere in the vicinity of the development area. Recommends that the total development area undergoes a battlefield survey by a suitably qualified archaeological contractor. A condition is recommended to this effect.

**Environmental Health Service:** There is potential contamination associated with horticultural use. Have contacted the developer seeking a response to a screening questionnaire. If no response is received, a condition is recommended

## **PLANNING CONSIDERATIONS AND POLICIES:**

**Consolidated Local Plan 2011**

**G1, G2, G5, G6, G7, BE2, BE4, NE3, NE4, H2, INF2, INF4, INF5, INF6**

**SPGS Placemaking and Design 2010; Developer Contributions 2015; Trees and Development 2008; Guidance on Householder Development 2006**

**Recommendation by - Carlos Clarke (Lead Planning Officer) on 5th February 2016**

### **Site and application description**

The site comprises a rectangular area of undeveloped ground, formerly in horticultural use and currently accessed from the south via a minor road. This road (Lye Road) serves modern bungalows on its southerly side. The site is framed by hedging, with the gardens of neighbouring houses to its east and north sides. There are minor trees within the site, and a cluster of larger trees along its road frontage and south-west corner. To the west is land which initially formed part of the Broomlees Road housing development which is currently subject to an application for eight detached houses, though the area immediately adjacent this site has been removed from that application, and is prospectively to be subject to an application for a single house in the future, also accessed off Lye Road.

The application proposes a detached, 1 ½ storey house with a detached garage, all accessed from the south via an existing opening (though the precise positioning of the proposal relative to the existing opening is unclear), with a parking and turning area proposed within the frontage.

### **Principle**

The site is within the village's settlement boundary, both in the Consolidated Local Plan and Local Development Plan. It is not within the Conservation Area, which is adjacent to the north and north-east. The site is not allocated for a particular purpose, and does not comprise public open space. Nor is it of townscape value as undeveloped ground. It is close to a number of other residential properties and is accessible from an existing road to the south. It has a frontage to this road, like its neighbours. The principle of development for a single house is, therefore, acceptable, and any development proposed for it requires to be assessed principally against Policy G7, along with other issue-specific policies.

A detached garage is proposed which includes self-contained accommodation. This would essentially be an annexe which is acceptable subject to a condition that it is used as such, thus requiring that it be occupied on an ancillary basis (i.e. as a single household) to the main house. A condition can control this aspect.

### **Ecology**

The site has no ecological designation and is not near any. There are no likely implications for protected species that would justify submission and consideration of a survey before determining the application. There is a risk to trees which cannot be quantified and this is explored separately below.

### **Archaeology**



The site is within the Damick Battlefield designation, though Historic Environment Scotland raise no concerns, and a condition can account for our archaeology officer's advice.

#### Contaminated Land

It is understood that the EHS's query over potential contamination associated with the previous horticultural use has not been addressed. A condition would be necessary in the event consent were to be granted.

#### Services

Mains water and foul drainage services are proposed, though a condition would be necessary to ensure connections by Scottish Water have been granted. The site has ample room for on-site surface water disposal, and the site is relatively level with no obvious risk of increased run-off off-site. Run off from the buildings is more directly capable of being addressed through the Building Warrant in this case and porous surfacing can be specified for the parking area.

Contributions towards local schools and the Waverley Line would be necessary to comply with policies G5 and G6. These would require a legal agreement.

#### Access and parking

The proposal is to be accessed off the private road, as it is now. I note the comments from the neighbour regarding previous approvals here. However, since the existing two houses were approved, the Roads Planning Service has applied a 'four house' rather than a 'two house' rule to the number of houses that can be supported on a private road before it requires to be made up to adoptable standards. The RPS have verbally advised that this proposal will not lead to the threshold being exceeded. As such, they can support the proposal subject to their detailed comments. A condition can secure the first two metres of the junction in tar, ensure no surface water run-off to the road, and that the access and parking be provided before the house is occupied.

#### Trees and hedges

Trees towards the centre of the site are minor and their loss would be of no consequence for public amenity. However, there are number of trees on the southern boundary and to the south-west, where an existing garage would be demolished. The applicant was asked, prior to submitting the application, to clearly identify the location and root protection areas (as per BS5837:12) of existing trees since their retention (provided they are in good condition) is of value to public amenity here given the edge of village location and its proximity to the nearby community woodland. This information was not submitted with the application. The applicant was asked for the same information during the processing of the application but has not provided it. The proposed garage has, however, been repositioned two metres further into the site in response to this issue. While I recognise that the garage position has been adjusted, it is still not possible to establish from the information given whether either the access junction or the proposed garage will lead to damage to trees which are of value. The applicant has not provided any information to suggest the trees are not of a condition that merits their protection. Policy NE4 cannot be considered to have been satisfied.

There would be no significant loss of roadside hedging. Hedging to other boundaries should not be at risk.

#### Design and layout considerations

The site is level, relatively large, and located within a context of other houses, of a range of sizes, and nearby wooded areas. It is close to, though not within, the Conservation Area and its closest neighbours are modern. Its development for a house of this general size will not have a wider landscape implication, nor will it detract from the character or appearance of the Conservation Area.

The house would be set well back into the site, with the garage in the frontage, and a large parking and turning area. This arrangement is not ideal, and would not be appropriate in many cases. Here, however, it is acceptable because of the existing building lines and large parking areas to some neighbouring frontages.

The immediate context is of modern houses and this proposal is of a broadly similar character. The site is

capable of accommodating a contemporary house design. Though this proposal is neither that nor a traditional design, its overall character will be similar to its neighbours. Due to the context, some allowance must be made with respect to the design of this proposal. The applicant has made some adjustments to the proposal during the application - slimming eaves and verges, changing window proportions within the dormers, and splitting the garage door from one to two openings. These have helped to an extent, and any poorly proportioned openings are relatively discrete in terms of likely public exposure. Both the garage and the house do, however, remain rather awkward in their design, as their frontages are unbalanced and disordered. These aspects can be tolerated in this particular context.

However, an aspect the adjustments have not addressed is the overall form and massing of the building. The roof will span a main depth of 12.4 metres, be just less than 40 degrees in pitch and includes offshoots to the rear and front, the latter of which is particularly large. On approaching the building, the dominance of the main roof combined with the rather overbearing front elevation projection (which is two-storeyed, and out of proportion with the deep, main roof), will be clearly apparent. The applicant was asked before and during the application to reconsider the overall form and massing of the building. However, no amendments have been forthcoming in these regards.

The Council's SPG on Placemaking and Design states (pages 57-59), that "the proportionate balance of roof massing to the building envelope is critical to the overall sense of proportion", and that "if the roof ridge line is set too high or low in relation to the building height/eaves height, the building may look 'top heavy'. In reference to traditional gable widths of circa 6 metres, it advises that "modern housing can appear bulky and 'out of scale', lacking this balance of plan depth to roof mass, resulting in visually dominant roofs".

I cannot consider that this proposal accounts for the SPG. It is recognised that neighbouring buildings do not exhibit traditional forms. However, this proposal is a larger building, and the neighbouring buildings were also approved well before the Council introduced its SPG, which has been used to influence the quality of design since. Policy G7 requires that developments be of appropriate form and Policy G1 states that developments should have a sense of place designed in sympathy with the Borders' architectural style, and be of appropriate massing.

In this case, while the prevailing context is acknowledged, as is the relatively limited degree of public exposure, I would contend that this proposal needs to be amended in its footprint. This is so that the roof can be proportioned better relative to the wall heights and depth of the building. Even a reduced plan depth of between 8-9 metres (itself, relatively deep), with the eaves lifted and the front projection also reduced so it relates more comfortably with the main frontage, would improve the overall massing of the building and render it more suitable to this particular context. At present, the current design does not account sufficiently for our SPG and fails Policies G1 and G7 in my interpretation.

#### Materials

Materials include a slate roof, K-render for the walls, and grey alu-clad windows and doors. These proposals are agreeable in this context, and will be an improvement on neighbouring roof and wall finishes, while contributing to the more general mix in the area. Timber cladding is proposed as a feature on the walls, which is agreeable since it exists nearby on other buildings. The arrangement here does emphasise the suburban character of the building, however, and does not overcome concerns over the massing of the building (as noted above). A brick basecourse is proposed, whereas an artificial stone or smooth render finish would be recommended. Conditions would be recommended to require samples of the finishes and agreement on the colour of garage doors.

#### Levels

The site plan includes levels, but there is no clear distinction between existing and proposed levels. The site is generally flat, so this should not be an issue, though a condition would be appropriate to secure a scheme of levels that more clearly demonstrates what is proposed.

#### Boundaries

The site has hedging and fencing to boundaries. Normal Permitted Development rights would apply to fencing (i.e. 1m on the road side, and 2m behind the house). There is no strong reason to require any additional

controls on these aspects.

#### Neighbouring amenity

By my estimation, most neighbours will be unaffected in terms of privacy, sunlight, daylight or outlook loss. However, I queried the potential for side windows impacting on the privacy of the eastern neighbour (Whistlefield). The applicant has removed windows from that elevation (which has not helped the overall design, it should be said). A first floor library window will still overlook the neighbour's nearby rooflight. However, that neighbour has written in support of the application, and specifically refers to the library window.

The proposal will also affect the daylight of the same neighbour's facing windows and closest rooflight. The applicant has set the house back by 1 metre in response to this, but this will not overcome the issue. Again, however, the fact that the affected neighbour has written in support of the application must be noted.

While, the neighbour's support for the proposal is without explanation, and weight that could be applied to it must be reduced as a result, it is also unclear to me what type of accommodation the affected windows and rooflight relate to. Ultimately, I cannot establish there is a risk to residential amenity such that the proposal would lead to conflict with Policies G7 or H2, albeit I expect Whistlefield will have its amenity undermined to some extent.

#### REASON FOR DECISION :

The principle of a dwellinghouse on this site will accord with the Consolidated Local Plan 2011, subject to compliance with a schedule of conditions and conclusion of a legal agreement on developer contributions. However, the building's overall form and massing, whereby the plan depth results in a low eave, top heavy and visually dominant roof, would not account for the Council's Placemaking and Design Guidance 2010. Though the context of modern houses in this particular location provides some justification for the character of proposed house, it is not considered that this is sufficient to overcome concerns regarding the form and massing of the proposal. The development will fail Policies G1 and G7 of the Consolidated Local Plan 2011 as a result of the form and massing of the proposal and will lead to visual harm to the amenity of the surrounding area.

In addition, the development may lead to damage to mature trees which it is desirable to retain as complementary features to the development. The application does not demonstrate that trees can be protected in a manner consistent with BS5837:12. This conflicts with Policy NE4 of the Consolidated Local Plan 2011.

#### **Recommendation:** Refused

- 1 The development will conflict with Policies G1 and G7 of the Consolidated Local Plan 2011 because the proposed dwellinghouse is not of a design quality that complies with the Council's Supplementary Planning Guidance "Placemaking and Design" 2010. The proportions of roof to wall, plan depth and overall footprint and profile all combine to produce an inappropriate form and massing which amount to an unacceptable overall design. The development will also contribute negatively to the visual amenity of the surrounding area as a result.
- 2 The development will conflict with Policy NE4 of the Consolidated Local Plan 2011 in that the development may lead to loss of mature trees that have public amenity value, and the application contains insufficient information to demonstrate that this will not be the case. The potential loss of the trees will harm the visual amenity of the surrounding area

PAUL AND SHARLANE BURNS

DATE: 07/03/2016

18 WEAVERS LINN

TWEEDBANK

GALASHIELS

TD1 3SX

PHONE: [REDACTED]

DEAR LOCAL REVIEW BODY

My name is Paul Robert Burns and My wife's name is Sharlane Grace Burns. We are writing this letter of appeal after the refusal of our house plans for a new house at Lye Road in Darnick Planning Ref 15/0141/F3. We have had a couple of issues leading to our plans being denied approval that we think are not correct especially when we see what other buildings have been built in and around Darnick.

Before we go into detail about these issues I would like to say that before my wife and I purchased this plot of land in Darnick we had spent a good number of weeks looking at what other properties had been built in Darnick, roof designs, dormer designs, sizes of houses and what different house styles had been built there just so we thought we knew what kind of styles we would be allowed to use in this area. We were also following a planning application from a plot of ground next door to us which was looking to build 8 houses to see what kind of style and size they were being allowed to build. Planning Ref 15/01016/F3



SO UPON TAKING IN ALL THIS INFORMATION WE FELT THAT THIS PLOT WOULD BE GOOD FOR US AND SUIT OUR NEEDS TO BUILD A SUITABLE SIZED FAMILY HOME FOR US AND OUR TWO CHILDREN. I WOULD ALSO LIKE TO POINT OUT A PARTICULAR HOUSE IN ABBOTSFORD TERRACE WHICH WE BELIEVE TO BE IN THE CONSERVATION AREA THAT HAS A VERY DIFFERENT DESIGN TO ANY OTHERS BUILT IN DARTMOUTH ~~PERIOD~~ WHICH WE REALLY LIKE SO THIS GAVE US HOPE FOR A CHOICE OF DESIGN CONSIDERING WE ARE NOT IN THE CONSERVATION AREA.

### POINTS OF RECOMMENDATION

(NO2)

FROM COUNCIL

(THE DEVELOPEMENT WILL CONFLICT WITH POLICY NET4 OF THE CONSOLIDATED LOCAL PLAN 2011 IN THAT THE DEVELOPEMENT MAY LEAD TO LOSS OF MATURE TREES THAT HAVE PUBLIC AMENITY VALUE, AND THE APPLICATION CONTAINS INSUFFICIENT INFORMATION TO DEMONSTRATE THAT THIS WILL NOT BE THE CASE. THE POTENTIAL LOSS OF THE TREES WILL HARM THE VISUAL AMENITY OF THE SURROUNDING AREA.)

WE BELIEVE THAT THERE WILL BE NO HARM OF ANY MAJOR TREES AS THIS IS ONE OF THE REASONS WE LIKED THIS PLOT OF LAND BECAUSE OF HOW MATURE IT IS WITH ITS FULL HEDGED BOUNDARY AND LARGE TREES

(PICTURE 2)

AT THE FRONT, ALTHOUGH THERE IS ONE BIRCH TREE IN PARTICULAR THAT WE BELIEVE TO BE UNSAFE WITH ITS ODDLY SHAPED TRUNK AT THE BOTTOM MEANING IT IS LEANING DANGEROUSLY TO ONE SIDE SO THIS TREE MAY HAVE TO BE TAKEN DOWN PURELY FOR SAFETY BUT IF THAT WAS THE CASE WE WOULD REPLANT A COUPLE MORE IN ITS PLACE. ALL THIS WORK WOULD BE CARRIED OUT BY A TREE SURGEON. ALSO THE OTHER TREES CALCULATE TO BE FAR ENOUGH

AWAY FROM THE PROPOSED BUILDING WORKS AND IF ANY ROOTS WERE UNEARTHED THEN HAND DIGGING WOULD TAKE PLACE.

(NO 1) (THE DEVELOPEMENT WILL CONFLICT WITH POLICIES G1 AND G7 OF THE CONSOLIDATED LOCAL PLANS 2011 BECAUSE THE PROPOSED DWELLINGHOUSE IS NOT OF A DESIGN QUALITY THAT COMPLIES WITH THE COUNCIL'S SUPPLEMENTARY PLANNING GUIDANCE "PLACEMAKING AND DESIGN" 2010. THE PROPORTIONS OF ROOF TO WALL, PLAN DEPTH AND OVERALL FOOTPRINT AND PROFILE ALL COMBINE TO PRODUCE AN INAPPROPRIATE FORM AND MASSING WHICH AMOUNT TO AN UNACCEPTABLE OVERALL DESIGN. THE DEVELOPEMENT WILL ALSO CONTRIBUTE NEGATIVELY TO THE VISUAL AMENITY OF THE SURROUNDING AREA AS A RESULT.)

THE PLANNERS DECISION FOR REFUSAL DOWN TO THE OVERALL FORM AND MASS OF THE BUILDING IS SOMETHING THAT BEMUSES US CONSIDERING THE PLANNING APPROVAL OF HOUSES SIMILAR IN SIZE ON THE PLOT NEXT TO US AS MENTIONED BEFORE PLANNING REF IS/01016/PUL HOUSETYPE C 5 BEDROOM STORY AND  $\frac{3}{4}$ , WE BELIEVE THAT THIS HOUSE IS ABOUT 900mm HIGHER THAN OURS AND ABOUT 400mm WIDER THAN OURS, IT IS ALSO A STORY AND  $\frac{3}{4}$  MAKING IT BIGGER ALL AROUND MAKING IT SEEM BIGGER AND BULKIER THAN OURS. (JUST TO NOTE WE DON'T HAVE A PROBLEM WITH THESE HOUSES)

SEE ELEVATIONS

THINKING BACK TO OUR MEETING WITH THE PLANNING THE OFFICER RECOMMENDED THIS STYLE TO US BUT WE FEEL THIS STYLE WOULD LOOK BIGGER AND BULKIER IN OUR PLOT AND BE MORE OVERBARKING THAN OURS.

THE PLANNING OFFICER WAS ALSO WORRIED ABOUT THE AMOUNT OF LIGHT GETTING BLOCKED TO OUR NEIGHBOUR NEXT DOOR AND WE FEEL A HOUSE WITH THE STORY AND  $\frac{3}{4}$  WOULD BLOCK OUT A LOT MORE LIGHT THAN OUR STORY AND  $\frac{1}{2}$  WHICH WILL SIT NEATER IN THAT PLOT AND LESS BULKY. ALTHOUGH OUR HOUSE DESIGN IS A FEW METRES DEEPER THAN THE ONES BEING BUILT NEXT DOOR WE THINK IT CAN EASY TAKE IT BECAUSE WE HAVE A PLOT OVER 60M DEEP, AS YOU CAN SEE ON THE PLAN THE HOUSE TO GARDEN RATIO LOOKS PERFECT.

THE PLANNING POINTS OUT (A RATHER OVERHANGING FRONT OFFSHOOT) WHICH IS THE ENTRANCE TO THE HOUSE WITH THE LIBRARY ABOVE, AT THIS POINT I WOULD LIKE TO STATE THAT THIS IS THE FIRST TIME THIS HAS BEEN PINPOINTED TO US. THE WINDOW IN THE EAST ELEVATION OF THIS OFFSHOOT HAS BEEN MENTIONED BEFORE AND WE HAVE A LETTER FROM OUR NEIGHBOUR STATING THAT THE WINDOW OR THE REST OF THE BUILDING ISNT A PROBLEM TO THEM. BUT IT HAS NEVER BEEN MENTIONED TO REDUCE THIS IN SIZE OR ANY OTHER PROPOSAL SO WE FIND IT STRANGE THAT IT HAS BECOME AN ISSUE IN THE FINAL DECISION.

IT HAS ALSO BEEN MENTIONED THAT THE BUILDING LOOKS TOP HEAVY WHICH WE THINK IS WRONG. WE THINK THAT IF IT WAS JUST A PLAIN ROOF THEN IT MIGHT LOOK TOP HEAVY BUT WITH THE DORMERS AND OUT-SHOT AT THE FRONT TAKES THAT LOOK AWAY. SO IT IS NOT MUCH DIFFERENT TO MOST OTHER STORY AND  $\frac{1}{2}$  DESIGNS. WE WOULD ALSO LIKE TO MENTION THE GARAGE DORMER WHICH WE WOULD LIKE TO SEE SITTING BELOW THE MAIN

SEE GANGE DRAWINGS LOOK TO GIVE IT A BETTER LOOK BUT WE DONT DO IT THIS WAY IT IS BECAUSE WE THOUGHT THAT IS WHAT THE PLANNERS WERE LOOKING FOR BUT IT CAN BE EASILY CHANGED.

IT ALSO STATES THAT THE (DEVELOPEMENT SHOULD HAVE A SENSE OF PLACE AND DESIGNED IN SYMPATHY WITH THE BORDERS ARCHITECTURAL STYLE AND BE OF APPROPRIATE MASSING) BUT AFTER SPEAKING TO THE PLANNING OFFICER HE ALSO RECOMMENDED THAT WE WOULD BE ALLOWED TO PUT A DESIGN IN THIS PLOT THAT IS SUPER MODERN AND CONTEMPORARY WHICH TO US DOES NOT BACK UP THAT STATEMENT SO TO US THAT SOUNDS LIKE YOU CAN BUILD SOMETHING TOTALLY DIFFERENT TO WHATS AROUND BUT NOTHING IN BETWEEN WHICH JUST DOESNT SEEM RIGHT, WHAT WE HAVE DONE IS KEEP THE HOUSE TRADITIONAL IN STYLE WITH A FEW MODERN FEATURES WHICH I THINK COMPLIMENT THE AREA VERY WELL

IN A FINAL STATEMENT WE WOULD JUST LIKE TO SAY WE CANT BELIEVE HOW HARD IT IS TO GET PLANNING PERMISSION FOR A NEW BUILD HOUSE, WE HAVE CHANGED A LOT OF DETAILS ON THE PLAN TO TRY AND ACCOMMODATE THE PLANNERS RECOMMENDATIONS BUT THERE ARE A FEW THINGS WE FELT WED COULDN'T CHANGE BECAUSE THEN THE HOUSE WOULDN'T SUIT OUR NEEDS, AND WE THINK WITH THE COST OF PLANNING AND CONTRIBUTION FEES OF £10,000 WE WOULD LIKE TO THINK YOU CAN HAVE A SMALL SAY IN WHAT YOU WOULD LIKE TO BUILD RATHER THAN BUILDING A HOUSE THAT SOMEBODY ELSE IS IN THEORY DESIGNING FOR YOU.



After living in the Borders for most of our life we know how hard it is to find a plot of land this size and flat in such a great location and we feel this house design will appeal to a lot of people with its open plan living and large rooms which I believe many people are looking for in the Borders especially with a lot of new families moving here from Edinburgh we need to offer all types of living styles

Yours sincerely



Photo ①



Scottish Borders Council  
 Conservation Area March 2012  
**Darnick**  
 Scale 1:4,000

- Key
- Conservation Area Boundary
  - Development Boundary

House Plot  
 SHADED GREEN  
 IN THE CONSERVATION  
 AREA

For further information, including help reading this document, please contact



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 Planning and  
 Economic Development  
 Council Headquarters  
 Newtown St Bowells  
 Melrose TD6 0SA

Tel: 01835 826511  
 Email: localplan@scotborders.gov.uk

Disclaimer: Scottish Borders Council uses spatial information from a range of sources to produce the mapping contained within this document. The mapping is for illustrative purposes only. The original source should be consulted to confirm information.

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THIS IS A PICTURE OF THE TREE IN QUESTION  
FOR BEING UNSAFE AND POSSIBLY NEEDING CUT DOWN

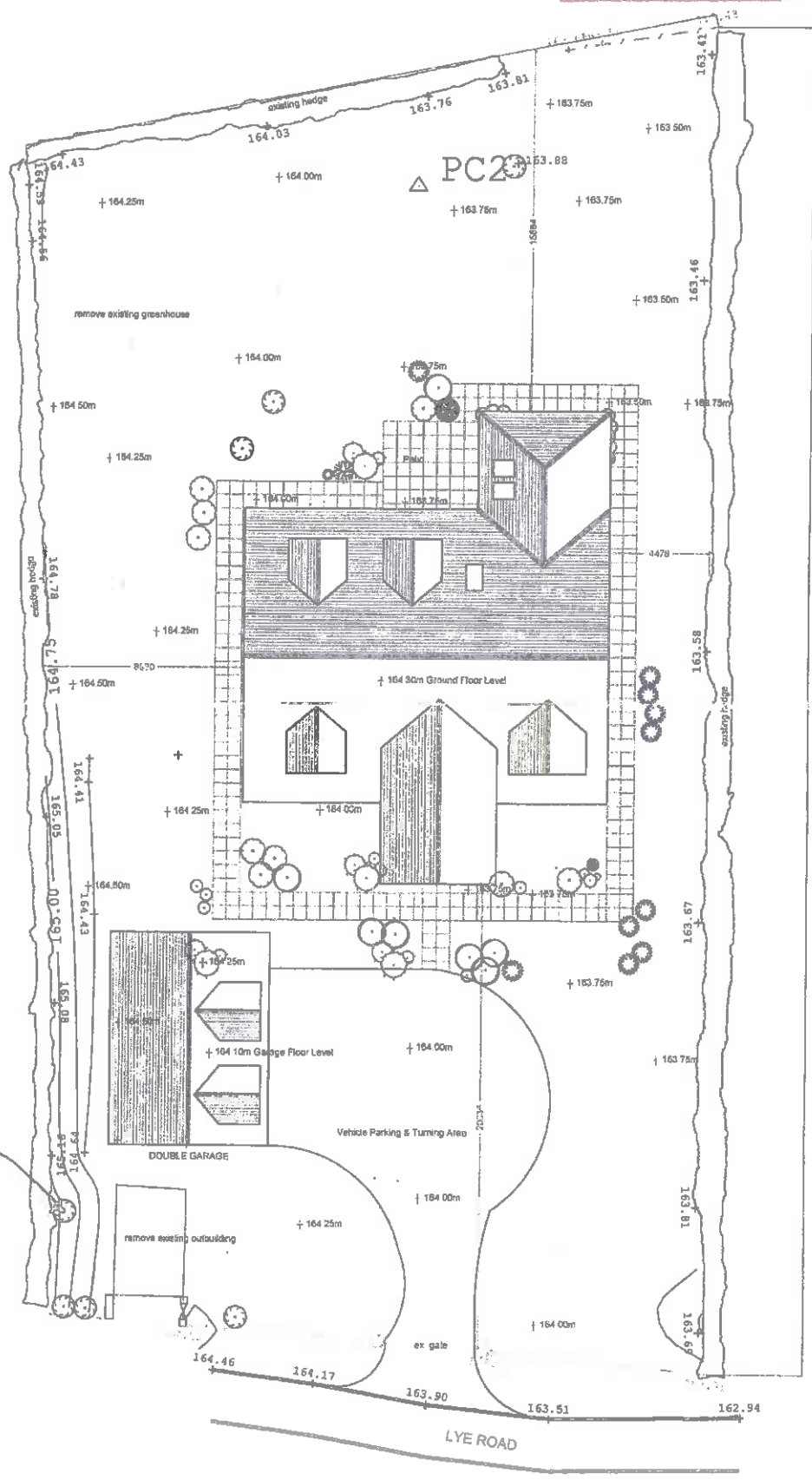
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PROPOSED DWELLING HOUSE  
 LYE ROAD  
 DARNICK, TD6 9AT  
 for:- Mr & Mrs P Burns  
 date:- December 2015  
 SITE LAYOUT PLAN

03 Feb 2016

Scottish Borders Council  
 Environment &  
 Infrastructure  
 08 FEB  
 Town & Country Planning (Scotland) Act  
 REFUSED



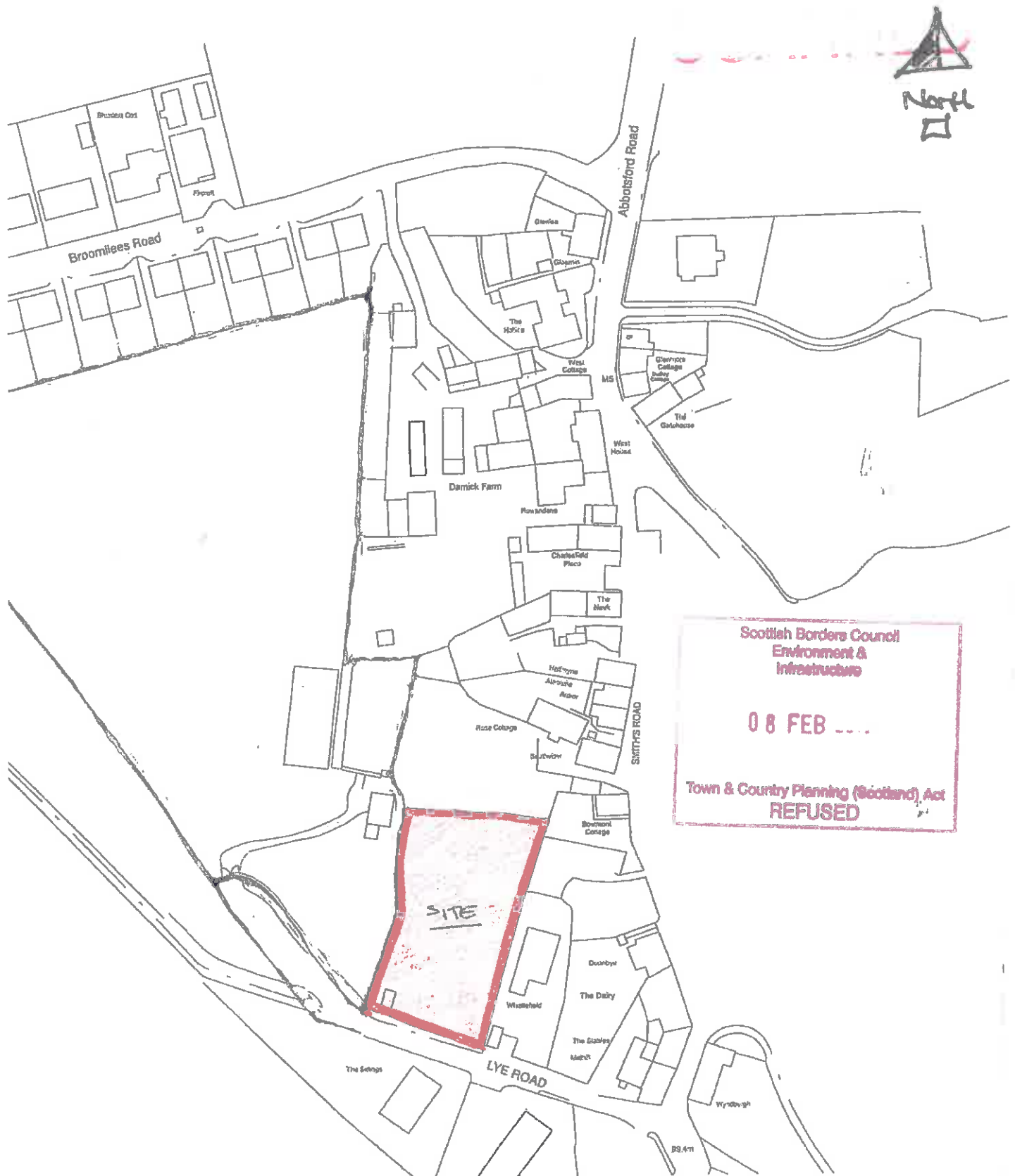
BEECH TREES  
 IN QUESTION



scale 1 : 200

13/01/2015 FUL  
RECEIVED 09 DEC 2015

• SITE REFERRED TO IN APPLICATION  
OUTLINED RED.



Scottish Borders Council  
Environment &  
Infrastructure  
  
08 FEB ....  
  
Town & Country Planning (Scotland) Act  
REFUSED

PROPOSED DWELING HOUSE  
AND DOUBLE GARAGE  
LYE ROAD, DARNICK, TD6 9AT  
for:- Mr + Mrs. P. Burns  
DEC. 2015.

Scale 1:1250.



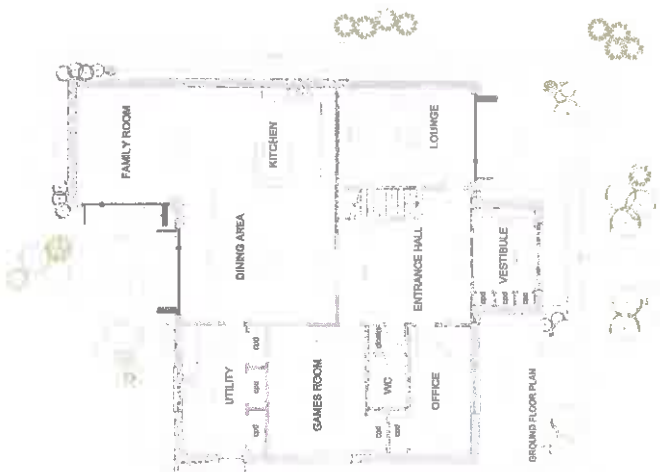
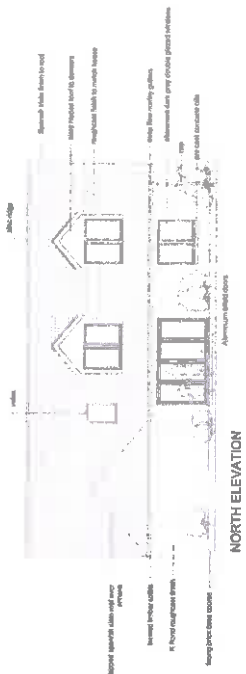
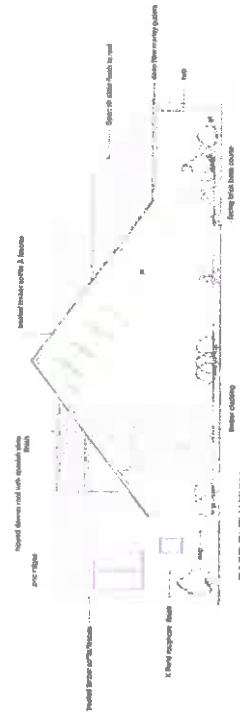
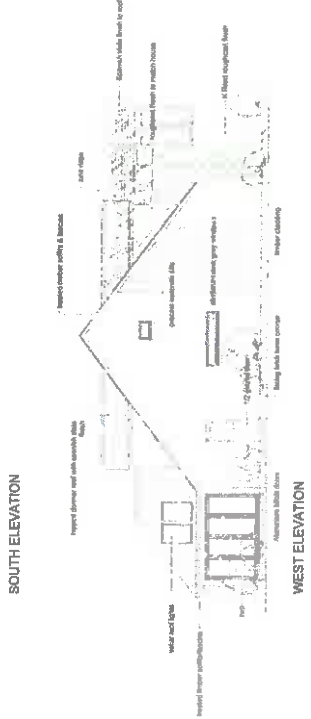
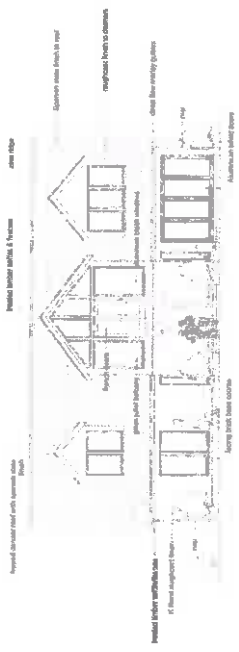
Architectural Services  
 018 FEE  
 Terms & Conditions (Downloaded At)

Plot NEXT  
 TO US  
 700sq Meters  
 Plot Area is 1.2

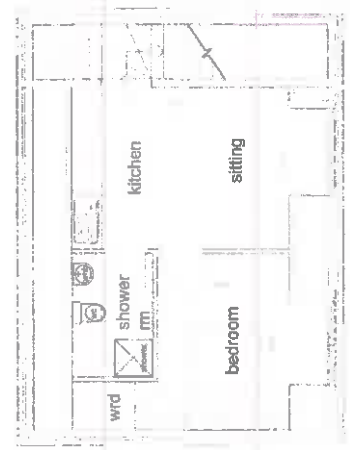
Plot NEXT  
 TO US  
 same customer  
 people from the road

Plot NEXT  
 TO US  
 similar looking  
 GARDEN

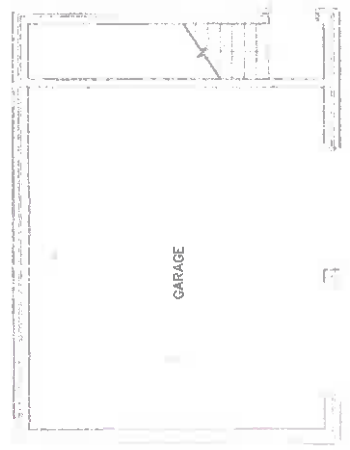
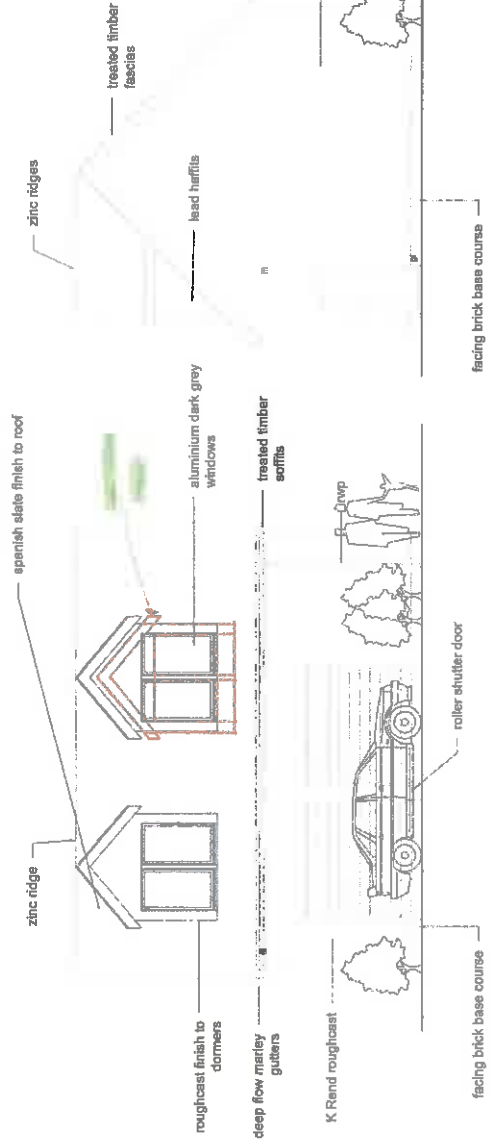
Plot  
 NEXT TO US



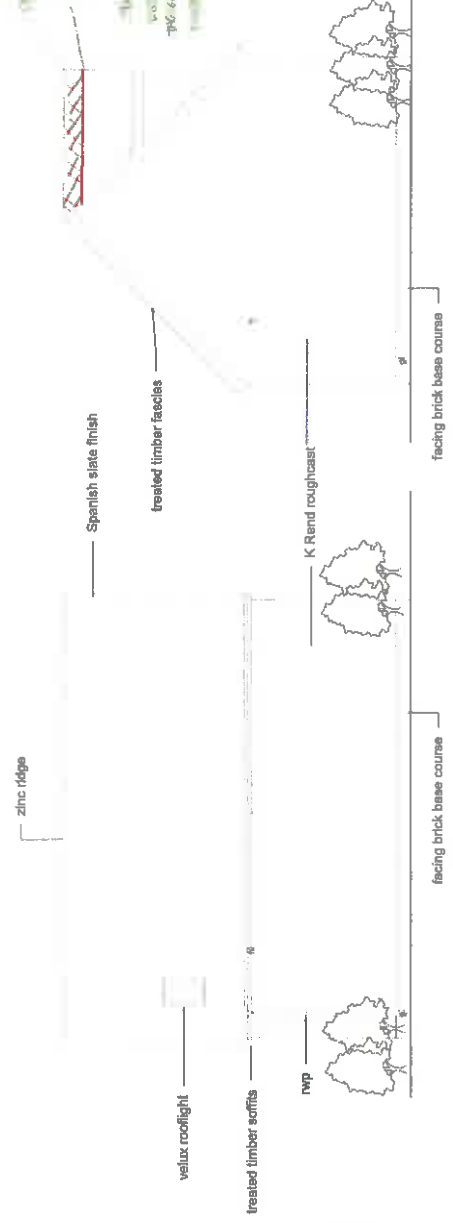
**PROPOSED DWELLINGHOUSE**  
 LYE ROAD  
 DARNICK  
 MELROSE  
 TD6 9AT  
 for: Mr & Mrs P Burns  
 date: January 2016  
 scale: 1:100  
**FLOOR PLANS & ELEVATIONS**



FIRST FLOOR PLAN



GROUND FLOOR PLAN



PROPOSED DOUBLE GARAGE  
 LYE ROAD  
 DARNICK  
 MELROSE  
 TD6 9AT  
 for :- Mr & Mrs P Burns  
 date:- December 2015  
 scale :- 1 : 100  
 FLOOR PLANS & ELEVATIONS