



HHL Scotland

Chartered Town Planning &
Building Consultants

6 Cameron Crescent
Nairn
IV12 5DY

Tel. 01667 451334
Mob. 07743 221617
Email. admin@hhlscotland.co.uk
Web. hhlscotland.co.uk

LOCAL REVIEW BODY STATEMENT OF CASE

DEMOLISH BUILDINGS & REPLACE WITH NEW DWELLINGHOUSE AND ASSOCIATED ANCILLARY BUILDINGS AT 7 DUFF STREET, HOPEMAN, MORAY

APPELLANT.

MRS JACQUELINE GOVIER

LOCAL AUTHORITY.

THE MORAY COUNCIL

COUNCIL PLANNING REF.

15/00648/APP

DECISION DATE.

22ND JUNE 2015

HHL SCOTLAND REF.

15029



HHL Scotland

Chartered Town Planning &
Building Consultants

6 Cameron Crescent
Nairn
IV12 5DY

Tel. 01667 451334
Mob. 07743 221617
Email. admin@hhlscotland.co.uk
Web. hhlscotland.co.uk

CONTENTS

1.0	INTRODUCTION	PAGE 4
	BACKGROUND	PAGE 4
	PLANNING HISTORY	PAGE 5
2.0	THE APPLICATION SITE & SURROUNDING AREA	PAGE 6
3.0	PLANNING CONSULTATIONS & REPRESENTATIONS	PAGE 8
4.0	PLANNING ISSUES	PAGE 9
5.0	CONCLUSION	PAGE 12

APPENDIX

APPENDIX 1	COUNCIL DECISION NOTICE
APPENDIX 2	REPORT OF HANDLING
APPENDIX 3	LOCATION PLAN
APPENDIX 4	ELEVATION
APPENDIX 5	GROUND FLOOR PLAN
APPENDIX 6	FIRST FLOOR PLAN
APPENDIX 7	SECTION PLAN
APPENDIX 8	GARAGE PLANS
APPENDIX 9	ROOF DETAILS
APPENDIX 10	BLOCK PLAN
APPENDIX 11	REPORT OF HANDLING – 12/01855/APP



HHL Scotland

**Chartered Town Planning &
Building Consultants**

6 Cameron Crescent
Nairn
IV12 5DY

Tel. 01667 451334
Mob. 07743 221617
Email. admin@hhlscotland.co.uk
Web. hhlscotland.co.uk

APPENDIX 12	PLANS & ELEVATIONS – 12/01855/APP
APPENDIX 13	REPORT OF HANDLING – 14/02195/APP
APPENDIX 14	PLANS & ELEVATIONS – 14/02195/APP
APPENDIX 15	REPORT OF HANDLING – 10/00470/APP
APPENDIX 16	ELEVATION PLAN – 10/00470/APP



1.0 INTRODUCTION

Background

- 1.1 This Local Review Statement of Case has been prepared by HHL Scotland Chartered Town Planning & Building Consultants to support a recently refused detailed Planning Application, proposing the demolition of the existing house and its replacement with a new dwellinghouse (and associated works) at 7 Duff Street, Hopeman.
- 1.2 The planning application was validated with the Moray Council on 27th April 2015 and refused under delegated powers on 22nd June 2015 (Decision Notice – Appendix 1). This Review is lodged in accordance with Section 43A of the Town & Country Planning (Scotland) Act 1997 (as amended) and has been submitted within the statutory 3months timeframe based on the date of the decision notice.
- 1.3 The application was refused for a single reason:
 1. *The proposals would be contrary to policies IMP1, H4 and H3 in the Moray Local Plans for the following reasons:*
 - i. *Due to the scale and modern detailing of the proposed house in relation to those adjoining there would be a intrusive visual impact.*
 - ii. *The scale and relationship of the new house and its proposed windows to the neighbouring houses would have a detrimental amenity impact on those properties.*



- 1.4 After due consideration, the appellant has decided to seek a Review of the decision by the Council Review Body and the following Statement of Case and attached appendix constitutes the appellants submission.

1.5 Planning History

- 1.6 A previous application on the review site proposing to alter and extend the existing house (Council Ref. 14/02420/APP refers) was withdrawn following the advice from the Council Officials. The Council Official was concerned that the proposed extension would have a higher wall head and ridge height than the existing house. Furthermore, the Officer expressed concerns over the loss of privacy to the residential property to the west (9 Duff Street).
- 1.7 Following the withdrawal of the appellant proposal to 'alter and extend' the existing house, the appellant visited the 'Duty Planning Officer' with her plans for the replacement house. The Duty Planner advised her that the precedent for replacing houses along Duff Street, Hopeman had already been clearly established and as such she was advised an entirely new build was the preferred option. These clearly positive statements by the Duty Planner, led the appellant to believe this aspect of her submission was acceptable in principle and this in turn led her to the formal submission currently under review.
- 1.8 Additionally, as part of the appellant's formal submission, they produced a '3D Model' of the proposed house in order to fully inform the Appointed Officer of the scale and design of her proposed property.
- 1.9 Beyond the Review Site there is a number of planning applications relevant to the consideration of this Review, namely:



Approved Planning Application 12/01855/FUL – Demolish existing house and erect new house at 11 Duff Street, Hopeman (Documents 11 & 12)

Planning permission was granted to demolish an existing single storey semi-detached house and erect a detached 3bedroomed 1½ storey house. This approval, involved erecting a house with a larger footprint than the original building and includes a projecting extension facing Duff Street and considerable glazing to the north. This house is currently under construction.

Approved Planning Application 14/02195/APP – Demolish conservatory and alter and extend house at 13 Duff Street, Hopeman (Documents 13 & 14)

Planning permission was granted to demolish a single storey rear conservatory and replace it with a two storey extension with a first floor balcony. In addition, a single storey extension was approved to the front of the house.

Again this approval is currently under construction.

Approved Planning Application 10/00470/APP - Replace existing house with two houses at 27 Duff Street Hopeman (Documents 15 & 16)

Planning permission was granted to demolish a single house and replace it with 2no detached one and a half storey houses.

Both houses are currently under construction.

2.0 THE APPLICATION SITE & SURROUNDING AREA

- 2.1 The Review site is a roughly rectangular shaped residential plot, with an existing stone and slate single storey semi-detached property. Access is taken of Duff Street, Hopeman and along with adjacent properties, sits on an area of land elevated above Hopeman Caravan Park to the north.



2.2 Until recently a detached timber garage sat between the house and Duff Street, this garage was beyond economical repair and has recently been removed from site. This garage was similar in design and positioning to the adjacent garages at 5, 9, 11 & 13 Duff Street.

2.3 The attached property to the east (5 Duff Street) is a single storey house, which sits elevated above Duff Street. To the front of the property is a large projecting extension, which has the appearance of being one and a half storey when viewed from Duff Street – See adjacent Photo.



2.4 The property immediately to the west (9 Duff Street) is again a single storey house and again has a very large wide extension fronting Duff Street (See adjacent Photo). This extension significantly alters the traditional character of the original dwellinghouse. Originally this house was also a semi-detached house, adjoined to 11 Duff Street (See Below).



2.5 As noted above, the owner of 11 Duff Street has recently been granted planning permission to demolish the existing single storey semi-detached





HHL Scotland

Chartered Town Planning & Building Consultants

6 Cameron Crescent
Nairn
IV12 5DY

Tel. 01667 451334
Mob. 07743 221617
Email. admin@hhlscotland.co.uk
Web. hhlscotland.co.uk

house and erect a detached 3bedroomed 1½ storey house in its place (Documents 11 & 12). As shown by the adjacent photo, this work is currently ongoing.

Prior to its demolition, the house was identical to the original 9 Duff Street to which it was attached.





- 2.6 Finally with regards to 13 Duff Street, this property is a full two storey high and it is the appellants understanding that this property wallhead was historically raised from a single storey house. Again this property is also undergoing construction work to alter and extend it, these works include e large front projecting extension and a large rear extension housing significant glazing and a balcony arrangement (Documents 13 & 14).





3.0 CONSULTATIONS & REPRESENTATIONS

3.1 The following internal and external consultees were consulted as part of the application process, none of whom raised any objection to the approval of the application:

-  Environmental Health Manager
-  Contaminated Land Team
-  Transportation Manager
-  Scottish Water

3.2 In addition, in accordance with Development Management procedures the application was advertised within the 'Northern Scot' Newspaper on 28th May 2015 and normal neighbour notification letters were issued.

3.3 This advertisement resulted in just a single letter of representation from an adjoining property. This letter raised purely legal concerns in relation to the restoration of any damage done to the adjoining gable wall. As this issue is a legal matter it is considered a private matter between all parties and is therefore, not a material planning consideration.



4.0 PLANNING ISSUES






- 4.1 Section 25 of the Town & Country Planning (Scotland) 1997 Act (as amended) requires that planning applications (and any subsequent Reviews & Appeals) are determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 In this case the Moray Local Plan 2008 is the primary policy consideration and the appellant contends that policies; H3: New Housing in Built Up Areas & IMP1: Development Requirements; are the salient determining policies.
- 4.3 **Note:** Whilst policy H4 (Housing Plot Sub Division) is included in the Notice of Refusal, it is assumed this was included by error by the Appointed Officer, as this submission is not proposing to sub-divide the site.
- 4.4 In terms of the relevant material considerations, the appellant considers the only relevant consideration to be the adjacent planning history highlighted above.
- 4.5 In considering all the above, policies H3 and IMP1 stipulates that new housing within settlement boundaries will be acceptable if there is no adverse impact on the surrounding environment and adequate servicing and infrastructure is available.
- 4.6 Given this, the principle of demolishing and building a larger replacement house is considered acceptable, an assertion which is also confirmed under 'Impact of Proposal upon Surrounding Environment' in the Delegation Report in relation to the planning application for 11 Duff Street (Document 11). The



main consideration therefore relates to the acceptability of the design on the streetscape and neighbouring properties.

4.7 Initially, in considering the proposal impact on the character of the locale and the streetscape, all neighbouring uses along Duff Street is residential in nature with properties varying in style and scale. This mix includes properties of single storey, 1½ storey and full two storeys, with the recent planning history showing an acceptance of change between these, including the sanctioning of more contemporary designs.

4.8 The Review proposes to build the new house on largely the footprint of the existing house and will result in a marginally larger footprint. The proposed design also adopts elements of both the neighbouring existing houses and the approved works to 11 & 13 Duff Street, namely:

-  A single storey front projection extension facing Duff Street, including 'feature' glazing, similar to the glazing approved at 11 & 13 Duff Street
-  A replacement garage between the house and Duff Street
-  Significant glazing to both the ground and first floor extension to the rear elevation.
-  All principal windows either facing the front, rear or into the site, in order to protect adjoining privacy.
-  The width of the house is similar to house currently under construction at 11 Duff Street.

4.9 Taking all these elements together the appellant asserts their proposal complies with policies H3 and IMP1 in terms of the acceptability of demolishing an existing single storey semi-detached house and erecting a detached 1½ storey house.



- 4.10 In considering the proposed development impact on the privacy and amenity of neighbouring properties, as the house will be built largely on the footprint of the existing house and the garden areas are positioned directly south of the houses, the proposal will have little or no impact on the sunlight and daylight received by the adjoining properties.
- 4.11 Additionally, the majority of the windows will face either directly north or south. The only window facing 5 Duff Street, is a small 0.6m wide ground floor window serving the 'Family Room'. This window position is roughly right in the middle of the blank end gable of '5 Duff Street'. As such the appellant asserts that this window will result in no loss of privacy or amenity to 5 Duff Street.
- 4.12 However, if the Planning Review Committee considers this window to be unacceptable for whatever reason, the appellant would be content for a condition to be attached to the decision notice omitting its inclusion in the final scheme.
- 4.13 With regards to the windows facing 9 Duff Street, these are located within the front and rear projecting extensions, with the windows being positioned over 5.5metres from the boundary, at this distance any loss of privacy and/or amenity is not considered sufficient to warrant the dismissal of this Review.
- 4.14 Consequently, the design and positioning of the proposed house is considered acceptable and will not result in a loss of privacy or amenity to adjoining users.

Finally, as no Consultee have raised any objections to the access provision, servicing or infrastructure requirements of the site and given the house is replacing an existing house on a '1 for 1' basis the appellant asserts there is adequate infrastructure available.



HHL Scotland

Chartered Town Planning &
Building Consultants

6 Cameron Crescent
Nairn
IV12 5DY

Tel. 01667 451334
Mob. 07743 221617
Email. admin@hhlscotland.co.uk
Web. hhlscotland.co.uk

5.0 CONCLUSION

- 5.1 In concluding, based on all of the above and the enclosed documents, the appellant believes that their proposal represents an acceptable form of development and, as such, respectfully asks the Review Body to uphold this Review.

Matthew J Hilton MRTPI
Director