

Mr. and Mrs. Wright



To Whom It May Concern.

I am writing to let you know that I have no objection to the plans to which have been refused at property 76 Main Street for the proposed single story extension with balcony.

Signed-



Mr Shaun Paterson

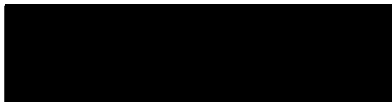


4<sup>th</sup> May 2016

Dear Moray Council,

I Shaun Paterson have no objections to the proposed extension / alterations to the neighbouring house number 76 Main Street.

Yours faithfully



Mr Shaun Paterson

**PLANNING APPLICATION REF: 16/00341/APP  
PROPOSED KITCHEN EXTENSION AND BALCONY  
76 MAIN STREET BUCKIE AB56 IXT**

**PLANNING DECISION REVIEW STATEMENT**

**DESIGN CONSIDERATION.**

The main purpose of the Planning application was to extend the existing very narrow Kitchen to form a more workable Kitchen come Dining Area and with the removal of the existing block work shed, to take advantage of the sea view.

The new kitchen extension was designed to tie in with the existing Kitchen to reduce cost as far as possible and in doing so, because of the height of the existing ceiling and extension, the height of the new extension was also established.

After lengthy discussions and consideration given to the form that the roof to the extension would take it was clear that a pitched roof would be of such a low angle because of the existing dormer windows, particularly the masonry Bedroom window the only sensible option was a flat roof. Neither the client or Highland Designs were very keen on a normal flat roof because of the inherent long term water proofing and general unattractive appearance.

Given the low sill level and the overall height of the Bedroom window the Client expressed the idea of making the flat roof a Balcony with access from the Bedroom and we settled on this option but with the design of a pitched roof section to the North east side to break up the flatness and to provide a protection to that side and to provide a solid wall construction the South West side and to a matching height as the pitched roof. This wall was designed to be solid and 1200mm high to provide maximum privacy both to the applicant and the adjoining property (Nr.78). It was considered a fair option because the new extension was well forward of the neighbouring property and would only be in line with their back Garden. We discussed the possible reaction from this neighbour and the applicant was satisfied that they would have no objection.

It should be noted that if either neighbour had any objection to the proposal and the balcony treatment in particular, they had the opportunity to object when notified by the Planning Office but did not do so.

## PLANNING OFFICE COMMENTS

We received an e mail from the Planning Officer on 22 March 2016 expressing concerns regarding the balcony and overlooking the adjacent property. It was suggested that a Juliet Balcony could be installed instead and implied refusal if we did not comply. (Copy Attached).

We were very concerned by the tone and attitude of this e mail as it was clear no consultation with the neighbour concerned had been made and the suggestion of a Juliet Balcony defeated the object of avoiding a large expanse of flat roof. There was no mention of the main purpose of the application. ie: the need for the Kitchen extension, and gave us a clear instruction to accept the findings or have the application refused. We took great exception to this "High Handed" attitude considering it NOT to be in the spirit of the Planning brief, that is to provide a Service to the Public and assist where possible.

After consulting with the Client, Highland Designs responded on their behalf with an e mail on 5 April 2016 (Copy attached) explaining in detail why we did not accept the findings of the Planning Officer and explaining the design considerations in arriving at our proposal.

In this e mail we clearly proposed a joint site meeting so that we could discuss the proposal and hopefully arrive at a mutually acceptable compromise. This request was completely ignored.

As we did not hear again from the Planning Office we assumed that our explanations had been taken into account and accepted. As our offer of a site meeting was not taken up we assumed the Planning Officer had been satisfied with the content of our e mail and had accepted our proposal on that basis. We therefore expected to receive Planning approval. We were shocked to receive a flat refusal with no consideration given to the Kitchen Extension only the disapproval of the proposed balcony which we had offered to discuss on site.

## CONCLUSION


We are very disappointed and concerned with this Planning refusal on several counts:

1. The very high handed and dictatorial attitude of the Planning office and the tone of their communication. This is not what one would expect from a public Service organisation and the complete lack of interest in the applicants requirement. This Planning Office seems to have lost sight of the fact that they are there to serve the public and not just look after their own interests. It would be expected for a Planning Office to make some effort to try, where practical to help the applicant reach their requirement or at least try to arrive at a mutually acceptable solution.
2. Totally ignoring the offer of a site meeting with all parties concerned to discuss the proposal including obtaining the neighbour's views on the proposal and to achieve a mutually acceptable solution. Highland Designs has taken pride over the last 20 years to ALWAYS meet, discuss and solve any Planning Issues and concerns and has NEVER failed to arrive at an acceptable compromise. It should be noted that we now attach letters from both neighbours, who having seen the drawings and discussed the project with the applicant, have expressed their full approval of the proposal.

3. The complete lack of consideration for the main purpose of the application it being the necessary extension to the Kitchen and Dining area.

It is our hope that this review will take into account all of the above and overturn the refusal of this application. We are more than willing to meet on site with anyone from the Planning Office and the Review Body, if required, to discuss this proposal and in particular, the balcony and, if required arrive at a compromise solution to the Balcony problem but with the expectation that the Kitchen extension will receive the full consideration it deserves.

Signed:

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Rod Acock: Highland Designs.



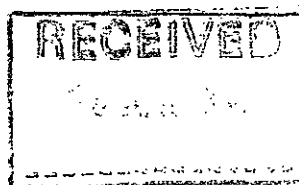
**THE MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

**[Buckie]  
Application for Planning Permission**

**TO** Mr Alexander Bruce  
c/o Highland Designs  
11 Ryebank  
Greenside Avenue  
**ROSEMARKIE**  
Ross-shire  
IV10 8XB

Highland Designs  
11 Ryebank  
Greenside Avenue  
Rosemarkie IV10 8XB  
Tel/Fax: 01381 621210



With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

**Proposed extension with balcony over at 76 Main Street Buckie Moray AB56 1XT**

and for the reason(s) set out in the attached schedule.

Date of Notice: **25th April 2016**



**HEAD OF DEVELOPMENT SERVICES**  
Environmental Services Department  
The Moray Council  
Council Office  
High Street  
ELGIN  
Moray IV30 1BX

**IMPORTANT**  
**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

By this Notice, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The development is contrary to the adopted Moray Local Development Plan 2015 policies H4 and IMP1 in that the proposed balcony in this location would result in a detrimental loss of privacy/amenity to the rear gardens of neighbouring properties.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

The following plans and drawings form part of the decision:-

Reference	Version	Title
03		Site and location plan
02		Proposed elevations and floor plan

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,  
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

N/A

**NOTICE OF APPEAL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision to refuse 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 The Clerk, The Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk)

If permission to develop land is refused or granted subject to conditions 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 of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



**Rod Acock**

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**From:** "Cathy Archibald" <Cathy.Archibald@moray.gov.uk>  
**Date:** 22 March 2016 14:47  
**To:** <rod@highlanddesigns.org.uk>  
**Subject:** 76 Main Street Buckie

Hello Rod,

I'm dealing with the above application. I visited the site earlier and am concerned about unacceptable overlooking from the balcony of the neighbouring property of No 78. This concern would be addressed if the balcony was omitted or replaced by a 'Juliet' style of balcony. As submitted the proposal does not comply with policies in The Moray Council Local Plan. I would appreciate it if you could submit an amended plan by 4 April 2016. If your client is not willing to amend the design I will have no other option but to recommend the application for refusal. Alternatively the application may be withdrawn or to appeal against the decision.

Look forward to hearing from you.

Kind regards  
Cathy

Cathy Archibald  
Planning Officer

Development Management  
The Moray Council  
Development Services  
Council Offices  
High Street  
ELGIN  
Moray  
IV30 8UB

Tel. 01343 563101  
Fax. 01343 563263  
email: cathy.archibald@moray.gov.uk

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23/05/2016

**Rod Acock**

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**From:** "Rod Acock" <rod@highlanddesigns.org.uk>  
**Date:** 05 April 2016 09:42  
**To:** "Cathy Archibald" <Cathy.Archibald@moray.gov.uk>  
**Cc:** [REDACTED]  
**Subject:** Re: 76 Main Street Buckie

Good morning Cathy,

We do not agree with your comments regarding the proposed balcony. For 2 reasons the proposed balcony does NOT overlook the adjacent property or compromise their privacy.

The extension and Balcony are well forward of the adjacent property and would only overlook their garden

The proposal clearly shows a solid wall construction 1200mm high designed to provide privacy for both the adjacent property and my Client.

It is our considered opinion that given the above, the privacy of the occupants of Nr. 78 would not be compromised in any way. It should also be noted that there has been no objections from the occupants of Nr. 78 to the proposal.

When the proposed extension was discussed with the Client the main requirement was for the additional space on the Ground Floor. Part of the discussion included the treatment of the roof above and because of the existing dormers that could not, practically be altered to accommodate any form of pitched or sloping roof, it was not considered to be a sensible and attractive option. A standard Flat roof was considered to be very un-attractive and not an acceptable option. It was decided that the best option was a balcony which provided a flat roof but with well designed balustrades and a solid wall on the side of the adjacent property was the best option to provide a more attractive and practical solution.

A Juliet Balcony would have the Bedroom looking out over a large area of flat roof and is not considered a practical or attractive option.

Given the above observations we are of the opinion that our proposal is the best option and does not compromise either our Client's or the neighbours privacy and are keen to retain the design as submitted.

If it will help, I am quite prepared to meet you on site with the Client to discuss our proposal and see if there is any possibility of an acceptable compromise to both you and the client.

Kindest regards,

Rod Acock.

Highland Designs.

**From:** Cathy Archibald  
**Sent:** Tuesday, March 22, 2016 2:47 PM  
**To:** rod@highlanddesigns.org.uk  
**Subject:** 76 Main Street Buckie

Hello Rod,

I'm dealing with the above application. I visited the site earlier and am concerned about unacceptable overlooking from the balcony of the neighbouring property of No 78. This concern would be addressed if the balcony was omitted or replaced by a 'Juliet' style of balcony. As submitted the proposal does not comply with policies in The Moray Council Local Plan. I would appreciate it if you could submit an amended plan by 4 April 2016.

If your client is not willing to amend the design I will have no other option but to recommend the application for refusal. Alternatively the application may be withdrawn or to appeal against the decision.

Look forward to hearing from you.

Kind regards

Cathy

Cathy Archibald  
Planning Officer

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ELGIN  
Moray  
IV30 8UB

Tel. 01343 563101  
Fax. 01343 563263  
email: [cathy.archibald@moray.gov.uk](mailto:cathy.archibald@moray.gov.uk)

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23/05/2016

**Rod Acock**

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**From:** "Cathy Archibald" <Cathy.Archibald@moray.gov.uk>  
**Date:** 14 April 2016 09:58  
**To:** <rod@highlanddesigns.org.uk>  
**Subject:** 76 Main Street Buckie

16/00341/APP

Dear Rod,

Thank you for your email, I note your comments.

In making an assessment for new development, we have to take into account any adverse impact on the amenity of neighbouring properties, that is the house and its curtilage, in this case the rear garden.

The balcony may well have an impact on the neighbours pleasure of using the garden if they feel overlooked and their privacy is being invaded.

As you do not wish to make an amendment to the proposal I will proceed to determine the application as submitted.

Kind regards  
Cathy

Cathy Archibald  
Planning Officer

Development Management  
The Moray Council  
Development Services  
Council Offices  
High Street  
ELGIN  
Moray  
IV30 8UB

Tel. 01343 563101  
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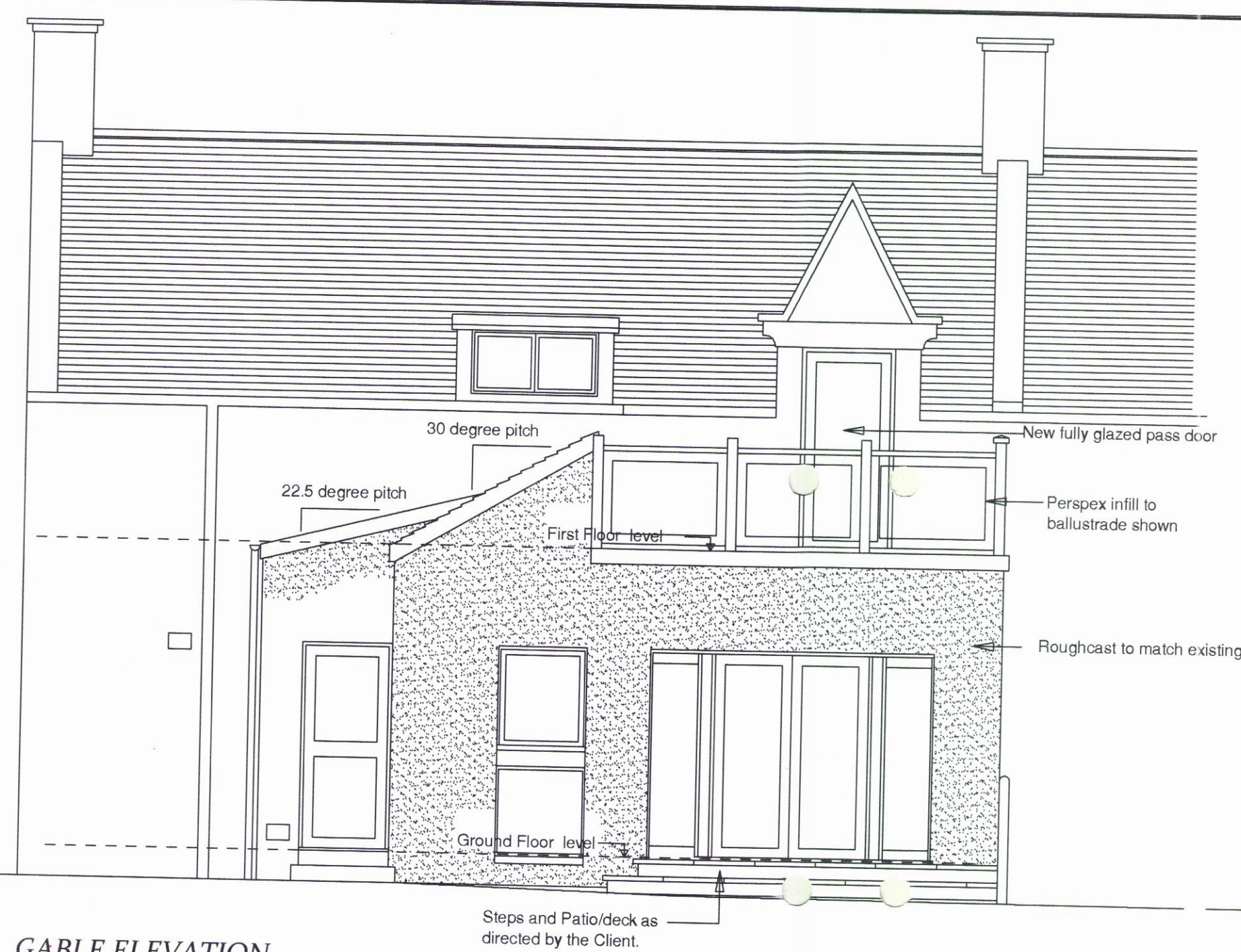
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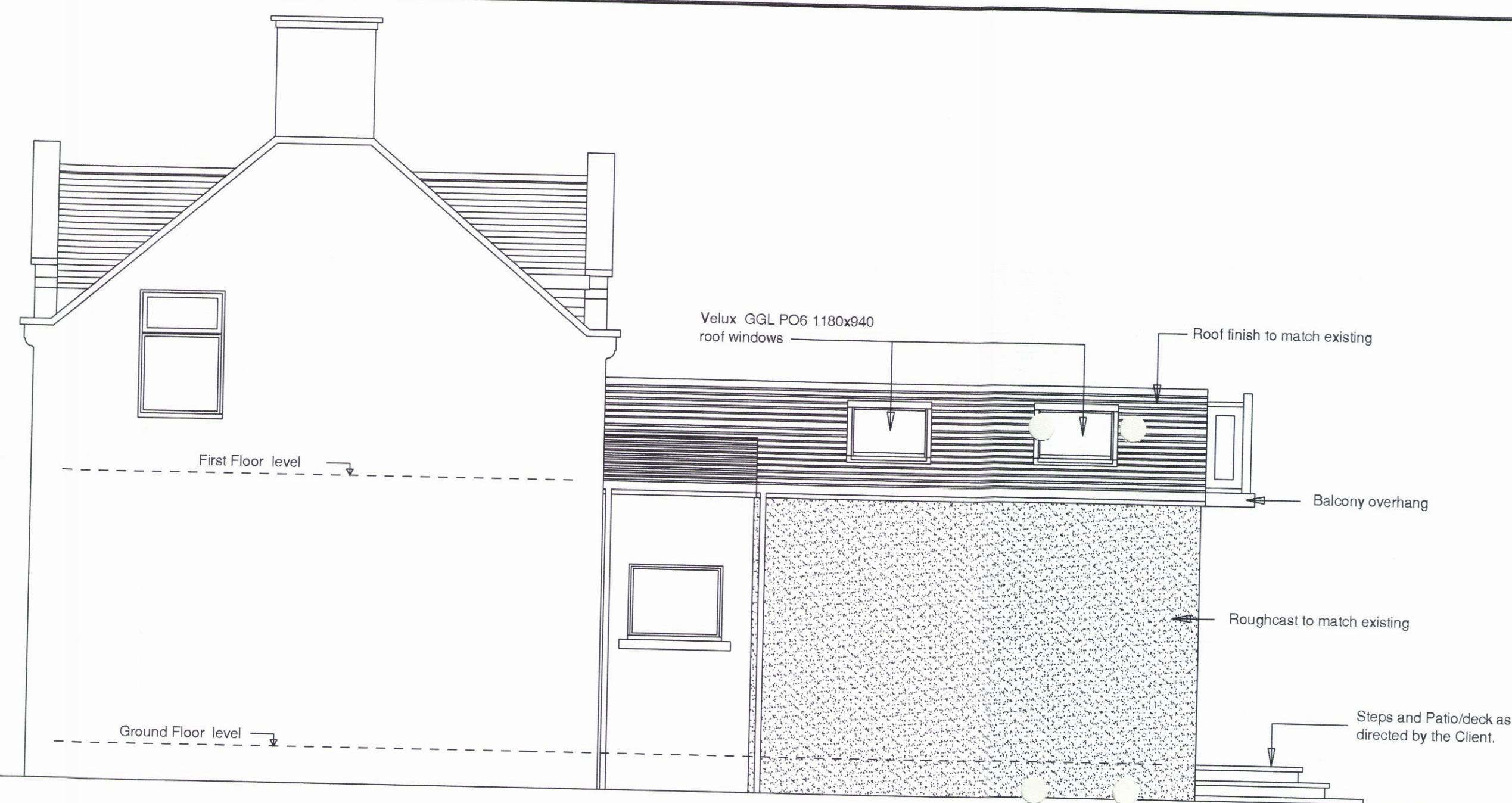
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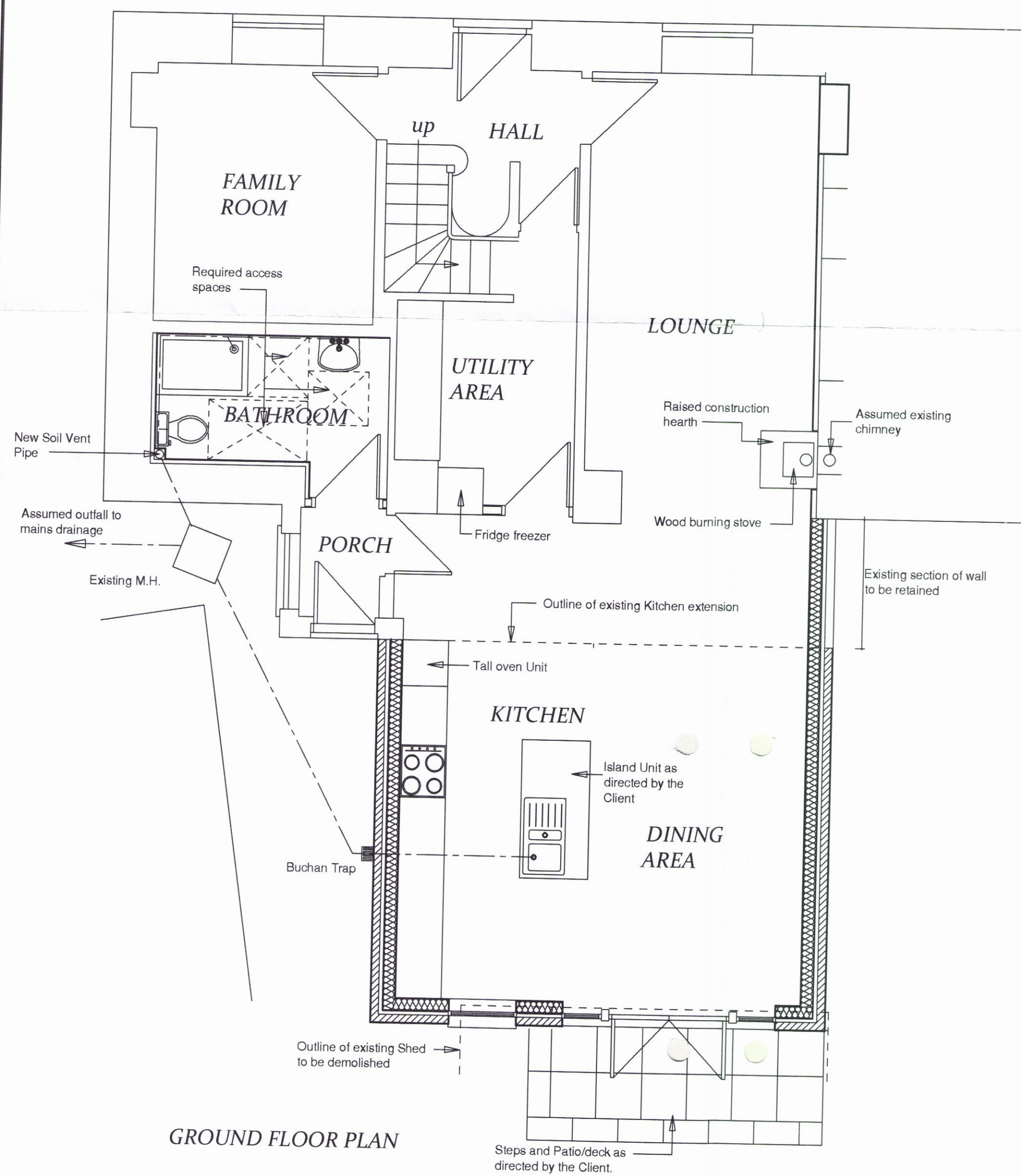




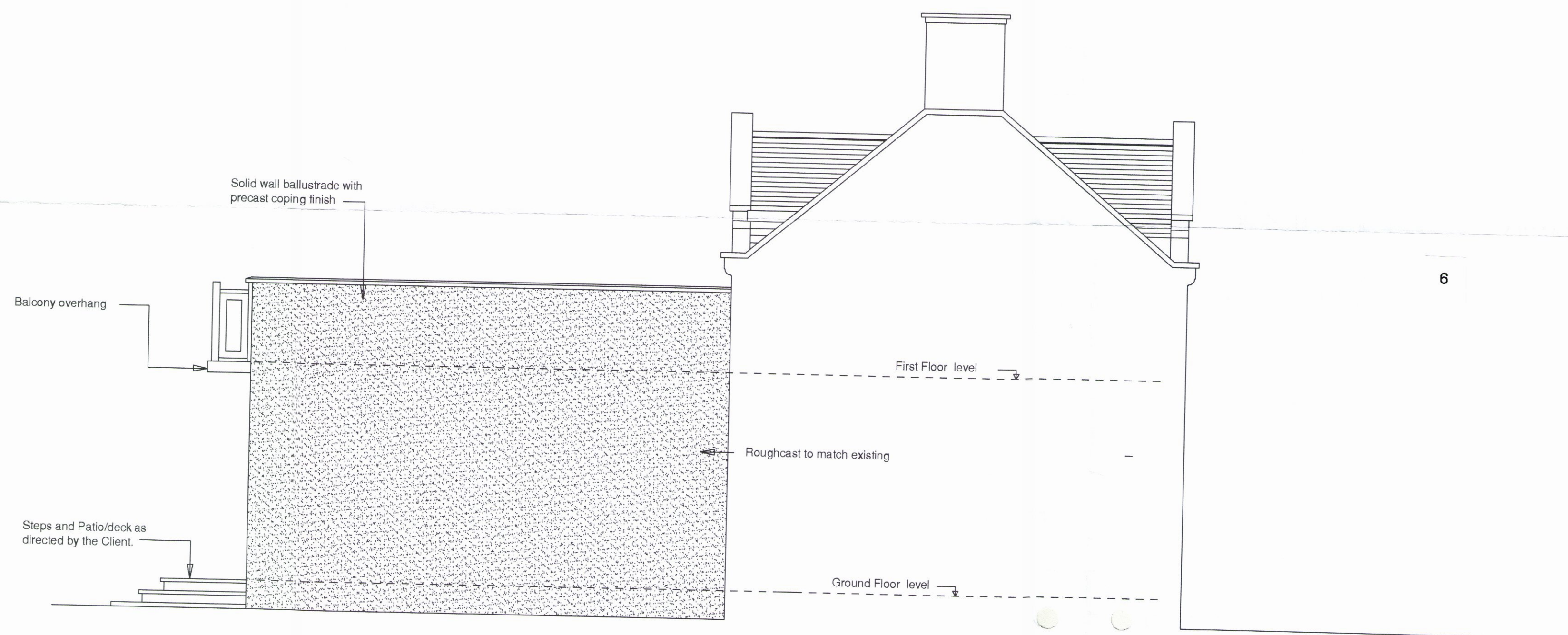
GABLE ELEVATION



EAST ELEVATION



GROUND FLOOR PLAN



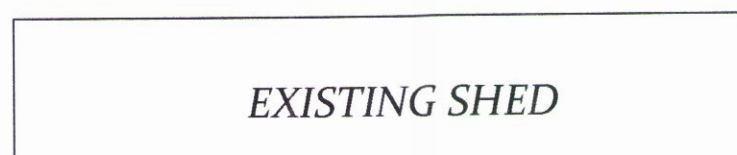
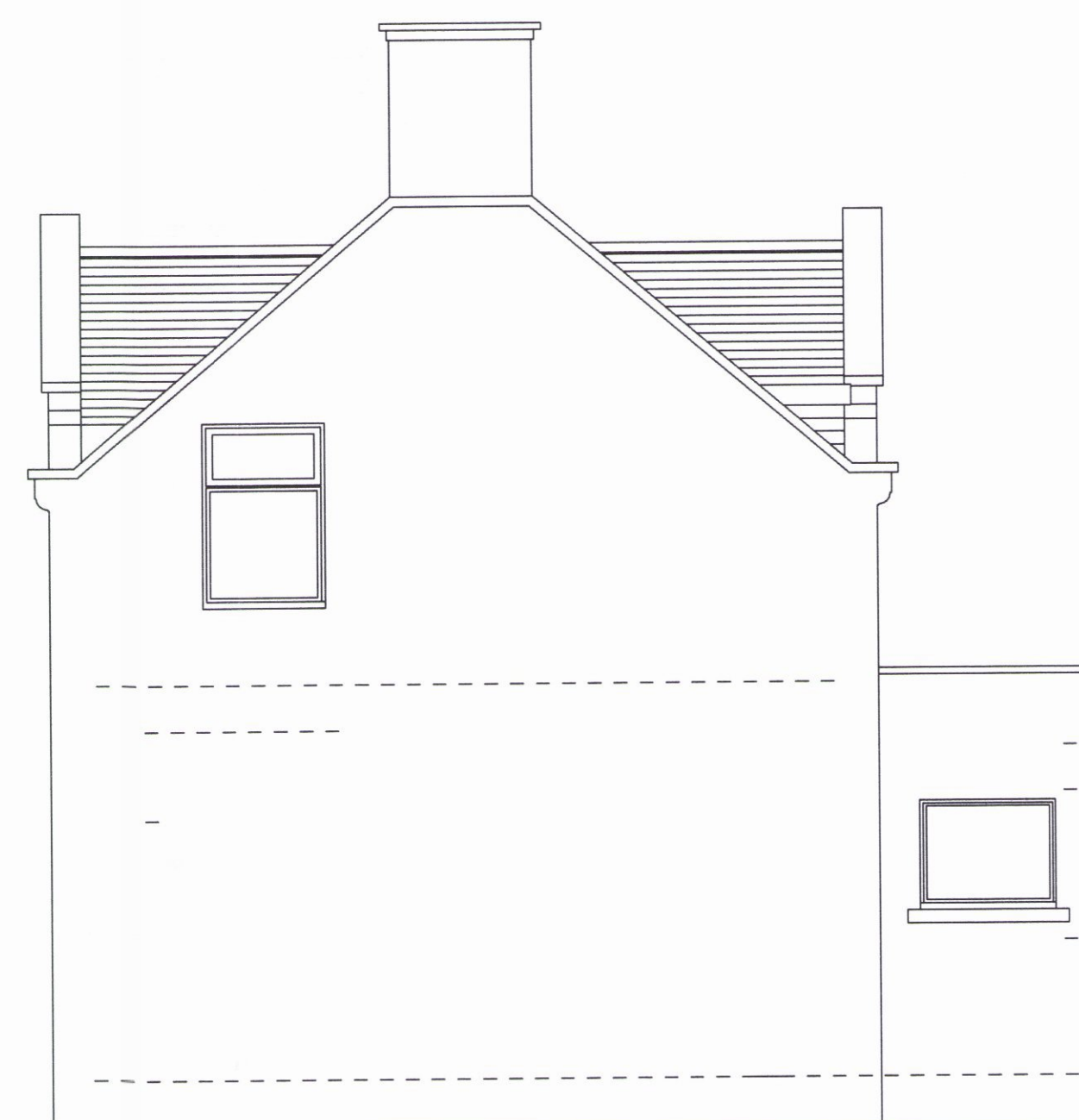
WEST ELEVATION

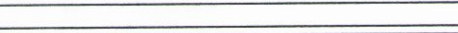
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AMENDMENT	DETAILS	DATE	PROJECT TITLE	DRAWING DETAIL	ALL DRAWINGS SPECIFICATIONS AND DOCUMENTATION FOR THIS PROJECT REMAIN THE COPYRIGHT OF HIGHLAND DESIGNS	CLIENT	
			PROPOSED KITCHEN AND DINING AREA EXTENSION BALCONY AND INTERNAL ALTERATIONS	PLANS AND ELEVATIONS AS PROPOSED	DATE: 01:02:2016	MR. AND MRS. A. BRUCE 76 MAIN STREET BUCKIE MORAY AB56 1XT	Telephone/Fax: 01381 621210 Email: rod@highlanddesigns.org.uk
					SCALES: 1:50		
					PROJECT No: QT 15/16/23		
					DRG No: 02		
					REVISIONS:		

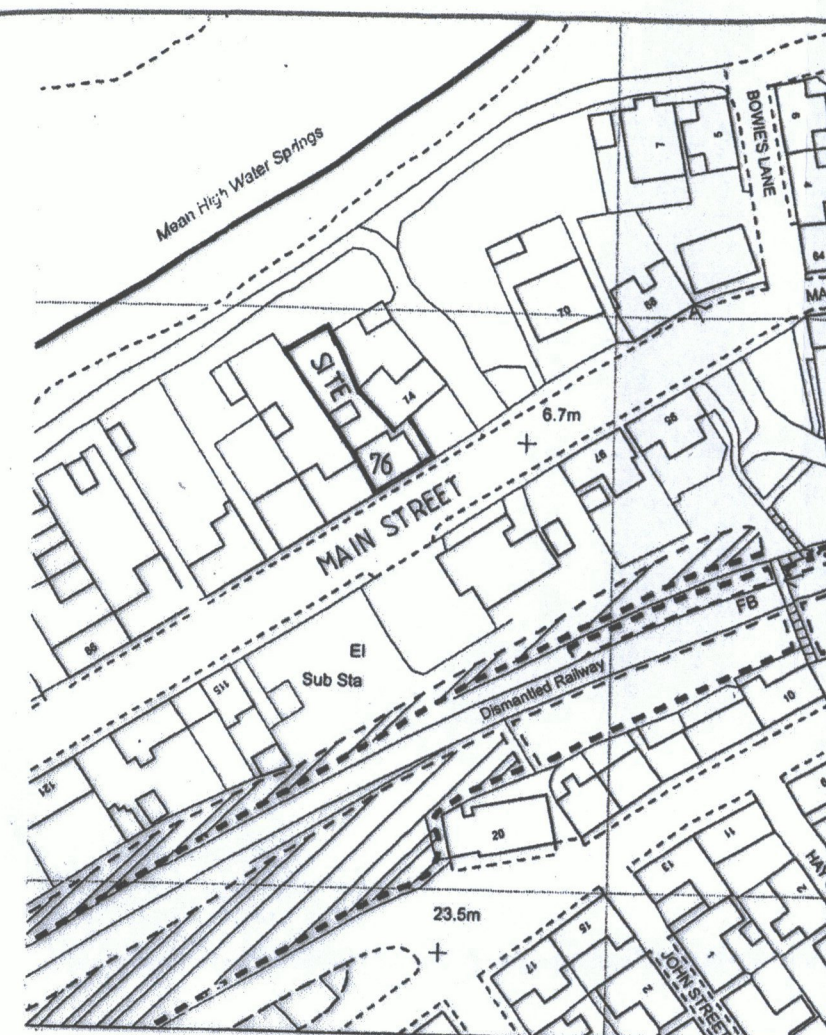
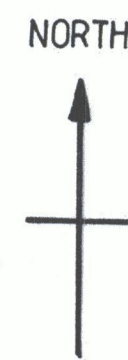
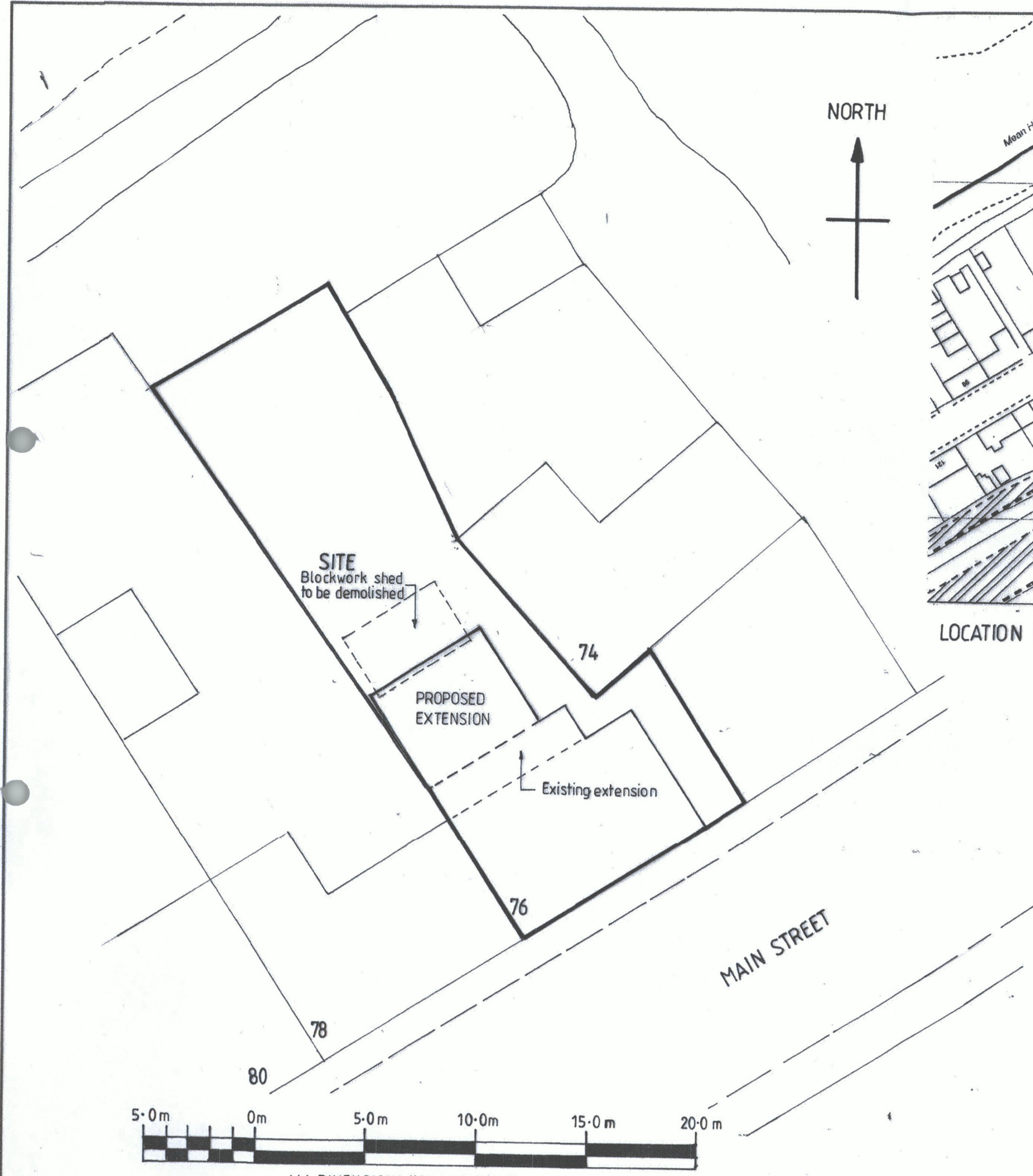






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					DATE.	SCALES.					
					PROJECT No.	DRG.No.	REVISIONS.				
			PROPOSED KITCHEN AND DINING AREA EXTENSION BALCONY AND INTERNAL ALTERATIONS	PLANS AND ELEVATIONS AS EXISTING		01:02:2016	1:50				
						QT 15/16/23	01				





LOCATION PLAN

Scale: 1:1250

REVISIONS

7

CLIENT

MR AND MRS A BRUCE  
76 MAIN STREET  
BUCKIE  
MORAY AB56 1XT

PROJECT

PROPOSED KITCHEN DINING AREA  
WITH BALCONY OVER

DRG. TITLE

SITE AND LOCATION PLANS

DRAWN. RSA	DATE. 16.02.2016	SCALES. As shown
PROJECT Nr. QT 15/16/23	DRG. Nr. 03	REV.



Telephone/Fax: 01381 621210  
Email: rod@ highlanddesigns.org.uk

SITE PLAN

Scale: 1:200