

Planning application reference: 18/00383/APP

Erect dwellinghouse on Site In Garden Ground Of Ingleside, St Aethans Road Burghead Moray

Date: 21/6/18

We are appealing the refusal decision for the application for Planning Permission based on our opinion that the reasons for refusal as stated are incorrect.

Firstly we don't agree that the site should be treated as a tandem backland development. In policy H3 tandem backland development is described as where a house is immediately behind an existing house and they share the same access. The proposed house is over 13m away from the existing house which we feel is way more than is intimated by the use of the phrase immediately behind. Also, the proposed new house has its own driveway, separate from the existing house driveway, being at opposite ends of the frontage. Even if it was felt that the new house was immediately behind the existing one, the use of the word and between the two criteria for tandem backland development would mean that to be classed as such, both criteria would have to be met.

Secondly the refusal states that the site area is 230m² excluding the access. This is incorrect, the site measures 408m² excluding the access which measures an additional 50m². The site area of 408m² is over the minimum 400m² required by policy H3.

Thirdly, we feel the density matches that of the surrounding area. The character and residential amenity are improved with the development.

The existing gardenscape consists of low walls and post and wire fences to the north east and north west which provide no privacy to the existing garden or to the neighbours. The development would introduce screening with the new fencing, trees and shrubs which will benefit all the neighbours. The neighbours are supportive of the proposal and have been consulted on the development and fencing proposals constantly.

On the final point regarding vehicles being introduced to the rear garden, this just isn't the case as can be seen from the site plan. The access driveway stops just beyond the front of Ingleside. Previously this driveway which is existing extended further back into the garden and vehicles were found in the undergrowth. (See photo 1 below) This gives an indication of how bad the garden was and how much of an overall improvement the development will be to the immediate area. Any other activity that would take place in the rear garden would be no different to that of any other garden.

The applicant has taken constant feedback from the surrounding neighbours regarding boundary treatments house location and design to minimise any impact. The neighbours were even happy to sign a document of support for the development and also verify details regarding the existence and extent of the driveway being utilised for the new house. Both documents were sent in with the planning application.

Written on behalf of Mr & Mrs J Kelbie by

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Photo 1 - Ingleside garden after some clearing of weeds