

**APPEAL REFUSAL NOTICE OF  
PLANNING CASE REF – 24/00799/APP**

for the

**PROPOSED DOMESTIC ANNEXE,  
(ANCILLARY TO DWELLINGHOUSE),  
WITHIN GARDEN GROUNDS OF “GLENDALE”,  
ROSEISLE, ELGIN, IV30 5YD.**



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**PLANNING STATEMENT**

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### Appellant Details

<b>Name</b>	Mr and Mrs Austin
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### Agent Details

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### Reason for Refusal

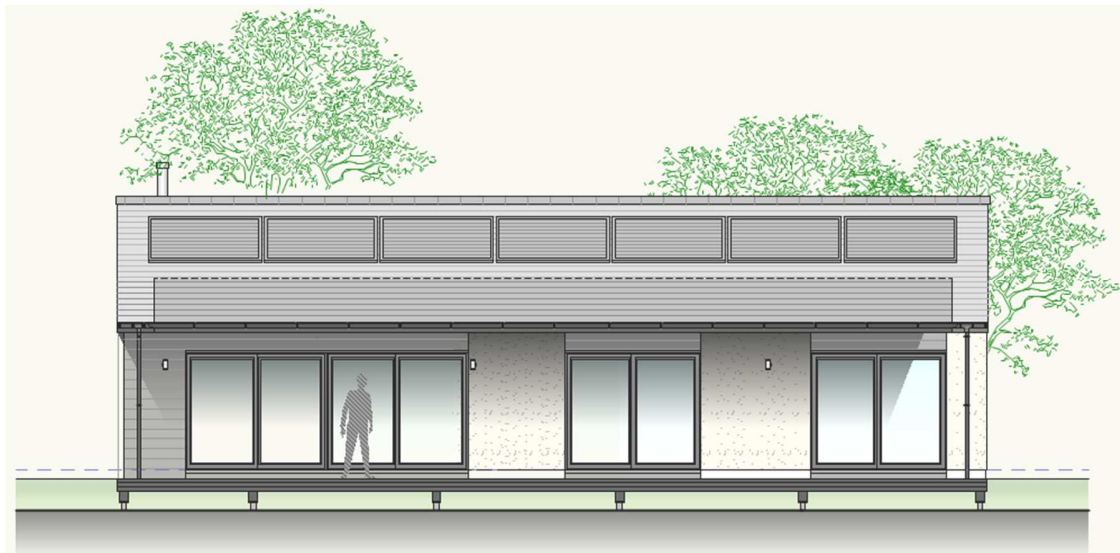
*The development is contrary to the development plan for the following reasons:  
The size (85m<sup>2</sup>) and the siting of the annex on higher ground 45m from the main house would have a detrimental impact on the surrounding area contrary to NPF4 policy 16 (g) (i) and the development would not reflect the scale or character of the main house or the surrounding area and as such is contrary to MLDP policy DP1 (i) (a).*

## 1 – INTRODUCTION

**1.1** - This appeal statement is submitted in support of the need for the appellant to form a **detached ancillary annex** for domestic residential use, upon his own landholding within the grounds of "Glendale", Roseisle.

**1.2** – it is important to note that this appeal is NOT for a new house within the open countryside. This appeal is for a detached extension to an existing dwelling to provide ancillary accommodation for family use only associated with the existing property.

**1.3** - The planning application was assessed as **HOUSEHOLDER DEVELOPMENT** as the proposals are essentially an extension of the existing living arrangements currently provided by the existing dwellinghouse, "Glendale"



*Proposed South facing elevation of Proposed Detached Annex*

**1.4** - Annex proposals like these are common-place across Moray & Scotland with the need to house aging parents or expanding families prevailing against lack of new housing or the need to avoid long term residential care.

**1.5** - Annex proposals are generally permitted under policies relating to an extension to a property. They cannot be sold separately under any circumstances and cannot be considered as a "new house" – they are, effectively, extensions to an existing house

**1.6** - Whilst the proposals in this case are similar to other approved annex buildings of this nature, it would appear that the principal concern in this case is the size of the appellant's land holding and the distance of the annex from the host house.

### 1.7 - This appeal will demonstrate that –

- The proposed annex is no different to other approved annex buildings or extensions to accommodate growing family needs around Moray as per examples shown within section 4.
- The annex will be almost invisible to passers-by or from any vantage point
- Significant effort was made by the appellant to satisfy the appointed planning officer's comments during the course of the application, which in particular, included significant revisions to mitigate concerns about the scale and siting of the **Detached Annexe extension**.

**1.8** - The appellant appeals to the members of the Review Board to consider this appeal case within and to consider that the **Detached Annex extension** does in fact meet local and national planning policies in relation to **Householder Development** specified under DP1 of the Moray Local Development Plan 2020 (**MLDP 2020**)

## 2 – SITE DESCRIPTION

**2.1** - The appeal site is fully contained within the sizeable garden grounds associated with the family home of "Glendale", Roseisle, Elgin (see adjacent pic showing the landownership in blue and the application site in yellow)

**2.2** - The site is located on sloping ground on a prominent ridge called Tappoch Hill which lies to the north of Roseisle, the site itself is located to the North-East of Roseisle.

**2.3** - The proposed annex location is well screened from all direction by established trees and landscaping

**2.4** - No new access to the annex is needed or proposed – as this will be an ancillary building to the main house

**2.5** - The site slopes gently from North to South and generally consists of open grassland across the majority of the site.

**2.6** - The appeal site extends to around 1120m<sup>2</sup>/0.277 acres, and it is proposed to not define the actually proposed development boundaries as the building is to be ancillary to the main house



*View of appeal site (yellow) and ownership (blue)*

**2.7** - The boundary of ownership surrounding the appeal site is defined to the North, East & West by existing post and wire fencing interspersed existing mature trees. The classified U25E Duffus to Roseisle Public Road bounds the site to the South.

**2.8** - Open countryside surrounds the application and site with the exception of the dwellinghouse and garden grounds associated with the immediate neighbouring property "Alcuin".

**2.9** - The existing dwelling is located on the Southern edge of the Pressurized and Sensitive Area Designation which covers the application site and wider surrounding area and precludes against any new housing within these designations.

This designation does not prevent domestic **householder development** which this Detached Annex Extension is assessed against. This is NOT a new house in terms of the Planning Act.



Site Location within MLDP 2020 Pressurised & Sensitive Area

**2.10** - Previous Planning history for the parent property "Glendale" and land associated includes the following -

- **93/00100/FUL** –  
Form Dressing Room in Loftspace. *Application Permitted 29.03.93*
- **06/02109/FUL** –  
Erect Sunlounge & Bedroom Extension. *Application Permitted 15.09.06*
- **23/00852/APP** –  
Change of use from rough grazing ground to garden ground and erect detached ancillary annexe within grounds. *Application withdrawn 05.08.23*
- **23/01666/APP** –  
Change of use from rough grazing ground to garden ground. *Application Permitted 22.11.23*

### 3-DEVELOPMENT PROPOSAL

**3.1** - The proposed development is seeking approval for the erection of a **2 Bed Annexe within the garden grounds** of the existing dwellinghouse, "Glendale".

**3.2** - The new accommodation will be used by the family, in conjunction with and ancillary to the existing main dwellinghouse.

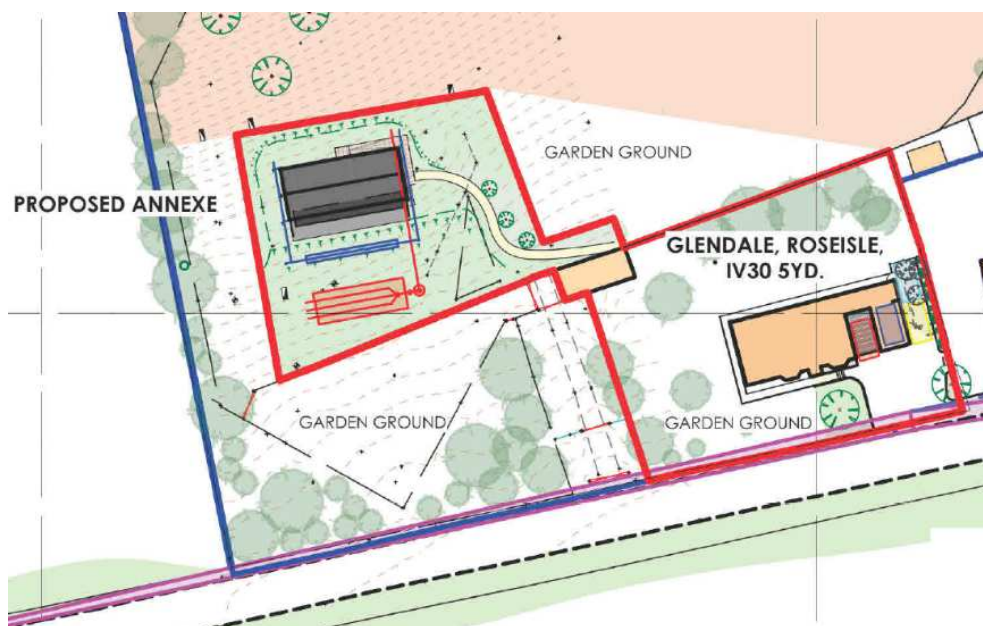


*Existing Parent Property, Glendale*

**3.2** - The existing dwellinghouse provides 3 bedrooms and the proposals submitted will allow for a further 2 bedrooms which when used in conjunction with the existing dwelling and will provide the family with the additional accommodation required by the appellant and family.

**3.3** - The room proportions proposed within the proposed annexe extension would be similar in scale and size to existing room proportions within "Glendale" offering the family the same living & quality conditions between house & proposed annexe.

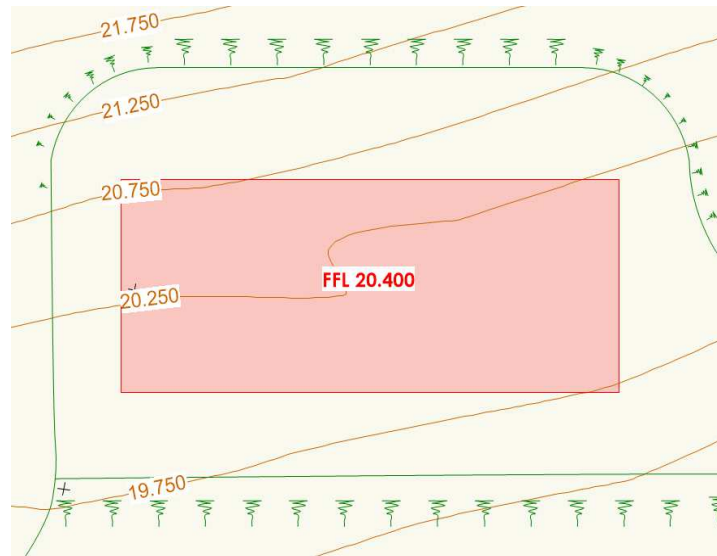
**3.4** - The annexe is positioned 45m North West from the existing dwelling and would be accessed by a meandering path from the existing dwelling. No further access arrangements for vehicles or pedestrians is proposed to serve this annexe extension with all existing access being via the existing parent property.



*Extract of Site Plan showing Annex in relation to existing dwelling*



**3.5** - The Annexe position settled upon would take advantage of the existing favourable ground contours in this location to avoid significant cut & fill operations being required compared to other locations closer to the existing dwelling. The existing "plateau" where the annexe has been positioned has a ground level of 20.250m AOD and the floor level has been set 150mm higher at 20.400m AOD.



*Existing contours relative to annexe position*

**3.7** - The detached annex extension would have simple and well-proportioned elements similar to the existing parent property and would remain subordinate to the main dwellinghouse.

**3.8** - The proposed material finishes for this detached annexe extension have been carefully selected to enhance and complement its landscape setting with external walling materials consisting primarily of K-Rend silicone colored cement with contrasting concrete cills and base course complemented with panels of black stained timber linings in horizontal & vertical alignments completing the external walling. Openings will be infilled with Anthracite high performance timber alu-clad windows, doors & rooflights

**3.9** - The principal roof formed will be 35° gabled roof and will be finished with Natural grey roofing slate & contrasting ridge tiles all of which will make the development sympathetic to the surrounding area. The extension lean to roof would be finished in black/anthracite metal roofing to contract with the natural slate.



*Anthracite Alu-Clad windows*



*Off white K-Rend*



*Natural roofing slate*



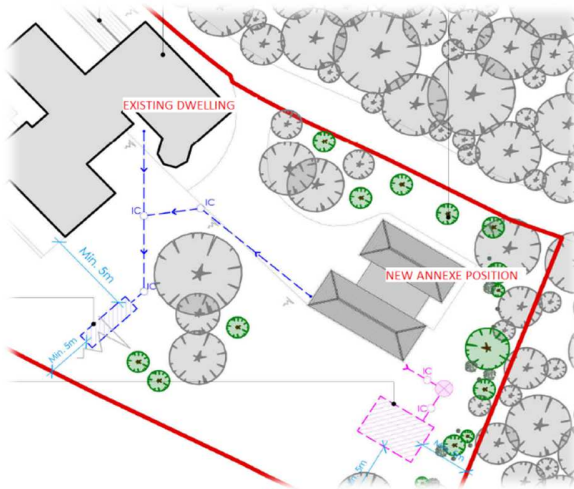
*Black/Anthracite roof sheets*

## 4 – STATEMENT OF CASE

**4.1** - This annex is desperately needed by the appellant to enable the wider family to live in close proximity and with a measure of privacy and independence.

**4.2** - Whilst annex buildings are commonly situated at the foot of a garden, the appellant has a uniquely large landholding which allows for a greater measure of detachment from the main house.

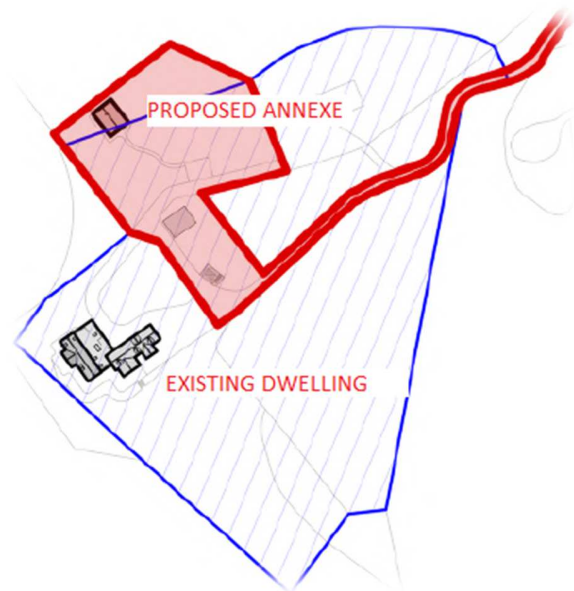
**4.3** - Examples of other approved annex proposals in Moray can be seen below



### **22/01919/APP –**

#### **Tominachty Lodge, Craigellachie**

This approved application shows the new annex being separated from the main dwelling by around **25m**. The floor area of the annex is **140m<sup>2</sup>** which is considerably larger than the annex contained within the appeal case. It is also worth noting that the site falls within The Speyside Special landscape Area as well as being within a pressurized and sensitive area designation similar to the appeal site.



### **22/00752/APP -**

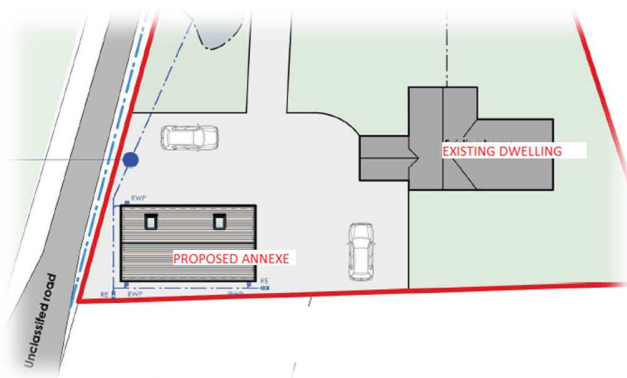
#### **Upper Easterton, Keith**

This approved application again demonstrates acceptance of a detached annex being located some distance from the existing dwelling. In this case the separation distance is **58m** which exceeds the separation distance of **45m** proposed within this appeal.



**22/01179/APP -****2 Bracany Gardens, Longmorn**

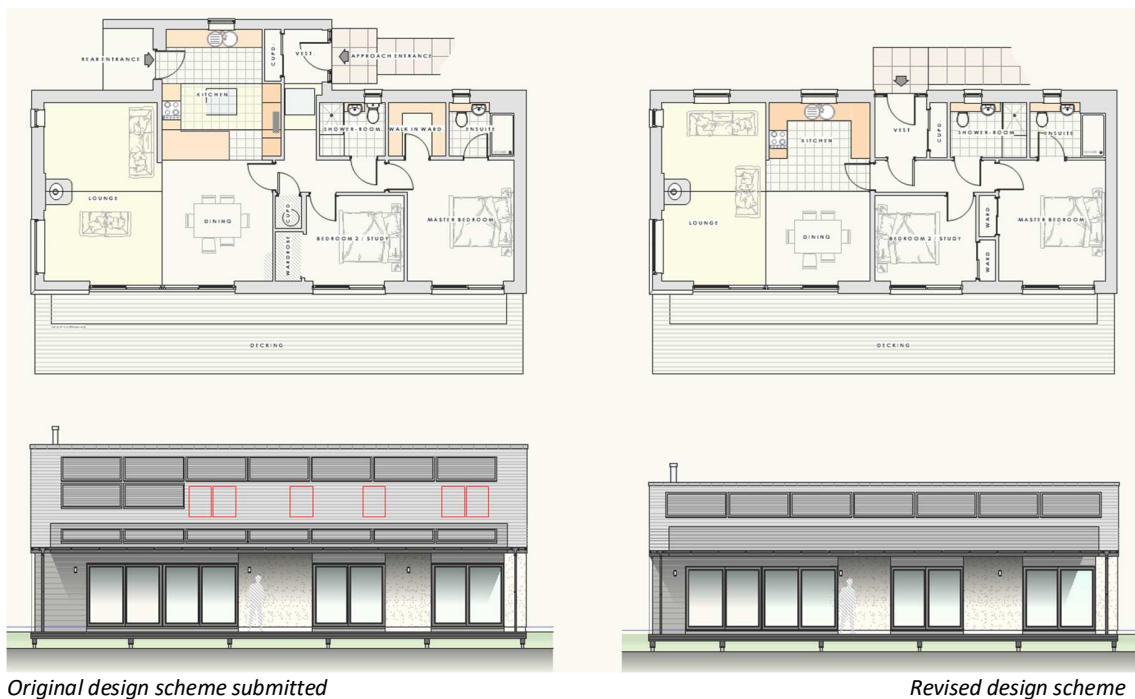
This planning approval was for the erection of an annex located **22m** from the existing dwelling. The annex floor area proposed measures around **60m<sup>2</sup>**

**23/00488/APP -****Bardonside, Birnie, Elgin**

This consented development demonstrates a large, detached annex with a ground floor area of **81m<sup>2</sup>** and a first-floor area of **54m<sup>2</sup>**. The annex is located **16m** from the existing dwelling.

**4.4** - The examples above of previous consented annex developments within Moray, clearly demonstrate the variance of scale of detached annex extensions in addition to the acceptance of larger separation distances between the existing dwelling and proposed annex extensions when compared to the site contained within this appeal.

**4.5** - The planning officer's reasoning suggests the detached annexe extension is of a scale and character not reflective of the existing dwelling or the surrounding landscape setting, this is despite efforts made by the appellant to address these concerns during the course of the planning application process. The images below show the original design scheme and the revised design scheme following the appointed planning officer's concerns.



**4.6** - The revised design scheme, shown above, incorporated the following changes to mitigate the planning officer's concerns about scale

- reduction of **21m<sup>2</sup>/17.5%** to the floor area as originally proposed.
- Length of annex reduced by **900mm**
- Future first floor removed.
- Removal of the single lean-to extension to the North elevation
- Overall height reduction of around **1.1m** by changing the pitch to 35°.
- The existing house area measures 147m<sup>2</sup> which is 62m<sup>2</sup> / 72% larger than the annexe proposed.
- The annexe is only providing ground floor accommodation while the existing dwelling is fully developed over 2 floors.

**4.7** - In addressing the concerns around the siting of the proposed detached extension careful consideration was used when identifying a suitable location within the appellants garden grounds.

**4.8** - Given the sloping nature of the site and the level difference of 12m between the carriageway and the appellants boundary of ownership n the North, selecting an appropriate location to site the detached annexe extension without the need for significant ground engineering operations (cut and fill) or the need to remove any of the established landscaped gardens immediately surround the existing dwelling proved challenging.



Site Section showing annexe compared to existing dwelling and established trees.

**4.9** - As noted earlier, the position settled upon took advantage of favourable ground contours where ground level difference over the annexe location was only 750mm in height.



View from carriageway Southwest of appeal site

**4.10** - The sloping nature of the ground and the existing well established mature boundary trees provide the necessary screening and backdrop to the proposed annexe and will help screen the new annexe extension from public viewpoints from the West and South. Views from the East would be limited due the layout of the existing carriageway and existing trees.

**4.11** - Established mature trees along the frontage of site adjacent to the carriageway rise to around 8-9m above ground level whilst trees to the West boundary are around 7-8m tall all of which would be higher than the proposed annexe enabling the annexe to be fully screened and integrated into the landscape setting.

**4.12** - Given the open nature of the existing development site and client ownership beyond, the appellant is of the view that this annexe will not dominate the site or be overbearing in relation to the existing property.

## 5 – PLANNING POLICY

### **5.1.1 Siting, Design & Materials - MLDP 2020 PP3 & DP1 / NPF4 Policy 14 & 16.**

Development plan policies outline that extensions to dwellinghouse will be acceptable, where proposals respect the character and amenity of the surrounding area and can be adequately served in terms of infrastructure.

**5.1.2** - NPF4 policy 14 & 16 seeks to encourage, promote, and facilitate well designed development that makes successful places by taking a design-led approach and applying the 6 qualities of successful places, healthy, pleasant, distinctive, connected, sustainable and adaptable qualities to the proposed development.

**5.1.3** - The proposed annexe occupies a portion of land within the garden Ground associated with the existing house, 'Glendale' and would likely only be seen from vantage points located to the South of the development. The application site does fall under the MLDP 2020 pressurized and sensitive area designation the policy; however, the policy would not be applicable to this application as the application is for an annexe extension and not for new housing to which the pressurized and Sensitive area designation objects against. Whilst again not applicable to this application, we have considered the design criteria within Policy DP4-Rural Housing to ensure the new development promotes traditional rural design.

**5.1.4** - The height of the dwelling would be no higher than 6.75m and would be of an appropriate scale and massing and composed of simple well-proportioned symmetrical elements. The gabled roof is traditional in appearance and in keeping with the character of the area while the proposed external materials consisting primarily of K-Rend walls and Slated roofs are acceptable and appropriate to the rural setting allowing the dwelling to integrate into the existing established character of the surrounding area.

**5.1.5** The siting of the proposed annexe increases the distance between existing neighboring property to the East of the application site. Whilst the annexe proposed is higher than the existing dwelling on site and neighboring property, the distance between the annexe and neighbouring property, distance in excess of 65m, will ensure that the development proposals would not result in an overbearing impact or loss of amenity to the existing residential properties.

### **5.2.1 - Climate Change NPF4 Policies 1 & 2**

In addressing NPF Policies 1 & 2, which are to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

**5.2.2** - The proposal is for a small-scale development on an already-developed site and would have minimal impacts on the climate crisis. As such, the NPF4 Policies 1 Tackling the Climate and Nature Crisis and 2 Climate Mitigation and Adaptation do not hold significant consideration for this application.

**5.2.3** - The annexe has been carefully considered with the dwelling orientated South, and the bulk of the glazed openings being proposed on this elevation or the adjacent West Elevation. This will aid to maximise solar gain from the sun, when compared with a building which faces towards North and thus reduces the reliance on heating within the building thereby reducing carbon emissions and providing opportunity for energy efficiency.

**5.2.4** - The proposal will utilise a zero-emission air source heat pump to provide heating and cooling for this building along with Solar PV panels to supplement the primary energy supply. Natural materials such as slates & timber frame kits further help reduce forms of embodied emissions within the buildings construction which would be key in addressing NPF Policies 1 & 2

#### **5.3.1 - Drainage and Water MLDP 2020 EP12 and EP13 / NPF4 Policy 14**

NPF4 Policy 22, MLDP 2020 DP1, EP12 and EP13 together seek to ensure that acceptable water and drainage provision is made, including the use of sustainable urban drainage (SUDS).

**5.3.2** -Policy EP13 requires new development to connect to the main system whenever possible, however with the site location being rural, there are no public sewers within the locality to connect to therefore private drainage arrangements have been considered.

**5.3.3** - Fairhurst have completed a Site Investigation and Drainage Assessment for the proposed development. Based on the site investigations the ground conditions are suitable for the use of infiltration as a method of surface & foul water management

**5.3.4** - To address the surface water run-off post development, The SW has been designed for a 1 in 30-year event with a 42% additional allowance in rainfall intensity for climate change. Therefore, a 12.0m long x 0.9m wide x 0.95m deep below pipe invert stone filled trench will be utilised as the soakaway for the proposed annexe. The foul water would discharge into a septic tank with an outfall into a 11.75m long x 4.0m wide stone filled trench soakaway with both systems being positioned min 5m away from the annexe and boundaries.

**5.3.5** - The existing public water & electric supply serving 'Glendale' will be extended to serve the new annexe subject to capacity & load check and approvals of the existing connections from the relevant authorities.

#### **5.4.1 - Trees & Biodiversity MLDP 2020 Policy EP7 & EP2 / NPF4 Policy 3 & 6**

A tree survey has been carried out in support of the application which identifies 2 category B & 4 category C have been surveyed with 3No category C tree to be removed as a result of the proposals. The existing trees are not covered by a TPO, nor do they lie within a conservation area. The leading policy consideration in relation to trees is NPF4



policy 6 which amongst other things highlights that removal of ancient/veteran or trees with high biodiversity value will not be supported.

**5.4.2** - In this case, the trees to be removed are of C classification and do not constitute ancient/veteran nor do they constitute trees with high biodiversity value. Compensatory planting is proposed which includes 2 new plum trees and 1 new apple tree and when taking all of this into account the proposals are considered to be compliant with the development plan policy in this regard.

**5.4.3** - NPF4 Policy 3 Biodiversity and MLDP 20202 Policy EP2 both seek to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

**5.4.4** - The proposal is for a small-scale development on an already-developed portion of land associated with the existing dwelling and would have minimal impact to existing biodiversity. The existing site offers biodiversity value by means of existing mature trees and well-maintained landscaped garden ground.

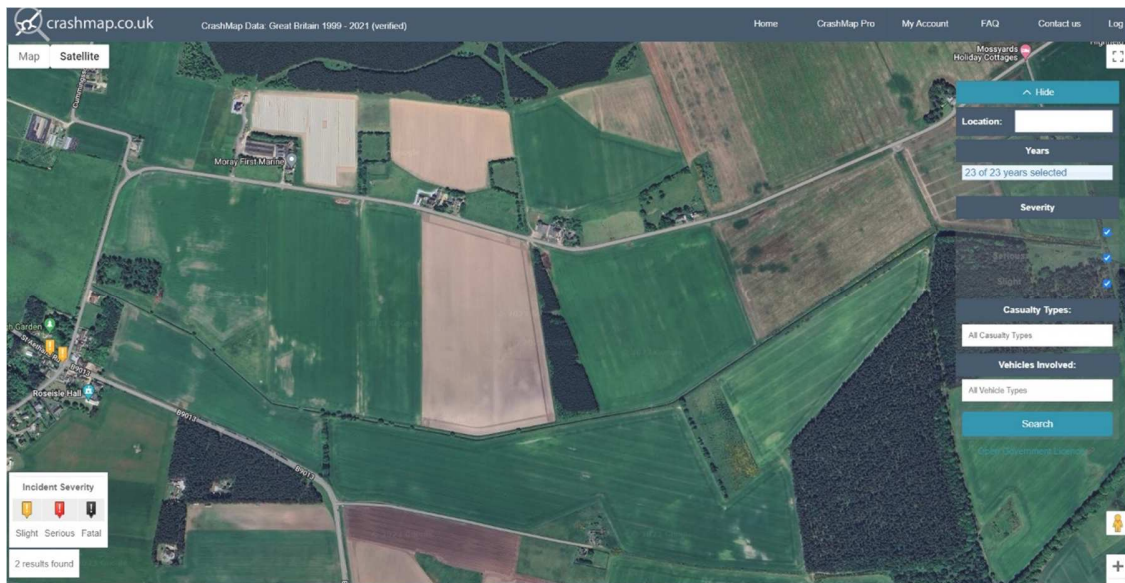
**5.4.5** - To enhance bio-diversity values associated with the development, a portion of the landscaping associated with the new annexe will be seeded with wildflower seeds providing a variance of colour over all 4 seasons as well as also being an important nectar source, all of which will further enhance the biodiversity.

#### **5.5.1 - Access and Parking MLDP 2020 Policy DP1**

The existing dwelling currently offers 4No car parking spaces by use of a garage, carport & open parking. The current arrangement is nose to tail parking and offers makes for difficult maneuvering arrangements to enter an exist the site.

**5.5.2** - Whilst the existing arrangements are not to current desirable standards, it should be noted that during the applicant's ownership of Glendale which covers in excess of 30 years, the arrangements of the parking provision has always been in this provided in this manner and the applicants have not had an accident regarding vehicular manoeuvres or any incident with parking arrangements.

**5.5.3** - A review of CrashMap, (see attached image), also confirms no incidents in the vicinity of the existing access or stretch of road on each side of the existing access.



**5.5.4** - To provide enhanced arrangements to facilitate the intensification of use of the existing access, the parking arrangement and turning arrangements have been altered to allow vehicles to enter and exit the existing access in forward gear. This not only improves the layout of the car parking but would also undoubtedly improve the safety of the existing access.

**5.5.5** - The further enhance the existing access the applicant is willing to carry out necessary landscaping to ensure the maximum achievable visibility splay remains free of obstruction. To the West of the access the maximum splay achievable is 2.4 x 185m subject to trimming back the existing hedgerow, whilst to the East the maximum unobstructed splay achievable is 2.4 x 99.5m. It should be noted however that a splay of 2.4 x 140m is achievable, although this splay would cross land not under the applicant's ownership.

## 6 – CONCLUSION

**6.1** - This application represents a long journey by the appellant to create a space at his home and landholding in which the wider family can live together with dignity and a measure of privacy. **This is not a NEW HOUSE application.**

**6.2** - This Statement of Case demonstrates that -

- This annex proposal is no different in principle to other approved annex applications in Moray
- This annex can be accommodated on the site without impacting the landscape setting
- This annex is needed by the appellant and family for short- and long-term requirements
- This annex does not require any further access onto the public road and will be entirely linked to the house.
- The highly pressurized and sensitive land designation DOES NOT apply to this manner of application

**6.3** - The appellant would contend that the proposals provide a development with character, identity and a sense of place which is complementary and functional to the existing dwelling and wider landscape setting.

**6.4** - The proposal demonstrates the qualities of Placemaking and Successful Places as required within MLDP 2020, delivering a development which is of a scale and density suitable to the wider setting and protects existing amenity levels currently afforded.

**6.5** - The appellant respectfully requests that this application be approved.