

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes 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. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details

2. Agent's Details (if any)

Title Mr & Mrs
Forename Thomas
Surname Stables

Ref No.
Forename Norman
Surname Forteath

Company Name
Building No./Name 45
Address Line 1 Templand Road
Address Line 2 Lhanbryde
Town/City Elgin

Company Name Norman Forteath Building Desig
Building No./Name Old Schoolhouse
Address Line 1 Kellas
Address Line 2
Town/City Nr. Elgin

Postcode IV30 8PP
Telephone
Mobile
Fax
Email

Postcode IV30 8TS
Telephone 01343 890203
Mobile 0781 8636030
Fax
Email n.forteath@btinternet.com

3. Application Details

Planning authority The Moray Council

Planning authority's application reference number 10/01737/APP

Site address
45 Templand Road, Lhanbryde, Elgin, Moray IV30 8PP

Description of proposed development

Proposed new external access stair and formation of deck with balustrading over existing flat roof extension at 45 Templand Road, Lhanbryde, Elgin, Moray

Date of application 29 September 2010

Date of decision (if any) 18 November 2010

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

4. Nature of Application

- Application for planning permission (including householder application) ☐
- Application for planning permission in principle ☒
- 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) ☐
- Application for approval of matters specified in conditions ☐

5. Reasons for seeking review

- Refusal of application by appointed officer ☒
- Failure by appointed officer to determine the application within the period allowed for determination of the application ☐
- Conditions imposed on consent by appointed officer ☐

6. 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.

- Further written submissions ☐
- One or more hearing sessions ☐
- Site inspection ☒
- Assessment of review documents only, with no further procedure ☒

If you have marked either of the first 2 options, 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 necessary.

7. Site inspection

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

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

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

8. 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. The 'Schedule of reason(s) for refusal' states the development is contrary to the adopted Moray Local Plan 2008 policy H3. This policy refers to New Housing in Built-up Areas. As this development relates to alterations of an established existing structure is this point relevant?

2. Windows exist in the gable wall of the applicant's property (Drg.No.X / 08 / 03 - West Elevation) which overlook the neighbouring property. The provision of the proposed deck will be no more intrusive.

3. On only one of the three sides (West) of the proposed deck is there a common boundary with a neighbouring property (No.43 Templand Road).

4. The applicant may consider reducing the area of the deck should this help limit its impact on the house frontage.

5. Clear panels can be incorporated within the balustrade to make less visible from the surrounding area.

Mr & Mrs Stables have lived in this property for over 20 years and during this time have made a large number of improvements to form a high quality family residence.

Having made such an investment they have no desire to relocate but wish to further enhance their home and external space with the formation of the proposed deck for occasional summer use.

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

Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. 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

Drg. Nos. X / 08 / OS1 to OS4 and 01 to 04 inclusive

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.

10. Checklist

Please mark the appropriate boxes to confirm that 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 requesting 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.

DECLARATION

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

Signature:



Name:

NORMAN FORTEATH
for Mr and Mrs T Stables

Date:

11 February 2011

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.