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21 OCT 2011

Grounds for Appeal - Application ref no. 11/00460/APP

Applicant - Dr and Mrs Blain

The decision to re-apply as a detailed planning application has been based upon the advice contained within the Review Decision Notice dated 24 December. There has also been consultation with the Planning Officer. The Review had rejected the appeal due to an assessment made, in the absence of detailed proposals, where 'any restriction to MLRB was likely to approve relative to the footprint of the house within the plot to fit in with the character of the area would make the house too small for anyone to live in'.

There had otherwise been support for the proposals within the Review because of the particular characteristics of the site and the arguments put forward by the applicant. Councillor Mackay is quoted in the report as stating that 'the proposal described meets all the requirements for sub-division and will not impact on the area and with its high garden walls would fit in well within the garden area.' Councillor Ross agrees with this view and thought that there would be no loss of amenity. Councillor Hogg thought that the scale of development was critical and 'was of the view that were the proposed development to be a single storey dwelling with the floor area sufficiently confined so as not to compete with the adjacent properties then he would be in favour of granting the request for review and approving outline planning consent.' Subsequent consideration was therefore based upon a single storey development, and the Summary of Information provided by the Planning Officer in 16 December 2010 used a single storey option to assess footprint/plot ratio.

The proposals submitted within the re-application therefore have tried to satisfy this requirement by providing the detailed design missing from the initial application and in particular showing that a satisfactory footprint/plot ratio could be achieved. By proposing a 1.5 storey design rather than a single storey design, the footprint was restricted as required whilst providing an acceptable level of accommodation. This option did raise the height of the house and could have had an adverse impact on neighbour amenity. The design has however carefully considered these potential problems. By using the natural slope to cut the house into the site, and by avoiding overlook from upper floor windows, the Planning Officer has confirmed in his report that 'the design and amenity impact on the neighbouring properties is considered acceptable'.

It must be argued therefore that the sole remaining concern of the MLRB relating to the character of the area and impact on neighbouring properties has been addressed by the re-application and submission of detailed proposals. In relation to Policy H4, the house style does compliment the character of the area as well as the scale and architecture of the parent property.

As stated in the previous appeal, there are examples of sub-division of large plots within the locality which have been approved, and it is noted that this information was provided to the Review Body when determining the request for review. The proposals for access are acceptable and designed to retain existing entrance features. The site has high enclosure to all sides and due to its positioning in relation to surrounding properties would not compromise the character of the area. There has also been no objections to the detailed proposals from any of the neighbours.

I would ask therefore that the appeal is upheld.