

REPORT OF HANDLING

Ref No:	11/00460/APP	Officer:	Iain T Drummond
Proposal Description/ Address	Erect a dwellinghouse on Site Within Grounds Of Braco Lodge, 42 Mayne Road, Elgin Moray		
Date:	05.08.2011	Typist Initials:	GW

RECOMMENDATION

Approve, without or with condition(s) listed below		N
Refuse, subject to reason(s) listed below		Y
Legal Agreement required e.g. S,75		N
Notification to Scottish Ministers/Historic Scotland		N
Hearing requirements	Departure	N
	Pre-determination	N

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Planning Gain Unit	25/04/11	No contribution sought
Environmental Health Manager	26/04/11	Unconditional approval
Contaminated Land	25/04/11	Unconditional approval
Transportation Manager	05/05/11	Approval with conditions and informatives
Environmental Protection Manager		No response received
Scottish Water	19/04/11	Unconditional approval

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
H3: New Housing in Built Up Areas	Y	
H4: Housing Plot Sub Division	Y	
T2: Provision of Road Access	N	
T5: Parking Standards	N	
EP5: SUDS	N	
IMP1: Development Requirements	Y	
EP10: Foul Drainage	N	

REPRESENTATIONS

Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		

Name	Address
Summary and Assessment of main issues raised by representations	
Issue:	
Comments (PO):	
No objections/representations received.	

OBSERVATIONS – ASSESSMENT OF PROPOSAL

A previous application for planning permission in principle (10/00462/PPP) was refused on this site and the subsequent appeal to the Local Review Body dismissed 24th December 2010, on the grounds that the development does not comply with the Moray Local Plan 2008, policies H3: New Housing in Built-Up Areas, H4: Sub Division for House Plots and IMP1: Development Requirements, in that the development is not in keeping with the character of the area, on the basis that the development would result in the formation of two small residential plots within an area characterised by houses set in generous garden grounds.

This application differs from the previous application in that it has been submitted in detailed form and therefore consideration must be given to the design of house submitted. This issue is discussed below. However, there has been no change in the principle of developing this site for a house, which was the reason for refusing the previous application. The reasoning behind the refusal of the previous application has been reproduced below and explains why the application does not comply with the Council's Local Plan policies, which have not changes since the consideration of the previous application.

Principle of the development

Local plan policies H3 and IMP1 outline that new housing within settlement boundaries will be acceptable if it does not adversely impact on the surrounding environment and adequate servicing and infrastructure is available, or can be made available. Policy H4 outlines that were developments involve the subdivision of housing plots in those settlements where there is no specific embargo, will be acceptable if the plot subdivision is less than 50% of the original plot; if the plot is not a backland site; and, if the site provided is at least 400 square metres excluding access. The house style must complement the character of the area as well as the scale and architecture of the parent property.

With regard to the requirements of policy H4 the site is less than 50% of the original plot and is greater than 400 square metres, however, constitutes backland development. The reasoning behind the restriction of backland development is to preserve the amenity of the neighbouring residents and to ensure the development is in keeping with the character of the area.

In this case it is accepted that, due to the existing mature boundary enclosures, a single storey house could be constructed within the site without having an adverse impact in terms of overshadowing and privacy levels on the neighbouring properties.

In terms of the impact on the character of the area, the immediate surrounding townscape is characterised by large dwellinghouses in generous garden areas. The subdivision of this plot would result in two relatively small plots which would not be in keeping with the character of the area and it is on this basis that the development is not considered to comply with Local Plan policies H3, H4 and IMP1.

Design of the dwellinghouse

In terms of the design of the proposed dwellinghouse, it was noted in the consideration of the previous application on the site that a single storey dwelling could be accommodated within the site without having an adverse impact on the amenity levels of the neighbouring properties.

In this application the applicants have proposed a one and a half storey dwellinghouse and therefore careful consideration needs to be given to the impact on the adjacent properties and this issue is discussed below.

The house has been located to the north of the site and sunk into the slope of the ground by approximately 1 metre. This when coupled with the 1.2m high fence between the house and the parent property will ensure that ground floor windows do not have an adverse impact on the amenity levels of the private rear garden area of the parent property. Also the two north facing roof light windows on this elevation are proposed in obscure glass to ensure privacy levels are maintained.

On all other side's the existing boundary enclosures will ensure that from ground floor windows there is no privacy impact on the adjacent properties. There is one first floor window in the west elevation which is relatively close to the neighbouring property, however, there will be no window to window privacy issues with the neighbouring property and the window overlooks the neighbouring properties garage and therefore does not impact on the main private garden areas and as such is considered acceptable. The south elevation contains three first floor windows; however, with the existing mature trees on the boundary and adequate window to boundary separation these windows also do not pose a problem. There are no first floor windows on the east elevation and therefore although the dwelling has a first floor, the privacy impact on the neighbouring properties is minimal.

The overall height of the dwelling at 6.5m from floor level to ridge and is only around half a metre higher than an average single storey property. This when coupled with the fact that the house is to be sunk around 1m into to the slope of the site will ensure that the house will not have an unacceptable overbearing or over shadowing impact on the neighbouring properties, including the parent property.

In terms of design, the dwelling has a traditional emphasis with strong vertical proportions to the gables and windows and other traditional features such as skew tabling and natural slate roof. It is on this basis that the overall appearance is considered to be in keeping with the surrounding traditional properties. The applicants have also submitted proposals showing how the access will be formed to meet the Transportation Managers requirements, however, also rebuilding the stone walls and pillars to retain the attractive stone frontage onto Mayne Road.

With the above in mind, the design and amenity impact on the neighbouring properties is considered acceptable, however, as with the previous application on the site the development still constitutes backland development which is not in keeping with the character of the surrounding area and is therefore recommended for refusal on these grounds.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

There are no other material considerations that would alter this assessment.

HISTORY				
Reference No.	Description			
10/00462/PPP	Planning Permission in Principle to erect a dwellinghouse on Site Within Grounds Of Braco Lodge 42 Mayne Road Elgin Moray			
	Decision	Refuse	Date Of Decision	16/08/10

ADVERT			
Advert Fee paid?	Yes		
Local Newspaper	Reason for Advert	Date of expiry	
Northern Scot	Departure from development plan	19/05/11	

DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

DOCUMENTS, ASSESSMENTS etc. *		
* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc		
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

S.75 AGREEMENT		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			