



**PLANNING APPEAL STATEMENT OF CASE TO SUPPORT PLANNING APPLICATION REF:12.00511/APP TO ERECT FLATTED ACCOMMODATION INCORPORATING 2X2BED APARTMENTS IN THE GARDEN GROUNDS OF NORLAND, STOTFIELD ROAD, LOSSIEMOUTH**

Our reference	A1012.10.														
Local Authority	The Moray Council														
Planning application ref:	11/00655/APP & 12/00511/APP														
Application Proposal	Flatted accommodation for 2 x 2 bed flats														
Site Address	Norland, Stotfield Road, Lossiemouth														
Appellant	Mr & Mrs Harris														
Date Application Validated	27th March 2012														
Council Decision Notice	22nd May 2012														
Reason for refusal	<p>* H3... Plot size and shape... it is noted that the narrow plot width would result in unacceptable cramped form of development detracting from the character and appearance of the surrounding environment.</p> <p>* Policy IMP1... scale and amenity ... in regard to scale of development relative to the western boundary and adverse loss of amenity to adjacent property.</p>														
Application drawings	<table><tr><td>A1012.12.01</td><td>Site plan</td></tr><tr><td>A1012.10.02</td><td>Floor plans</td></tr><tr><td>A1012.10.03</td><td>Sections</td></tr><tr><td>A1012.10.04</td><td>Elevations</td></tr><tr><td>A1012.12.07</td><td>Block Plan</td></tr><tr><td>A1012.12.08</td><td>Site plan</td></tr><tr><td>A1012.11.10</td><td>Street Elevation</td></tr></table>	A1012.12.01	Site plan	A1012.10.02	Floor plans	A1012.10.03	Sections	A1012.10.04	Elevations	A1012.12.07	Block Plan	A1012.12.08	Site plan	A1012.11.10	Street Elevation
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**H3... Plot size and shape... it is noted that the narrow plot width would result in unacceptable cramped form of development detracting from the character and appearance of the surrounding environment.**

- 1 This project from inception was discussed with Planning Officers. I personally had a meeting with Neal McPherson to discuss the proposal and after discussion on the proposal and site layout Mr McPherson stated that the plot required to be over 400sq.m in size then he felt it would be appropriate. No mention of the shape or apparent cramped plot size was noted at this meeting.
- 2 The two storey design put forward at this early stage was noted as being in scale appropriate to the site and in line with the neighbouring house to the west but would sit lower on the site due to existing site levels which would reduce impact. The frontage would also be screened by the existing stone wall approximately 2metres in height and the large vehicular gate along with the tree located to the south west corner of the site. The initial design was worked up and subsequently submitted on the 27th April 2011 in the knowledge that the overall proposal had been discussed and was generally acceptable.
- 3 Due to staff changes the project was held up and finally taken over by Patrick O'Sullivan who then refused the application in December 2011, eight months after submission.
- 4 My clients did not push for the decision as they were not in any rush to start works but now feel that they should have as the initial thoughts were for approval.
- 5 My client undertook all that was requested including a sound report by the Environmental Department due to the local RAF base flights at considerable cost.
- 6 The Roads Authority Officer Diane Anderson had made comment on the parking proposal and I was working towards resolving this with her when the refusal notice was issued. The officer at the time knew that this particular item was under discussion but went ahead with his decision.
- 7 The planning officer, Patrick O'Sullivan, had not made known his decision for refusal to me until the time he was ready to issue and this came in the form of an e-mail. I immediately asked for a meeting to find that he was on a months holiday and could not be contacted. The refusal was issued prior to his leave.
- 8 On his return we had a meeting to go over the refusal notice with points listed as items requiring alteration before a subsequent application was made. These points were as follows: removal of north facing balcony, reduced glazing to north facing elevation, reduction in height of building, building moved off west boundary to 1.2m, alter design on east boundary, parking requirements to be amended in line with Roads Authority requirements. These items were duly attended to and a subsequent submission was made. No mention had been made about site shape but parking had to be approved. This was undertaken and a scheme was finally approved. The new Planning Officer Emma Mitchell, felt that the alterations undertaken still did not fall in line with the Moray Council Policy and moved to refuse the application.
- 9 With the project having been discussed as a preliminary proposal with a Planning Officer, was then decided upon what seems like different criteria should have been noted to me at the outset of the scheme. I unfortunately did not write in to confirm

the points of the meeting with the initial Planning Officer nor did I receive any written statement from him which may have highlighted problem areas and given clarity to the current situation.

- 10 Policy IMP1... scale and amenity ... this is in regard to scale of development relative to the western boundary and adverse loss of amenity to adjacent property.**
- 11 This policy is felt to be met by this proposal. The building is in scale with the adjacent modern rendered and slated house to the west and with the stone and slate roofed parent house to the east. The house has been designed to have gable end facing Stotfield Road to continue facade treatment along this section of road. The height of the gable would be midway between the house to west and east thereby continuing the harmony of roofscape. The proposal is felt to be integrated into surroundings using similar external facade treatments of rendered wall and stone base with the roof finished in slate between stone coloured copings on gable wallheads. The garden ground to the proposal is 405 square metres which allow for garden and parking as is required. Points "d" through to "n" in policy IMP1 have been taken on board within this project
- 12 The initial discussion with the Planning Officer did not make mention of proximity to boundary although the neighbouring property was mentioned. The neighbouring house has no low level windows at ground level with 3 windows at wall/roof junction height (velux) and are not overlooked or in shadow resulting from this project. The rest of the house wall is finished in render and set 1 metre off the boundary for its full length. This application proposal has windows at both ground and first floor levels. These are high level narrow opaque glazed windows to en-suite bathrooms and utility rooms at ground and first floor level. The second meeting in January 2012 raised this point and it was agreed that the new build would be offset by 1.2m from boundary wall.
- 13 Taking on board the matters of the refusal notice and the later meeting/discussions regarding the proposal, the project design put forward was in line with initial discussions and thinking. No discussion was held on the initial scheme until after the refusal notice was made. If there were problems then the Planning Officer should have made contact to discuss the project to see if design alteration could be made at the early stage rather than letting the application go immediately to first refusal.
- 14 The second scheme looked at was immediately questioned with what was recognised by the planning officer as having no chance of success as the amended scheme had not made significant changes to the scheme relating to policy.
- 15 The property to the west is off the same scale and character as this application and is closer to the front boundary. The neighbours scheme is on a smaller piece of land which is as narrow in width as this project. The property to the east has had a new sun lounge built to the front of the house and is very close to the front and adjoining boundary. When taken as part of the Stotfield Road frontages then this project would be less intrusive than other projects built recently along Stotfield Road with consequent adverse loss of amenity and detracting from local character.

I trust that the above will be looked at in the appeal against refusal of this scheme.