

SPA

SCOTTISH PLANNING & ARCHITECTURE Ltd

22 January 2013

The Clerk

The Moray Council Local Review Body
Legal and Committee Services
Council Offices
High Street
Elgin
IV30 1BX

REF:- REFUSAL OF PLANNING PERMISSION 12/01923/APP PROPOSED EXTENSION AND DEMOLISH EXISTING GARAGE AT 7 TORFNES PLACE BURGHEAD ELGIN MORAY – NOTICE OF REVIEW, SUPPORTING STATEMENT

The Schedule of Reasons for Refusal state that the proposed development, if permitted, is contrary to the Moray Council Local Plan 2008 in that:

“THE PROPOSED DEVELOPMENT, IF PERMITTED, WOULD NOT COMPLY TO THE MORAY COUNCIL PARKING STANDARDS FOR RESIDENTIAL PROPERTIES.”

We deem this reason for refusal to be an incorrect interpretation of the Moray Council Parking Standards document as it clearly states that for a dwelling containing 4 or more bedrooms, 3 parking spaces are required.

PARAGRAPH 45 OF THE PARKING STANDARD STATES THAT:

“A mix of ‘allocated’ and ‘unallocated’ parking provision is acceptable, however, the overall total provision must not be less than the capacity calculated using the size of the dwellings and a maximum of one unallocated space per dwelling will apply.”

PARAGRAPH 46 STATES THAT:

“‘Allocated’ spaces are those which are either contained wholly within the curtilage of a dwelling and could be either garages, the driveways in front of the garages or in areas specially designated such as lock ups or individual spaces with lockable bollards (Unless agreed with transportation officers, driveways should have a minimum length 6.0m). These spaces will relate to the specific dwelling and will be for the exclusive use of the residents of the dwelling and their visitors. Allocated spaces will not be eligible for the List of Public Roads (adoption).”

PARAGRAPH 47 STATES THAT:

‘Unallocated’ spaces are those which are considered to be for the use of either residents or visitors and will be used on a “first come first served” basis. These spaces will not relate directly to any particular dwellings, but should be appropriately located for general use. Unallocated spaces should be provided in the main within private parking areas conveniently located near the dwellings. Unallocated off-street parking spaces which are being provided as part of a private residential development, in lieu of in curtilage parking, will not be considered for the List of Public Roads (adoption). Off-street parking includes off-street courtyards and rear courtyards, and the key principles that should be adopted by developers include:

- they are not car parks but places which have parking in them;*
- they should be overlooked by adjoining houses or by buildings entered from*

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the parking area;

- *they should normally include, at most, 10 parking spaces. If there are more spaces, the courtyard layout should be broken up.*

The development as we have proposed will incorporate 2No 'Allocated' parking spaces within the curtilage of the dwelling and 1No 'Unallocated' parking space within off street parking which currently exists directly in front of the dwelling house, totalling 3No parking spaces as defined within the Moray Council Parking document.

Best Regards

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