



MORAY COUNCIL LOCAL REVIEW BODY

Review Decision Notice

Decision by Moray Local Review Body (the MLRB)

- Request for Review reference: Case 068
 - Site address: 6 Sterlochy Street, Findochty, Buckie
 - Application for review by Mr Kerstin Kramer, against the decision by an Appointed Officer of the Moray Council.
 - Application 12/00991/APP: Proposed Ground and First Floor extension at 6 Sterlochy Street, Findochty.
 - Unaccompanied site inspection carried out by the MLRB on Friday 14 December 2012
 - Date of Decision Notice: 28 January 2013
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Decision

The MLRB agreed to uphold the request for review and grant planning permission, subject to the conditions appended to this decision notice.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Moray Local Review Body (MLRB) as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.
- 1.2 The above case was considered at the meeting of the MLRB on 20 December 2012. The Review Body was attended by Councillors C Tuke (Chair), B Jarvis, G Coull and L Creswell.

2.0 Proposal

- 2.1 This is an application for planning permission for a proposed ground and first floor extension at 6 Sterlochy Street, Findochty, Buckie.

3.0 MLRB Consideration of request for review

- 3.1 In regard to the unaccompanied site inspection carried out on Friday 14 December 2012 the Planning Adviser advised the meeting that on arrival at the site, members were shown the plans of the proposed extension and the layout and configuration of the accommodation was explained and then members went up the hill to view the development in the context of the conservation area and to view other flat roof extensions in the locality.
- 3.2 The proposals had been refused on the basis that the extension was contrary to Policies H5, House Alterations and Extensions, BE3, Conservation Areas and IMP1 Development Requirements. The extension conflicts with the character of the existing house in terms of scale, proportion and design and as such would have a significant adverse visual impact on the appearance of the existing house and the quality of the conservation area.
- 3.3 In the Appellant's grounds for review it is stated that the extension to the flat roof would have no impact on the design of the house and would be obscured from Sterlochy Street and that any reference to there being a significant adverse impact was an overstatement. In the appellants view the proportions are small and would have almost no visual impact or link to the adjacent street. Attention was drawn to the fact that the property has an existing flat roof.
- 3.4 In terms of the drawings referred to by Councillor Tuke, the Planning Adviser advised that her understanding was that the first set of drawings at page 19 of the papers showing a flat roof boxed dormer were the set of drawings that the application had been considered and refused against. She further referred members to page 23 of the papers and advised that these drawings were subsequent ones which had not superseded the previous drawings and had not been considered by the Planning Officer.
- 3.5 When questioned about the reference to buff roughcast in the notes accompanying the drawings as opposed to the white dash render and slates referred to on the actual drawings the Planning Advisor clarified that in terms of the finishes a white wet dash render would be the traditional finish in a conservation area. It was assumed that these were generic notes which had been appended to the actual drawing, however members were advised that they could specify a condition stating the material to be used were they minded to approve this application.
- 3.6 The MLRB agreed that it had sufficient information to determine the request for review.
- 3.7 Councillor Jarvis expressed the view that having visited the site and having considered the appellant's grounds for review he could see no reason to overturn the decision and moved that the original decision of the Appointed Officer to refuse the application on the grounds that the application is contrary to policies H5, BE3 and IMP1 of the Adopted Moray Local Plan be upheld for the reasons stated in the report.

- 3.8 Councillor Tuke expressed the view that having visited the site and having considered the appellant's grounds for review, he was of the view that the application complied with policy H5 as long as the finishings were in white and grey slate roofing. In terms of the appearance of the house and surrounding areas he was of the opinion that this would not be adversely affected as the property was barely visible from the roadside on any area from the lower levels and could only be seen from the top of the hill. He stated that the plans did not give the fact that the vast majority of the lower ground extension was excluded from view by the house in front and only the grey slate was visible, which matched in with the other areas. In terms of Policies BE3 and IMP1 he was of the view that the proposal complied with these as long as the materials and colour were in keeping with the area and for these reasons he moved to uphold the appeal as complying with policies H5, BE3 and IMP1 subject to all finishings being in white and grey slate roofing.
- 3.9 Councillor Creswell having visited the site expressed the view that she concurred with the views expressed by Councillor Jarvis especially in terms of density of the area and for this reason she seconded Councillor Jarvis motion that the original decision of the Appointed Officer be upheld.
- 3.10 Councillor Coull expressed the view that he concurred with Councillor Tuke and added that he did not think that the extension would be extremely visible or adversely impact on the area, if at all, given that there was a house in front and houses on either side and a wall at the back of the property and for these reasons he seconded Councillor Tuke's motion that the appeal be approved.
- 3.11 There being an equality of voting, the Chairman exercised his casting vote in favour of upholding the appeal and accordingly the MLRB agreed on a three to two majority that the request for review be upheld and that planning permission be approved, as complying with policies H5, BE3 and IMP1 subject to a condition requiring a white wet dash finish to the walls and the use of natural grey slate on the roof and the standard conditions and informatives recommended by consultees.



Aileen Scott

Legal Adviser to the MLRB

Conditions

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
- 2 Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
- 3 Prior to work commencing on site the applicant shall complete the attached notification of initiation of development and submit it to the local planning authority.
- 4 Upon completion of the development or as soon as practicable after doing so the attached notification of completion of development shall be completed and submitted to the local planning authority.
- 5 That the external finishes to be used are grey slate roof and white wet dash render.

REASONS

- 1 The time limit condition is imposed in order to comply with the requirements of Section 58(i) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.
- 2 In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
- 3 To ensure that the planning authority is aware that development is about to commence and any suspensive conditions can be followed up.
- 4 Ensure that the planning authority is aware that the development is complete and is able to follow up any conditions.
- 5 In order to ensure that the development harmonises with the appearance and character of the surrounding properties and area

IMPORTANT NOTES ABOUT THIS DECISION

DURATION OF THIS PERMISSION

In accordance with Section 58 (i) of the Town and Country Planning (Scotland) Act 1997 as amended, the development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.

If the development has not commenced within this period then this permission shall lapse unless there is a specific condition attached to this permission which varies the stated timescale.

COMMENCEMENT AND COMPLETION OF THE DEVELOPMENT

The following are statutory requirements of the Town & Country Planning (Scotland) Act 1997, as amended. Failure to meet their respective terms represents a breach of planning control and may result in formal enforcement action. Copies of the notices referred to below are attached to this permission for your use.

NOTIFICATION OF INITIATION OF DEVELOPMENT - S.27A of the 1997 Act, as amended requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, as soon as practicable after deciding the date they will start work on the development, give notice to the planning authority of that date. This ensures that the planning authority is aware that the development is underway and can follow up on any suspensive conditions attached to the permission. Therefore, prior to any work commencing on site, the applicant/developer must complete and submit to the Moray Council, as planning authority, the attached Notification of Initiation of Development.

NOTIFICATION OF COMPLETION OF DEVELOPMENT - S.27B of the 1997 Act, as amended requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority. This will ensure that the planning authority is aware that the development is complete and can follow up any planning conditions. Therefore, on completion of the development or as soon as practicable after doing so, the applicant/developer must complete and submit to the Moray Council, as planning authority the attached Notification of Completion of Development.

NOTIFICATION OF COMPLETION OF PHASED DEVELOPMENT – Under S.27B(2) of the 1997 Act, as amended where permission is granted for phased development, the permission is subject to a condition (see Schedule of Conditions above) requiring the applicant/developer as soon as practicable after each phase to give notice of that completion to the planning authority. This will allow the planning authority to be aware that particular phase(s) of the development is/are complete. When the last phase is completed the applicant/developer must also complete and submit a Notification of Completion of Development.

ADDITIONAL NOTES FOR INFORMATION OF THE APPLICANT

The following notes are provided for your information including comments received from consultees:-

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,

AS AGREED WITH APPLICANT (S.32A of 1997 ACT)

DETAILS WHERE DIFFERENT TIME-PERIOD(S) FOR DURATION OF PLANNING PERMISSION IMPOSED (S.58/59 of 1997 ACT)

TERMS OF S.75 AGREEMENT RELATING TO THIS APPLICATION

The terms, or summary of terms of the Agreement can be inspected at:-

The Moray Council

NOTIFICATION OF INITIATION OF DEVELOPMENT

Section 27A Town and Country Planning (Scotland) Act 1997

Planning Application Reference No:

Date issued:

I hereby give notice that works as detailed under the above planning application will commence on:

Signed: _____ Date: _____

THE FOLLOWING INFORMATION MUST BE PROVIDED:

1. Name and address of person carrying out the development:

2. The full name and address of the landowner, if a different person:

3. Where a site agent is appointed, their full name and contact details:

4. The date of issue and reference number of the grant of planning permission:

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office,
High Street
Elgin IV30 1BX

IMPORTANT

It is important that the Environmental Services Department is advised when you propose to start work as failure to do so may result in enforcement action be taken.

Please complete and return this form.

The Moray Council

NOTIFICATION OF COMPLETION OF DEVELOPMENT

Section 27B Town and Country Planning (Scotland) Act 1997

Planning Application Reference No:

Date issued:

I hereby give notice that works as detailed under the above planning application
will be completed on:

Signed: Date:

Please return this form, duly completed to: - The Moray Council
Development Management
Development Services
Environmental Services Department
Council Office
High Street
Elgin IV30 1BX

IMPORTANT

**It is important that the Environmental Services Department is advised when the
development has been completed as failure to do so may result in enforcement action
be taken.**

Please complete and return this form.