



## MORAY COUNCIL LOCAL REVIEW BODY

### Review Decision Notice

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#### Decision by Moray Local Review Body (the MLRB)

- Request for Review reference: Case 079
  - Site Address: Southview, The Wyndies, Garmouth, Fochabers, Moray, IV32 7GT
  - Application for review by Mr and Mrs I Lambart against the decision by an Appointed Officer of the Moray Council.
  - Planning Application 13/00158/PPP - One and a Half Storey Extension at Southview, The Wyndies, Garmouth, Fochabers, Moray, IV32 7GT
  - Unaccompanied site inspection carried out by the MLRB on Friday 21 June 2013
  - Date of Decision Notice: 26 July 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. Attention is also drawn to the informative notes which follow the conditions.

#### 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 application for planning permission was considered by the MLRB at the meeting held on 27 June 2013.
- 1.3 The Review Body was attended by Councillors C Tuke (Chair), G Leadbitter, G Coull, J Mackay and R Shepherd.

## **2.0 Proposal**

- 2.1 This is an application for planning permission for a one and a half storey extension at Southview, The Wyndies, Garmouth, Fochabers, Moray, IV32 7GT

## **3.0 MLRB Consideration of request for review**

- 3.1 With regard to the unaccompanied site inspection carried out on 21 June 2013, the Planning Adviser advised the meeting that on the site visit the proposals for the extension were explained making reference to the illustrative sketches.
- 3.2 In terms of the refusal, the Planning Adviser advised that the proposal had been refused on the basis that the extension failed to meet the requirements of relevant policies in terms of scale and character in relation to the existing cottage and conservation area.
- 3.3 Furthermore, the style, scale and proportion of the new extension fails to respect those of the existing cottage, which results in a clumsy extension which fails to visually link with and respect the cottage. It is considered an unacceptable development that fails to preserve or enhance the character and appearance of the Conservation Area.
- 3.4 It is also considered that the extension will look excessively large and over dominant of the cottage and have a poor visually weak link between the new and the original structure.
- 3.5 In the Appellant's Grounds for Review, the Appellant provided a comprehensive statement for the review which is supported by various photographs. The main points are as follows;
- i. There are no objections to the proposal.
  - ii. It has been demonstrated that the extension will not be conspicuous to the public view.
  - iii. The gable will not be seen other than from the neighbouring property.
  - iv. There is a mixture of ridge heights and wall heads in the Conservation Area.
  - v. The visual link between the extension and existing building is strong.
  - vi. The suggestion that the proposal is clumsy is a mistake.
  - vii. There is no proper analysis and definition of the Conservation Area to base an assessment on character and establish that it is contrary to the character of the conservation area.
- 3.6 Councillor Tuke, having had the opportunity to view the site and consider the Appellant's grounds for review stated that, as the Applicant had submitted a considerable amount of supporting documents and photographs of similar extensions in the area that had received planning permission and that the proposed extension was not facing a road, he moved to support the appeal.

- 3.7 Councillor Mackay, having had the opportunity to view the site and consider the Appellant's grounds for review was of the opinion that the style, scale and proposal of the application resulted in a clumsy extension that failed to visually link with the respective cottage. He agreed that the proposed development was contrary to policies BE3 with regard to conservation areas, H5 in terms of housing extension and IMP1 with regard to development requirements. He was of the opinion that the proposed extension is bulky in terms of the size of the existing cottage and would look excessively large and over dominant with regard to wall and ridge height and therefore agreed with the decision of the Planning Officer and moved to refuse the appeal.
- 3.8 Councillor Coull, having had the opportunity to view the site and consider the Appellant's grounds for review agreed with the comments from Councillor Tuke and found the photographs of other extensions in the area very helpful in seeing the mix of roof and ridge heights within the conservation area. He was of the opinion that it was not a clumsy proposal as it fits in with neighbouring property and supported Councillor Tuke's motion to uphold the appeal.
- 3.9 Councillor Leadbitter, having had the opportunity to view the site and consider the Appellant's grounds for review agreed with the comments from Councillor Coull and felt that as there were similar extensions in the area that this appeal should be upheld. With reference to the Appellant's summary of reasons for refusal where it is stated that the Council has not followed government guidance PAN71 in appraising and defining the character of the conservation area, Councillor Leadbitter asked for clarification as to the assessment of the conservation area for any future applications that may be considered. In response the Planning Adviser advised that conservation appraisals were undertaken in 1970s by Historic Scotland however some areas have gone on to provide a Design Brief which is a document that provides more information on character and type of development. This however has not been completed for Garmouth.
- 3.10 Councillor Shepherd, having had the opportunity to view the site and consider the Appellant's grounds for review agreed with the opinion of Councillors Tuke, Coull and Leadbitter to uphold the appeal.
- 3.11 Accordingly, the MLRB agreed, on a majority of four to one, that the request for review be upheld and that planning permission be granted.

**Paul Nevin**  
**Legal Adviser to the MLRB**

## **Conditions**

### **Permission is granted subject to the following conditions: -**

1. The approval hereby granted is for planning permission in principle and prior to the commencement of the development approval of matters specified in conditions, including the siting, design and external appearance of the building(s) the means of access thereto and the landscaping of the site shall be obtained from the Council, as Planning Authority.
2. The grant of planning permission in principle hereby granted for the proposed development shall be carried out only in accordance with detailed drawings which shall previously have been submitted to and approved by the Council, as Planning Authority. These drawings shall show the matters specified in conditions numbered 3 - 6 below.
3. Plans, sections and elevations of all buildings proposed with details of the type and colour of all external materials and finishes shall be submitted in accordance with condition no. 2 above.
4. The proposed layout of the site showing the exact position of the site boundaries, the position of all buildings, the means of access, areas for vehicle parking and the arrangements for the disposal of foul and surface water (i.e. a SUDS system or equivalent) shall be submitted in accordance with condition no. 2 above.
5. Details of the exact extent, type and finish of all other works including walls, fences and other means of enclosure and screening shall be submitted in accordance with condition no. 2 above.
6. Sections through the site showing the development on its finished levels in relation to existing levels shall be submitted in accordance with condition no. 2 above.

### **Reasons:**

1. In order to ensure that the matters specified can be fully considered prior to the commencement of development.
2. As the approval is granted for planning permission in principle only and in order that detailed consideration can be given to the matters specified.
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TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)**

**Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland ) Act 1997.