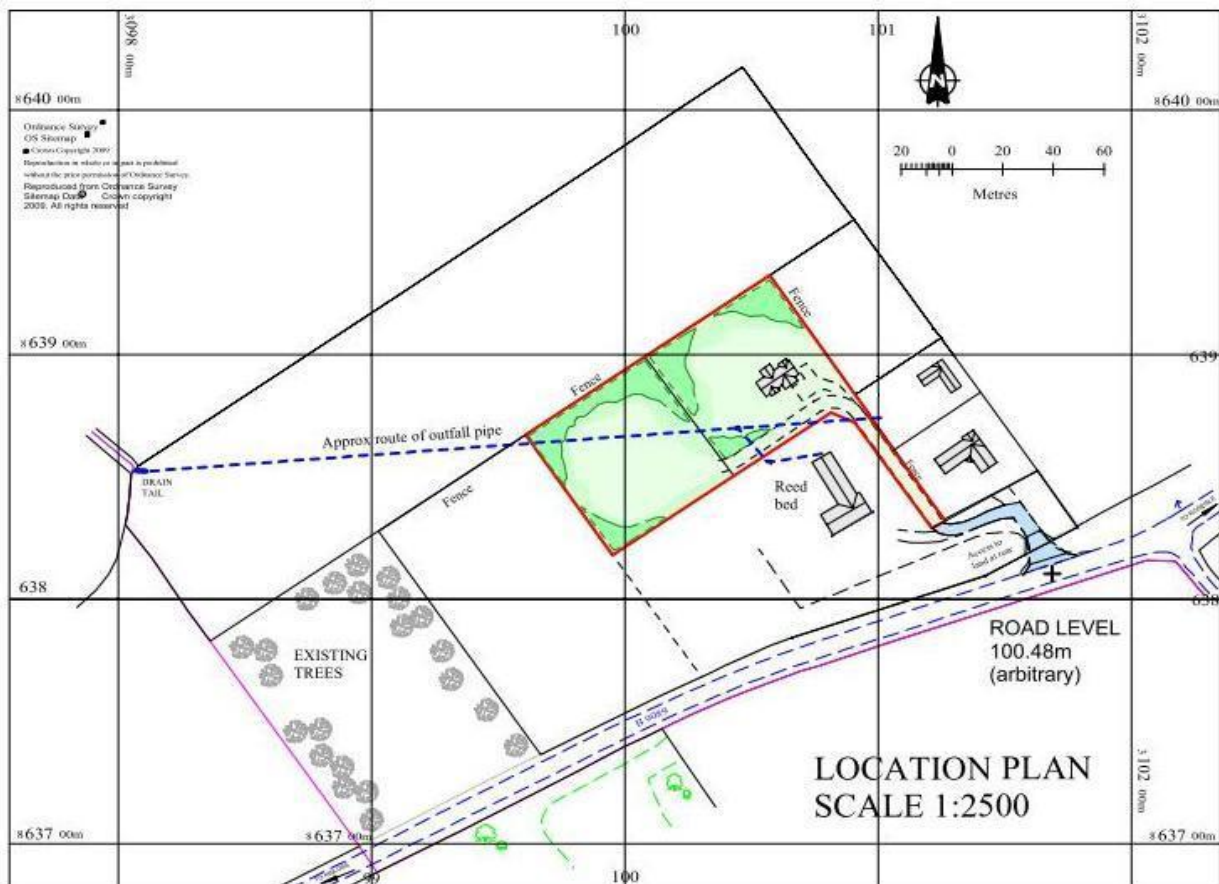


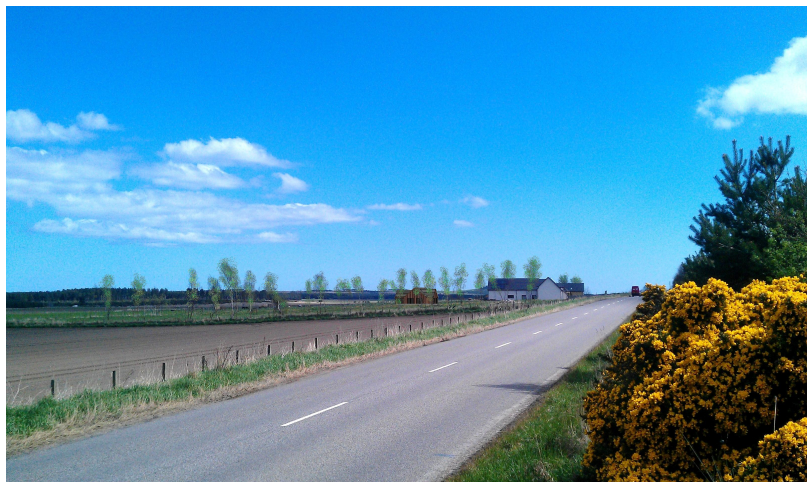
06-01-14
Supporting Document
Appeal against refusal of Planning Permission
for Site at Upper Hempriggs Kinloss, Mr Derek Fraser
Application ref 13/01480/APP
refused 14th Oct 2013

Proposal

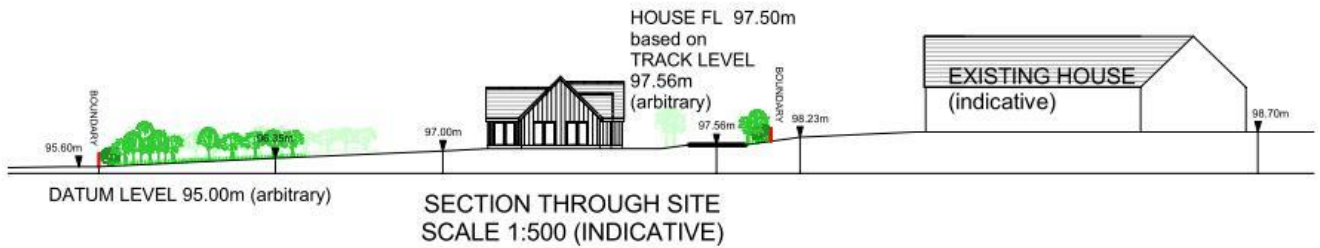
The proposal is to build a traditionally proportioned dwelling nestling within the landscape, north of existing dwellings, Upper Hempriggs Kinloss.



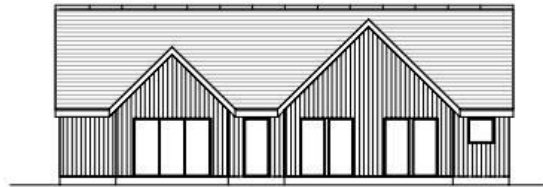
Site and Location plan as applied for



Indicative photo looking eastwards showing house positioned below existing dwellings



WINDOW
DETAIL



ELEVATION FACING ROAD



ELEVATION FACING ROSEISLE WOODS

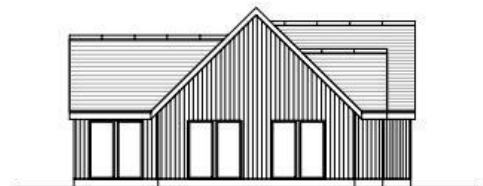
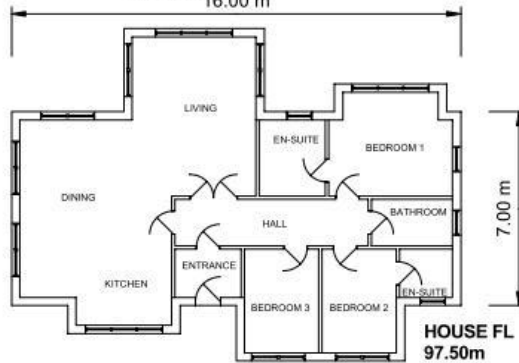
TRADITIONAL
BOARD ON BOARD



NATURAL SLATE



FLOOR - insulated timber floor
WALLS - timber clad. 150mm timber
frame with 150mm fibreglass insulation
ROOF - SLATE on sarking on
roof trusses at 600mm centres
FENCES - Existing post and stock proof wire
fences. 16.00 m



ELEVATION FACING KINLOSS



ELEVATION FACING BURGHEAD

PROPOSED DWELLING at UPPER HEMPRIGGS, KINLOSS

House design as applied for



Indicative photo from roadside looking westwards

SCHEDULE OF REASON(S) FOR REFUSAL

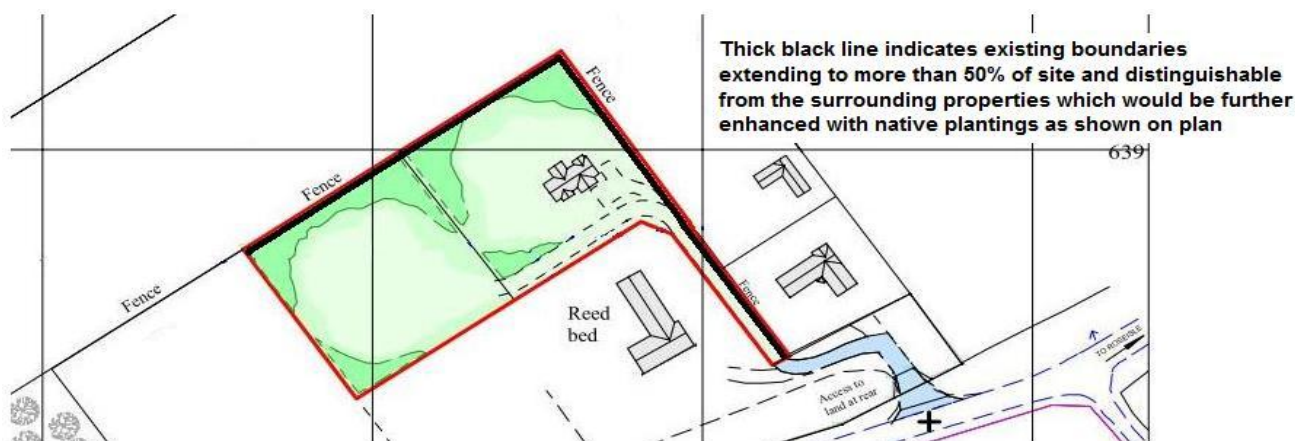
By this Notice, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

- 1 The proposal is contrary to Policy 1(e) of the adopted Moray Structure Plan 2007 and Policy H8 of the adopted Moray Local Plan 2008 (and associated Supplementary Planning Guidance: Housing in the Countryside (2010)) because an additional house in this location would lead to a build-up of development which would unduly prominent in this flat and open landscape and because the application has failed to demonstrate that at least 50% of the site boundaries are long established and are capable of distinguishing the from the surrounding land.

Proposal complies with Policy 1(e) of the Moray Structure Plan (below)

POLICY 1: DEVELOPMENT AND COMMUNITY
The policy set out below identifies the strategic community development requirements for the delivery of the structure plan strategy-
The Moray Structure Plan Strategy will be supported by:
a) the identification within the local plan of the business and industrial land allowances set out in Schedule 1 and the provision of strategic business locations at Elgin and Forres Enterprise Park and business park opportunities at Buckie, Keith and Lossiemouth;
b) the encouragement of tourism development opportunities;
c) the identification within the local plan of the housing allowances set out within Schedule 2;
d) the provision of affordable housing in association with new housing development where a demand is identified in the Local Housing Strategy;
e) the encouragement of low impact, well-designed development in the countryside to support local communities and rural businesses;
f) sustaining the vitality and viability of town centres through the support of opportunities and proposals for retail and commercial development in accordance with the sequential approach;
g) promotion of the strategic transport links as set out in Proposal 2.
h) the protection and enhancement and new provision of facilities for community use, healthcare, sport and recreation.
i) the inclusion within Local Plans of a policy requiring appropriate developer contributions towards healthcare and other community facilities.

For H8 Compliance see following pages



Site extract showing existing fences

POLICY H8: NEW HOUSING IN THE OPEN COUNTRYSIDE

This policy assumes against multiple house applications (more than 2) on the basis that these are more appropriately directed to Rural Communities (H6) and applied to the Re-use and Replacement of Existing Buildings (H7).

New dwellings in the open countryside will be acceptable subject to meeting the requirements below:

a) Siting

- It does not detract from the character or setting of existing buildings, or their surrounding area, when added to an existing grouping, or linear extension
- It is not overtly prominent (such as on a skyline or on artificially elevated ground; or in open settings such as central areas of fields). Where an otherwise prominent site is offset by natural backdrops, these will normally be acceptable in terms of this criterion.
- At least 50% of the site boundaries are long established and are capable of distinguishing the site from surrounding land (for example dykes, hedgerows, watercourses, woodlands, tracks and roadways).

If the above criteria for the setting of the new house are met, the following design requirements then apply:

b) Design

- A roof pitch of between 40-55 degrees;
- A gable width of no more than 2.5 times the height of the wall from ground to eaves level (see diagram 1);
- Uniform external finishes and materials including slate or dark 'slate effect' roof tiles;
- A vertical emphasis and uniformity to all windows;
- Proposals must be accompanied by a plan showing 25% of the plot area to be planted with native species trees, at least 1.5m in height;
- Where there is an established character, or style, of boundary demarcation in the locality (e.g. beech hedges, dry stone dykes) new boundaries must be sympathetic.

Exceptions to the above design requirements will only be justified on the basis of innovative designs that respond to the setting of the house.

This policy will be supplemented by Guidance, which will be the subject of separate further consultation, prior to incorporation of the Guidance into the process of determining planning applications.

The Guidance will include advice on maximising energy efficiency.

Proposals falling within the aircraft noise contours, as published by the Ministry of Defence, will be subject to consultations with MoD and consideration against policy EP7 regarding noise pollution.

Justification

The encouragement of housing development in appropriate locations in the countryside is an important plan objective. This will assist in the retention of population and services in this predominantly rural area.

The Plan aims to allow housing in the open countryside that can be easily absorbed into the landscape. New development should be low impact and reflect the character of the surrounding area in terms of scale and design. **In particular, the introduction of suburban style or ribbon development into the countryside would have an adverse effect on the area's high quality of environment.**

Adequate servicing provision should be available to avoid any potential adverse impact on surrounding properties.

Innovative modern design and energy efficiency measures are encouraged to promote sustainable development.

Extract policy H8

H8 Notes

The site does not detract from the character and setting of existing buildings or surrounding area, spacings between existing buildings and proposed dwelling are uniform. The site is not a linear extension.

The site is not overtly prominent, sits into the lay of the land with backdrop of Roseisle Forest.

More than 50% of the boundaries are existing fences.

This application is for an individual house set within an existing group of houses forming a small cluster therefore should be considered favourably.

Policy H8 Supplementary Planning Guidance 4(i)

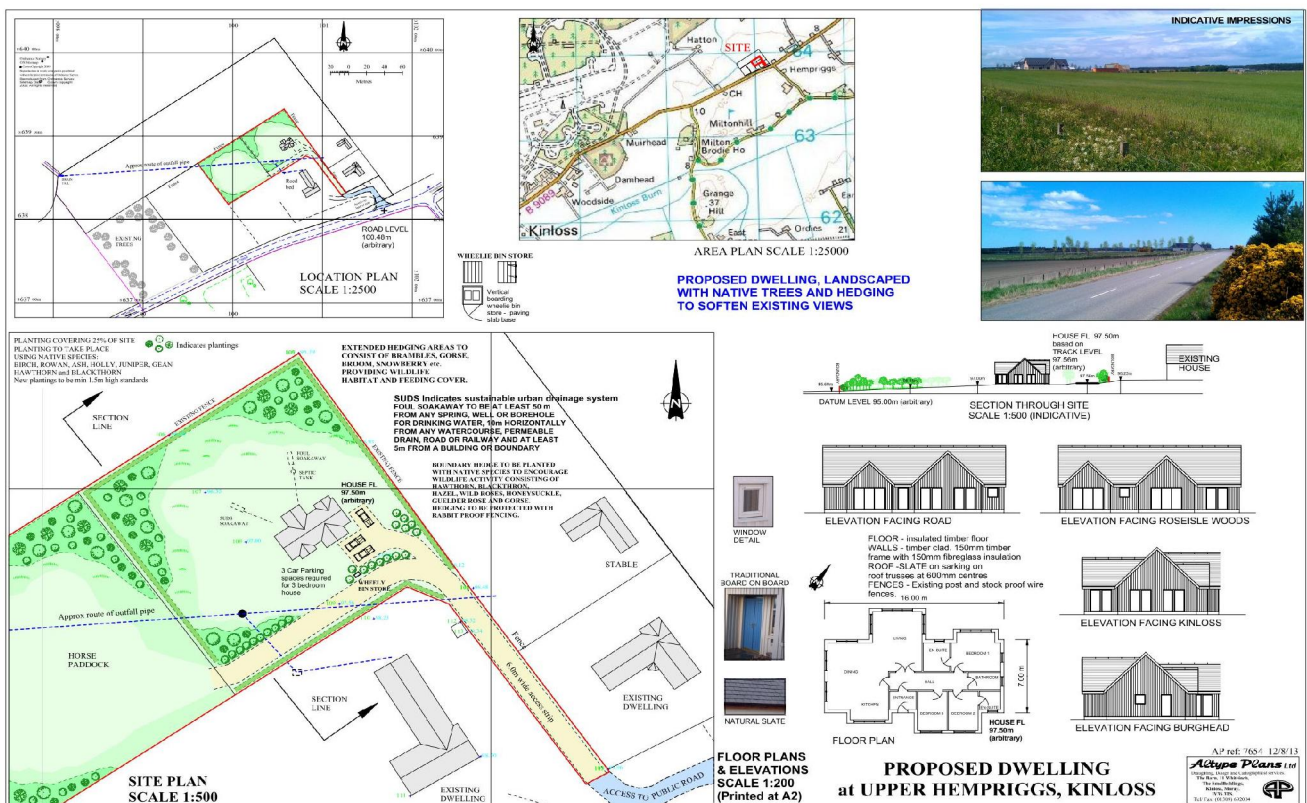
4 POLICY H8: NEW HOUSING IN THE OPEN COUNTRYSIDE

Proposals for new houses in the countryside that do not include the replacement or reuse of an existing building will be primarily considered against policy H8 of the Moray Local Plan 2008. The following sub-sections provide guidance on the key aspects of the policy.

(i) Multiple House Applications

A multiple house application will mean a sole application for more than 2 houses, i.e. 3 houses or more. A sole application for 3 houses or more will be advertised as a departure from policy H8 of the Moray Local Plan 2008. An application for one or two houses situated within or adjacent to an existing group of recently constructed or approved dwellings may be considered favourably subject to compliance with the provisions of policy H8, IMP1, this guidance and any other material considerations the planning authority considers relevant. The impact of successive build-up will be taken into consideration in the determination of an application.

An application for one or two houses situated within or adjacent to an existing group of recently constructed or approved dwellings may be considered favourably.



Application plan

(iii) Linear Extension

Development that will result in a linear extension will not be acceptable where it is considered to detract from the character or setting of existing buildings, or their surroundings. Infill development may be acceptable where it meets the provisions of the Local Plan, and reflects the settlement pattern of the locality. There will be a presumption against development that results in the accumulation of houses in a linear pattern, i.e. along a road or track.

(iv) Prominence

A structure that is, or would be, overtly prominent in the landscape means that it is situated in a position where it is obtrusive, i.e. it would have a negative impact on the landscape. Proposals that occupy open 'elevated' positions with no discernible backdrop or enclosure within reasonable proximity will be considered overtly prominent. Examples include on a skyline, artificially elevated ground and in an open setting such as a central area of a field. Development proposals for overtly prominent sites must justify such a location in that they are confident and innovative pieces of architecture that stand proud in the landscape.

Structures that are overtly prominent will generally be incongruous with their landscape setting and differ from those that are (or would be) prominent or simply easily seen, but designed in such a way as to be in harmony with the landscape in which they sit. For example, a building that works with site contours and uses the landscape and planting (such as a backdrop of trees) for shelter will generally reflect the situation of traditional buildings in the countryside and is less likely to look out of place. 'Prominent' development will be noticeable within the landscape, but will not dominate it. Buildings that are architecturally designed specifically to reflect their impact on the landscape; or, those that are sensitive, low-key and well-integrated in a form similar to traditional building form can be acceptable in prominent locations. As a general rule, development that is suburban in character will not be acceptable.

Prominence in the landscape can vary according to a building's situation and distance from which it is viewed. Some sites may be more prominent than others because they are located adjacent to, or can be seen from, main routes and paths; or the topography, such as a flat plateau, highlights their location in the landscape. Careful siting and planting can help to minimise the impact of the building on the landscape. Where it is considered that additional new planting alongside existing planting would not alleviate an adverse impact on the landscape or where there is an insufficient existing backdrop, the proposal will be judged to fail policy H8.

Notes

The dwelling positioned as shown would run with the slope of the land rather than being more noticeable if positioned as the linear extension along the roadside.

The proposed dwelling would integrate within the landscape and enhance the existing dwellings, softening the views.

IMP1

POLICY IMP1: DEVELOPMENT REQUIREMENTS

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,
- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,
- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

JUSTIFICATION

The quality of development in terms of its siting, design and servicing is a priority consideration within the Plan. In the first instance development needs to be suitable to the surrounding built and natural environment. Development should be adequately serviced in terms of transport, water, drainage, power, facilities. Particular emphasis is placed on providing pedestrian, cycle and public transport access to the development, and the use of sustainable urban drainage systems and the incorporation of renewable energy equipment and systems, and sustainable design and construction into the development in order to promote sustainability within Moray. Flooding is an important consideration particularly within the Laich of Moray and needs to be adequately addressed. Similarly, pollution issues in relation to air, noise, ground water and ground contamination must be adequately addressed to provide proper development standards.

IMPLEMENTATION

74

Implementation

Extract policy IMP1

IMP1

Development to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area

The proposal complies with scale, siting, design and servicing which are all priority requirements of IMP1

The site integrates with surrounding landscape, set within the lower land to the north of the existing houses. The design is of traditional proportions and complies with H8.

Sustainable urban drainage system and renewable energy systems can easily be incorporated into the design

Local Communities

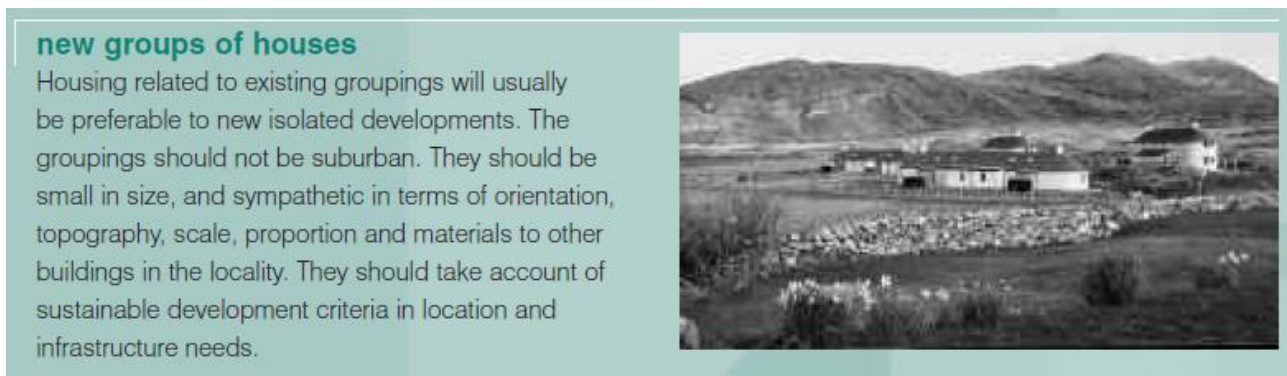
The general landscape of the area is of mixed arable land dispersed with small gatherings of houses, the proposal would integrate within the existing neighbouring dwellings to provide a cluster similar to others in the locality.

Planning Advice Note 72 (PAN 72)

Housing in the Countryside - New groups of houses, extract as follows

“Housing related to existing groupings will usually be preferred to new isolated developments. The groupings should not be suburban. They should be small in size, and sympathetic in terms of orientation, topography, scale, proportion and materials to other buildings in the locality. They should take account of sustainable development criteria in location and infrastructure needs.”

See PAN 72 extract



The site complies with PAN 72, it is located within an existing group of houses, evenly positioned to suit the lay of the land. The house is of traditional countryside proportions and materials, orientated similar to surrounding dwellings.

The site compares with the photo in PAN 72 extract (above) – Groups of houses, larger house at the front with smaller houses at the rear to sympathetically tie in with the landscape.

The position of the house is beneficial with regard to infrastructure and service providers, mains water and electricity are close by. Postal & other deliveries, waste collection etc already being carried out to the surrounding houses.

Conclusion

The proposed dwelling would be located in a low key, informal position to create a non linear, traditional style group, similar to clusters in the locality.

The dwelling would improve and soften the visual impact of the existing larger dwellings to the front.

The dwelling was specifically positioned to meet current Planning Policy criteria and guidelines.



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