

## PLANNING APPLICATION: 09/02128/APP

*In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications*

### **The Proposal**

- Amended application for a 2 storey extension comprising garage accommodation at ground floor and at first floor a family room with a front balcony, a bathroom and 2 bedrooms with timber decking out to the rear.
- The proposal is a revised application to that previously refused and dismissed at appeal. The main changes are:-
  - The extension has now been pulled back from the boundary. The boundary runs at an angle to the line of the extension which is now set back at a distance from 3 m at the front and 1 m at the back. Correspondingly, the extension has been reduced in width to 5m.
  - The main front elevation of the extension has been brought forward by 2.5 metres and underneath the projecting first floor balcony there is a linked covered area from which separate front accesses to the existing house and the proposed extension are gained. The distance the revised extension extends back behind the existing house remains approximately the same.
  - The single storey roofline of the existing house has been extended at the front corner.
  - The accommodation proposed remains similar although the utility room to the back of the ground floor garage in the previous proposal has been deleted, with the entire ground floor area of the extension now shown for 2 'in-line' parking spaces.
  - Following discussion with the applicant over the proposals and the continued concerns with the impact on the neighbouring house and its side facing windows, the proposed 5 m eaves height of the extension on this side has been reduced by 1.5m to 3.5m.
  - Unlike the previous proposals, this current application no longer includes a 1.8 m close boarded fence with vehicular access at the top of the site (including fencing along the access road). Instead, all that is proposed is a 12m length of 1.8 m fencing along the rear side boundary with the neighbouring plot. However a fence with vehicular (and pedestrian) access gates has been erected to the rear boundary of the property with the access road. These details are not included in the current application but are considered to require planning permission (see Observations).

### **The Site**

- "Westland" off Stotfield Road Lossiemouth

## **Policy / Objections-Representations / Consultations - See Appendix**

### **History**

- 09/00252/FUL** Alter and extend dwellinghouse erect new garden store/shed and new boundary timber fence at Westland Stotfield Road Lossiemouth Moray IV31 6QP - Refused 22/05/09 and subsequently dismissed at appeal by letter dated 24/9/09.
- 07/00976/FUL** Erect 2 bed granny flat at Westland Stotfield Road Lossiemouth Moray IV31 6QP - Withdrawn
- 96/01315/FUL** Proposed alterations and extensions at Westland Stotfield Road Lossiemouth Moray IV31 6QP - Permitted 14/11/96
- 91/00283/FUL** Alter and extend dwellinghouse at Westland Stotfield Road Lossiemouth Moray IV31 6QP - Permitted 24/05/91

### **Advertisement**

Advertised for neighbour notification purposes.

### **Observations**

This application is a resubmission of a recently refused application for a similar proposal on the site (reference 09/00252/FUL). That application was recommended for approval, but refused by the Committee and an appeal against this decision was dismissed.

The Council's refusal was on the grounds of (1) unacceptable impact on neighbouring property in respect of scale and design (policy H5), and (2) in terms of policy T5 that it would not have complied with parking standards. These matters were then considered by the Reporter appointed to determine the appeal and the appeal decision identifies a number of specific matters which are reconsidered here as the main determining issues associated with this current proposal i.e.

- (1) design impact
- (2) potential loss of sun/daylight to the neighbouring ground floor windows
- (3) potential for independent occupation
- (4) parking/turning requirements (policies T2 and T5).
- (5) potential impact of the fence and gates

### **Design Impact (policies H5 and IMP1).**

The proposed 2 storey extension is between the single storey parent house, of which it would be a part, and is adjoined by 2 storey houses. The latter are of a modern suburban design and the land rises steeply to the rear providing a high backdrop. Whilst expressing concerns over design impact and visual integration with the parent house the Reporter did not specifically reject the appeal on this basis. Despite the difference in heights between the proposed extension and the parent house and taking into consideration the setting and character of the area it is not considered that the impact of the current proposal in these terms would be sufficiently detrimental or have a significant adverse affect to justify a refusal on these grounds.

### **Potential loss of sun/daylight to the adjoining ground floor house windows (policies H5 and IMP1).**

The currently proposed extension has been moved away from the boundary by between 3 m. (at the front corner) and 1 m. (at the back corner). With the neighbouring house windows being some 2.2 m from the boundary this would give them an average distance of (approx.) 4.5 m from the 2 storey extension. Taking into account the earlier refusal and the Scottish Government Reporter's comments in terms of the loss of daylight and sunlight associated with the previous proposals, the amendments now made to the proposals have materially increased the distance of the 2 storey blank wall from the neighbouring facing windows. On this basis, and together with the reduction in the height of the gable on this side to 3.5m and other alterations in projecting the extension further forward the revised proposals are considered acceptable.

### **Potential for independent occupation (policy IMP1).**

Independent occupation for residential or other purposes would have a potential impact on character, intensity of occupation and parking. Whilst it is acknowledged that the layout proposed could be taken to suggest this as a possibility, any large addition to an existing property could allow for this. There is physical integration of the extension with the parent house, Westland. Occupation as a separate household would require separate planning consent. A condition is recommended to clarify the position i.e. that the extension should at all times remain ancillary to and be used in conjunction with Westland rather than as a separate unit of accommodation. (A S 75 legal agreement to achieve the same result would not be appropriate or necessary).

### **Parking/turning requirements (policies T2 and T5).**

The Reporter indicated reservations in relation to the previous proposals over whether provision for 4 parking spaces could be satisfactorily accommodated, but did not consider this a reason in itself to justify refusal. It is noted that in relation to the previous proposal that although 4 spaces were shown and that it was considered by Transportation that the spaces shown could be provided, this number of spaces were not specifically requested. The number of spaces now specifically required is 3, which can be provided together with the required turning area. On this basis Transportation raise no objections to the proposals.

### **Garden Store, Fencing and Gates**

In considering the garden store and fence structures in the previous proposals the Reporter identified the issue as being a source of serious inconvenience to neighbours through use of the access, but stated that this matter was of secondary importance. The garden store and fence are no longer included as part of the proposals, except for a length of fencing along the side boundary with the neighbouring property, to which there is no objection.

However, a fence and gates have been erected along the rear boundary of the property with the access road which are not part of the current submission, and require planning permission. The Transportation Section has identified concerns in relation to safety from lack of visibility onto the roadway with the fence in its current form. These matters will require further separate consideration and investigation, for example, for enforcement purposes.

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***STEWART HALKETT***  
***HEAD OF DEVELOPMENT SERVICES***

## **APPENDIX**

### **POLICY**

#### **Moray Structure Plan 2007 and/or Moray Local Plan 2008**

##### **H5: House Alterations and Extensions**

House alterations and extensions will normally be approved if the appearance of the house and the surrounding area is not adversely affected in terms of style, scale proportions or materials.

##### **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.

## **Policy T2: Provision of Road Access**

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

SPP17 details that there will be a presumption against new accesses onto a trunk road, and that the Scottish Executive will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.

## **T5: Parking Standards**

Proposals for development must conform with the Council's policy on parking standards.

## **OBJECTIONS-REPRESENTATIONS**

Letters of objection/representation have been received from the following: -

- Dr J M McConachie, 40 Stotfield Road, Lossiemouth, Moray, IV31 6QP
- Mr Iain Fleetwood, Ceolnamara, Stotfield Road, Lossiemouth, Moray, IV31 6QP
- John Harris, Norland, Stotfield Road, Lossiemouth, Moray, IV31 6QP
- Mr And Mrs J Cowe, Spinningdale, Stotfield Road, Lossiemouth, Moray, IV31 6QS
- R Stewart, 2 Institution Road, Elgin, Moray, IV30 1RP
- Neil A McConachie, 19 Lochend Road, Bearsden, Glasgow, G61 1DX
- Mr And Mrs Cowe, Per C M Design, 1 - 5 Pinetree House, Elgin, Moray, IV30 6HZ

**Issue:** The current application is bigger than the previous application on the site refused by the council and rejected at appeal by the Reporter. Although slightly further from "Spinningdale" (to the east) it is 3m longer and will have a detrimental impact on the west window of the neighbouring house, the latter being one of the reasons for the appeal being rejected i.e. loss of sun/daylight to the neighbouring "Spinningdale". The current proposals are still very similar to those approved, having the character of separate houses side by side.

**Comments:** See Observations.

**Issue:** Concern over parking for the extra vehicles, and access suitability.

**Comment:** See Observations

**Issue:** Scale of the 2 storey extension unsympathetic to the established character to the west. The scale and roof detailing of the revised proposal is still as unsympathetic as the previously proposed extension, this being a concern of the Reporter in rejecting the appeal.

**Comment:** See Observations.

**Issue:** Concern over the separate nature of the proposed extension. On the revised plan it still has its own individual entrances to the front and rear, its own staircase and a single interior personal door connecting it to the existing house. This renders the extension suitable for separate occupation.

**Comment:** See Observations.

## **CONSULTATIONS**

**Environmental Health Manager, Development Services - No Objection.**

**Contaminated Land, Development Services - No Objection.**

**Transportation Manager, Direct Services - No Objection subject to 3 parking spaces being provided.**