



MORAY LOCAL REVIEW BODY

29 APRIL 2021

SUMMARY OF INFORMATION FOR CASE No LR256

Planning Application 20/01549/APP – Erection of 1.8m high timber boundary fence at 10 Isla Road, Newmill, Keith, AB55 6US

Ward 2 – Keith and Cullen

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 13 January 2021 on the grounds that:

The position of the fence, forward of the principal elevation, interrupts the open aspect to the front of the house, failing to comply with policy DP1 – Development Principles of the Moray Local Development Plan 2020

Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

No Further Representations were received in response to the Notice of Review



**Location plan for Planning Application Reference Number :
20/01549/APP**





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: development.control@moray.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100333383-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

RETROSPECTIVE PLANNING PERMISSION FOR NEW 1800MM HIGH BOUNDARY FENCE

Has the work already been started and/ or completed? *

☐ No ☐ Yes - Started ☒ Yes – Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

30/09/2020

Please explain why work has taken place in advance of making this application: *
(Max 500 characters)

CLIENT WAS NOT AWARE THEY REQUIRED PLANNING PERMISSION TO ERECT A HIGHER BOUNDARY FENCE

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☐ Applicant ☒ Agent

Agent Details

Please enter Agent details

Company/Organisation:	Moray Coast Architectural Consultants		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andy	Building Name:	
Last Name: *	Stephenson	Building Number:	8
Telephone Number: *	07788 887086	Address 1 (Street): *	Coulardhill Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Lossiemouth
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV31 6LE
Email Address: *	moraycoast@live.co.uk		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	K	Building Number:	10
Last Name: *	APPRAOUI	Address 1 (Street): *	ISLA ROAD
Company/Organisation		Address 2:	NEWMILL
Telephone Number: *		Town/City: *	KEITH
Extension Number:		Country: *	MORAY
Mobile Number:		Postcode: *	AB55 6US
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Moray Council

Full postal address of the site (including postcode where available):

Address 1:

10 ISLA ROAD

Address 2:

NEWMILL

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KEITH

Post Code:

AB55 6US

Please identify/describe the location of the site or sites

Northing

852325

Easting

343328

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Trees

Are there any trees on or adjacent to the application site? *

☐ Yes ☒ No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

☐ Yes ☒ No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

☐ Yes ☒ No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☒ Yes ☐ No

Is any of the land part of an agricultural holding? *

☐ Yes ☒ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Andy Stephenson

On behalf of: Mrs K APPRAOUI

Date: 16/11/2020

☒ Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * ☒ Yes ☐ No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * ☒ Yes ☐ No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * ☒ Yes ☐ No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. ☒ Yes ☐ No
- e) Have you provided a certificate of ownership? * ☒ Yes ☐ No
- f) Have you provided the fee payable under the Fees Regulations? * ☒ Yes ☐ No
- g) Have you provided any other plans as necessary? * ☒ Yes ☐ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- ☐ Existing and Proposed elevations.
- ☐ Existing and proposed floor plans.
- ☐ Cross sections.
- ☒ Site layout plan/Block plans (including access).
- ☐ Roof plan.
- ☒ Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ☐ Yes ☒ No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * ☐ Yes ☒ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

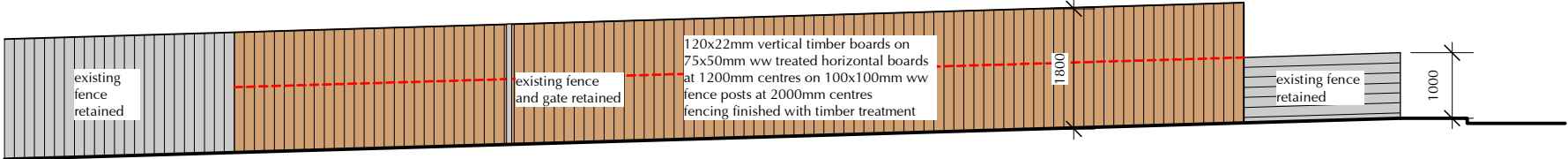
Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

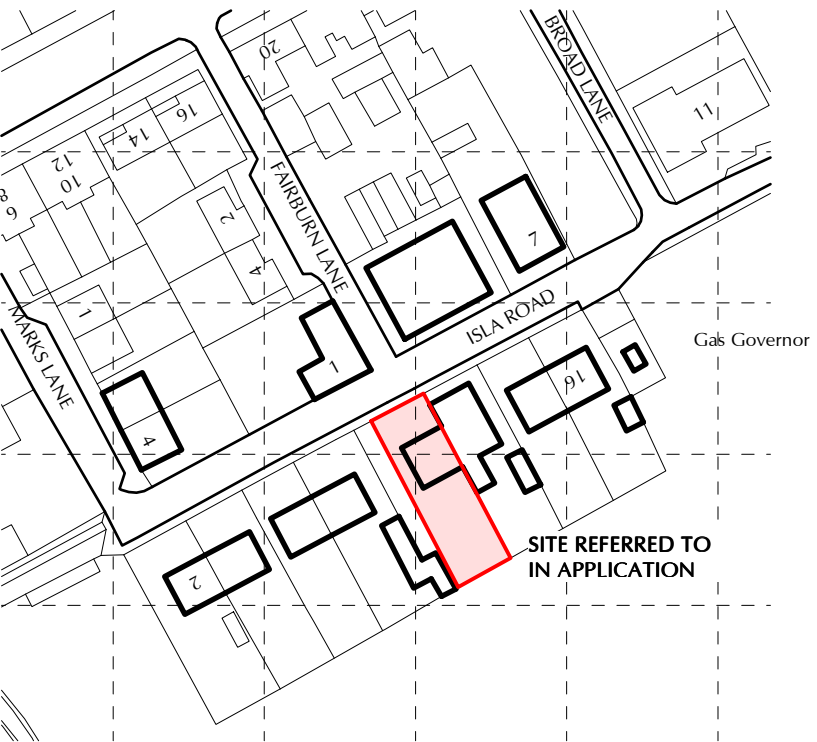
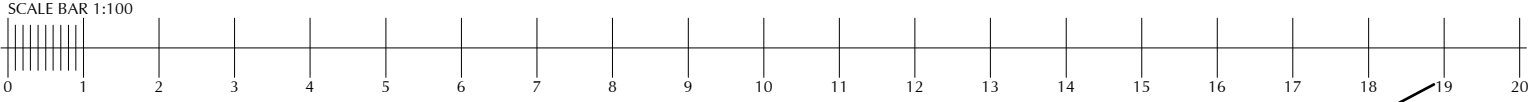
Declaration Name: Mr Andy Stephenson

Declaration Date: 16/11/2020

do not scale off drawings. all sizes to be checked and confirmed on site prior to commencement of works.
no work to commence on site prior to appropriate approvals being granted.
© this drawing is copyrighted to moray coast architectural consultants. no unauthorised reproduction of drawings is permitted without prior consent.

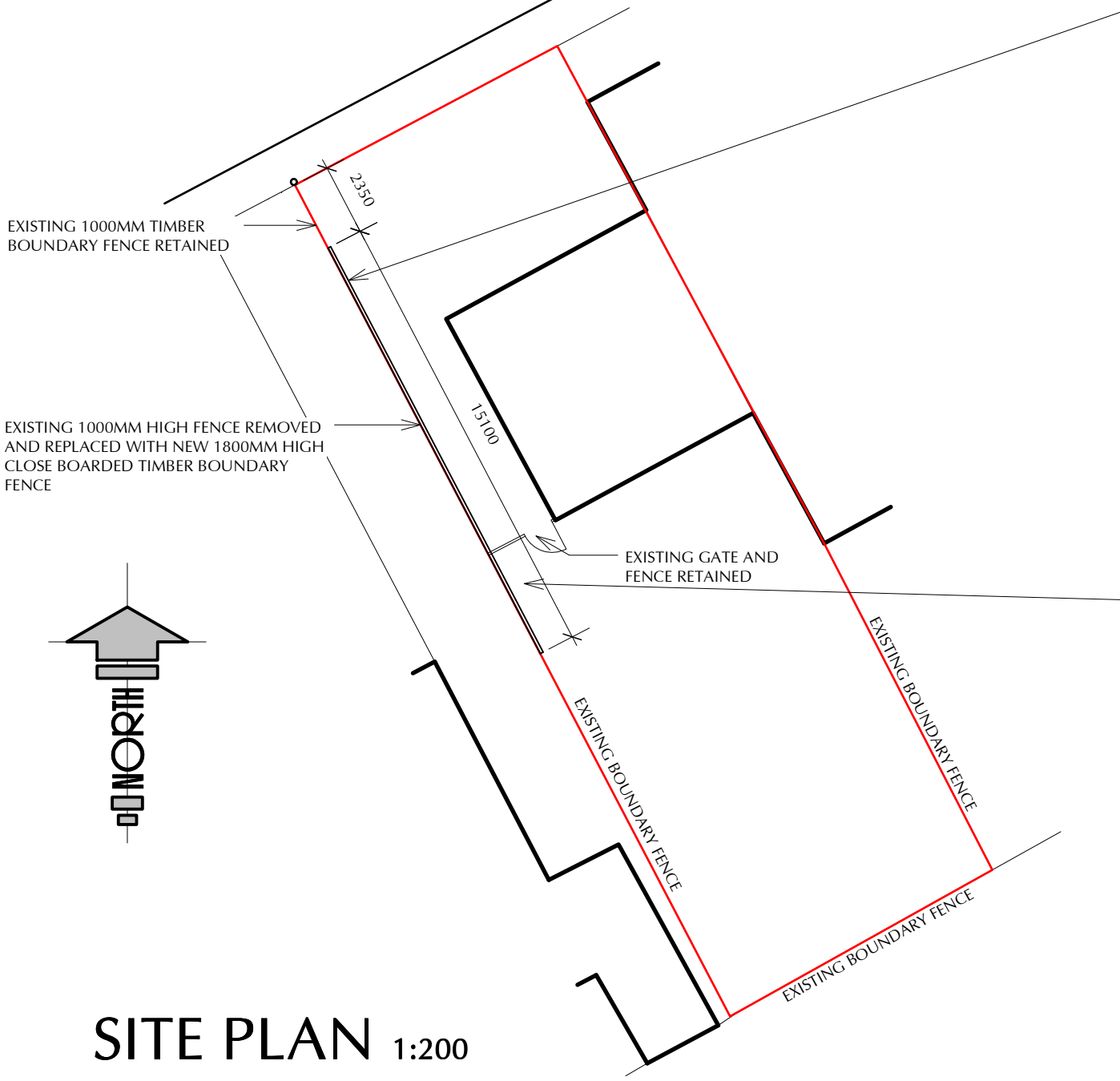
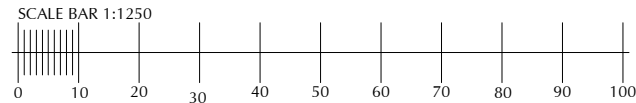


SOUTH - WEST BOUNDARY FENCE ELEVATION 1:100

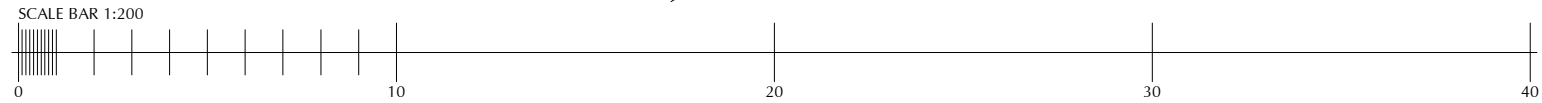


© Crown copyright 2020 Ordnance Survey 100053143

LOCATION PLAN 1:1250



SITE PLAN 1:200



PHOTOGRAPH ONE OF PROPOSED NEW BOUNDARY FENCE



PHOTOGRAPH TWO OF PROPOSED NEW BOUNDARY FENCE

moray coast
architectural consultants

8 coulardhill terrace, lossiemouth, moray, iv31 5le
mob: 07788 887086 tel: 01343 810567
email: moraycoast@live.co.uk www.moraycoast.co.uk
www.facebook.com/moraycoast

project:
RETROSPECTIVE PLANNING APPLICATION
FOR BOUNDARY FENCE AT 10 ISLA ROAD,
NEWMILL, KEITH AB55 6US FOR MR AND
MRS APPRAOUI

drawing title:
PLANNING APPLICATION
SITE AND LOCATION PLANS
drawing no.:
2021015.APPRAOUI.PP01A

date	amendment	rev

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	4th December 2020
Planning Authority Reference	20/01549/APP
Nature of Proposal (Description)	Retrospective consent to erect 1800mm boundary fence at
Site	10 Isla Road Newmill Keith Moray AB55 6US
Site Postcode	N/A
Site Gazetteer UPRN	000133029580
Proposal Location Easting	343328
Proposal Location Northing	852325
Area of application site (M²)	
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=QJXKWOBGKD200
Previous Application	
Date of Consultation	20th November 2020
Is this a re-consultation of an existing application?	No
Applicant Name	Mrs K Appraoui
Applicant Organisation Name	
Applicant Address	10 Isla Road Newmill Keith Moray AB55 6US
Agent Name	Moray Coast Architectural Consultants
Agent Organisation Name	
Agent Address	8 Coulardhill Terrace Lossiemouth Moray IV31 6LE
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Andrew Miller
Case Officer Phone number	01343 563274
Case Officer email address	andrew.miller@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit http://www.moray.gov.uk/moray_standard/page_121513.html

For full Data Protection policy, information and rights please see http://www.moray.gov.uk/moray_standard/page_119859.html

You can contact our Data Protection Officer at info@moray.gov.uk or 01343 562633 for more information.

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 20/01549/APP

Retrospective consent to erect 1800mm boundary fence at 10 Isla Road Newmill Keith Moray for Mrs K Appraoui

I have the following comments to make on the application:-

Please

- | | | |
|-----|---|-------------------------------------|
| (a) | I OBJECT to the application for the reason(s) as stated below | <input type="checkbox"/> |
| (b) | I have NO OBJECTIONS to the application and have no condition(s) and/or comment(s) to make on the proposal | <input checked="" type="checkbox"/> |
| (c) | I have NO OBJECTIONS to the application subject to condition(s) and/or comment(s) about the proposal as set out below | <input type="checkbox"/> |
| (d) | Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

Transportation has no objections to the proposed (retrospective) high fence.

Contact: AG
email address: transport.develop@moray.gov.uk
Consultee: TRANSPORTATION

Date 26 November 2020

Return response to	consultation.planning@moray.gov.uk
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning/> (You can also use this site to track progress of the application and view details of any consultation responses and representations (whether in support or objection) received on the proposal). In order to comply with the Data Protection Act, personal information including signatures, personal telephone and email details will be removed prior to publication using "redaction" software to avoid (or mask) the display of such information. Where appropriate other "sensitive" information within documents will also be removed prior to publication online.

8 Isla Road
Newmill
Keith
ABSS6US
9/12/2020

To Whom it may concern.

With reference to the letter we recieved that was dated 20th November 2020 from Teresa Ruggeri regarding neighbour notification for Retrospective consent to erect an 1800mm boundary fence between 10 Isla Road and our property at 8 Isla Road. Application Number 20/01549/APP.

I wish to exercise my "within 21 day" right to object to this planning permission being granted for the following reasons.

Firstly there is already a sufficient boundary fence between the properties which was built several years ago with mutual consent and we shared the cost with the Appraoui's. The extension they have added is built hard against and overlapping the old fence making it impossible to maintain it, hence leaving it vulnerable to the elements with and hence susceptible to rot.

The extension to their fence does project beyond the principal elevation / gable end of their house and I realise this is why they are applying for planning permission as it over the 1 meter allowed as per Scottish government law. As you can see from my pictures that the height of their fence is not in keeping with the rest of the street and no other fences above 1 meter extend beyond the principal elevations.

I am to believe that the "finished" side of the fence has to face outwards from your property, and it is constructed with the "good side" facing in towards their property.

When the "extension" to the fence was being erected we approached the contractor and asked if he had planning permission. We were told by Mr. Apprais to go away as he "knew the law". So hence as suggested on your neighbour notification notes "to discuss the proposal" with them is very difficult as they are unwilling to do so and made no approach to us before commencing the fence. So continuing to erect it with blatant disregard to Scottish law.

Recently the fence was further extended to within 2.4 meters of the pavement and this is when we wrote a letter of complaint to moray council to Mr Ian Drummond which has not been answered but now retrospective planning permission has been sought.

We would however be willing to accept a 2m high fence between our properties up to the principal elevation of our properties if the old fence was removed and the new fence built correctly and within government guidelines.

We do however object to the fence exceeding 1m beyond the principal elevation having read the Guidance of householder permitted development rights.

Regards

and

Home owners

P.S Photos taken on 2-12-2020
by myself

These parts of the "old existing" fence have been covered and can now not be maintained



finished side faces their property.

Street view from 8-21st
Road showing no other "High" fences all within 1 meter height



20101549/APP

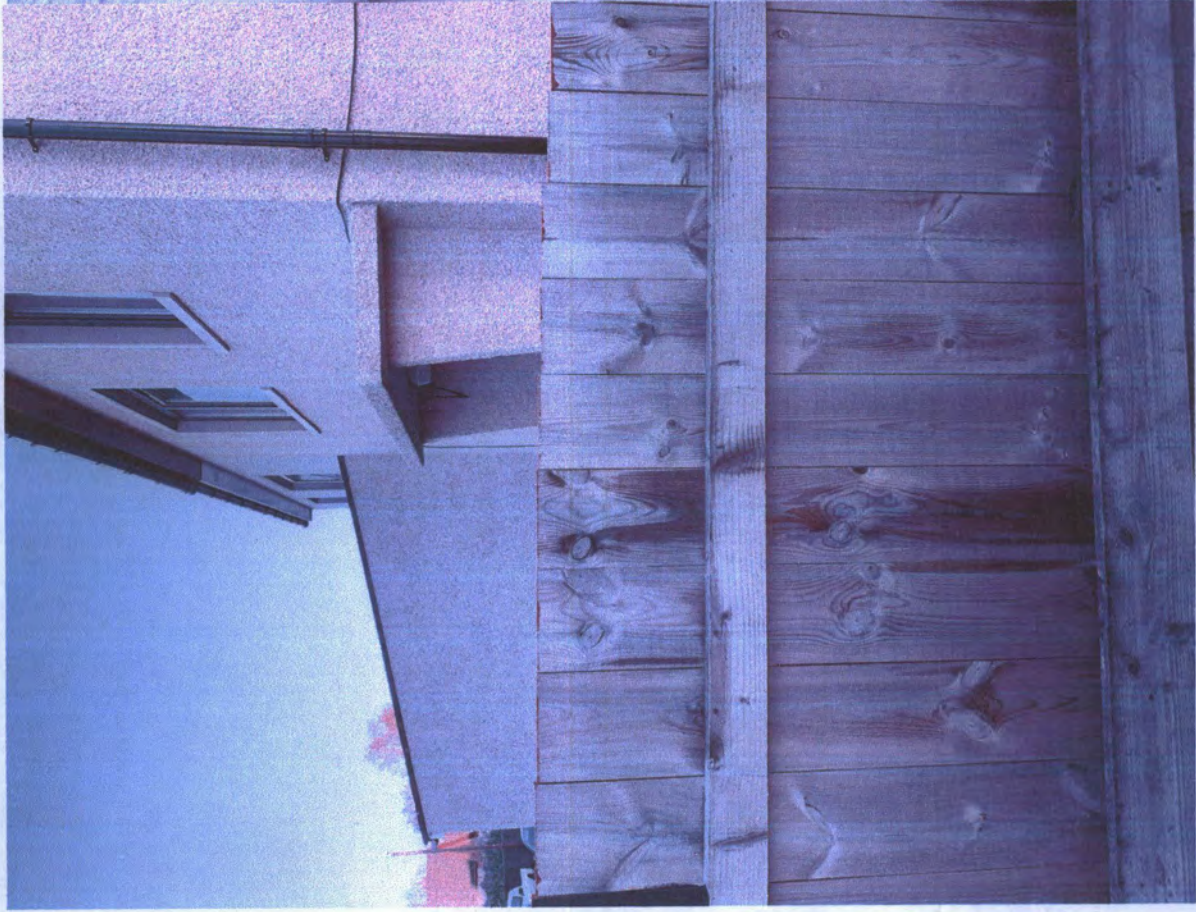
20101549 / APP



taken from 8 Isla road
Showing height exceeds 1m
beyond principal elevation of their House



20101549/APP



Showing ^{post} amount post
principal elevation



existing fence [↑] which now unaccessible
for maintenance

REPORT OF HANDLING

Ref No:	20/01549/APP	Officer:	Andrew Miller
Proposal Description/ Address	Retrospective consent to erect 1800mm boundary fence at 10 Isla Road Newmill Keith Moray		
Date:	13/01/21	Typist Initials:	FJA

RECOMMENDATION

Approve, without or with condition(s) listed below		N
Refuse, subject to reason(s) listed below		Y
Legal Agreement required e.g. S,75		N
Notification to Scottish Ministers/Historic Scotland		N
Hearing requirements	Departure	N
	Pre-determination	N

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Transportation Manager	26/11/20	No objections.

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	

REPRESENTATIONS

Representations Received	YES	
Total number of representations received ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
Issue: Sufficient fence between the houses previously, doubling up of fence makes it hard to maintain the original fence. Comments (PO): Access for maintenance is not a planning matter and would be a private matter between the respective parties.		
Issue: A higher fence projecting forward of the front elevation of the house is not in keeping with the street. Comments (PO): This is considered in the evaluation of the case (see below).		
Issue: The finished side of the fence must point outwards from the property, this is not the case. Comments (PO): There is nothing in planning legislation or policy that requires the "finished side" of the fence to face outwards of the property.		

Issue: A number of comments relating to background of case.

Comments (PO): These are not relevant to the consideration of the application.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Site

A semi-detached house in Newmill, amongst a row of similar houses. The wider area is largely residential.

Proposal

Retrospective Planning Permission is sought for the erection of a 1.8 metre high timber fence forward of the principal elevation, per the submitted plan. The fence is between the driveways of this house and the neighbouring house (not attached) to the north.

Only the section forward of the principal elevation is assessed as part of this application, the remainder of it is "permitted development" (i.e. does not require planning permission).

Evaluation

Policy DP1 contains a number of criteria which ultimately seek to ensure all development is of the highest quality of design, suitable for its context. In this case, the application under consideration is retrospective, therefore the impact of it is already established. The house subject to this application is semi-detached and forms part of a row of similar houses, though the attached neighbour to the west has a large extension to the front of the house. Nonetheless, the prevailing character to the front of the houses in this section of the street is low rise fencing, typical of front elevations of many houses.

The fence is considered to interrupt the open aspect of the frontage of the houses (notwithstanding the neighbouring extension). Allowing this application may also set a precedence for further similar fences that would erode the character of the streetscape. The proposal is therefore not considered to comply with policy DP1.

The position of the fence does not impact on visibility for vehicles using the driveway of the house (or that of the neighbouring property to the west), noting that the Transportation Manager raised no objections to the application. Accordingly there is no conflict with policy PP3.

Recommendation - Refuse

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are:-

The position of the fence, forward of the principal elevation, interrupts the open aspect to the front of the house, failing to comply with policy DP1 - Development Principles of the Moray Local Development Plan 2020.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY			
Reference No.	Description		
	Decision		Date Of Decision

ADVERT			
Advert Fee paid?	N/A		
Local Newspaper	Reason for Advert	Date of expiry	

DEVELOPER CONTRIBUTIONS (PGU)	
Status	NONE SOUGHT

DOCUMENTS, ASSESSMENTS etc. * <i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

S.75 AGREEMENT		
Application subject to S.75 Agreement		NO
Summary of terms of agreement:		
Location where terms or summary of terms can be inspected:		

DIRECTION(S) MADE BY SCOTTISH MINISTERS (under DMR2008 Regs)			
Section 30	Relating to EIA		NO
Section 31	Requiring planning authority to provide information and restrict grant of planning permission		NO
Section 32	Requiring planning authority to consider the imposition of planning conditions		NO
Summary of Direction(s)			



MORAY COUNCIL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,
as amended

REFUSAL OF PLANNING PERMISSION

[Keith And Cullen]
Application for Planning Permission

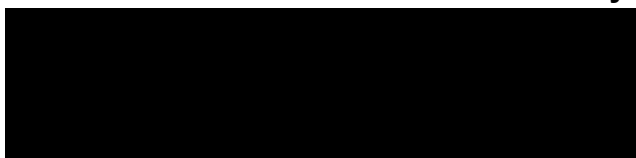
TO Mrs K Appraoui
 c/o Moray Coast Architectural Consultants
 8 Coulardhill Terrace
 Lossiemouth
 Moray
 IV31 6LE

With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Retrospective consent to erect 1800mm boundary fence at 10 Isla Road Newmill Keith Moray

and for the reason(s) set out in the attached schedule.

Date of Notice: **13 January 2021**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Fincance
Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The position of the fence, forward of the principal elevation, interrupts the open aspect to the front of the house, failing to comply with policy DP1 - Development Principles of the Moray Local Development Plan 2020.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

The following plans and drawings form part of the decision:-

Reference	Version	Title
2021015.APPRAOUI.PP01A		Elevations, site and location plan

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

N/A

**NOTICE OF APPEAL
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to The Clerk, Moray Council Local Review Body, Legal and Committee Services, Council Offices, High Street, Elgin IV30 1BX. This form is also available and can be submitted online or downloaded from www.eplanning.scotland.gov.uk

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 5 of the Town and Country Planning (Scotland) Act 1997.



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MRS	Ref No.	
Forename	K	Forename	
Surname	APPRAOUI	Surname	
Company Name		Company Name	
Building No./Name		Building No./Name	
Address Line 1	10 ISLA ROAD	Address Line 1	
Address Line 2	NEWMILL	Address Line 2	
Town/City	KEITH	Town/City	
Postcode	AB55 6US	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority	MORAY COUNCIL		
Planning authority's application reference number	20/01549/APP		
Site address	<div>10 ISLA ROAD NEWMILL KEITH AB55 6US</div>		
Description of proposed development	<div>ERECTION OF 1.8M HIGH TIMBER BOUNDARY FENCE</div>		

Date of application

18 NO 2020

Date of decision (if any)

13 JAN 2021

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

☒

Application for planning permission in principle

☐

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

☐

Application for approval of matters specified in conditions

☐**5. Reasons for seeking review**

Refusal of application by appointed officer

☒

Failure by appointed officer to determine the application within the period allowed for determination of the application

☐

Conditions imposed on consent by appointed officer

☐**6. Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

☐

One or more hearing sessions

☐

Site inspection

☒

Assessment of review documents only, with no further procedure

☐

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?

☐

Is it possible for the site to be accessed safely, and without barriers to entry?

☒

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

OUR APPLICATION FOR A BOUNDARY FENCE WAS REFUSED DUE TO THE POSITION OF THE FENCE, FORWARD OF THE PRINCIPAL ELEVATION, INTERRUPTS THE OPEN ASPECT TO THE FRONT OF THE HOUSE, FAILING TO COMPLY WITH POLICY DP1 - DEVELOPMENT PRINCIPLES OF THE MORAY LOCAL DEVELOPMENT PLAN 2020

WE WANTED A FENCE ON THE BOUNDARY BETWEEN OURSELVES AND 8 ISLA ROAD TO GIVE AS PRIVACY FROM OUR NEIGHBOURS

OUR NEIGHBOUR AT 12 ISLA ROAD HAS AN EXTENSION TO THE FRONT OF THEIR HOUSE AND HARD TO THE BOUNDARY BETWEEN OUR PROPERTIES THAT EXTENDS FURTHER OUT THAN THE 1.8M TIMBER FENCE WE HAVE ERECTED. WE FEEL THAT THIS HAS SET A PRECEDENCE

ALTHOUGH THE DETERMINING OFFICER CONSIDERED THAT OUR FENCE INTERRUPTED THE OPEN ASPECT OF OUR PROPERTY WITHIN THE STREET ANY PERCEIVED INTERRUPTION IS MINOR IN COMPARISON TO MY IMMEDIATE NEIGHBOURS HUGE EXTENSION IN THEIR FRONT GARDEN WHICH WAS GIVEN FULL PLANNING PERMISSION IN JANUARY 2005.

WE BELIEVE THAT IF MEMBERS HAD THE OPPORTUNITY TO VISIT THE SITE THEY WOULD AGREE THAT A PREVIOUSLY APPROVED EXTENSION HAS MUCH MORE OF AN EFFECT ON THE STREET SCENE THAN OUR FENCE WHICH PROTRUDES JUST 3.8 METRES BEYOND OUR PRINCIPAL ELEVATION THEN REDUCES TO 1.0M FOR 2.35M UP TO THE EDGE OF OUR SITE.

IT IS ALSO WORTH NOTING THAT THE COUNCIL'S TRANSPORTATION SECTION HAD NO ISSUES WITH THE FENCE IN RELATION TO ROAD SAFETY BECAUSE IF IT HAD WE WOULD HAVE HAPPILY REMOVED OR REDUCED THE FENCE.

WE FEEL AS THOUGH WE ARE CAUGHT BETWEEN THE OFFICER WHO DETERMINED OUR FENCE AND THE MUCH MORE LENIENT APPROACH TAKEN BY ONE OF HIS FELLOW PLANNING OFFICER COLLEAGUES IN 2005 WHO SOUGHT IT FIT TO APPROVE A HUGE EXTENSION AT THE FRONT OF OUR NEIGHBOURS PROPERTY.

BEARING THE ABOVE IN MIND WE WOULD ASK FOR A SYMPATHETIC ASSESSMENT OF OUR APPEAL TO THIS PLANNING DECISION.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

ARCHITECTURAL SITE PLAN - 2021015.APPRAOUI.PP01A
SUPPORTING STATEMENT AND PHOTOGRAPH

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

Katrina

Date:

5/3/21

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

SUPPORTING STATEMENT AND PHOTOGRAPH

ALTHOUGH THE DETERMINING OFFICER CONSIDERED THAT OUR FENCE INTERRUPTED THE OPEN ASPECT OF OUR PROPERTY WITHIN THE STREET ANY PERCEIVED INTERRUPTION IS MINOR IN COMPARISON TO MY IMMEDIATE NEIGHBOURS HUGE EXTENSION IN THEIR FRONT GARDEN WHICH WAS GIVEN FULL PLANNING PERMISSION IN JANUARY 2005.

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SOUTH - WEST BOUNDARY FENCE ELEVATION 1:100

**Town & Country Planning
(Scotland) Act, 1997**
as amended

REFUSED

13 January 2021

**Development Management
Environmental Services
The Moray Council**



10.11.2015 14:12:12 (UTC+3) 10.11.2015 14:12:12

LOCATION PLAN 1:1250



moray coast
architectural consultants

**Project:
RETROS
FOR BO
NEWMI
MRS AP**

project:
RETROSPECTIVE PLANNING APPLICATION
FOR BOUNDARY FENCE AT 10 ISLA ROAD,
NEWMILL, KEITH AB55 6US FOR MR AND
MRS APPRAQUI

drawing title:
**PLANNING APPLICATION
SITE AND LOCATION PLANS**

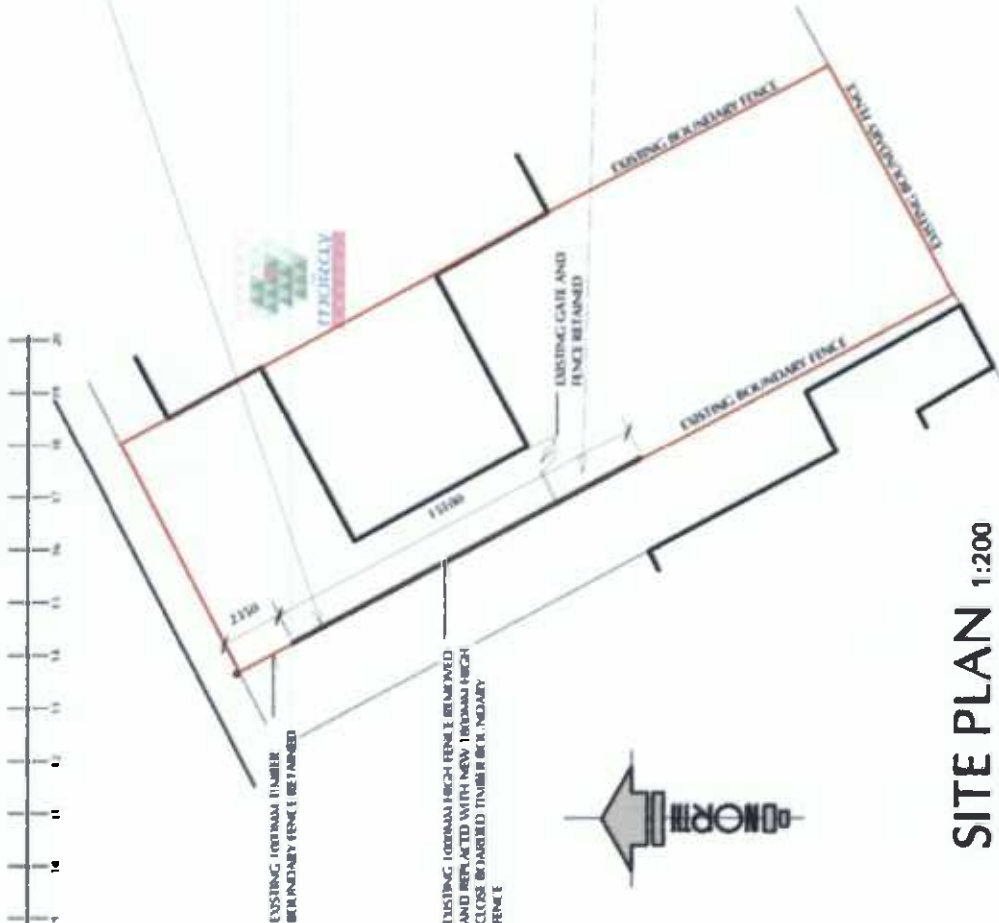
drawing no.:
2021015.APPRAQUI.



**PHOTOGRAPH ONE OF PROPOSED
NEW BOUNDARY FENCE**



**PHOTOGRAPH TWO OF PROPOSED
NEW BOUNDARY FENCE**



SITE PLAN 1:200

[illegible]