



MORAY LOCAL REVIEW BODY

16 NOVEMBER 2023

SUMMARY OF INFORMATION FOR CASE No LR292

Ward 5 – Heldon and Laich

Planning Application 23/00132/APP – Alter and extend dwellinghouse at 9 Pitgaveny Street, Lossiemouth

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 17 April 2023 on the grounds that:

The proposed extended box dormer to the front and new box dormer to the rear of the existing dwelling are contrary to the Moray Local Development Plan (2020) and National Planning Framework 4 for the following reasons:

1. The proposals are unacceptable in terms of policy DP1(g) which precludes box dormers. Furthermore, the dormers are of a poor design which is incongruous with the character and scale of the existing property and surrounding area due to the unnecessary bulk and box-like appearance which the box dormers would introduce. The dormers would also be considered overdevelopment of the existing front and rear roofplanes and as such would fail to comply with MDLP2020 Policy DP1 and NPF4 Policies 14 and 16.
2. The Moray Local Landscape Review Designation Review for the Burghead to Lossiemouth SLA specifically states that development should be of the highest quality and of a scale and style that reflects buildings within the original core of the settlement. It is noted that proposed extended box dormer and new rear box dormer would have a detrimental impact on the character of the wider SLA and is therefore not considered to comply with MLDP 2020 policy EP3 and NPF4 Policy 4.

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**.

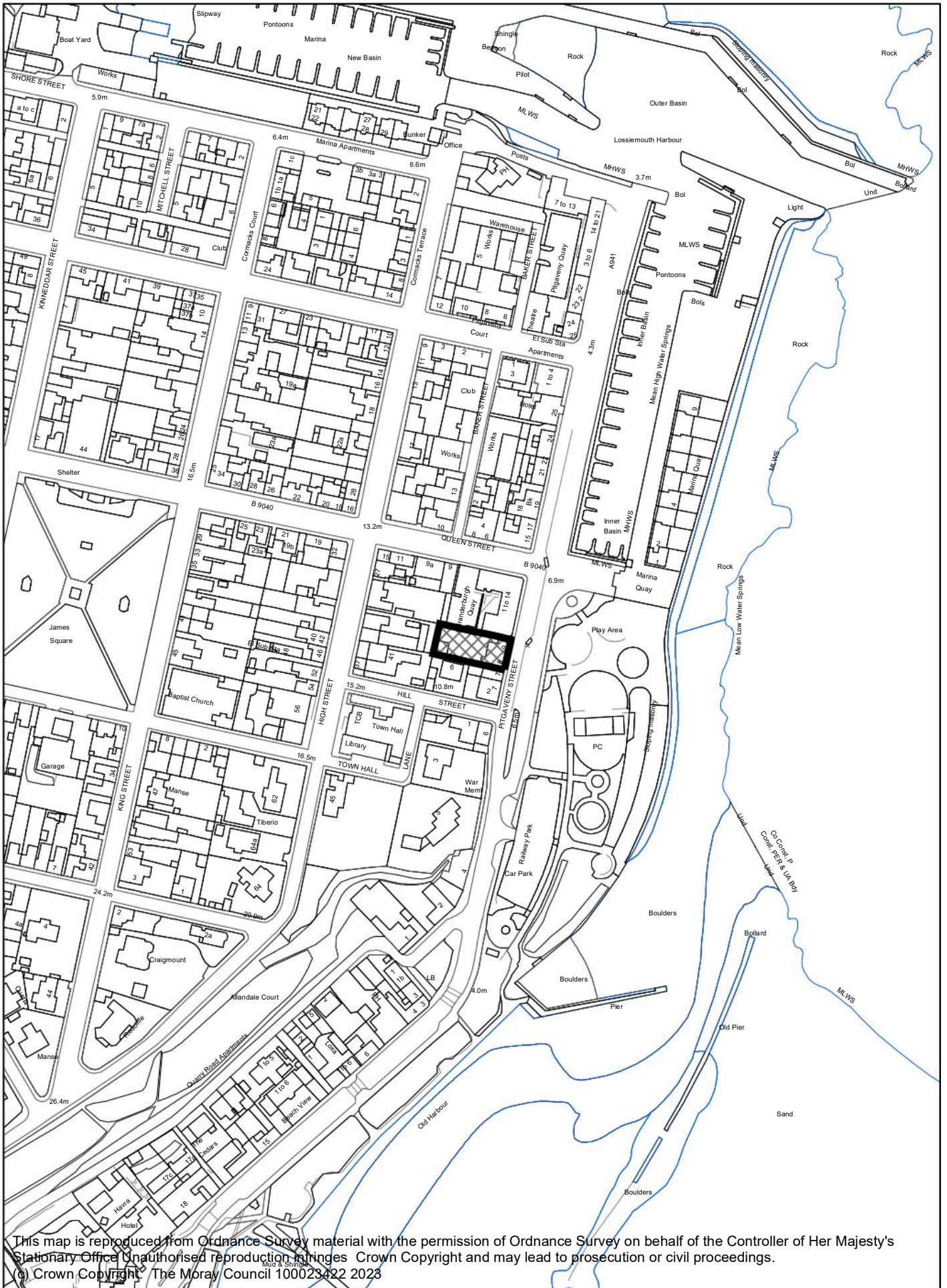
Further Representations received in response to the Notice of Review are attached as **Appendix 3**.

The Applicant's response to Further Representations is attached as **Appendix 4**.

At the meeting of the Moray Local Review Body (MLRB) on 16 February 2023, the MLRB noted that National Planning Framework 4 (NPF4) had been adopted by the Council on Monday 13 February 2023 and that all planning applications determined beyond this date would have to take NPF4 into consideration, as this is now part of the MLDP 2020 and deferred consideration of the above Review to request further information from the Appointed Officer and Interested Parties after considering the planning application in light of NPF4 with any response received being forwarded to the Applicant for comment.



Location plan for Planning Application Reference Number : 23/00132/APP



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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 100614284-002

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)

Internal Alteration & Extension: erection of an extension to the existing box dormer to the front, new box dormer to the rear, and small boot room extension on Ground floor. New roof to existing conservatory

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

No Yes - Started Yes – Completed

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:	<input type="text" value="CM Design"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Craig"/>	Building Name:	<input type="text" value="St Brendans"/>
Last Name: *	<input type="text" value="Mackay"/>	Building Number:	<input type="text" value="69"/>
Telephone Number: *	<input type="text" value="01343540020"/>	Address 1 (Street): *	<input type="text" value="South Guildry Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Elgin"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="IV30 1QN"/>
Email Address: *	<input type="text" value="office@cmdesign.biz"/>		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Susie"/>	Building Number:	<input type="text" value="9"/>
Last Name: *	<input type="text" value="Brennan"/>	Address 1 (Street): *	<input type="text" value="Pitgaveny Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Lossiemouth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="IV31 6NS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

9 PITGAVENY STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

LOSSIEMOUTH

Post Code:

IV31 6NS

Please identify/describe the location of the site or sites

Northing

870931

Easting

323823

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: Craig Mackay

On behalf of: Ms Susie Brennan

Date: 19/01/2023

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 Craig Mackay

Declaration Date: 26/01/2023

Payment Details

Online payment: 744656

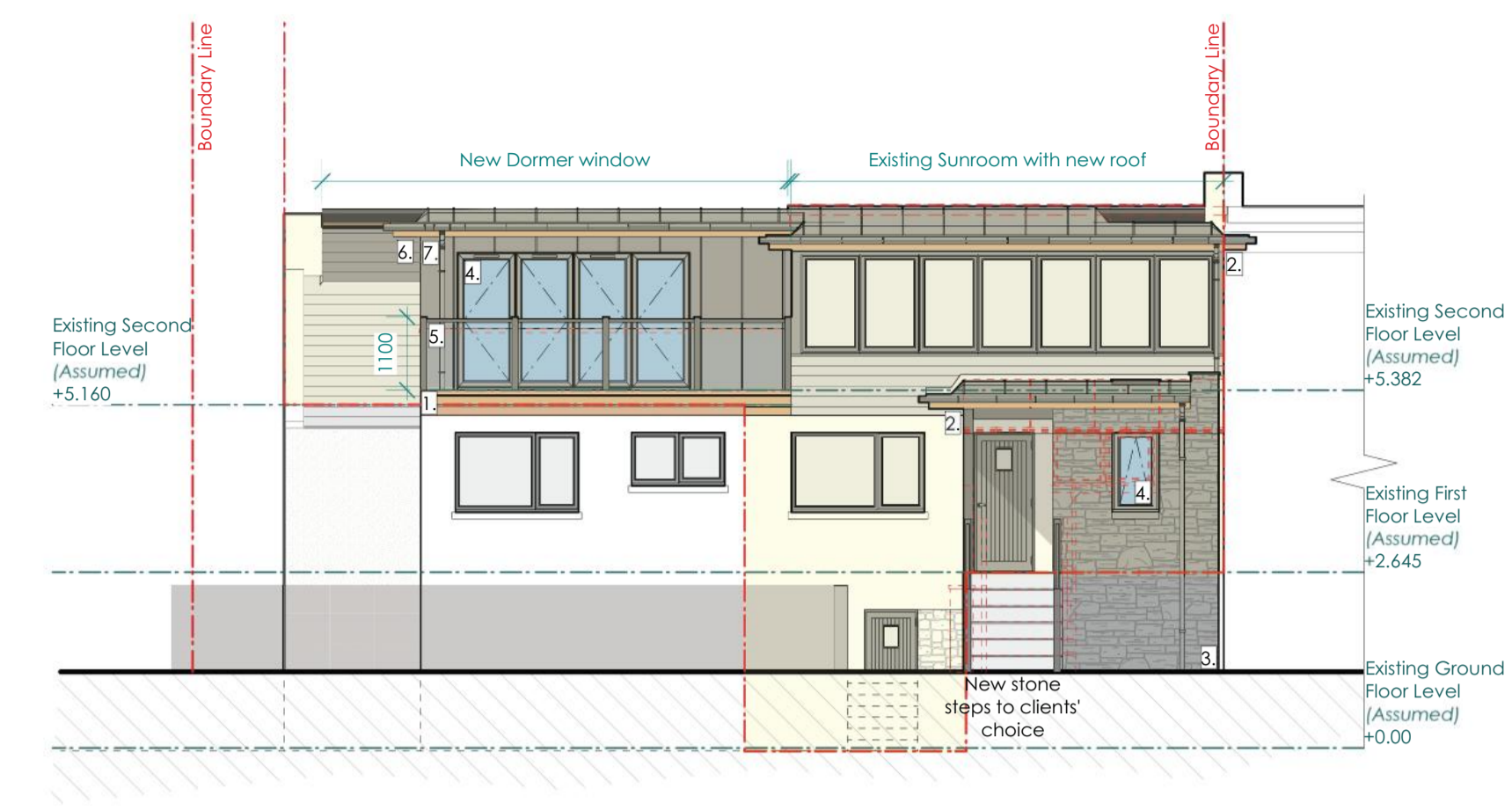
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Created: 26/01/2023 13:40

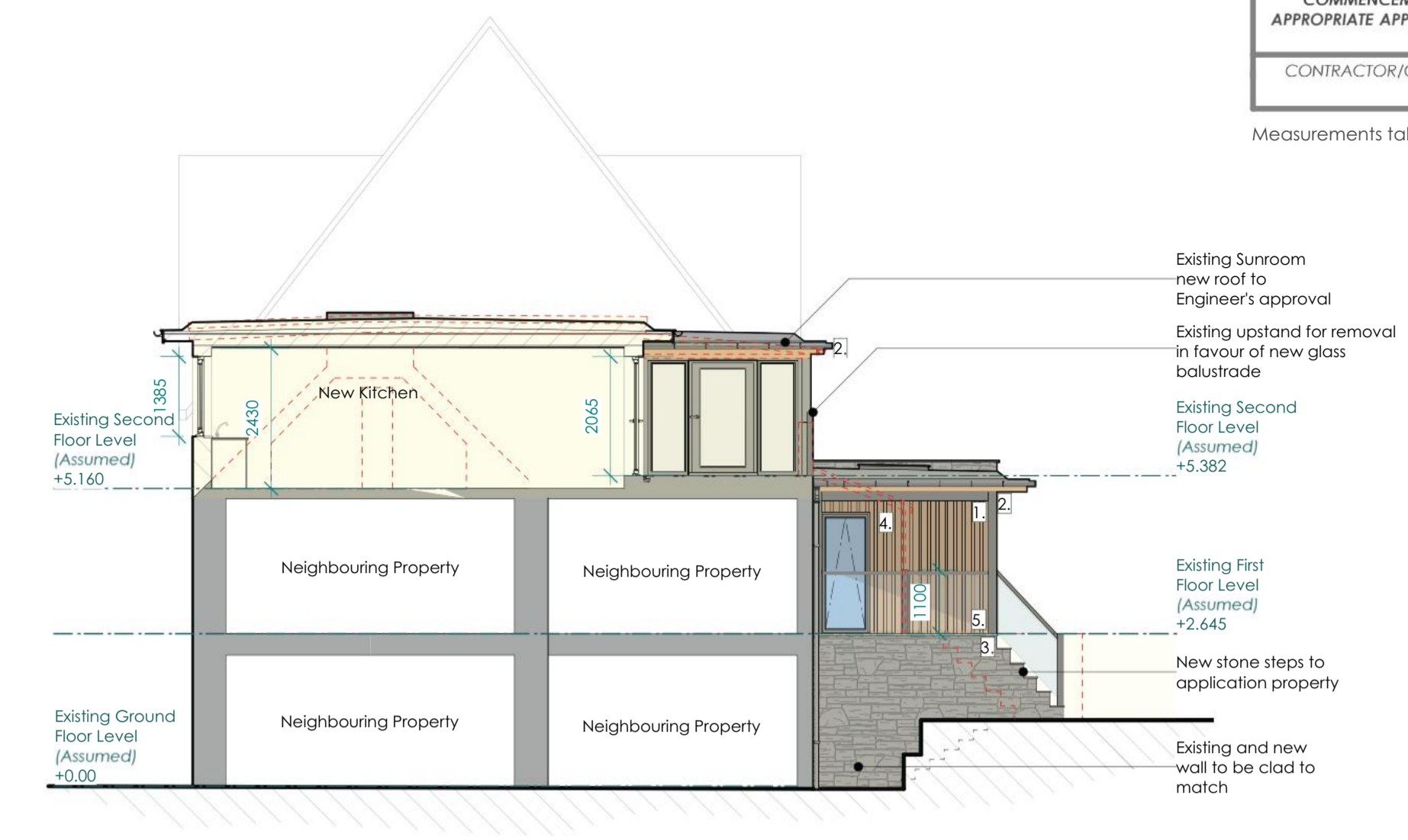
DO NOT SCALE OFF DRAWINGS. ALL SITES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS
 CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION
 Measurements taken from Martin Archibald drawing No. 5:2005:1.5:2005:2a, 5:2005:3a



Proposed Front Elevation
 Scale: 1:100
 Elevation not surveyed

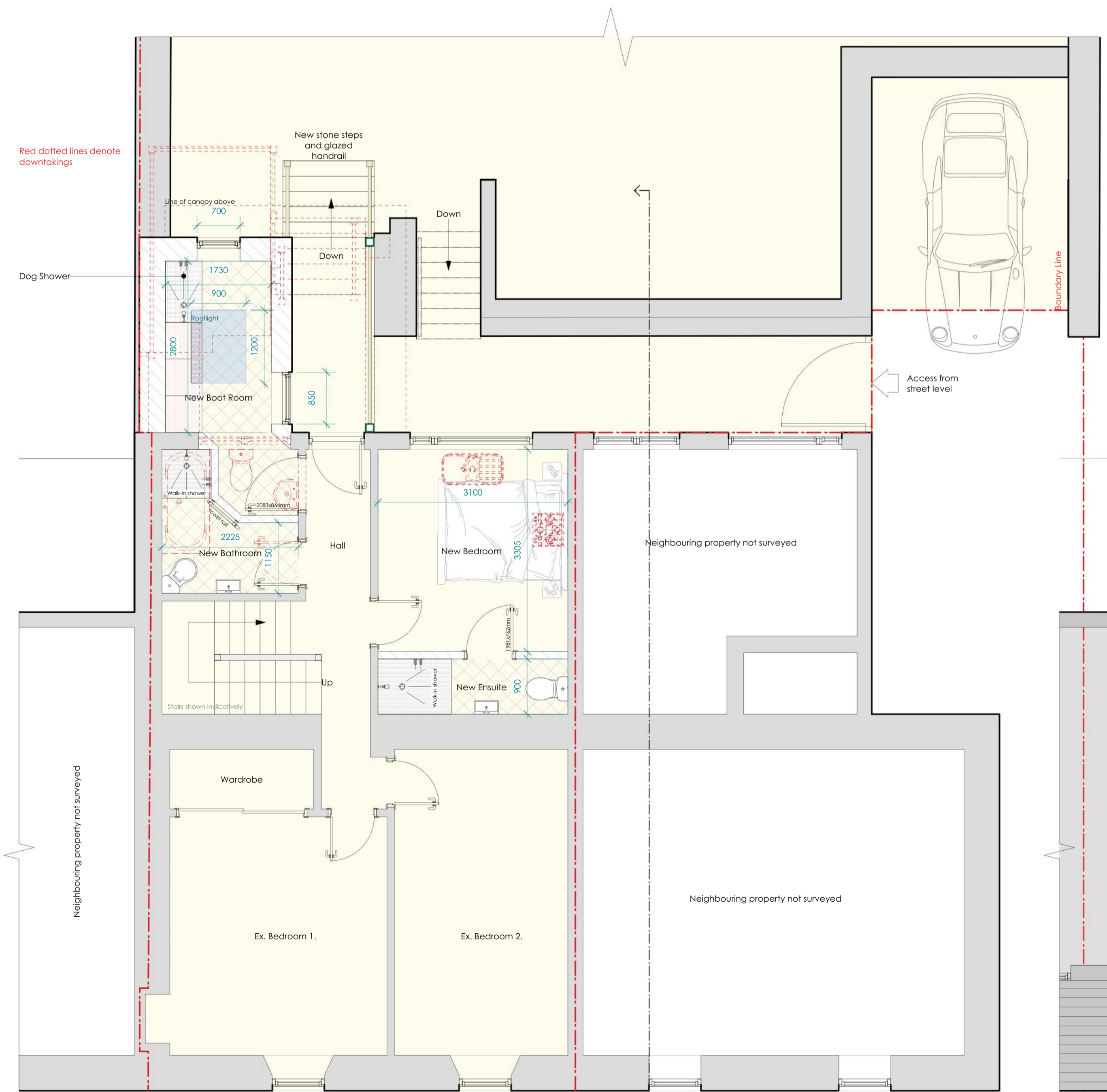


Proposed Rear Elevation
 Scale: 1:100
 Elevation not surveyed

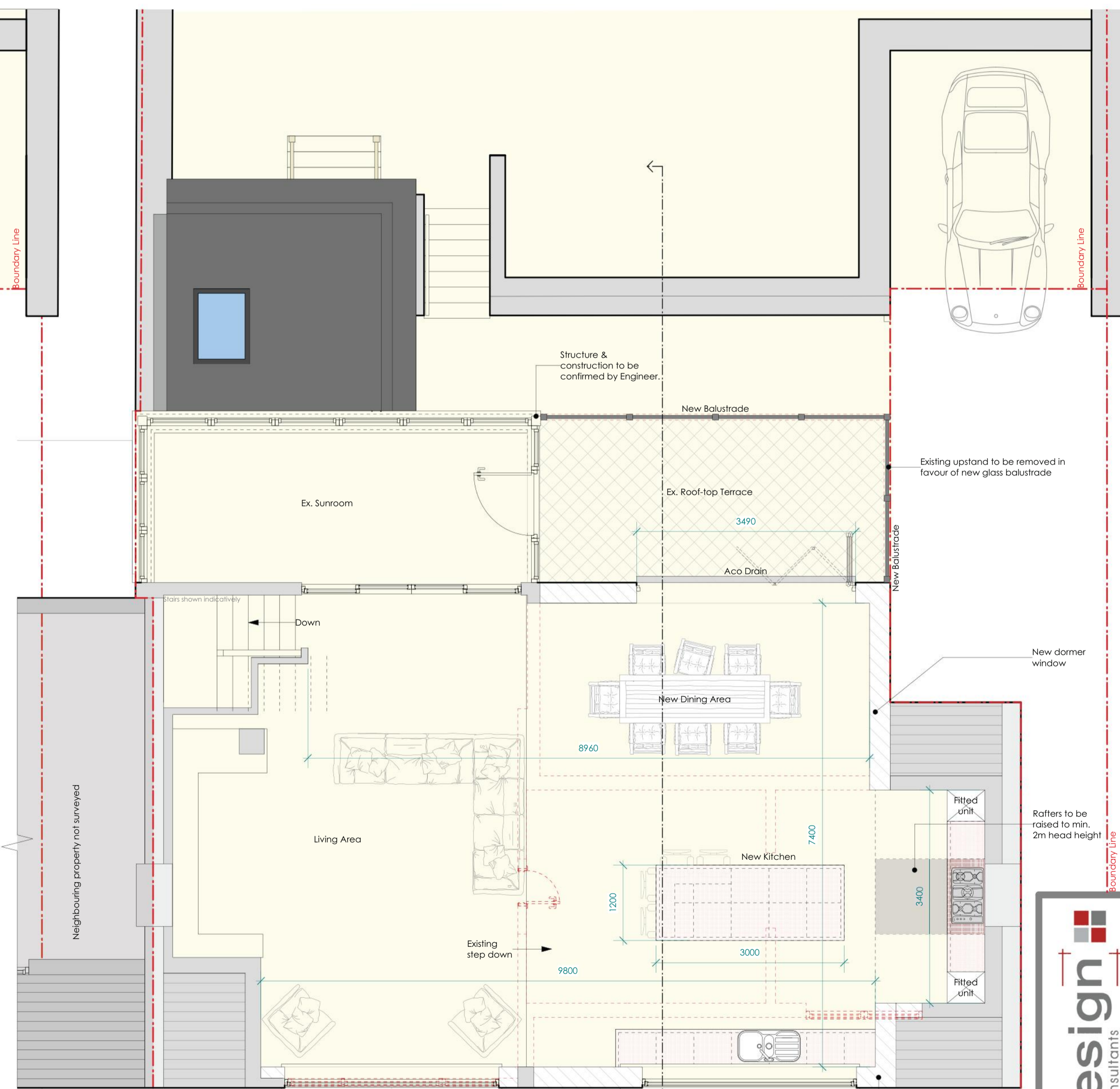


Proposed Side Elevation
 Scale: 1:100
 Elevation not surveyed

1. New timber cladding to clients' choice
2. New standing seam zinc flat roof
3. New Fernhill clad wall
4. New UPVC windows and doors to clients' choice
5. New Glazed balustrade to Engineer's approval
6. New dormer flat roof
7. New Zinc clad half

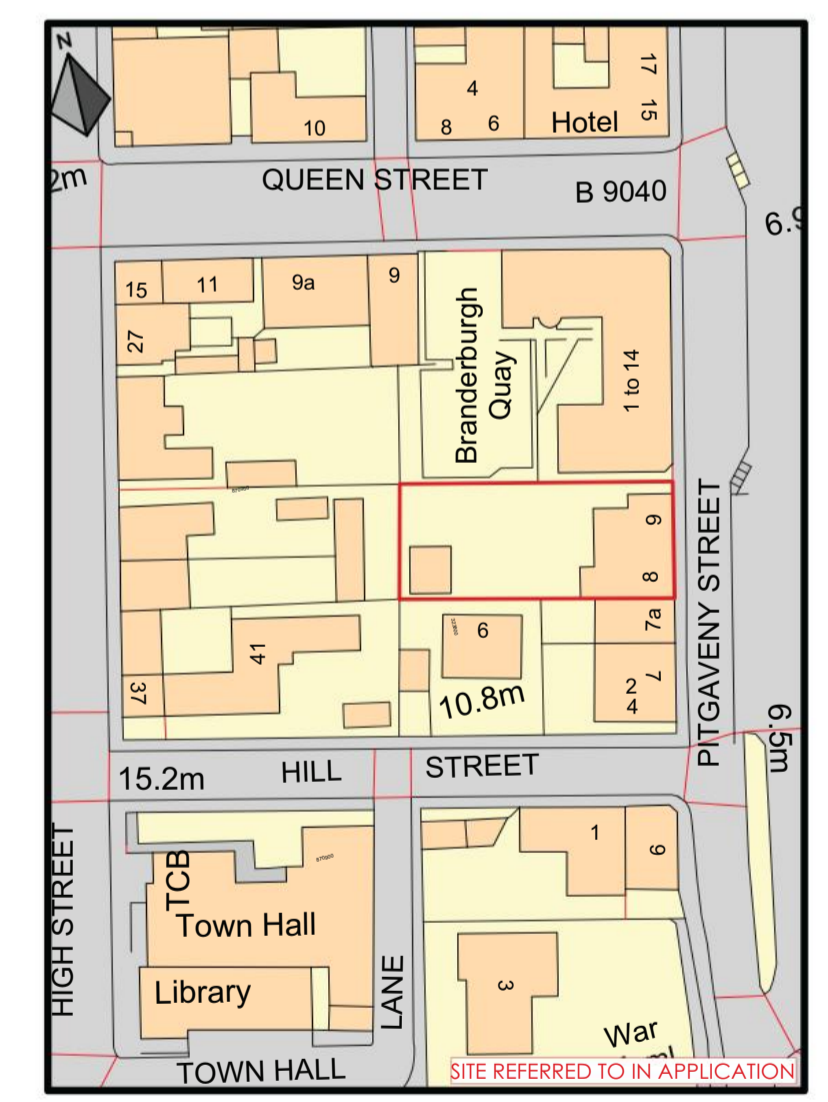


Proposed First Floor Plan
 Scale: 1:50
 Approx 62.5m²



Proposed Second Floor Plan
 Scale: 1:50
 Approx: 98m²

Key to Ownership
 Area under applicant's ownership
 Area others' ownership



cmdesign
 architectural consultants

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Ms. S Brennan
 9 PITGAVENY STREET, LOSSEMOUTH, MORAY, IV31 6NS
PLANNING PROPOSALS
 SURVEY DRAWING
 Date: 03.11.22
 Amendments: Finish Amendments
 Rev: A
 Drawn By: M,D
 Date: 26.09.22
 Checked By:
 Date:
220104.BRENNAN.03PP A

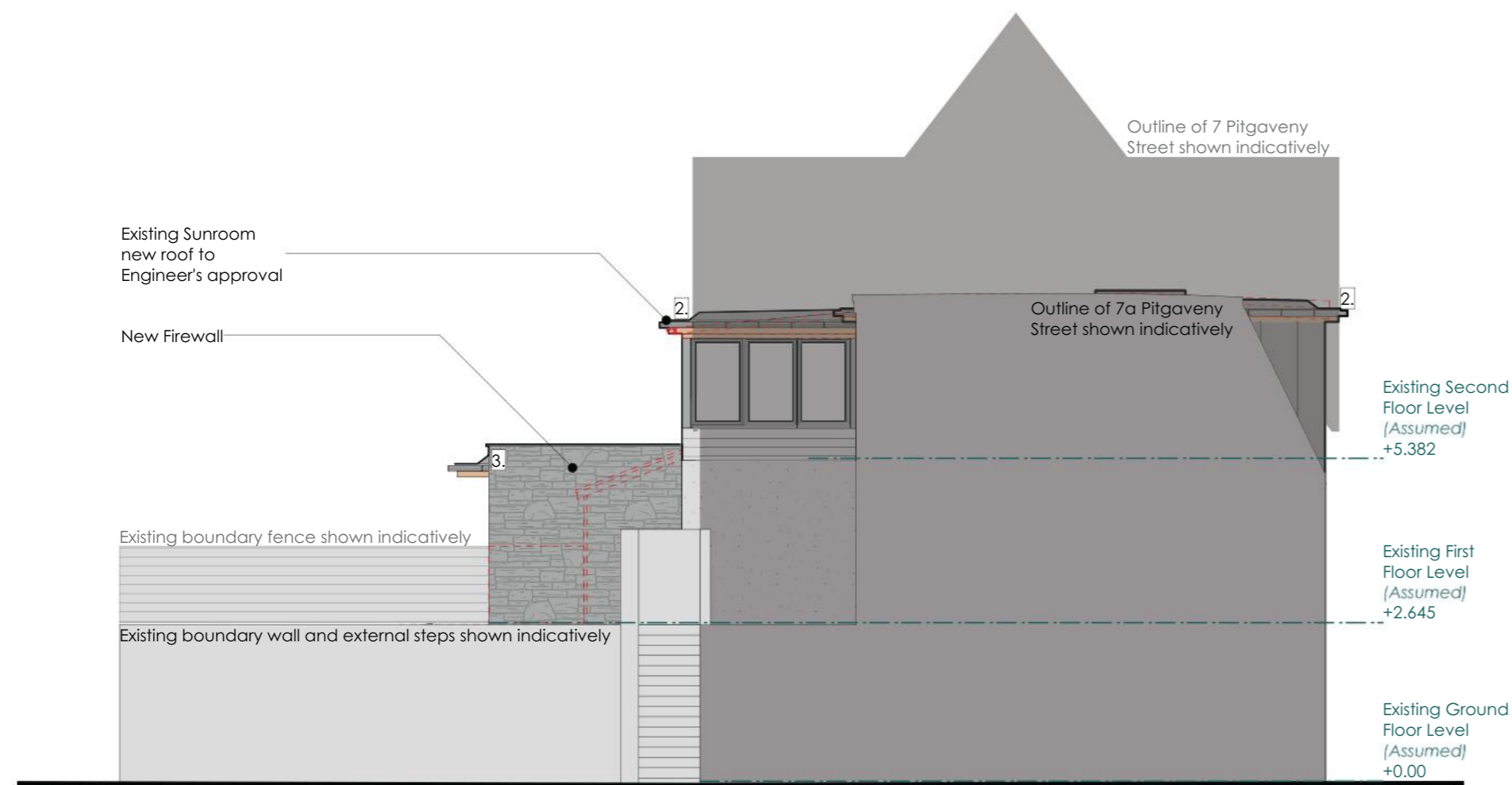


Proposed North Elevation
Scale: 1:100
Elevation not surveyed

1. New timber cladding to clients' choice
2. New standing seam zinc flat roof
3. New Fernhill clad wall
4. New UPVC windows and doors to clients' choice
5. New Glazed balustrade to Engineer's approval
6. New dormer flat roof
7. New Zinc clad halfit

Key to Ownership

- Area under applicant's ownership
- Area others' ownership



Proposed South Elevation
Scale: 1:100
Elevation not surveyed



Office: Architectural Ltd Registered in Scotland No. 272943

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Ms. S Brennan

9 PITGAVENY STREET, LOSSIEMOUTH, MORAY, IV31 6NS

PLANNING PROPOSALS
FLOOR PLANS, ELEVATIONS & SECTION

Date:	Amendments:	Rev:
16.03.23	Elevation Amendment	A
22.03.23	Elevation Amendment	B

Drawn By:	Date:	Checked By:	Date:
M.D	26.09.22		

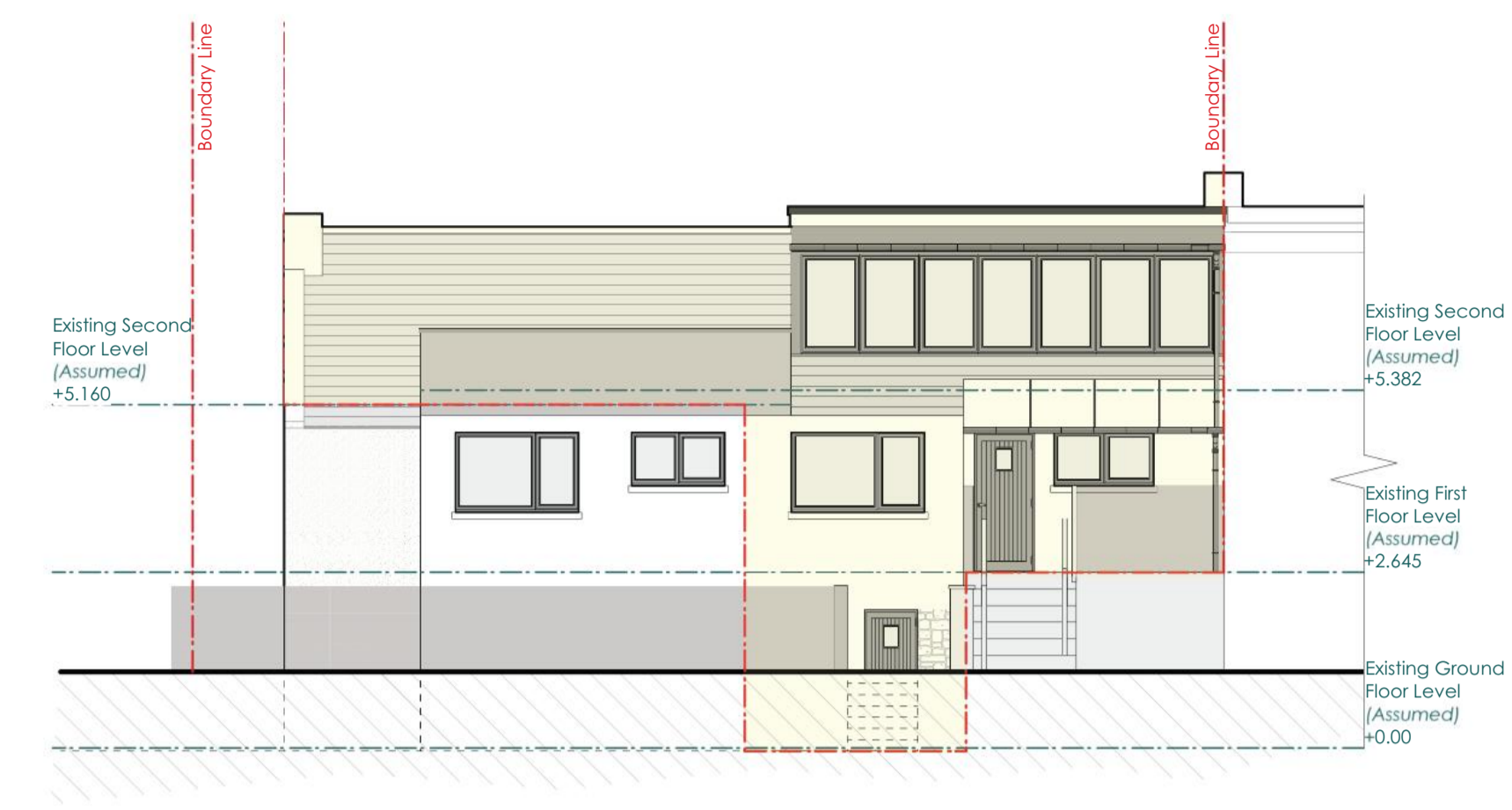
220104.BRENNAN.04PP B

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 CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION
 Measurements taken from Martin Archibald drawing No. 5:2005:1.5:2005:2a, 5:2005:3a

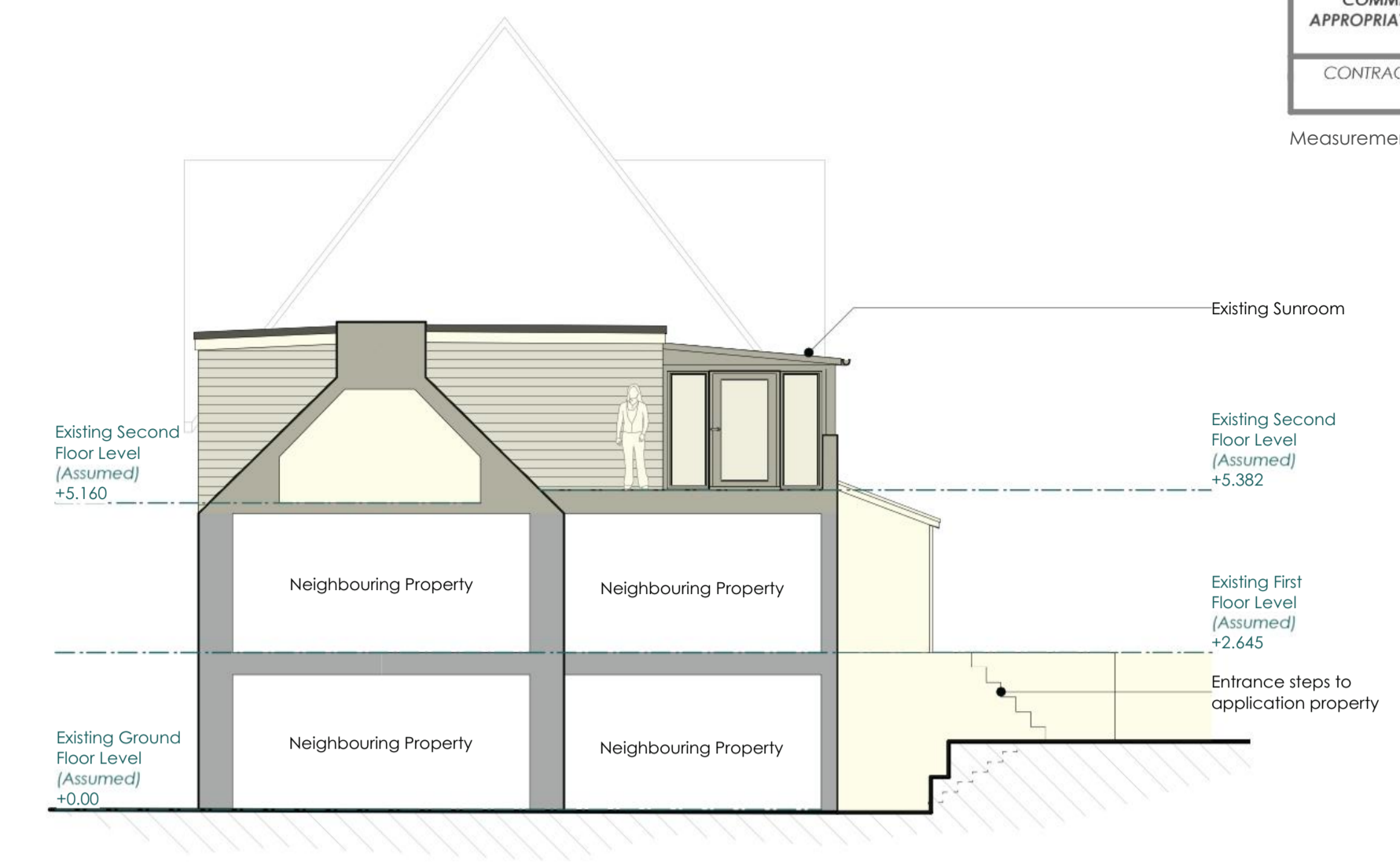
Area under applicant's ownership



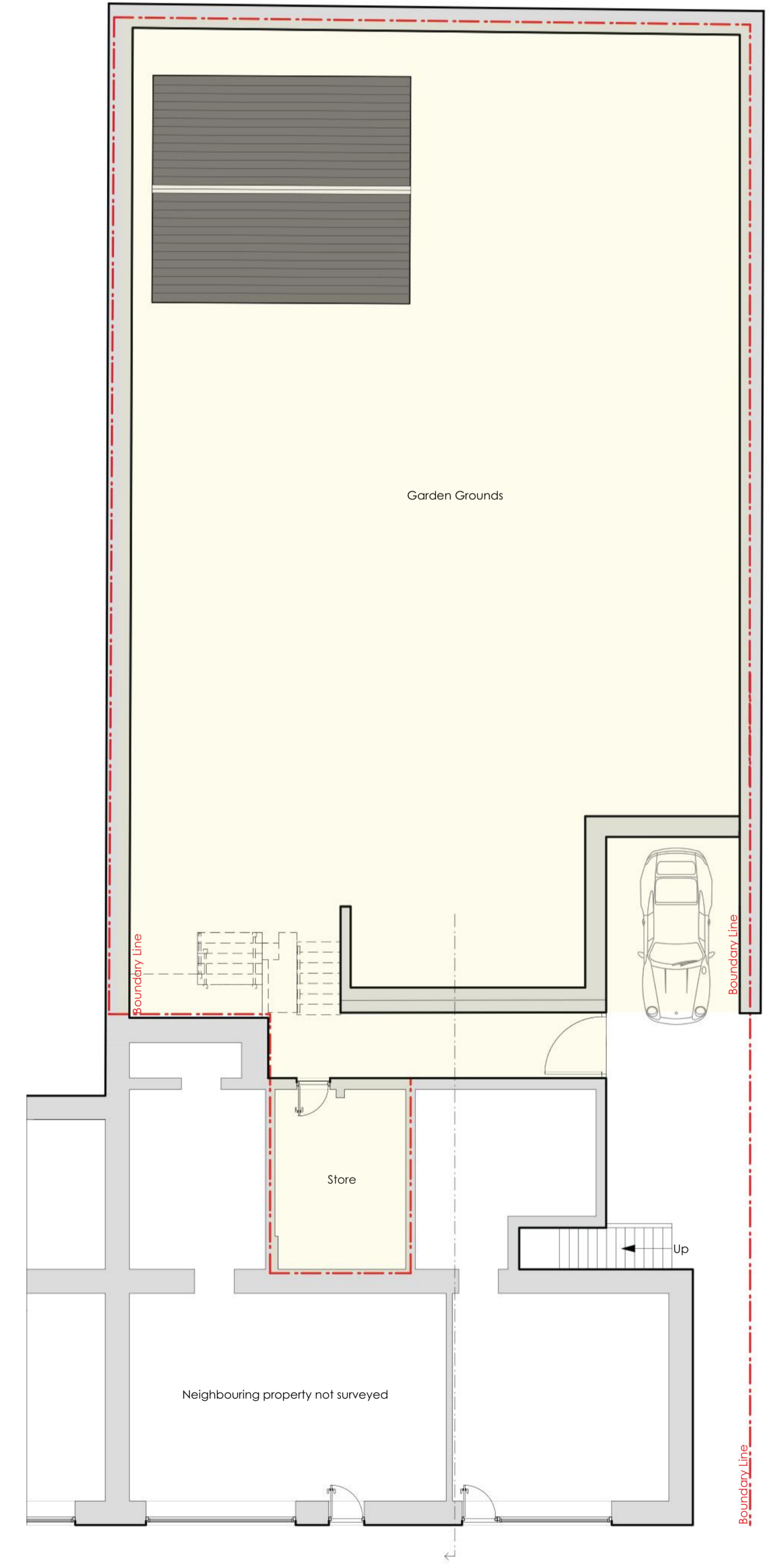
Existing Front Elevation
 Scale: 1:100
 Elevation not surveyed



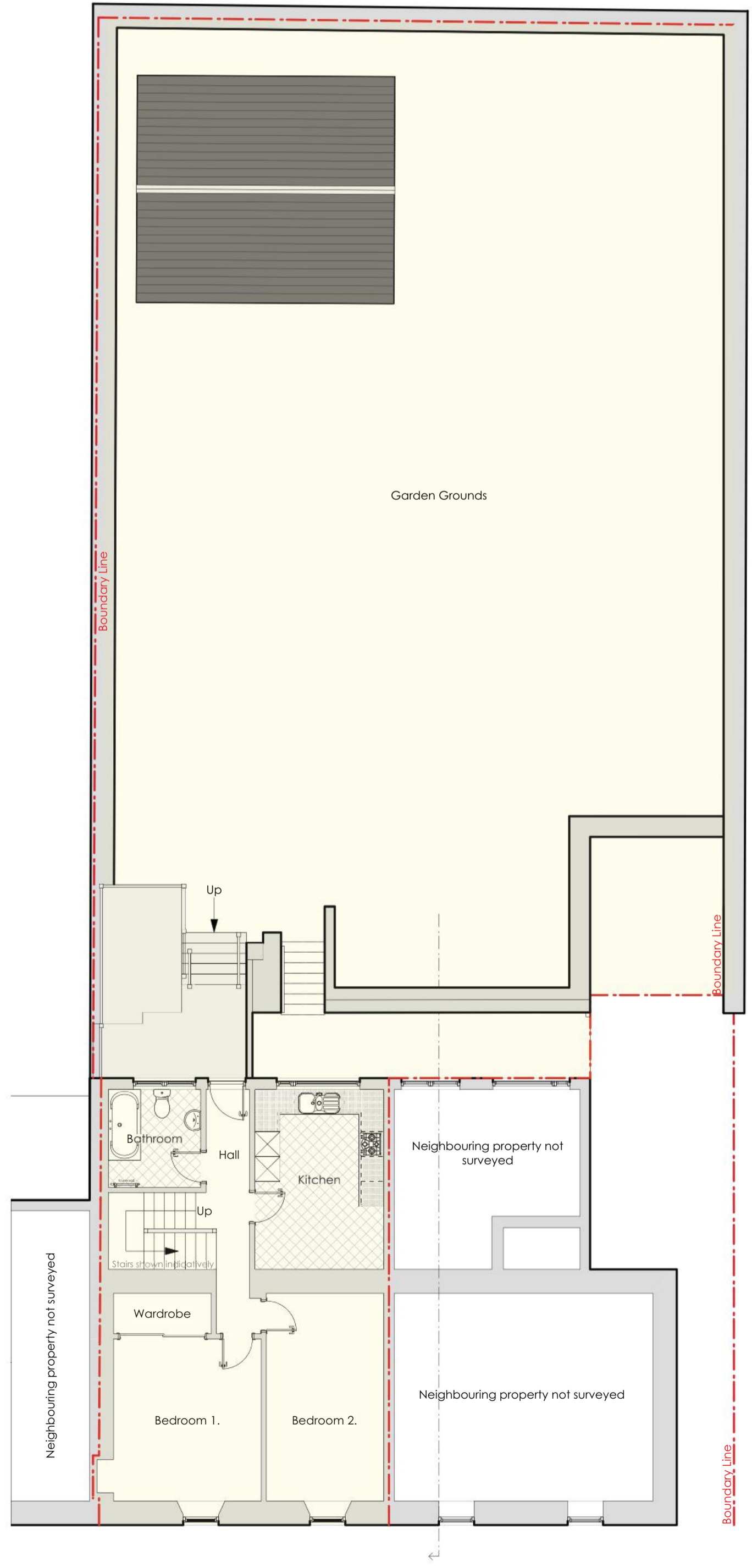
Existing Rear Elevation
 Scale: 1:100
 Elevation not surveyed



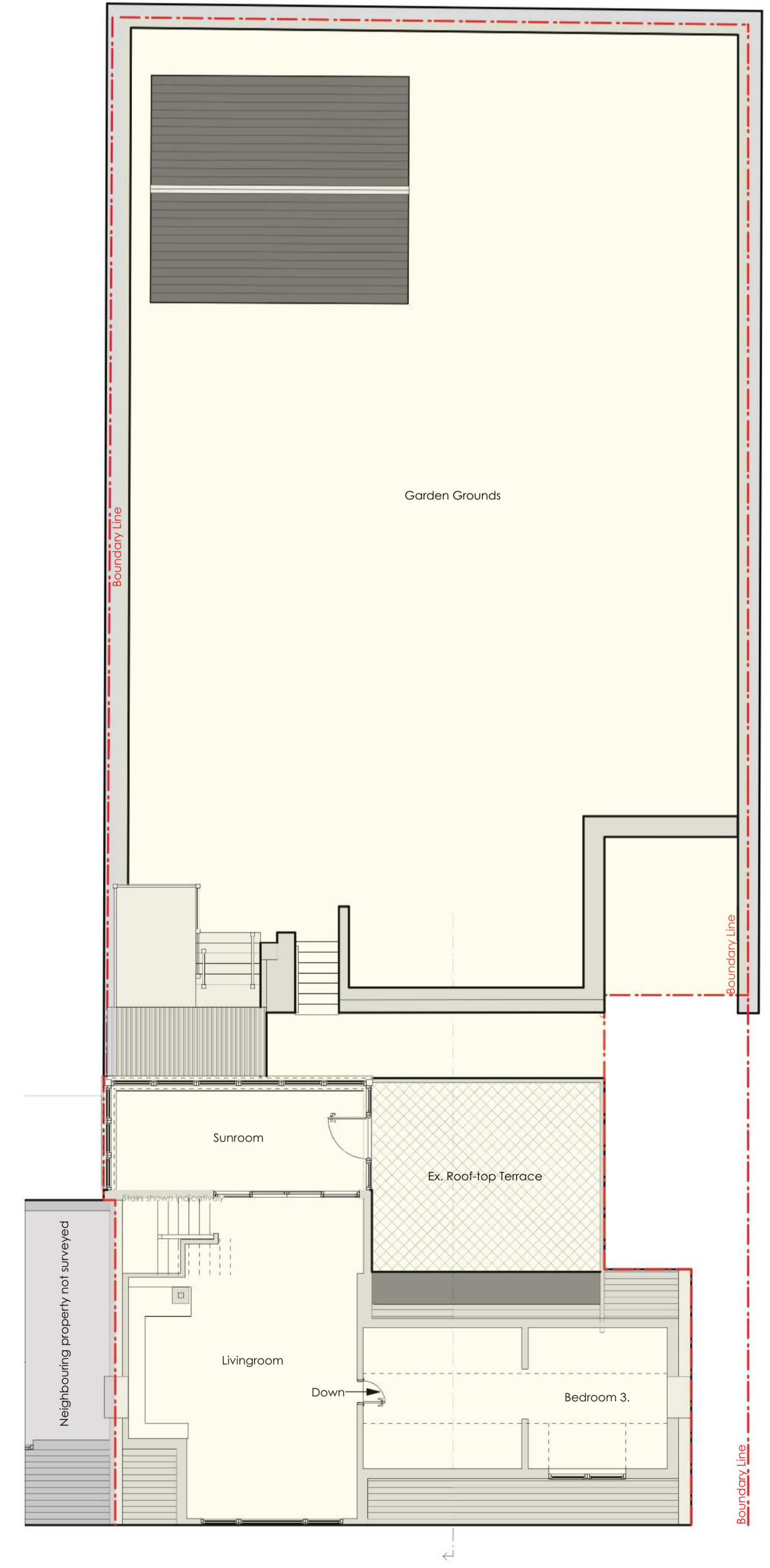
Existing Side Elevation
 Scale: 1:100
 Elevation not surveyed



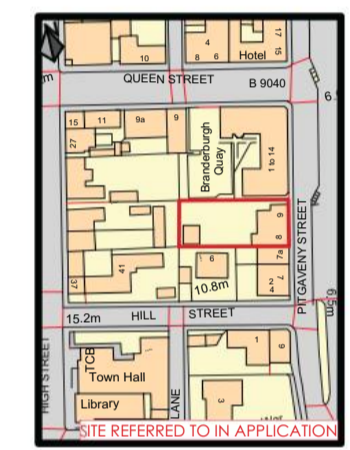
Existing Ground Floor Plan
 Scale: 1:100
 Floorplan not surveyed



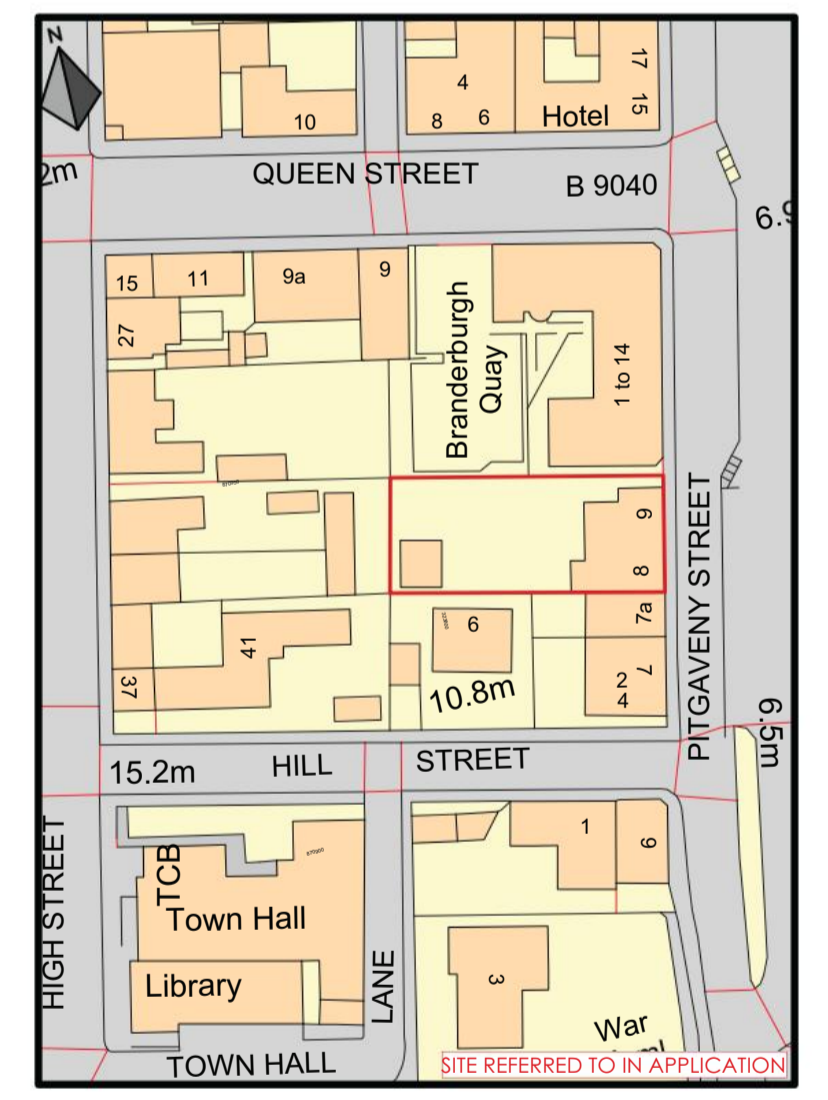
Existing First Floor Plan
 Scale: 1:100
 Floorplan not surveyed
 Approx: 57.5m²



Existing Second Floor Plan
 Scale: 1:100
 Floorplan not surveyed
 Approx: 76.5m²



Location Plan
 Scale: 1:2500



Location Plan
 Scale: 1:1000

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Ms. S Brennan

9 PITGAVENY STREET, LOSSEMOUTH, MORAY, IV31 6NS

PLANNING PROPOSALS
 SURVEY DRAWING

Date: Amendments: Rev:

Drawn By: M.D Date: 01.09.22 Checked By: Date:

220104.BRENNAN.01SV A

Our Ref: 220104.BRENNAN.PP

DESIGN STATEMENT

Alteration & Extension to
9 Pitgaveny Street, Lossiemouth, IV31 6NS

1.0 Introduction.

1.1 This **Design Statement** has been prepared by **CM Design, Town Planning and Architectural Consultants** in pursuit of detailed Planning Consent to extend the existing dormer arrangement, revise the internal layout and add a small extension to the rear of 9 Pitgaveny Street, Lossiemouth.



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1.2 This proposal seeks to enhance and expand the existing first floor box dormer by extending it and by doing so, present a more cohesive 3rd floor, and a more balanced elevation.

1.3 Neighbouring properties already host a mixture of box dormer interventions that allow context for this proposal (See pic at 2.7)

2.0 Site

2.1 The property is located overlooking The Moray Firth and is surrounded mainly by dwelling houses and flats of varying design.

2.2 The topography of the site gently slopes up from east to west and the property sits on Pitgaveny Street, Lossiemouth with outstanding views towards the Moray Firth to the front.

2.3 The existing property occupies part of the first floor and the entire second floor of the property, as shown in DWG 220104.BRENNAN.01SV (A) with access provided from the rear.

2.4 The existing property provides accommodation over two storeys, with a store below on the ground floor.

2.5 The original property has been altered and extended at various historical points with two dormers of differing sizes to the front and a conservatory to the rear.

2.6 The ad-hoc alterations of the property have resulted in a poorly laid out floorplan that under-utilises the available space and fails to take advantage of the views over the Firth.

2.7 Most of the surrounding homes on Pitgaveny Street and Clifton Road employ dormer windows, though it is more usual for there to be only one style of dormer per property, as per the images below:



2 Clifton Road



6 Clifton Road

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2.8 The applicant property currently hosts two very different and less than practical dormer window styles.

2.9 The surrounding dwellings range from single storey to two and a half storey dwellings, oriented facing towards Pitgaveny Street. The external materials of the dwellings are predominantly sandstone with slate roofs. Many of the windows appear to have been replaced with uPVC windows.

2.10 The property has a garden to the rear and an off-street parking space.

3.0 Design Principals

3.1 **Layout** - Historic ad-hoc alterations have resulted in accommodation that is poorly laid out and limited in utility. This is further exacerbated by insufficient head-height in the rooms leading off the Lounge, which are almost unusable.



The current arrangement presents the Kitchen on the first floor, whilst all other living areas (including the only currently feasible dining area) are on the second floor. This is not conducive to comfortable, or safe living.

The proposals seek to extend the existing dormer to consolidate differing floor levels and improve the ad-hoc layout. The extended dormer will provide a more cohesive layout internally and more balanced front elevation. The consolidated scheme would be achieved by:

- Rearranging the internal layout on the second floor to provide open plan living, kitchen and dining all on one floor,
- The addition of new doors and a small dormer to the rear existing roof terrace.
- Replacement of the existing conservatory roof to provide better insulation performance.
- Reconfiguration of the first floor layout is to give an additional Ensuite
- New Boot Room in a small extension to the rear.

3.2 **Landscaping** - There are no proposals to alter the existing landscaping surrounding the property.

3.3 **Scale & Mix** - The picture below shows the varying heights and scales of the surrounding dwellings. The applicant seeks to extend the existing dormer to reflect the scale and proportions of the neighbouring property south of the proposal and the previously included examples. This allows the proposal to make better use of the second floor, while improving the character of the street.

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PLANNINGCONSULTANCY

ARCHITECTURALDESIGN

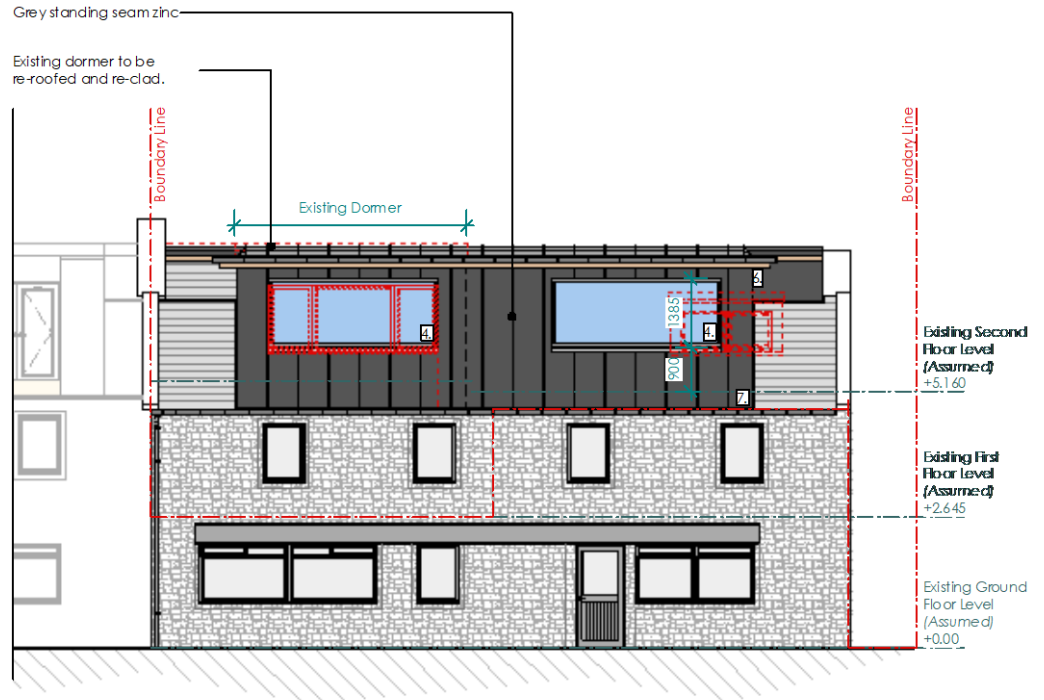
PROJECTMANAGEMENT

RENEWABLECONSULTANCY



3.4 **Appearance** - The proposals seek to balance the existing front elevation by extending the existing dormer symmetrically on the front elevation. The altered dormer would be re clad in standing seam zinc to unify the structure, and present something of architectural merit. New UPVC windows seek to replicate the proportions seen in other dormers on Pitgaveny Street/Clifton Road, and provide views over the Moray Firth. The proposed new standing seam zinc dormer roof will provide the opportunity to upgrade the insulation, and therefore the energy performance of the home.

To the rear, the replacement of the existing dormer and conservatory rooves to match that of the proposed rear extension seek to unify the rear elevation, whilst again upgrading the energy performance of the home. The use of timber cladding and Fernhill stone to the rear, seek to integrate the new extension into the natural landscape of the garden.



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PLANNINGCONSULTANCY
ARCHITECTURALDESIGN
PROJECTMANAGEMENT
RENEWABLECONSULTANCY

4.0 Conclusion

4.1 This application presents an interesting, sympathetic, and useful extension that provides the opportunity to bring the front elevation more in-line with other homes on the street, rectify the issues caused by previous ad hoc alteration and upgrade energy performance. The proposed alterations guarantee the property's flexibility and longevity of use for modern living. We respectfully request this application be given positive consideration.

DRAINAGE STATEMENT

Alteration to

9 Pitgaveny Street, Lossiemouth, IV31 6NS

Ref: 220104

INTRODUCTION:

This Drainage Statement has been prepared by CM Design Architectural & Planning Consultants in response to recent changes in Moray Council Policy, which seek to steer development away from areas at risk of flooding and to ensure that any new development does not impact upon flooding issues in Moray.

Scottish Planning Policy (SPP) requires Planning Authorities to take into account Flood risk when considering new development. This Drainage Statement confirms there to be no flood risk issues on the application site whatsoever.

This statement has been prepared in line with the Supplementary Guidance produced by Moray Council dated Feb 2019.

SITE DESCRIPTON:

The proposal site contains an established house that is served by mains drainage on Pitgaveny Street to the East.

The SEPA Flood Maps have been consulted which indicate that there is **no risk of flooding**.

A basic site level survey has also been carried out demonstrating how the site slopes West to East on well-draining grounds.

The proposed development is to erect a new dormer window and alterations to the Existing house. The extension is less than 25m² and therefore no additional soakaway will be required

SITE CONDITIONS:

The site is believed to have good infiltration rates based on a walkover survey and previous planning approvals. There have been no excavation or percolation tests carried out at this stage.

The house is surrounded by existing dwellings in which drainage measures have been implemented without difficulty.

DRAINAGE DESIGN:

All foul water and storm water arrangements are both dealt with robustly at the Building Warrant stage of any development.

As the proposed extension is less than 25m², a new soakaway will not be required, and the house already has connection to the mains sewerage system.



Head Office - Moray

69 St Brendans
South Guildry Street
Elgin
Moray
IV30 1QN

t 01343 540020
e office@cmdesign.biz
w cmdesign.biz

Highland Office

4 Bridge Street
Nairn
Highlands
IV12 4EJ

t 01667 300230

Lossiemouth Office

Ellel, James Street
Lossiemouth
Moray
IV31 6BX

t 01343 612305

Devon Office

The Generator Quay House
The Gallery, Kings Wharf
Exeter
EX2 4AN

t 01392 345566

Friday 2nd April 2021

We trust this Drainage Statement alleviates any flooding concerns in the meantime

Sincerely yours,

MIRIAM DUNCAN

ARCHITECTURAL TECHNICIAN

MIRIAM@CMDESIGN.BIZ



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PLANNINGCONSULTANCY
ARCHITECTURALDESIGN
PROJECTMANAGEMENT
RENEWABLECONSULTANCY



Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	13th February 2023
Planning Authority Reference	23/00132/APP
Nature of Proposal (Description)	Alter and extend dwellinghouse at
Site	9 Pitgaveny Street Lossiemouth Moray IV31 6NS
Site Postcode	N/A
Site Gazetteer UPRN	000133003885
Proposal Location Easting	323823
Proposal Location Northing	870931
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=RP4U5HBGLDH00
Previous Application	06/02122/FUL 05/00585/FUL
Date of Consultation	30th January 2023
Is this a re-consultation of an existing application?	No
Applicant Name	Ms Susie Brennan
Applicant Organisation Name	
Applicant Address	9 Pitgaveny Street Lossiemouth Moray IV31 6NS
Agent Name	C M Design
Agent Organisation Name	
Agent Address	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@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: Aberdeenshire Council Archaeology Service

Planning Application Ref. No: 23/00132/APP

Alter and extend dwellinghouse at 9 Pitgaveny Street Lossiemouth Moray IV31 6NS for Ms Susie Brennan

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

- | | Please |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
<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 |
x |
| (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"/> |

Reason(s) for objection

None

Condition(s)

None

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Claire Herbert
email address:
archaeology@aberdeenshire.gov.uk
Consultee: Archaeology service

Date...07/02/2023.....
Phone No01467537717

Return response to

consultation.planning@moray.gov.uk

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.

Consultee Comments for Planning Application 23/00132/APP

Application Summary

Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Consultee Details

Name: Mr EH Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: Not Available

On Behalf Of: Environmental Health C12

Comments

Approved unconditionally by Tim Betts (03.02.2023)

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management

Planning Application Ref. No: 23/00132/APP

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

- | | Please |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below | x
<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"/> |

Contact: Stefania Brady Date 30/01/2023

email address: Stefania.brady@moray.gov.uk Phone No

Consultee: The Moray Council, Flood Risk Management

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	13th February 2023
Planning Authority Reference	23/00132/APP
Nature of Proposal (Description)	Alter and extend dwellinghouse at
Site	9 Pitgaveny Street Lossiemouth Moray IV31 6NS
Site Postcode	N/A
Site Gazetteer UPRN	000133003885
Proposal Location Easting	323823
Proposal Location Northing	870931
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=RP4U5HBGLDH00
Previous Application	06/02122/FUL 05/00585/FUL
Date of Consultation	30th January 2023
Is this a re-consultation of an existing application?	No
Applicant Name	Ms Susie Brennan
Applicant Organisation Name	
Applicant Address	9 Pitgaveny Street Lossiemouth Moray IV31 6NS
Agent Name	C M Design
Agent Organisation Name	
Agent Address	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Fiona Olsen
Case Officer Phone number	01343 563189
Case Officer email address	fiona.olsen@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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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: 23/00132/APP

Alter and extend dwellinghouse at 9 Pitgaveny Street Lossiemouth Moray IV31 6NS for Ms Susie Brennan

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 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 checked="" type="checkbox"/> |
| (d) Further information is required in order to consider the application as set out below | <input type="checkbox"/> |

This proposal is for alterations and extension to an existing property which does not trigger the requirement to provide additional parking. No alterations are proposed to the existing access and the existing parking is unaffected by the proposed extension. Transportation therefore has no objections to the proposal.

Further comment(s) to be passed to applicant

Planning consent does not carry with it the right to carry out works within the public road boundary.

No building materials/scaffolding/builder's skip shall obstruct the public road (including footpaths) without permission from the Roads Authority.

Contact: AG

email address: transport.develop@moray.gov.uk

Consultee: TRANSPORTATION

Date 03 February 2023

Return response to

consultation.planning@moray.gov.uk

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.

Comments for Planning Application 23/00132/APP

Application Summary

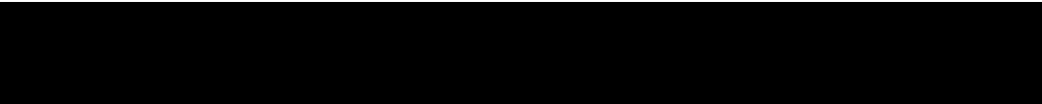
Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

Comments for Planning Application 23/00132/APP

Application Summary

Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Height of proposed development
- Over-development of site
- Poor design
- Precedent

Comment:As a regular visitor to Lossiemouth and being cognisant of the area being one of an ever reducing number of relatively unspoilt areas of natural beauty in the UK, I think this proposal is too extreme and not in keeping with the area aesthetic.

I would personally classify it as over development and likely to impinge of the quality of life of local residents and visitors alike.

Comments for Planning Application 23/00132/APP

Application Summary

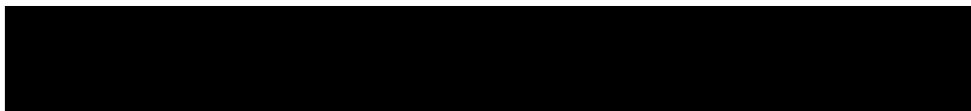
Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Height of proposed development
- Inadequate plans
- Inappropriate materials/finishes
- Over-development of site
- Poor design
- Precedent

Comment: This building is a traditional building on the seafront.

Scale, size, height, material is out of keeping for the local area. Box dormer deviates from the local plan.

A serious danger of setting precedent along the seafront.

Received by email
FAO Development Management and Building Standards Manager

Hello,

As per the advice in the Neighbour Notification that I received by post, I am emailing you to register my objections to planning application 23/00132/APP, which includes roof changes, and modifications and augmentations to the front-facing dormer windows to 9 Pitgaveny Street, Lossiemouth, IV31 6NS. I have also submitted my objections online.

Objection 1: Inadequate Plans

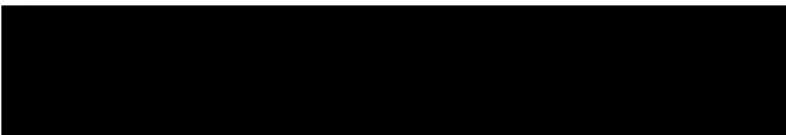
The new plans do not include specific information on the routing of rainwater goods from the new roof into a drain; there is only a generic drainage statement. As the owner of an adjacent property, I would like to know where the run-off from the roof would be, so that I can be satisfied as to the full impact on my property of any modifications, and be sure that they would have no adverse effect on the drainage to the rear of my property when there is heavy rain.

Objection 2: Contrary to Local Development Plan

The above planning application has been advertised in The Northern Scot because the application does not accord with DP1 of the Moray Council Local Development Plan. Having referred to the plan at <http://www.moray.gov.uk/downloads/file134782.pdf>, I feel that the proposed changes to the front dormer windows, particularly the enlargement of the right window to become a large box dormer, are not in keeping with the character of the adjacent properties.

DP1(i) Design criterion a) of the Local Development Plan states that when considering development proposals, the “scale, density and character must be appropriate to the surrounding area and create a sense of place”. Additionally, according to DP1 (i) Design criterion g), box dormer windows are not acceptable. The changes and augmentations to the front windows of the property, which is highly visible from the seafront, would therefore play a part in eroding the distinctive appearance of Lossiemouth. The town’s character and sense of place are cherished by local residents and are key attractions for tourists to the area; therefore, I feel that it would be detrimental, and also possibly unwise from the town’s economic perspective, to permit changes that contribute to a gradual disappearance of Lossiemouth’s unique character.

Regards,



23 February 2023

Mrs Fiona Olsen
By email only

23/00132/APP | Alter and extend dwellinghouse at 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

I am in receipt of the neighbour notification for the above application and submit this objection as the owner of 26years of the property immediately below the proposed building works.

Initially, I wish to note my disappointment at the way the applicant has progressed this project, whilst I understand it was not legally binding, they did promise that they would discuss any proposals to alter their property with me prior to progressing. Regrettably, this was never done and now I feel I have no option but to submit this letter raising my objections against this development as detailed below:

1. Submission & Plans

The submitted drawing fails to show the entrance to my property, this omission is considered material in this case as it leads the decision maker to fail to understand the impact the development will have on my property and the peaceful enjoyment of my house. As such, my property should be clearly shown on the submission to ensure the development is fully and properly assessed.

The application form notes that the site contains no trees and the plans also shown no trees within the red line boundary, both of which are incorrect, as there is several trees within the applicants rear garden. The location and proximity of these trees should be established as they might impinge on the ability to construction the rear extension.

2. Design & Streetscape

Following discussion with the Planning Officer, I understand that the application has been advertised as a departure from the Council Local Development Plan on the grounds of design, I concur with this completely.

Whilst it is accepted that the existing property has a number of 'box dormer' windows within the roof-slope, NPF4 Policy 14 (Design, quality and place) makes it clear that all proposals are required to '...be designed to improve the quality of an area whether in urban or rural locations and regardless of scale...' And where they are '...poorly designed, detrimental to the amenity of the surrounding area...[they]...will not be supported.'

The Council's own Moray Local Development Plan notes in Policy DP1 (i) g) that '...box dormers are not acceptable...' and at Policy DP1 (i) d) that development proposals must demonstrate how it will '...enhance the built environment...'

The proposed design goes against these adopted policies and instead seeks to further erode the traditional character of the area, by arguing in the supporting statement that '...Most of the surrounding homes on Pitgaveny Street and Clifton Road employ dormer windows...' (2.7), this statement is justified by just two examples of very long established box dormers from differing locations along Clifton Road.

The established streetscape along Pitgaveny Street at the application site, is however fundamentally different and one which is viewed as a complete streetscape from several long-distance vistas around Lossiemouth (See Streetscape Photographs Below), including from Station Park (opposite the application site). This park area hosts the annual Seafest and is an area undergoing enhancements to improve the tourist offering. Therefore due to this prominence, the Council has ensured that modern developments in close proximity adopt a traditional dormer design, as demonstrated by the modern apartment block adjoining the northern boundary of the site, and as shown in the photographs below.



Additionally, this adjacent build, has been designed to respect the traditional vertical window emphasis found across Lossiemouth, maintains the traditional symmetry of building design and utilises natural slate. Whereas the applicant's proposal abandons all these traditions and proposes something completely at odds with the location and built heritage, this includes the proposed use zinc cladding. All resulting in a proposal which delivers a very unpleasing form of development and one that neither enhances the built environment nor improves the quality of the existing building or area.

For these reasons, the design is considered to have such a damaging impact on the design integrity of the building and wider urban landscape it is considered wholly unacceptable and should be refused in accordance with the aforementioned planning policies. Thus also ensuring that an undesirable precedent is not set for other similar proposals in this location.

3. Privacy

As noted in Section 1, my sole access and outdoor space for my property is via the external steps off the communal access to the side (as demonstrated in the photograph below), this access is directly below the roof terrace. The current arrangement with the timber panel (again as shown in the photograph below) offers me a degree of privacy and amenity when accessing and exiting my property.

Unfortunately, the proposal to remove this panel and replace with glass balustrade, whilst concurrently intensifying the use of the flat roof terrace will result in a significant loss to my current amenity and privacy and that of surrounding properties. This loss is judged to be excessive and should be strongly resisted.



4. Construction

Whilst I understand the actual construction process is generally not a material planning consideration, given the unusual property sub-division it is important to appreciate the likely difficulties developing the roof-space of this property will bring.

My entire apartment is directly below the main body of building works (the proposed kitchen and dining area) and it's my understanding that such extensive work will have an unacceptable impact on the enjoyment of my property due to noise, disturbance and dust during the construction phase and then the ongoing noise and disturbance from its use based on the property intensification.

Moreover, it is likely the existing building will need upgrading to support the additional construction weight of the development, including the reinforcement of my ceiling joists and the lintels over the windows in my (and possible the ground floor) property/ies. At this stage I do not consent to this intrusive work to my private house and/or the impact on my rights to enjoy my right to peaceful enjoyment of my dwellinghouse (UN Human Right).

This is likely to have a direct impact on the design and method of construction, which in turn is likely to affect the overall design of the scheme and therefore in this case needs to be fully considered as part of the planning process.

I trust these points will be duly considered as part of the application process and please do not hesitate to contact me, if you wish to discuss any of the above in more detail.

Yours sincerely,

[Redacted signature]

Comments for Planning Application 23/00132/APP

Application Summary

Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Customer Details

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Height of proposed development
- Inappropriate materials/finishes
- Over-development of site
- Poor design
- Precedent
- View affected

Comment: I look forward to my frequent trips to Lossiemouth not only for the opportunity to catch up with my friends, but also for the peace, tranquillity and beauty of the area. I am very upset to find out that an ill-considered planning application had been submitted for 9 Pitgaveny Street. The proposed design is not in keeping with the scale, character, or appearance of the area. The development (or should I say overdevelopment) is particularly ill-considered with its zinc clad exterior which is out of keeping with the strong historic character of this neighbourhood and will spoil the views for both visitors and residents. I sincerely hope that Moray Council will see sense and refuse this application.

Comments for Planning Application 23/00132/APP

Application Summary

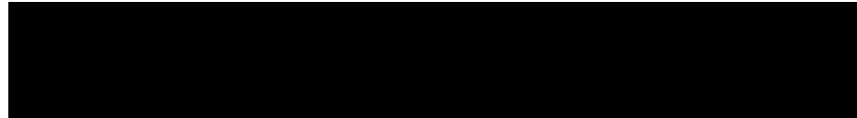
Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Height of proposed development
- Over-development of site
- Poor design
- Precedent

Comment: I am a frequent visitor to Lossiemouth. What attracts me back is the historic feeling of the town and that the building landscape along the sea front still mostly retains its original built features.

if this development is allowed to proceed it sets a precedent for other buildings to be converted into larger properties and will spoil the look and feel of the characterful sea front street.

The new box dormer to the front is large and imposing on a 19th century building and will change the character of the building completely. I believe this is contrary to the local plan.

Comments for Planning Application 23/00132/APP

Application Summary

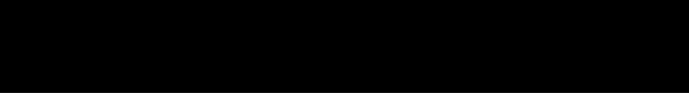
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Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
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- Over-development of site
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- Precedent

Comment:I often stay at a holiday let located in the building associated with the plans. I am concerned these plans will change a traditional building into something that will not fit in with the surroundings using the materials planned. The scale of the design does not fit the surrounding area.

I really enjoy staying in an old seafront town and its traditional buildings are very much part of the charm and appeal of Lossiemouth.

Comments for Planning Application 23/00132/APP

Application Summary

Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Height of proposed development
- Precedent

Comment: I would like the planning department to carefully consider if the proposed development fits in suitably to surrounding properties.

Comments for Planning Application 23/00132/APP

Application Summary

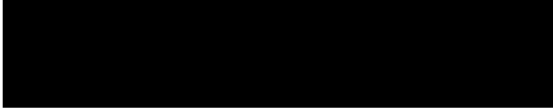
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Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Inadequate plans
- Inappropriate materials/finishes

Comment: The main issue is the box dormer (against local plan), inappropriate materials and design for a traditional home but PRECEDENT for the historic seafront - totally out of character for the seafront area.

Please keep Lossiemouth heritage

Comments for Planning Application 23/00132/APP

Application Summary

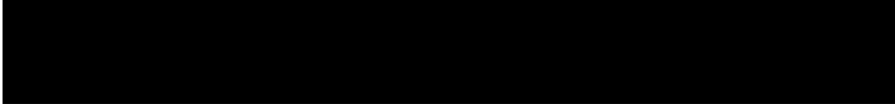
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Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Customer Details



Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Height of proposed development
- Precedent

Comment: The plans deviate from the Local Plan due to design of the seafront. It would significantly change the look of the original building (circa 140-180 years old) and would ruin the look of the seafront which is not what tourists want to see. This proposed building development would forever change the look of the Lossiemouth sea front, a sea front that has been a popular tourist attraction for many, many years.

REPORT OF HANDLING

Ref No:	23/00132/APP	Officer:	Fiona Olsen
Proposal Description/ Address	Alter and extend dwellinghouse at 9 Pitgaveny Street Lossiemouth Moray IV31 6NS		
Date:	14.04.2023	Typist Initials:	LMC

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
Environmental Health Manager	07/02/23	No Objections
Transportation Manager	03/02/23	No Objections subject to informatives
Moray Flood Risk Management	30/01/23	No Objections
Aberdeenshire Council Archaeology Service	07/02/23	No Objections

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
NPF1 - Tackling the Climate	N	Complies
NPF2 - Climate mitigation and adaptation	N	Complies
NPF3 - Biodiversity	N	Complies
NPF4 - Natural Places		See below
NPF7 - Historic assets and places	N	Complies
NPF13 - Sustainable transport	N	Complies
NPF14 - Design, quality and place		See below
NPF16 - Quality homes		See below
NPF22 - Flood risk	N	Complies
PP1 Placemaking	N	Complies
PP2 Sustainable Economic Growth	N	Complies
PP3 Infrastructure and Services	N	Complies

DP1 Development Principles		See below
EP2 Biodiversity	N	Complies
EP3 Special Landscape Areas		See below
EP8 Historic Environment	N	Complies
EP12 Management and Enhancement Water	N	Complies
EP13 Foul Drainage	N	Complies
EP14 Pollution Contamination Hazards	N	Complies

REPRESENTATIONS		
Representations Received	YES	
Total number of representations received: 11 (10 Objections and 1 Support)		
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		
<p>Issue: Comments received in support of application.</p> <p>Comments (PO): These are noted.</p>		
<p>Issue: Design is not in keeping with surrounding area.</p> <p>Comments (PO): This is noted and forms part of the basis for the reasons for refusal.</p>		
<p>Issue: Zinc cladding is out of keeping with character of building.</p> <p>Comments (PO): Whilst zinc is a modern material, it is commonly used on traditional buildings and here would be deemed acceptable against a natural slate roof. The application will however be refused as it would fail to comply with MLDP2020 Policies DP1, EP3 and NPF4 Policies 4, 14 and 16.</p>		
<p>Issue: Design would erode unique character of Lossiemouth.</p> <p>Comments (PO): Again, this is noted and forms part of the basis for the reasons for refusal.</p>		
<p>Issue: Design would set a precedent for other buildings along seafront.</p> <p>Comments (PO): Each planning application must be considered on its own individual merits, in relation to planning policy. In this case the application will be refused as it does not comply with the design requirements of MLDP 2020 Policies DP1, EP3 and NPF4 Policies 4, 14 and 16.</p>		
<p>Issue: Proposal is overdevelopment of site.</p> <p>Comments (PO): Again, this is noted and forms part of the basis for the reasons for refusal.</p>		
<p>Issue: Box dormer would not comply with local plan policy.</p> <p>Comments (PO): This is correct. Policy DP1 (g) states that box dormers are not acceptable.</p>		

<p>Issue: Plans do not include route of rainwater drain which could have adverse effect on neighbouring drains.</p> <p>Comments (PO): As the increase in roof area is less than 25sqm no formal drainage statement was required to be submitted however it is confirmed that all surface and foul water will be directed to the existing combined sewer, as per the existing drainage arrangements.</p>
<p>Issue: Plans do not show all openings on northern elevation.</p> <p>Comments (PO): Additional and amended plans have been submitted which now show all openings on each elevation.</p>
<p>Issue: Proposals were not discussed with neighbours prior to submission.</p> <p>Comments (PO): This is a private matter between the parties and there is no requirement in planning terms for a developer to engage with neighbours on a proposal of this scale.</p>
<p>Issue: Application form states no trees on site however trees are present.</p> <p>Comments (PO): Although there are existing trees in the rear garden, these are not expected to be impacted by the proposed development and it was not required to seek a tree survey on this occasion.</p>
<p>Issue: Loss of privacy/Overlooking from balcony.</p> <p>Comments (PO): The balcony is an existing arrangement and the proposed application only seeks to add a dormer which will provide additional access onto the balcony (in addition to the existing access from the rear sunroom). An existing timber balustrade is proposed to be removed and a glass balustrade installed. The balcony faces onto the applicant's existing garden ground to the rear and to the side, a private access path. Whilst the balcony is an existing arrangement, a condition would be recommended to be added to any final consent, should the application be approved, requiring the balustrade to be fitted with opaque glass. Overall therefore, subject to compliance with a condition, the proposals would not be expected to give rise to any loss of privacy or overlooking to neighbours, beyond the level currently experienced.</p>
<p>Issue: Loss of light/solar gain to neighbouring properties.</p> <p>Comments (PO): The extended box dormer on the front elevation would not protrude beyond the eaves of the existing roof, and whilst the new rear box dormer would, this would be above an existing two storey extension which faces onto the blank wall of a neighbouring property (separated by an existing driveway) and would not be expected to give rise to an unacceptable loss of light or overshadowing to neighbours.</p>
<p>Issue: Construction works will have unacceptable impact on neighbours (including noise and dust).</p> <p>Comments (PO): A certain level of disruption is anticipated from any construction works however these would be short-term and constrained to the construction period only.</p>
<p>Issue: Existing building will require structural upgrading to support weight of development.</p> <p>Comments (PO): This is not a planning matter and would be considered at building warrant stage.</p>
<p>Issue: Relocating existing kitchen to above another property would result in increased noise/vibration on neighbour.</p>

Comments (PO): The intensification of use of certain rooms within a property cannot be controlled and again this is not a material planning consideration.

Issue: No access Statement/assumed levels/landscape statement/fire containment plan, acoustic plan or discussion of six mile coastal margin has been provided.

Comments (PO): No alteration to the existing access or site levels is proposed and as this is a householder development for box dormers and a new extension only, the aforementioned do not required to be submitted.

Issue: No internal flood protection has been shown.

Comments (PO): This is a proposal which seeks to alter the second and third floors of an existing building only. As less than 25sqm of additional roof area is proposed no formal drainage statement is required to be submitted however it is confirmed that all surface and foul water will be directed to the existing combined sewer, as per the existing drainage arrangements.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan, namely the adopted National Planning Framework 4 and adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise.

The main planning issues are considered below:

Proposal

The application seeks planning permission to alter and extend an existing dwellinghouse.

To the front an existing box dormer is proposed to be extended northwards, following the same shape and ridge height of the existing box dormer on this elevation. A single opening is proposed to the front of the dormer and externally the both the existing and proposed box dormer is to be finished in zinc (to the dormer roof and external walls).

To the rear it is proposed to form an additional box dormer, which would sit alongside an existing second floor sunroom extension. The rear box dormer will contain two sets of patio doors, opening out onto the existing roof-top terrace. An existing timber balustrade surrounding the terrace is proposed to be removed and the balcony fitted with a new glass balustrade to the north and west. A new flat roof is also proposed over the existing rear second floor sunroom, again to be finished again in zinc. Finally at the rear, an existing first floor extension will be removed and replaced with a bootroom extension, with a stepped external access to the rear garden and this extension will be finished in timber cladding with a flat roof over.

Site

The site is located at 9 Pitgaveny Street, Lossiemouth. The property occupies part of the first floor and the entirety of the second floor of an existing traditional building which faces onto Lossiemouth Seafront.

The property contains two box dormers on the front elevation and an existing sunroom extension on the rear elevation.

There are neighbouring properties below and to the north, west and south of the site. The site is bound by the public road to the east.

The building is located within the historic settlement of Lossiemouth which is identified on the Historic Environment Record (HER) as a site of archaeological interest.

The site is also located within the MLDP 2020 designated Burghead to Lossiemouth Coast Special Landscape Area.

Policy Assessment

Siting and Design (MLDP 2020 Policy DP1, EP3 and NPF4 Policies 4, 14, 16)

Policy DP1 requires that the scale, density and character of all development be appropriate to the surrounding area, be integrated into the surrounding landscape and not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. Policy DP1 also states that pitched roofs are preferred to flat roofs and that box dormers are not acceptable.

NPF4 Policy 14 requires development proposals to be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Furthermore, NPF4 Policy 14(c) states that proposals which are poorly designed, detrimental to the amenity of the surrounding area, or inconsistent with the six qualities of successful places (Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable) will not be supported.

NPF4 Policy 16 states that householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the home and surrounding area in terms of size, design and materials and do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

The proposed design seeks to extend an existing box dormer to the front of the property and construct a new box dormer to the rear. There are two existing box dormers on the front elevation of the building, the southernmost dormer considerably larger and bulkier than the northernmost. The proposed extended box dormer on the front would follow the same shape and ridge height as the existing, southernmost box dormer (the larger dormer) and would occupy more than half of the front roofplane whilst also extending from ridge height to eaves height on the existing building. As outlined, Policy DP1(g) states that box dormers are not acceptable. The agent has submitted a design statement which provides examples of existing box dormers on neighbouring properties, however it is noted that these examples are historical, and would not be permitted under the current MLDP2020. Whilst it is accepted that there are two existing box dormers on the front elevation of the existing property, these are again historical and would not comply with policy DP1. The currently proposed design (including both the extended front box dormer and new rear box dormer) would not only be incompatible with MLDP 2020 Policy DP1(g) which precludes box dormers in all circumstances, but would also be considered to be of a poor design which is incongruous with the character and scale of the existing property and surrounding area due to the unnecessary bulk and box-like appearance which the box dormers would introduce. This is particularly the case, given that the application site is a traditional property in a prominent area at the seafront in Lossiemouth.

The proposals would also be considered overdevelopment of the existing front and rear roofplanes as the box dormer extension to the front and new box dormer to the rear would result in almost the entirety of both roofplanes being developed. This is again considered out of keeping with the scale and character of the existing building, and if allowed, would be considered overdevelopment. As such the application will be refused as it does not comply with MLDP 2020 Policies DP1, EP3 and NPF4 Policies 4, 14 and 16.

With regard to the external finishes, the dormers are proposed to be finished in zinc to the external walls and flat roof over. Zinc is a commonly used material on traditional buildings which would be considered appropriate against the existing natural slate roof. The material finishes of the dormers are therefore considered acceptable, however this would not override the aforementioned objections with regard to design, scale and character and the application will be refused.

Additional alterations are proposed to the existing building and these include removing an existing timber balustrade surrounding the existing rear roof terrace and replacing with a new glass balustrade to the north and west. A new flat roof is also proposed over the existing rear second floor sunroom, again to be finished in zinc. Finally at the rear, an existing first floor extension will be removed and replaced with a bootroom extension, with a stepped external access to the rear garden and this extension will be finished in timber cladding with a flat roof over. Although policy DP1 states that pitched roofs are preferred to flat roofs, the proposals here are located to the rear and either replace an existing flat roof, or are sufficiently small in scale to be deemed acceptable in this location. Therefore these elements of the design would be considered to comply with policies DP1 and NPF4 Policies 14 and 16.

In terms of any adverse amenity impacts, the proposed dormer on the front would face onto the public road below and thereafter existing Old Station Park and Promenade at the seafront. To the rear, the proposed new box dormer would face onto the applicant's existing garden ground and neighbouring properties beyond. An existing roof terrace would be accessed via the patio doors proposed within the new rear box dormer, with a new glass balustrade to be installed to the north and west edges. If the application were to be approved, a condition would be required to be added to the final consent requiring the balustrade to be fitted with opaque glass. As a result, subject to compliance with a condition, the proposed alterations would not be considered to give rise to any unacceptable loss of privacy or overlooking to neighbours, beyond that already experienced. In terms of any loss of light or overshadowing, the extended box dormer on the front elevation would not protrude beyond the eaves of the existing roof, and whilst the new rear box dormer would, this would be above an existing two storey extension which faces onto the blank wall of a neighbouring property (separated by an existing driveway) and would not be expected to give rise to an unacceptable loss of light or overshadowing to neighbours. Therefore, these aspects would be considered to comply with policy DP1.

Special Landscape Areas (EP3, NPF4 Policy 4)

Policy EP3 refers to Special Landscape Areas and requires that development proposals within SLAs so not prejudice the special qualities of the designated area as set out in the Moray local Landscape Designation Review and adopt the highest standards of design in accordance with policy DP1.

NPF4 Policy 4(d) states that development proposals that affect a site designated as a local nature conservation site or landscape area within the LDP will only be supported where:

- i.) Development will not have significant adverse effects on the integrity of the area or the qualities for which is has been identified; or
- ii.) Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

The Moray Local Landscape Review Designation Review for the Burghead to Lossiemouth SLA specifically states that development should be of the highest quality and of a scale and style that reflects buildings within the original core of the settlement. In this case, the site is located within the centre of Lossiemouth, facing onto the historical Old Station Park and Promenade and as such is highly visible from many public viewing points on the seafront. Whilst there is an existing box-dormer arrangement here, this would not be permissible under current policy and the proposal to extend an existing box dormer on the front and construct a new box dormer on the rear would be considered to detrimentally affect the historical character of Lossiemouth and as such the application will be refused as the proposal would not be considered to comply with MLDP policy EP3 and NPF4 Policy 4.

Drainage (DP1, EP12, EP14, NPF4 Policy 22)

The site is not within any areas identified to be at risk of flooding. A Drainage Statement has been provided which outlines that any additional surface water will be directed to the existing combine sewer, as will any foul water. Moray Flood Risk Management have been consulted and have raised no objections therefore the drainage proposals would comply with policy DP1.

Climate Change, Biodiversity and Soils (NPF4 Policies 1, 2, 3 and 5)

The proposal is a small scale householder development only which will result in minimal impact in terms of climate change and soil disturbance. It is not necessary to seek formal biodiversity enhancement on a householder proposal of this scale and therefore the proposal is deemed to comply with NPF4 Policies 1, 2, 3 and 5.

Protected Species (EP1, NPF4 Policy 4)

As bats are a European Protected Species, the impact of the proposal on the species must be considered prior to determining the application and in line with the current Habitat Regulations 1994 as amended. If the application were to be approved an informative should be added to any final consent reminding the developer of their duties should any evidence of bats be uncovered during construction works and this would ensure compliance with policy EP1 and NPF4 Policy 4.

Archaeology (EP8, NPF4 Policy 7)

As outlined, an area of archaeological interest lies over the site relating to the historic settlement of Lossiemouth. The Council's archaeologist has been consulted and has raised no objections. As a result the proposal would comply with policy EP8 and NPF4 Policy 7.

Parking and Access (DP1, NPF4 Policy 13)

The site is currently accessed via the public road to the east of the site and parking is via on-street parking again to the east. No alterations to either of these are proposed and the Moray Council Transportation Section has been consulted and has raised no objections, subject to a series of informatives to be added to any final consent, should the application be approved. This ensure compliance with the Transportation requirements of policy DP1 and NPF4 Policy 13.

Conclusion

The proposals are unacceptable in terms of policy DP1(g) which precludes box dormers. Furthermore, the dormers are of a poor design which is incongruous with the character and scale of the existing property and surrounding area due to the unnecessary bulk and box-like appearance which the box dormers would introduce. The dormers would also be considered overdevelopment of the existing front and rear roofplanes and as such would fail to comply with MDLP2020 Policy DP1 and NPF4 Policies 14 and 16.

The Moray Local Landscape Review Designation Review for the Burghead to Lossiemouth SLA specifically states that development should be of the highest quality and of a scale and style that reflects buildings within the original core of the settlement. It is noted that proposed extended box dormer and new rear box dormer would have a detrimental impact on the character of the wider SLA and is therefore not considered to comply with MLDP 2020 policy EP3 and NPF4 Policy 4.

As such the application will be refused as it would not comply with MLDP2020 Polices DP1 and EP3 and NPF4 Policies 4, 14, and 16.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY			
Reference No.	Description		
06/02122/FUL	Proposed alterations extension and associated works at 9 Pitgaveny Street Lossiemouth Moray IV31 6NS		
	Decision	Permitted	Date Of Decision 07/12/06
	Proposed alterations extension and associated works at 9 Pitgaveny Street		

05/00585/FUL	Lossiemouth Moray IV31 6NS		
	Decision	Refuse	Date Of Decision

ADVERT		
Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Northern Scot	Departure from development plan	02/03/23
PINS	Departure from development plan	02/03/23

DEVELOPER CONTRIBUTIONS (PGU)	
Status	N/A

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?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Design Statement (dated 17/01/2023)	
Main Issues:	Outlines details of existing property and gives details of neighbouring properties which employ dormer windows. Seeks to provide justification for design due to poor internal layout, insufficient head-height and through seeking to balance the front elevation through extension of the dormer.	
Document Name:	Drainage Statement (dated 01/04/2021)	
Main Issues:	Outlines that development will create less than 25sqm of new roof space and therefore no formal drainage statement is required. All surface and foul water will be directed to the existing combined sewer.	

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

**[Heldon And Laich]
Application for Planning Permission**

TO



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:-

Alter and extend dwellinghouse at 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

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

Date of Notice: **17 April 2023**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

Economy, Environment and Finance

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 proposed extended box dormer to the front and new box dormer to the rear of the existing dwelling are contrary to the Moray Local Development Plan (2020) and National Planning Framework 4 for the following reasons:

1. The proposals are unacceptable in terms of policy DP1(g) which precludes box dormers. Furthermore, the dormers are of a poor design which is incongruous with the character and scale of the existing property and surrounding area due to the unnecessary bulk and box-like appearance which the box dormers would introduce. The dormers would also be considered overdevelopment of the existing front and rear roofplanes and as such would fail to comply with MDLP2020 Policy DP1 and NPF4 Policies 14 and 16.
2. The Moray Local Landscape Review Designation Review for the Burghead to Lossiemouth SLA specifically states that development should be of the highest quality and of a scale and style that reflects buildings within the original core of the settlement. It is noted that proposed extended box dormer and new rear box dormer would have a detrimental impact on the character of the wider SLA and is therefore not considered to comply with MLDP 2020 policy EP3 and NPF4 Policy 4.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
220104.BRENNAN.03PP	A	Proposed elevations floor plan site and location plan
220104.BRENNAN.04PP	B	Proposed side elevation

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

Additional plans submitted to show missing elevation and missing detail from elevation.

**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



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 100635202-001

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.

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:	CM Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Craig	Building Name:	St Brendans
Last Name: *	Mackay	Building Number:	69
Telephone Number: *	01343540020	Address 1 (Street): *	South Guildry Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Elgin
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV30 1QN
Email Address: *	office@cmdesign.biz		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="S"/>	Building Number:	<input type="text" value="9"/>
Last Name: *	<input type="text" value="Brennan"/>	Address 1 (Street): *	<input type="text" value="Pitgaveny Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Lossiemouth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="07969 912670"/>	Postcode: *	<input type="text" value="IV31 6NS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="susiebrennan@hotmail.com"/>		

Site Address Details

Planning Authority:

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

Address 1:	<input type="text" value="9 PITGAVENY STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="LOSSIEMOUTH"/>
Post Code:	<input type="text" value="IV31 6NS"/>

Please identify/describe the location of the site or sites

Northing

Easting

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Internal Alteration & Extension: erection of an extension to the existing box dormer to the front, new box dormer to the rear, and small boot room extension on Ground floor. New roof to existing conservatory

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to attached documents.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

2023.07.03 LBR Review - Statement of Case 220104 Brennan 01 SV A 220104 Brennan 03PP A 220104 Brennan 04PP B
2300132 Final LMC

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

23/00132/APP

What date was the application submitted to the planning authority? *

26/01/2023

What date was the decision issued by the planning authority? *

17/04/2023

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Can the site be clearly seen from a road or public land? *

Yes No

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

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Craig Mackay

Declaration Date: 14/07/2023



LOCAL REVIEW BOARD

STATEMENT OF APPEAL

Alteration & Extension to 9 Pitgaveny Street, Lossiemouth, IV31
6NS

July 2023

**St. Brendans
South Guildry Street
Elgin
Moray
IV30 1QN**

t. 01343 540020
w. cmdesign.biz

**4 Bridge Street
Nairn
Highland
IV12 4EJ**

t. 01667 300230
w. cmdesign.biz

planning**consultancy** • architectural**design** • project**management**



planning**consultancy** • architectural**design** • project**management**

St. Brendans
South Guildry Street
Elgin
Moray
IV30 1QN

t. 01343 540020 **f.** 01343 556470
e. office@cmdesign.biz

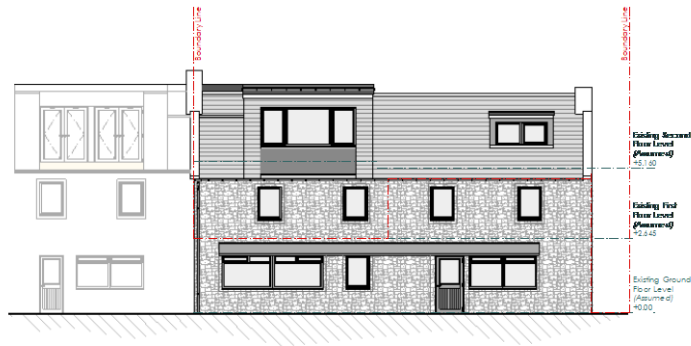
Our Reference:	220104.BRENNAN
Local Authority:	Moray Council
Planning Application Ref:	23/00132/APP
Application Proposal:	Consolidation of two existing mismatched dormers into one box dormer to balance the front elevation; dormer to rear; & and small rear extension containing a boot room.
Site Address:	9 Pitgaveny Street, Lossiemouth
Appellants:	Ms. Brennan
Date Application Validated:	30 th January 2023
Council Decision Notice Date:	17 th April 2023
Reason for Refusal:	<ol style="list-style-type: none"> 1. <i>The proposals are unacceptable in terms of policy DP1(g) which precludes box dormers. Furthermore, the dormers are of a poor design which is incongruous with the character and scale of the existing property and surrounding area due to the unnecessary bulk and box-like appearance which the box dormers would introduce. The dormers would also be considered an overdevelopment of the existing front and rear roofplans and as such would fail to comply with MDLP2020 Policy DP1 and NPF4 Policies 14 & 16</i> 2. <i>The Moray Local Landscape Review Designation Review for the Burghead to Lossiemouth SLA specifically states that development should be of the highest quality and of a scale and style that reflects buildings within the original core of settlement. It is notes that the proposed extended box dormer would have a detrimental impact on the character of the wider SLA and is therefore not considered to comply with MLDP 2020 policy EP3 and NPF4 Policy 4.</i>

<p>Application Drawings & Supporting Documents:</p>	<p>DOC001 – CMD Drawing – 220104.BRENNAN.01 SV A DOC001 - CMD Drawing – 220104.BRENNAN.03 PP A DOC002 - CMD Drawing – 220104.BRENNAN.04 B DOC003 – 3D Proposals DOC004 – Decision Notice</p>
<p>Contents:</p>	<ol style="list-style-type: none"> 1. Introduction – Page 3 2. Development Needs – Page 4. 3. Statement of Case – Page 6 4. Reasons for Refusal – Page 10 5. Conclusion – Page 12

1. Introduction

- 1.1. The following Statement of Case, submitted by CM Design, Town Planning & Architectural Consultants, has been prepared to support a Local Review Board submission relating to a:

Refurbishment of Seafront Apartment to consolidate existing poorly constructed dormer arrangement and enhance the streetscape.



- 1.2. The existing property consists of accommodation over two stories with access via the private garden, to the rear.
- 1.3. The application was refused as it incorporated a box dormer which is not acceptable under the wider LDP. However, a blanket refusal overlooks a unique opportunity to significantly improve an existing, poorly designed, and constructed box dormer arrangement.
- 1.4. Despite the existing property hosting various sizes and styles of dormer, the application for form a new, consolidated dormer arrangement was refused due to current planning policy that resists "box dormer" proposals. This blanket refusal has been applied without consideration of the existing context, and this opportunity has been missed to significantly improve the performance and appearance of the existing arrangement.

2. Development Needs

- 2.1. The existing house layout at No. 9 Pitgavney Street has evolved, over many years, in an ad hoc fashion to give rise to the impractical arrangement of Kitchen, Bedrooms and Bathroom on the lower floor, and Living/Dining Areas with Conservatory on the upper floor. In addition to the useable upper floor rooms there are also two unusable small rooms leading off the main Living area, currently being used for storage as insufficient head-height and daylight prevent any more meaningful use.
- 2.2. Internally, the ad hoc evolution of this property has resulted in an impractical arrangement meaning that the appellant must carry food and drinks from the Kitchen up a flight of stairs to the main Living and Dining areas.
- 2.3. Externally, the ad hoc evolution of this property has also resulted in two mismatched box dormers to the front elevation:



Existing Elevation



Proposed Elevation

- 2.4. The thermal performance of the property is poor, and the existing conservatory, to the rear, is rendered unusable for much of the year due to excessive heat, or cold, season depending:
- 2.5. The appellant seeks to replace the two poorly constructed, non-symmetrical and mismatched box dormers with one, thermally efficient dormer, providing a more balanced elevation and more in keeping with other examples of historic box dormer seen in the wider area.
This consolidated dormer design also brings the two unusable internal rooms into use and brings the internal layout of the house together perfectly.
- 2.6. Significant **material considerations** exist in the context of this application and appeal and can be summarised as follows:
 - Whilst new Box dormers are not acceptable under DP1 (g), these proposals do not seek approval for a new box dormer to a previously undeveloped roof, but instead seek to replaced two poorly constructed mismatched existing box dormers, with one single, more sympathetic dormer.

- The proposals pay attention to the local architectural style and seek to replace the current disjointed arrangement with a single dormer design more widely seen in the surrounding area.
- The proposals provide an opportunity to significantly upgrade both the appearance, and thermal performance of the property representing a significant investment in the property's long-term value, and Moray's requirement for local, good quality housing.
- All proposed works can be undertaken in a self-contained manner, within the appellants property, and need not infringe on any neighbouring properties to the side, or below.
- The proposals present no change to existing overshadowing or overlooking created by the property.

2.7 This Statement of case will not only address the reasons for refusal identified in the rejection notice but will also seek to demonstrate why these particular reasons for refusal could be described as perhaps punitive when considering how much additional utility and amenity the appellant stands to gain, whilst amending the existing elevation to one more appropriate to the local architectural style.

3. Statement of Case

- 3.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications to be determined in accordance with the Development Plan unless **material considerations** indicate otherwise.
- 3.2 As stated earlier in this Statement there are significant **material considerations** to be aware of in this case and are repeated here for the sake of clarity:
- It is important to note that two box dormers are already in situ on the front elevation.
 - The proposals provide an opportunity to replace the two existing box dormers with one single dormer.
 - The proposals provide:
 - I. Improved adherence to the local architecture styles and other examples of historic box dormers in the area.
 - II. Improved thermal performance to the property providing higher quality housing and representing a significant investment in long term value.
 - III. Improved utility, design, quality and place for the appellant
 - IV. Minimal disruption to neighbouring properties and no change to overshadowing or overlooking.
- 3.3 There are many examples of larger existing dormers on Pitgaveny Street and the wider area. These examples are usually one single box dormer as seen below:



2 Clifton Road



6 Clifton Road

Or symmetrical dormers that are balanced on the elevation:



The ad hoc evolution of this property has resulted in an elevation that complies with neither of these local architectural styles. As previously shown, the existing dormers are unbalanced, and mismatched:



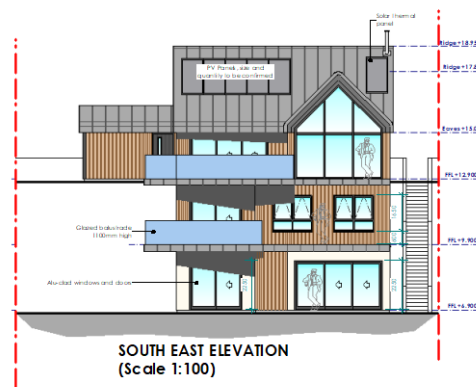
- 3.4 During the design process it was found to be unfeasible to provide the desperately needed head height with pitched roof dormers without significantly raising the ridge line. A box dormer replacement regime is the only viable option to provide the much-needed improvements to the home.

- 3.5 The proposed replacement box dormer seeks to pay attention to the local architecture and improve the integrity of the front elevation by proposing a box dormer arrangement more in line with the examples in close proximity to the property.
- 3.6 The current thermal performance of the property is poor, reducing its utility and jeopardising the health of any occupant. By replacing the construction of the existing front box dormers, and replacing the existing glazed roof of the conservatory, the thermal performance of the home will be significantly improved, thereafter improving the general utility of the home.
- 3.7 Recent developments in the Seafront area have introduced more modern design elements that sit comfortably with the wider local vernacular:

Approved



Approved



Approved

Pending Deliberation

- 3.8 The historic dormers in situ on the front elevation are poorly designed, not aesthetically pleasing, and not fit for purpose. The proposed replacement dormer provides an opportunity to balance the elevation and provide a design with more architectural merit that enhances the local character:



Examples of Zinc Clad Dormers

- 3.9 The proposed replacement dormer extrapolates the proportions of the existing, larger dormer and creates no issue with overshadowing, or overlooking.

4 Reasons for Refusal

- 4.1 The handling report suggests that the general refurbishment and alteration proposed are acceptable to the Planning Case handler, however, the dormer proposals are the principal reason for refusal.
- 4.2 Despite the general approval in principle demonstrated in this Statement of case, the current application has been refused on the grounds of **the following issues**.
- 4.3 The appellant requests that this appeal be considered upon the basis of the material matters raised but for the sake of protocol, responds directly to the matters of refusal as follows.

4.4 REASON FOR REFUSAL NO 1 - *Failure to comply with DP1 (g) – no box roof dormers, MDLP 2020 Policy DP1 Overdevelopment.*

- 4.4.1 Policy DP1 applies to all development, taking into account the nature and scale of a proposal and individual circumstances. It is applied to the impact a development will have on: Design; transportation; and Water Environment, Pollution & contamination. This application was refused for the inclusion of a box dormer, which is not acceptable under DP1 Design criteria. There was no objection to Transportation or Environmental impact as a result of the proposals.
- 4.4.2 Whilst it is recognised that proposals for **new** Box Dormers appear contrary to DP1 (g), these particular proposals are unique and present the opportunity to significantly improve the integrity of the **existing** box dormers.
- 4.4.3 The replacement of the two existing box dormers with one single box dormer does not create a risk of precedent for the use of box dormers.
- 4.4.4 The existing two box dormers are already in situ. It seems counter to the objectives of the LDP to lose the opportunity to provide a significantly improved property in terms of architectural merit, compliance with local vernacular and thermal performance in order to retain two unattractive box dormers that are also contrary to DP1 (g), and considerably poorer in design and thermal capabilities.
- 4.4.5 As shown above, there are multiple examples of large single box dormer roofs in the surrounding area. The extrapolation of the scale of the existing dormer has been utilised to provide improved symmetry to the elevation and to bring the dormer arrangement more inline with the local architectural style.
- 4.4.6 In conclusion, there will be a box dormer/s on this roof. These proposals provide Counsellors an opportunity to approve a box dormer that more closely aligns with the wider objectives of the LDP, rather than retain the existing ad hoc arrangement.

4.5 REASON FOR REFUSAL No 2 - Failure to comply with NPF4 Policies 4, 14 & 16.

4.5.1 the National Planning Framework 4. Lays out the Scottish Ministers' policies and proposals for the development and use of land.

Policy 4. – Policy 4. Seeks to control impact on the natural environment and preserve the integrity of the area.

- a) These proposals will not have an unacceptable impact on the natural environment. The scale and type of the proposals have been carefully considered and influenced by the local architectural styles, to reinforce local identity.
- d) (i) These proposals will not have a significant adverse effect on the integrity of the area, or the qualities for which it has been identified.

Policy 14. – Policy 14. Seeks to improve the quality of an area, regardless of scale, and create development that is consistent with the six qualities of successful places: Healthy; Pleasant; Connected; Distinctive; Sustainable; Adaptable.

- a) The proposals have been carefully considered to improve the quality of the existing box dormers, both in architectural merit, thermal performance, and in accordance with the other existing box dormers within the area.
- b) (i) Pleasant: the proposals seek to support natural and built spaces, by upgrading the existing dormer arrangement to one more aligned with the objectives of the LDP.
(ii) Distinctive: the proposals have sought support the local architectural style, by interpreting the prevalent style of existing box dormer whilst referencing the more modern elements of design which are now rejuvenating the Esplanade and wider area, therefore reinforcing the identity of the local area.
(iii) Sustainable: the proposals seek to significantly improve the thermal performance of the home, to mitigate the effects of overheating in summer, and reduce fuel consumption.
(iv) Adaptable: the proposals demonstrate commitment to a significant investment in the long-term value of the property, and wider area.

Policy 16. – Policy 16. Seeks to ensure that proposals bring benefit and do not have a detrimental impact on character, environmental quality, or neighbouring properties.

- g) (i) The proposals do not have a detrimental impact on the character or environmental quality of the home and surrounding area. The scale, design and materials of the proposals have been considered to reinforce the local architectural style, and to improve the thermal performance of the property.
(ii) there is no impact on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

4.6 REASON FOR REFUSAL No 3 - Failure to comply with MDLP2020 EP3

Policy EP3 – Seeks to preserve the special qualities of the designated area, and ensure proposals reflect the traditional settlement character.

Proposals reflect the settlement character in terms of siting and design. The proposed design provides a box dormer arrangement more in-keeping with the prevalent design in the surrounding area.

5 Conclusion

5.1 This Statement of case has established the following:

- **Whilst new Box Dormers are not supported within the Local Development Plan, these proposals provide an opportunity to replace two unsightly, existing dormers with a more sympathetic and thermally efficient arrangement.**
- **The scale of the proposal has been carefully considered to reinforce identity and pays attention to local architectural style of symmetrical box dormer design.**

5.2 The Appellant contends that the current proposals present the only feasible alternative to the existing box dormer design, and allows for significant improvement in utility and thermal performance for the homeowner.

5.3 The appellant respectfully requests that detail of this case be fully considered and the Appeal to approve this application be upheld.

DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS
 CONTRACTOR/CIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION



Image of Existing Street Front Elevation (1)
Not to scale



Concept Image of Proposed Street Elevation (1)
Not to scale



Concept Image of the Rear Elevation of the Property
Not to scale



Concept Image of the Front Elevation
Not to scale



Image of Existing Street Front Elevation (2)
Not to scale



Concept Image of Proposed Street Elevation (2)
Not to scale



Concept Image of the Rear Elevation
Not to scale

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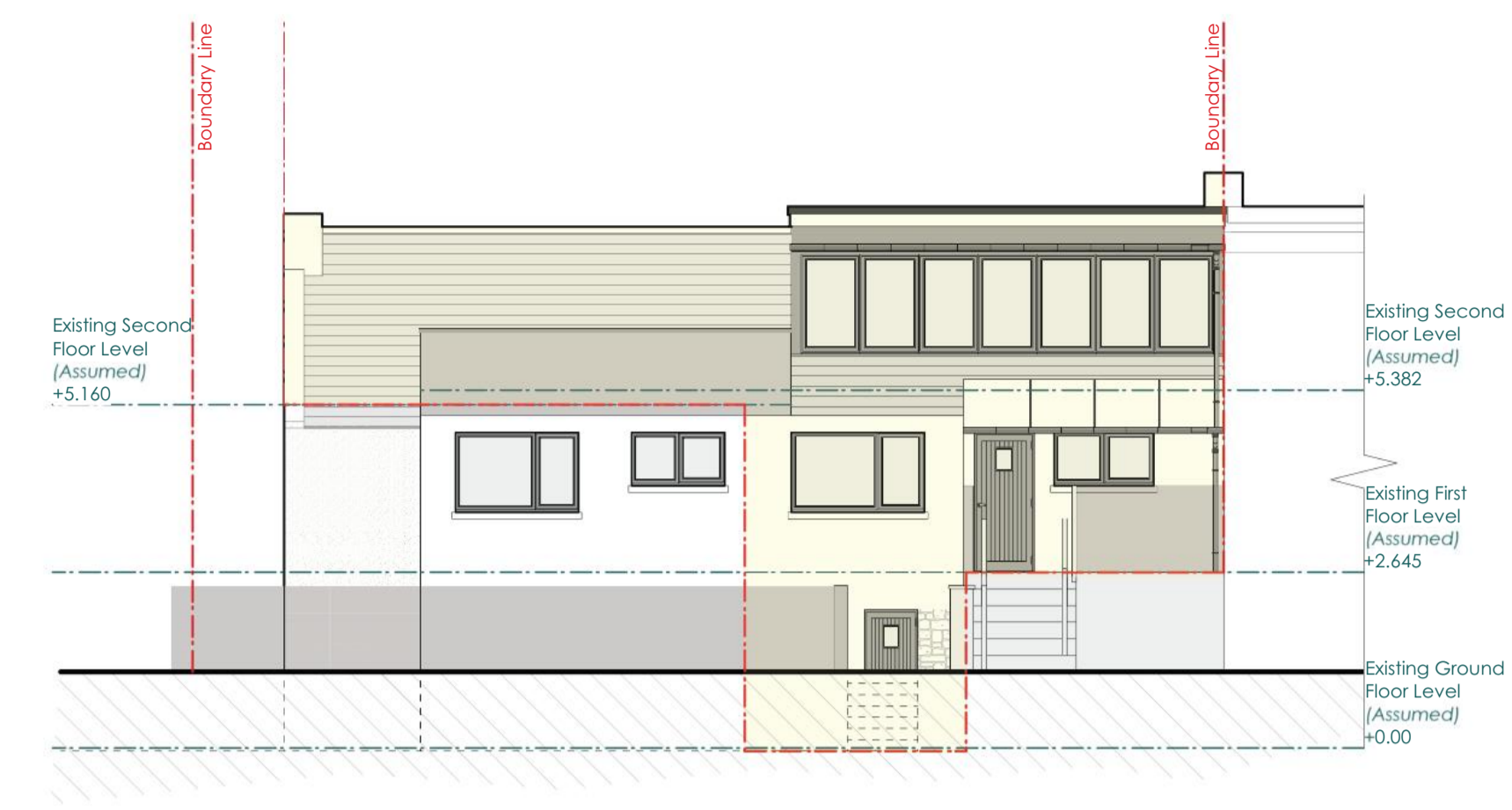
Ms. S Brennan			
9 PITGAVENY STREET, LOSSIEMOUTH, MORAY, IV31 6NS			
PLANNING PROPOSALS			
CONCEPT IMAGES			
Date:	Amendments:	Rev:	
Drawn By:	Date:	Checked By:	Date:
D.S	12.07.23		
220104.BRENNAN.05PP			

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 CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION
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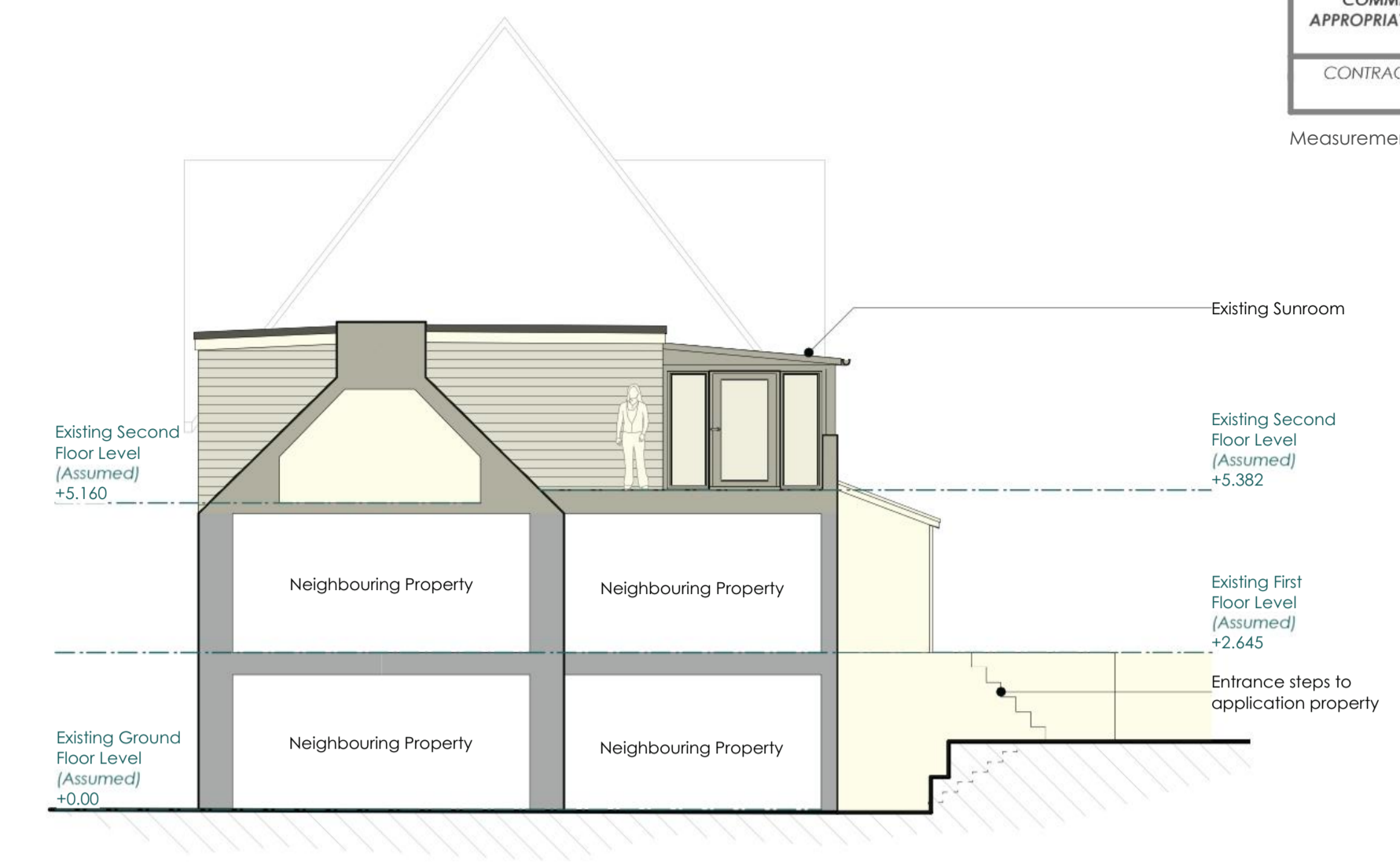
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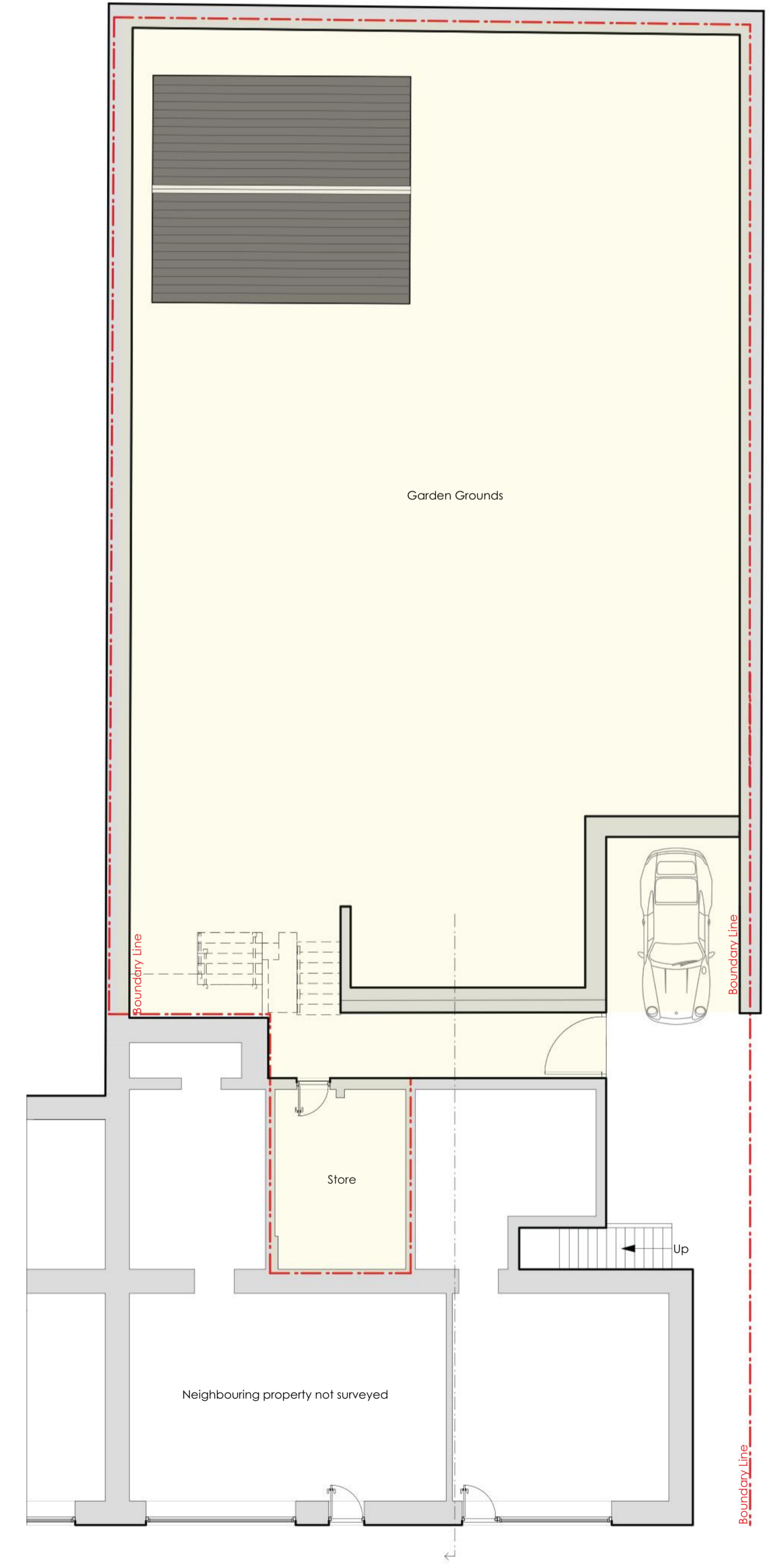
Existing Front Elevation
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 Elevation not surveyed



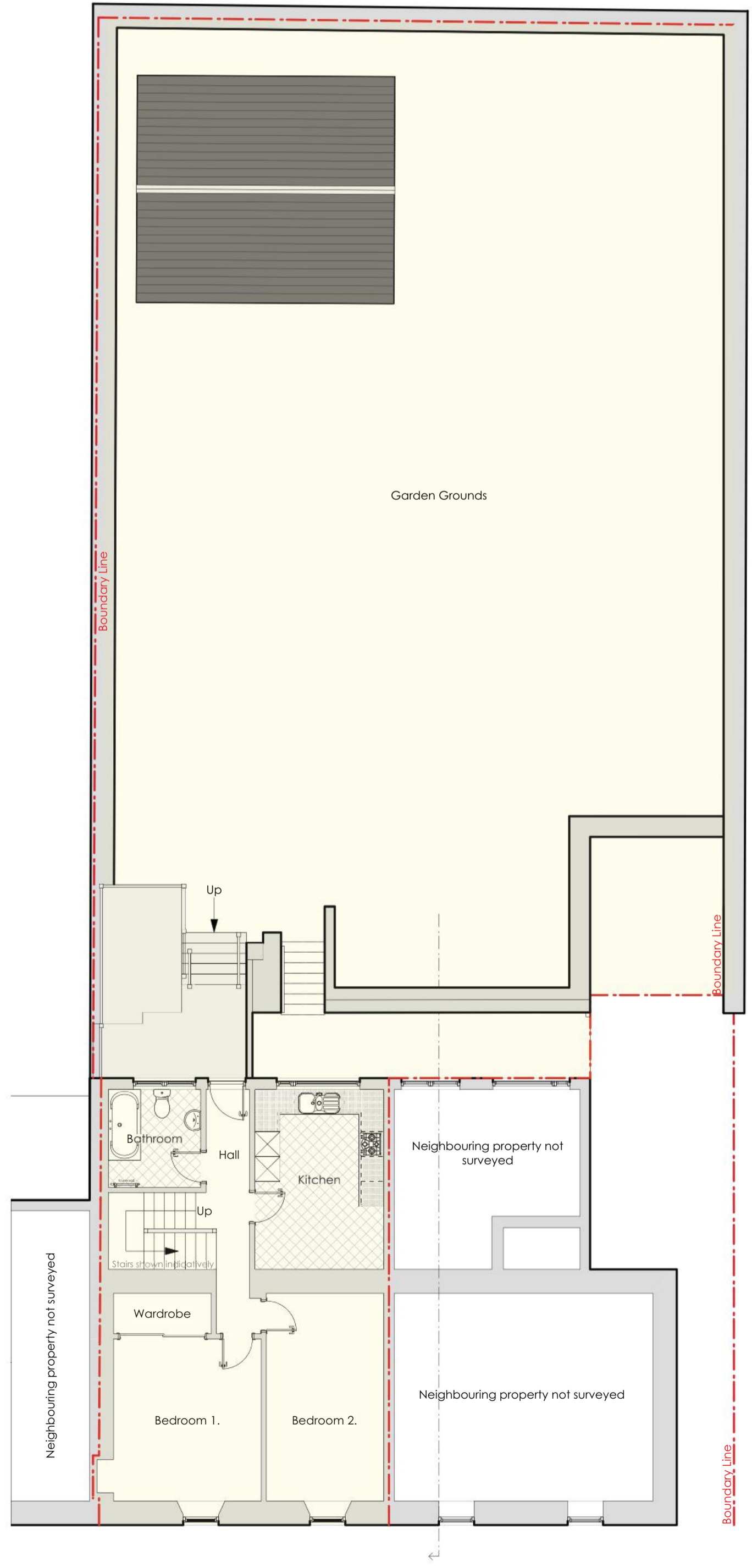
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 Scale: 1:100
 Elevation not surveyed



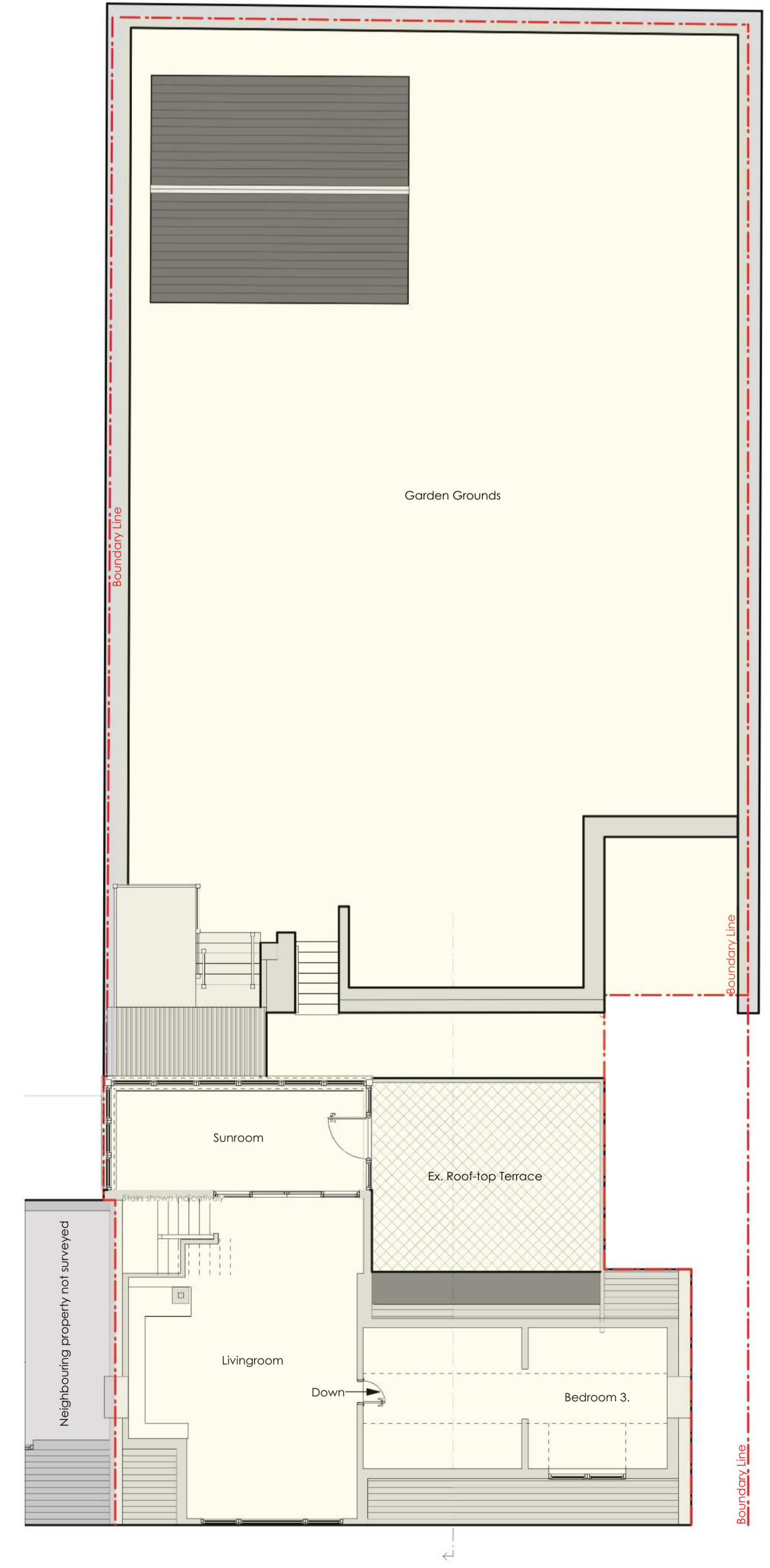
Existing Side Elevation
 Scale: 1:100
 Elevation not surveyed



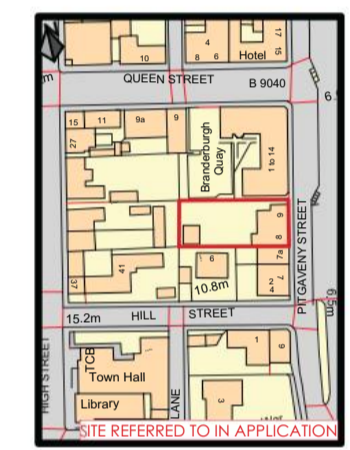
Existing Ground Floor Plan
 Scale: 1:100
 Floorplan not surveyed



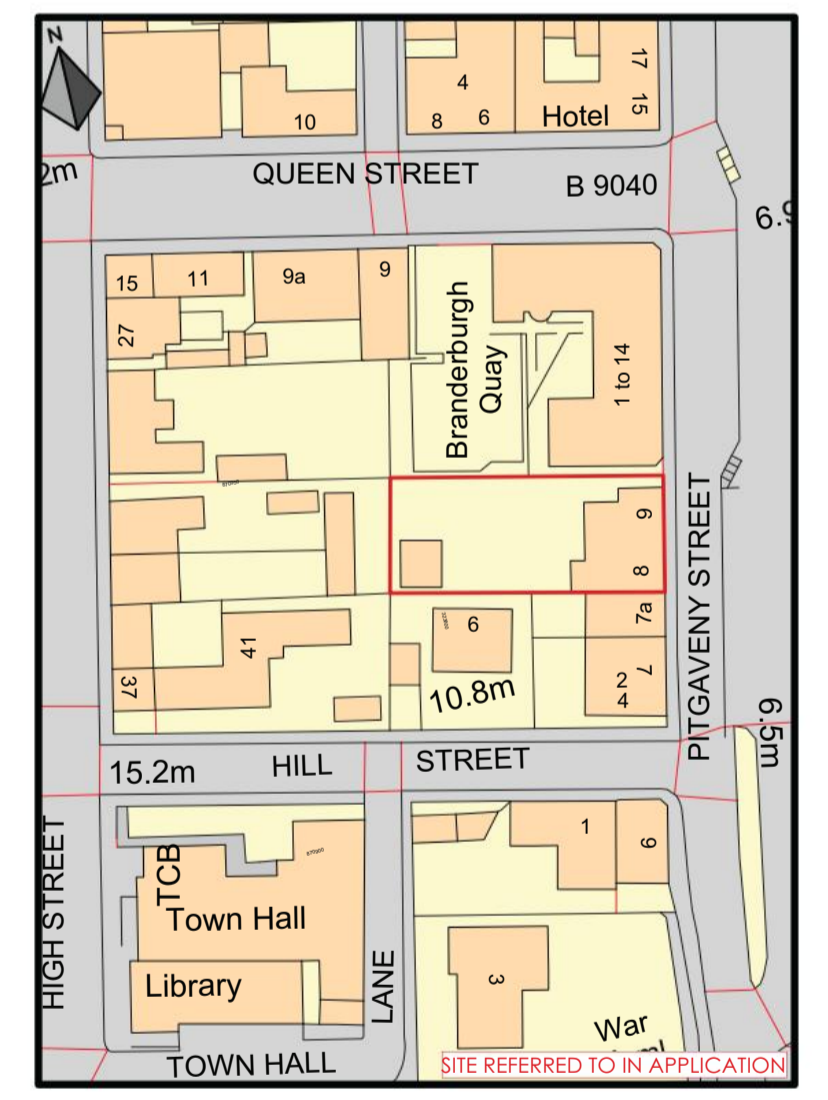
Existing First Floor Plan
 Scale: 1:100
 Floorplan not surveyed
 Approx: 57.5m²



Existing Second Floor Plan
 Scale: 1:100
 Floorplan not surveyed
 Approx: 76.5m²



Location Plan
 Scale: 1:2500



Location Plan
 Scale: 1:1000

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 architectural consultants

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Ms. S Brennan

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PLANNING PROPOSALS
 SURVEY DRAWING

Date: Amendments: Rev:

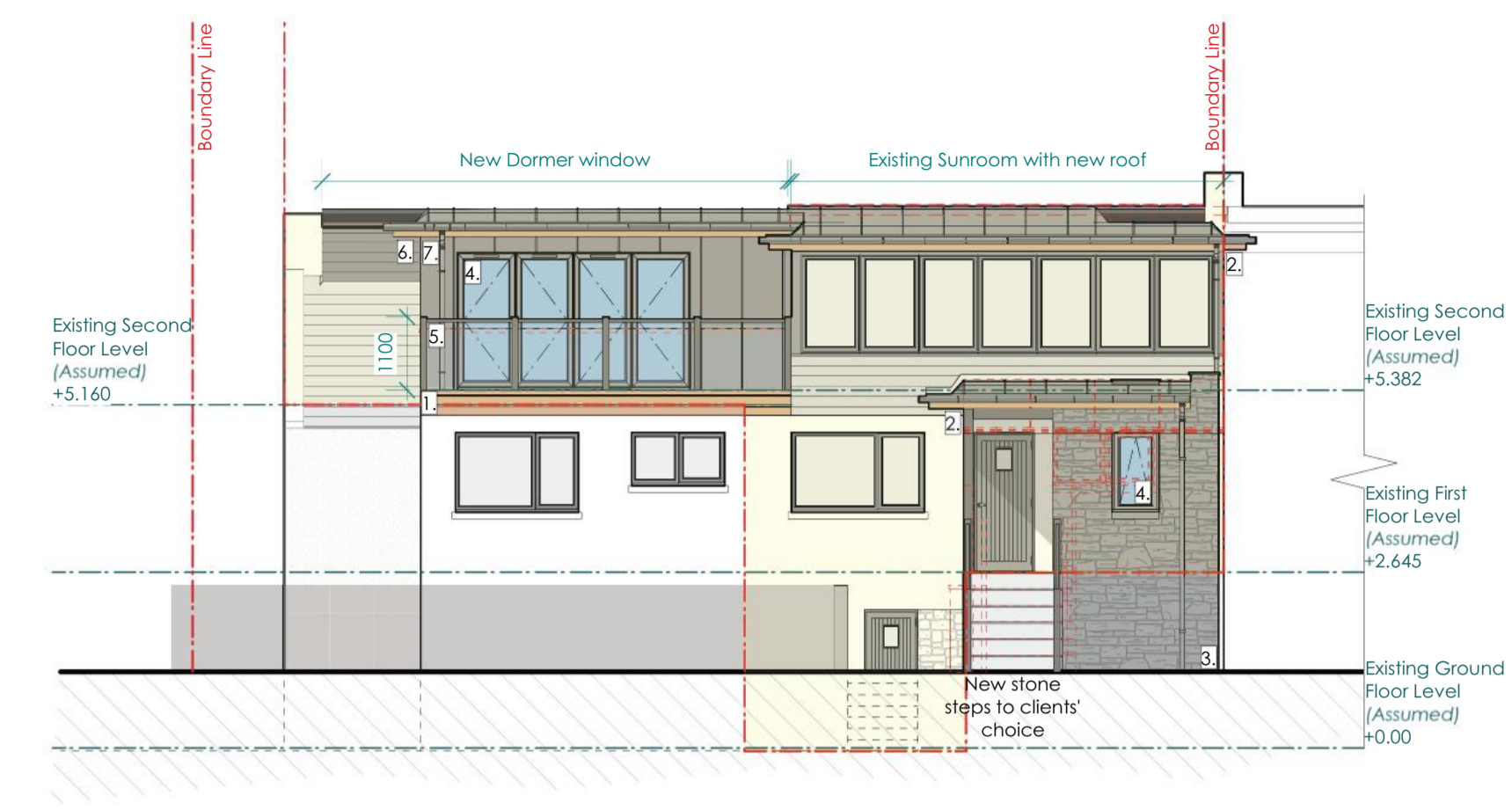
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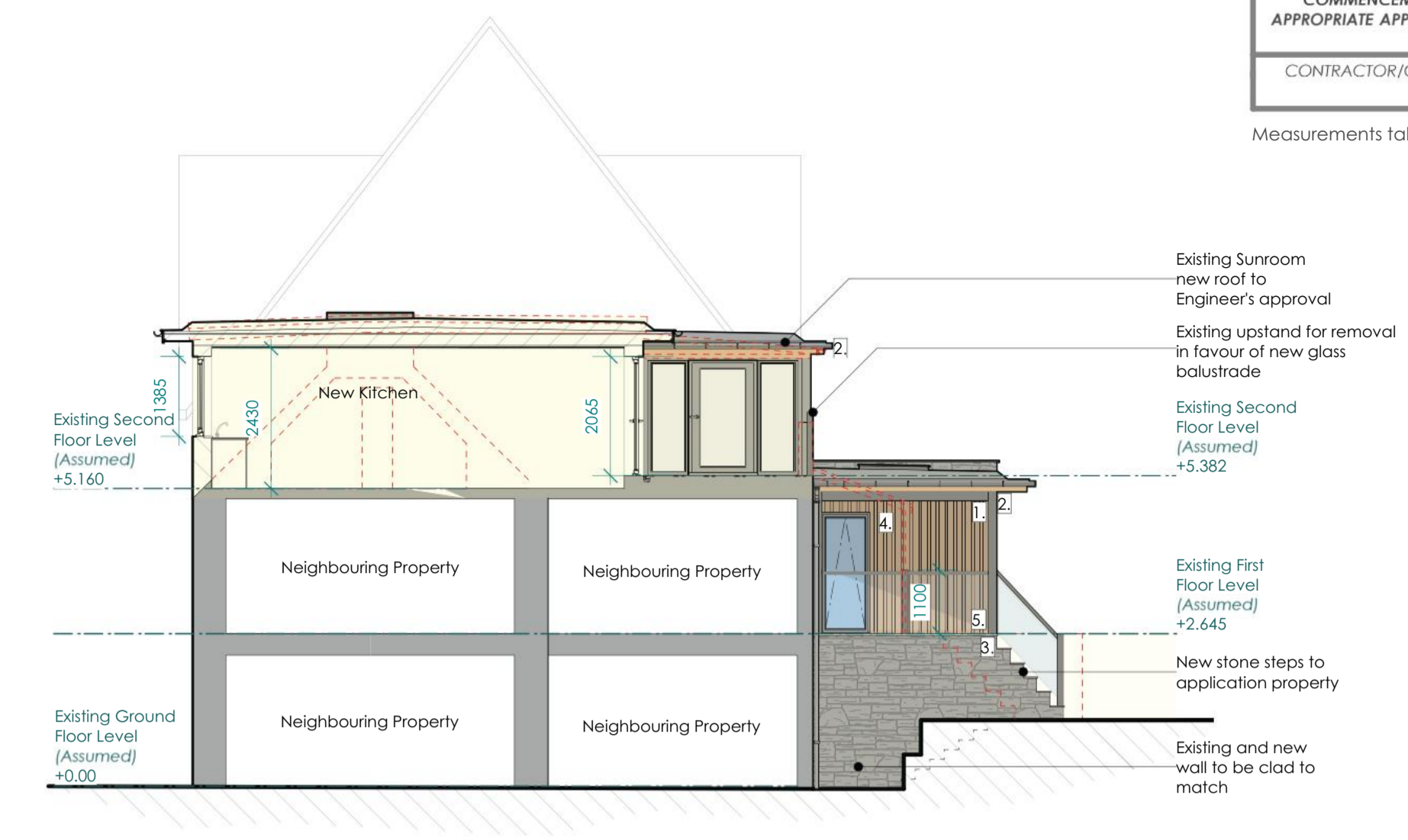
DO NOT SCALE OFF DRAWINGS. ALL SITES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS
 CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION
 Measurements taken from Martin Archibald drawing No. 5:2005:1.5:2005:2a, 5:2005:3a



Proposed Front Elevation
 Scale: 1:100
 Elevation not surveyed

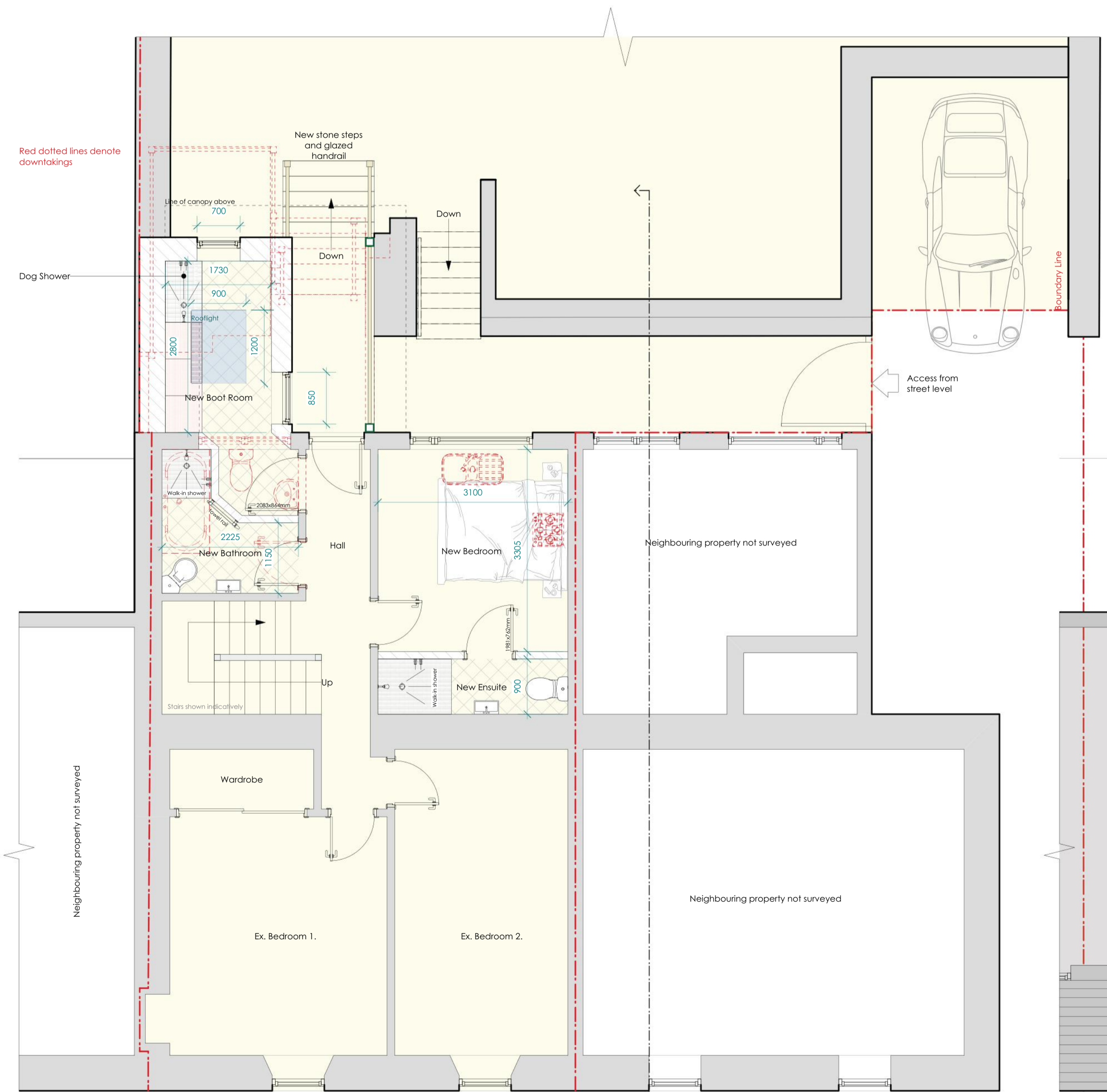


Proposed Rear Elevation
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 Elevation not surveyed

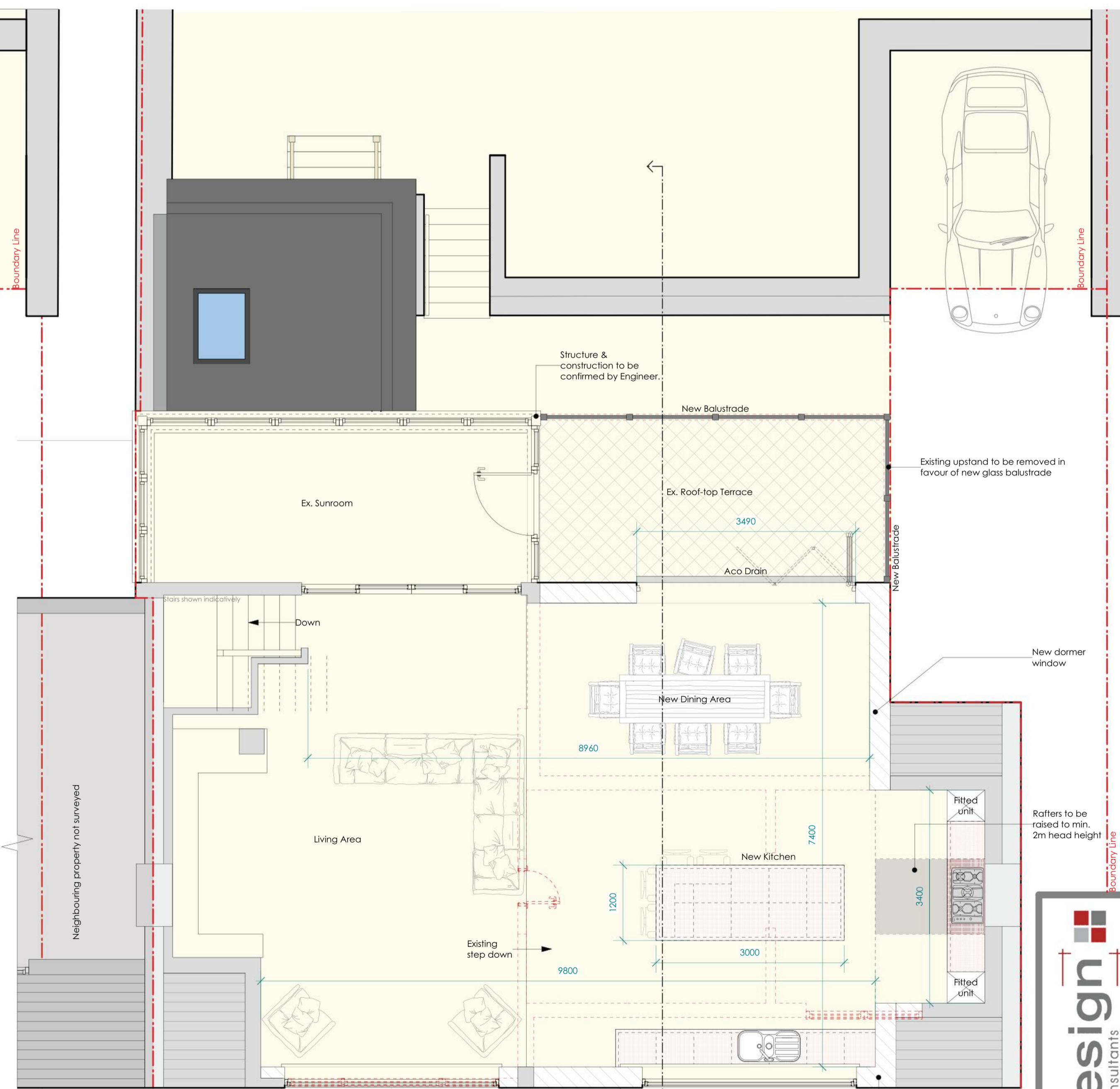


Proposed Side Elevation
 Scale: 1:100
 Elevation not surveyed

1. New timber cladding to clients' choice
2. New standing seam zinc flat roof
3. New Fernhill clad wall
4. New UPVC windows and doors to clients' choice
5. New Glazed balustrade to Engineer's approval
6. New dormer flat roof
7. New Zinc clad halfit

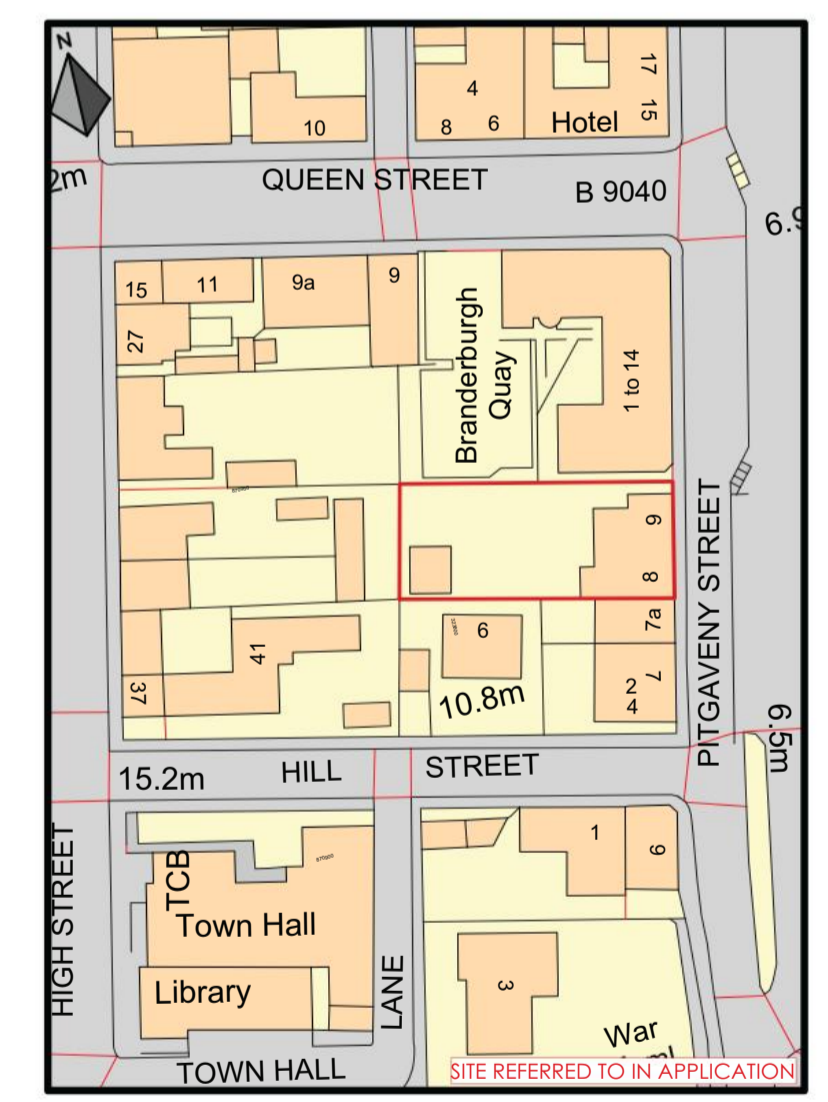


Proposed First Floor Plan
 Scale: 1:50
 Approx 62.5m²



Proposed Second Floor Plan
 Scale: 1:50
 Approx 98m²

Key to Ownership
 Area under applicant's ownership
 Area others' ownership



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Ms. S Brennan
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 PLANNING PROPOSALS
 SURVEY DRAWING
 Date: 03.11.22
 Amendments: Finish Amendments
 Rev: A
 Drawn By: M.D
 Date: 26.09.22
 Checked By:
 Date:
220104.BRENNAN.03PP A

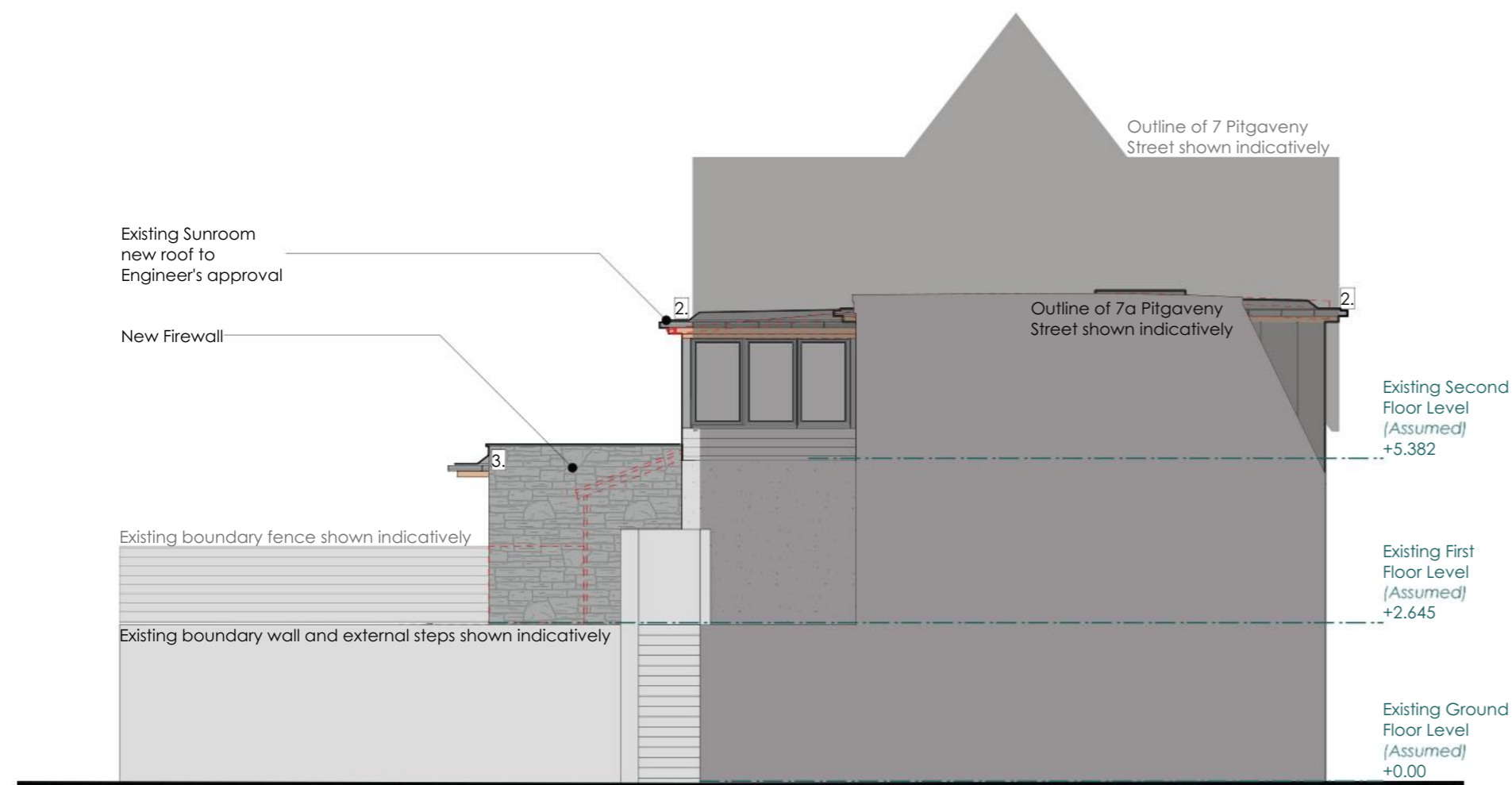


Proposed North Elevation
Scale: 1:100
Elevation not surveyed

1. New timber cladding to clients' choice
2. New standing seam zinc flat roof
3. New Fernhill clad wall
4. New UPVC windows and doors to clients' choice
5. New Glazed balustrade to Engineer's approval
6. New dormer flat roof
7. New Zinc clad halfit

Key to Ownership

- Area under applicant's ownership
- Area others' ownership



Proposed South Elevation
Scale: 1:100
Elevation not surveyed



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Ms. S Brennan

9 PITGAVENY STREET, LOSSIEMOUTH, MORAY, IV31 6NS

PLANNING PROPOSALS
FLOOR PLANS, ELEVATIONS & SECTION

Date:	Amendments:	Rev:
16.03.23	Elevation Amendment	A
22.03.23	Elevation Amendment	B

Drawn By: M.D	Date: 26.09.22	Checked By:	Date:
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220104.BRENNAN.04PP B



APPENDIX 3

FURTHER REPRESENTATIONS FROM INTERESTED PARTIES

Lindsey Robinson

From: SAMANTHA WALKINSHAW [REDACTED]
Sent: 29 August 2023 22:18
To: Lindsey Robinson
Subject: 9 Pitgaveny Street

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Lindsey,

I would ask that you forward my email to the MLRB with regard to the NOR for planning application 23/00132/APP.

I am the owner of 9a Pitgaveny Street and I have owned my property for 26 years. I am proud to own a traditional property on Lossiemouth's beautiful seafront.

My original objections stand, primarily focused on the National Plan and the Moray Local plan with regard to scale, use of box dormers and over development. The vast majority of my objections (and many others objections) were validated and upheld by the planning officer.

I have read the appeal statement made on behalf of Ms Brennan and it fails to convince me that the original decision was wrong.

This is a traditional building and the applicant was aware of the layout and the condition/ functionality of the property when it was purchased only last year. The proposed development is not in keeping with a traditional building and especially not one on the seafront of Lossiemouth, The jewel of Moray.

In the appeal statement, the examples of other large box dormers are historical. The property given as one example of unbalanced and mismatched dormers is actually a building that is due to be demolished and withdrew its application for box dormers to achieve planning permission. Other examples (3.7) refer to plans that have been await approval/ approved- none of which have box dormers, are all new builds and bear no resemblance to the traditional seafront building of no 9 Pitgaveny street.

Stating that the appellant has to carry food and drink up a flight of stairs is also not completely true and irrelevant- the appellants kitchen is of adequate size for a dining table and chairs (as photographed in the schedule of sale last year).

Stating that the thermal performance jeopardises the health of any occupant is made without any evidence.

Stating that "all proposed works can be undertaken in a self-contained manner" without any structural survey of the entire building having been completed is, again, without evidence.

I respectfully ask that you uphold the planning officers decision and take into account the multitude of objections received by the planning officer.

I am asking you to consider the impact the design of this application would have on a traditional building and the appearance of the Lossiemouth seafront.

Policy is not made locally or nationally without due diligence and I would ask you to please consider the ramifications of diverting from such policy.

Regards,

Sam Walkinshaw





APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS



LOCAL REVIEW BOARD

FURTHER REPRESENTATION RESPONSE

Alteration & Extension to 9 Pitgaveny Street, Lossiemouth, IV31
6NS

September 2023

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Our Reference:	220104.BRENNAN
Local Authority:	Moray Council
Planning Application Ref:	23/00132/APP
Application Proposal:	Consolidation of two existing mismatched dormers into one box dormer to balance the front elevation; dormer to rear; & and small rear extension containing a boot room.
Site Address:	9 Pitgaveny Street, Lossiemouth
Appellants:	Ms. Brennan
Date Application Validated:	30 th January 2023
Council Decision Notice Date:	17 th April 2023

RESPONSE TO REPRESENTATION

Further to the Representation made by Ms. Walkinshaw on the 29th of August 2023, our response is as follows:

As detailed more fully in the Statement of Appeal document previously submitted, absolutely no claim has been made that the proposals are compliant with the Moray Local Development Plan. On the contrary, the proposals acknowledge the non-compliant element of design, but highlight the opportunity for the existing, poorly constructed, also non-compliant box-dormer arrangement, to be replaced with an arrangement that is more in-keeping with other examples of historic dormers in the wider area.

The existing box dormer arrangement, facing the street front, has evolved in an ad-hoc fashion over a period of time and has little Architectural merit. It does not reflect other historical dormer arrangements on the seafront and is not befitting of a traditional property on the seafront of the jewel of Moray.

The proposals provide an opportunity to significantly improve both the architectural merit and thermal performance of the property, whilst bringing the arrangement more in-line with the local vernacular.



Existing Elevation showing random nature of the box dormers.



Proposed Concept Image showing a more balanced Elevation.

Recent developments in the Seafront area have introduced more modern design elements that sit comfortably within the wider local vernacular and the proposals seek to incorporate this aesthetic to provide a much-needed improvement to the existing, dated, non-compliant arrangement.



Examples of Zinc Clad Dormers

Further to Ms. Walkinshaw's stated objections, we recognise that she may also have concerns that building noise during construction would impact on the Short-Term Holiday let business operated from her property. Our client can reassure Ms. Walkinshaw that all would be done to mitigate any disruption to Ms. Walkinshaw's business. Our client is more than happy to accept any suspensive planning conditions to further reassure Ms. Walkinshaw that any disruption to her business will be mitigated where possible.

It is also worthy of note that since submission of the appeal, the existing box dormer has begun leaking. The box dormer is obviously reaching the end of its natural life, and a quotation of £15,000 has been provided for its repair.

We are in full agreement that the local vernacular must be protected and cherished. However, in this instance the proposals seek to right a past Architectural wrong thereby providing significant long-term benefits to both the appellant and the Architectural merit of the seafront of Lossiemouth.