



## MORAY LOCAL REVIEW BODY

29 JANUARY 2019

### SUMMARY OF INFORMATION FOR CASE No LR218

**Planning Application 18/01207/APP – Erect extension at 13 Bishops Court, Lossiemouth, IV31 6TL**

#### **Ward 5 – Heldon & Laich**

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 8 November 2018 on the grounds that:

The proposal is contrary to Moray Local Development Plan 2015 policies IMP1 and H4 for the following reasons:-

The proposed two storey side extension of the form and size submitted, positioned immediately to the south of neighbouring housing (in this case 11 Bishops Court) would represent an inappropriate form of development for this location which would be detrimental to the amenity of neighbouring occupiers.

The proposed extension would cause an unacceptable loss of daylight and sunlight, and an increased sense of enclosure/overbearing impact to the garden of this adjacent property, by reason its bulk, height and close proximity to the site (side) boundary. It would therefore cause a material loss of residential amenity, contrary to policies IMP1 and H4.

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

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

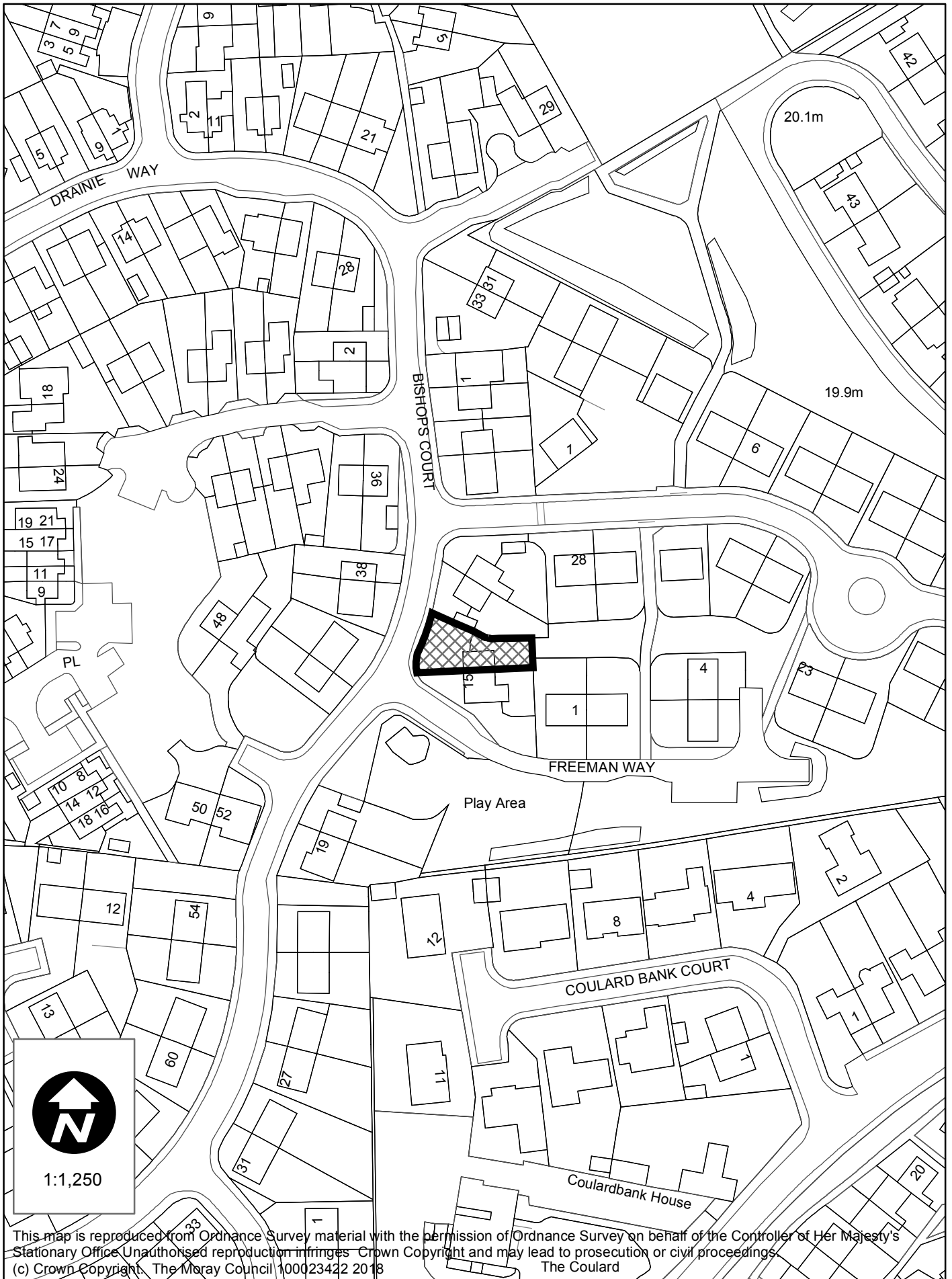
No Further Representations were received in response to the Notice of Review.





Location plan for Planning Application Reference Number:

**18/01207/APP**



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## **APPENDIX 1**

# **DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER**



10 SEP 2018

# HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (SCOTLAND) ACT 1997  
The Town and Country Planning (Development Management Procedure) (SCOTLAND) REGULATIONS 2013

Please refer to the accompanying Guidance Notes when completing this application  
PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS  
ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	<div>Mr &amp; Ms</div>	Ref No.	<div></div>
Forename	<div>Arron &amp; Claire</div>	Forename	<div></div>
Surname	<div>Field &amp; Millar</div>	Surname	<div></div>
Company Name	<div></div>	Company Name	<div></div>
Building No./Name	<div>13</div>	Building No./Name	<div></div>
Address Line 1	<div>Bishops Court</div>	Address Line 1	<div></div>
Address Line 2	<div></div>	Address Line 2	<div></div>
Town/City	<div>Lossiemouth</div>	Town/City	<div></div>
Postcode	<div>IV31 6TL</div>	Postcode	<div></div>
Telephone	<div></div>	Telephone	<div></div>
Mobile	<div></div>	Mobile	<div></div>
Fax	<div></div>	Fax	<div></div>
Email	<div></div>	Email	<div></div>

**3. Address or Location of Proposed Development (please include postcode)**  

13 Bishops Court  
Lossiemouth  
IV31 6TL

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

**4. Describe the Proposed Works**  
Please describe accurately the work proposed:  

erect extension

Have the works already been started or completed      Yes ☐ No ☒

If yes, please state date of completion, or if not completed, the start date:

Date started:

Date completed:

If yes, please explain why work has already taken place in advance of making this application.

## 5. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes ☐ No ☒

If yes, please provide details about the advice below:

In what format was the advice given? Meeting ☐ Telephone call ☐ Letter ☐ Email ☐

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes ☐ No ☐

Please provide a description of the advice you were given and who you received the advice from:

Name:  Date:  Ref No.:

## 6. Trees

Are there any trees on or adjacent to the application site? Yes ☐ No ☒

*If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.*

## 7. Changes to Vehicle Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes ☐ No ☒

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

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? Yes ☐ No ☒

*If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangement for continuing or alternative public access.*

How many vehicle parking spaces (garaging and open parking) currently Exist on the application site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total of existing and any new spaces or reduced number of spaces)

*Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, etc.*



### 8. Planning Service Employee/Elected Member Interest

Are you / the applicant / the applicant's spouse or partner, a member of staff within the planning service or an elected member of the planning authority? Yes ☐ No ☒

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes ☐ No ☒

If you have answered yes please provide details:

### DECLARATION

I, the applicant / agent certify that this is an application for planning permission and that accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☒

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes ☐ No ☒ N/A ☐

Signature:

Name:

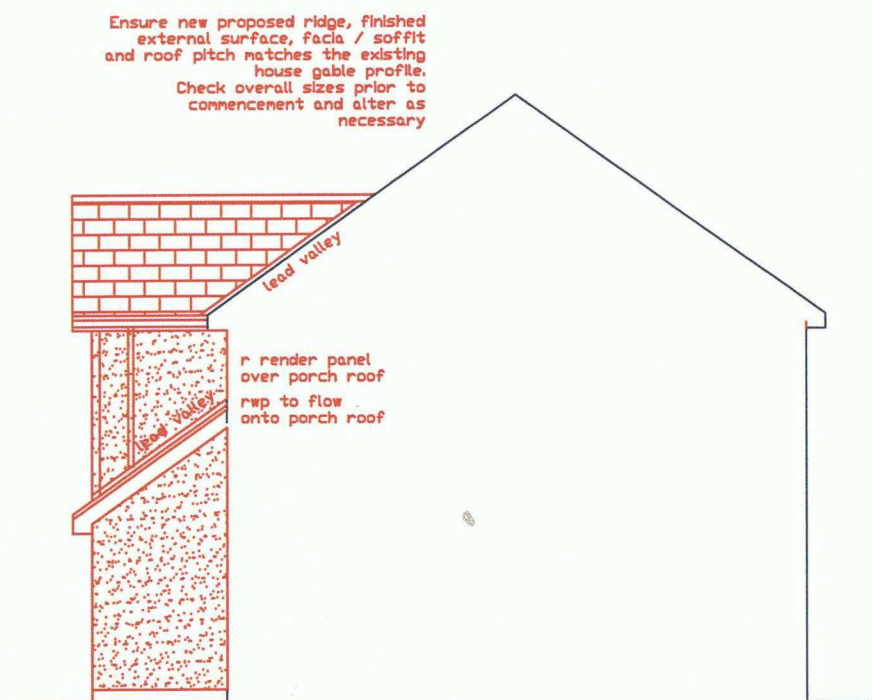
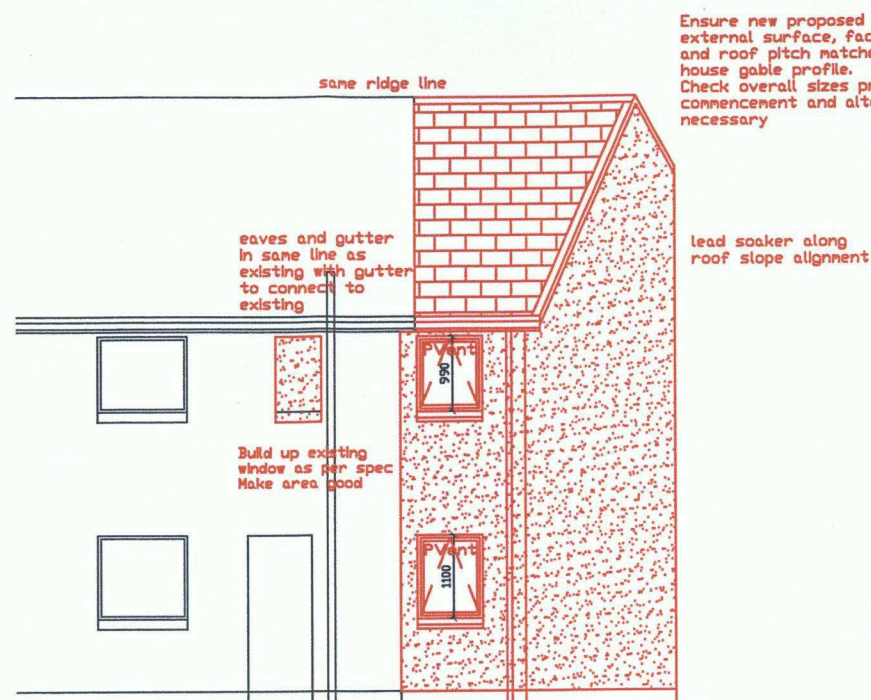
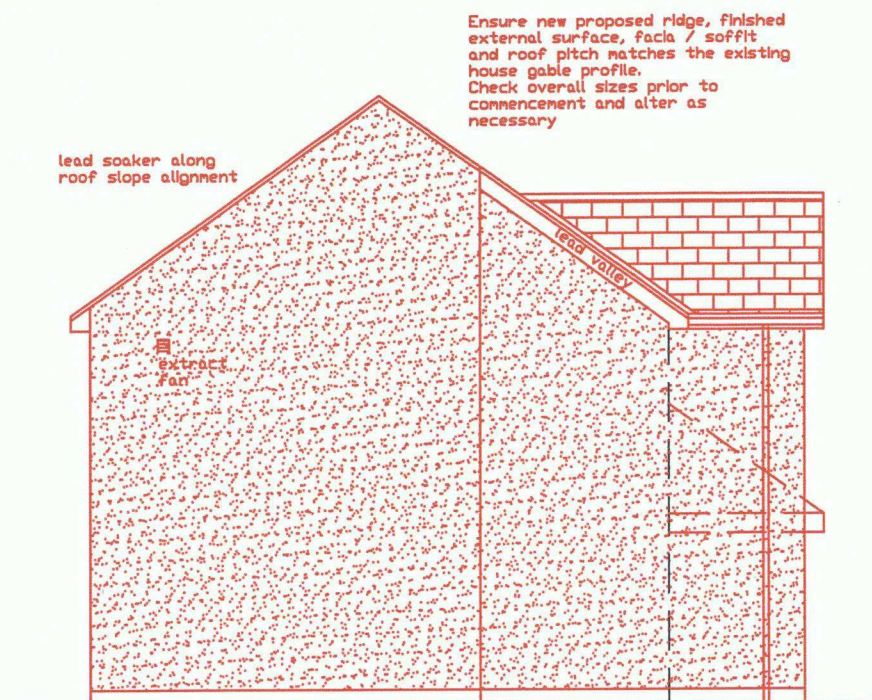
Clare Mullar

Date:

8/09/18

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





TO BE READ IN CONJUNCTION  
WITH ENGINEER DETAILS &  
RECOMMENDATIONS

## ELEVATIONS

scale 1:100

EXTERNAL FINISHES  
concrete roof tiles to match existing  
roughcast to external walls

project  
PROPOSED EXTENSION  
address  
13 BISHOPS COURT, LOSSIEMOUTH  
client  
ARRON FIELD & CLAIRE MILLAR  
date  
SEPT 2018

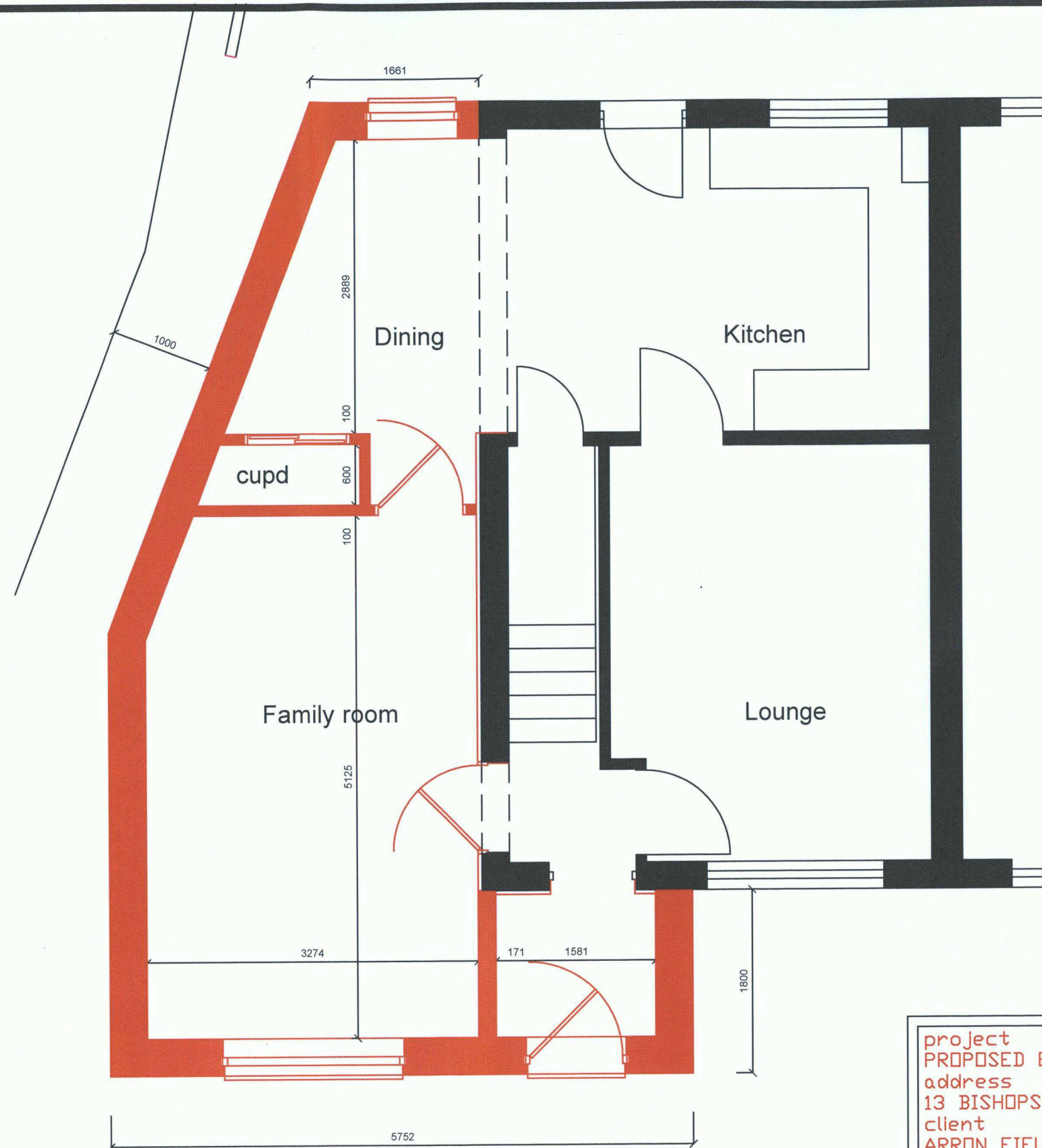
DRAWING NO 2

10 SEP 2018





GROUND FLOOR PLAN  
scale 1:50

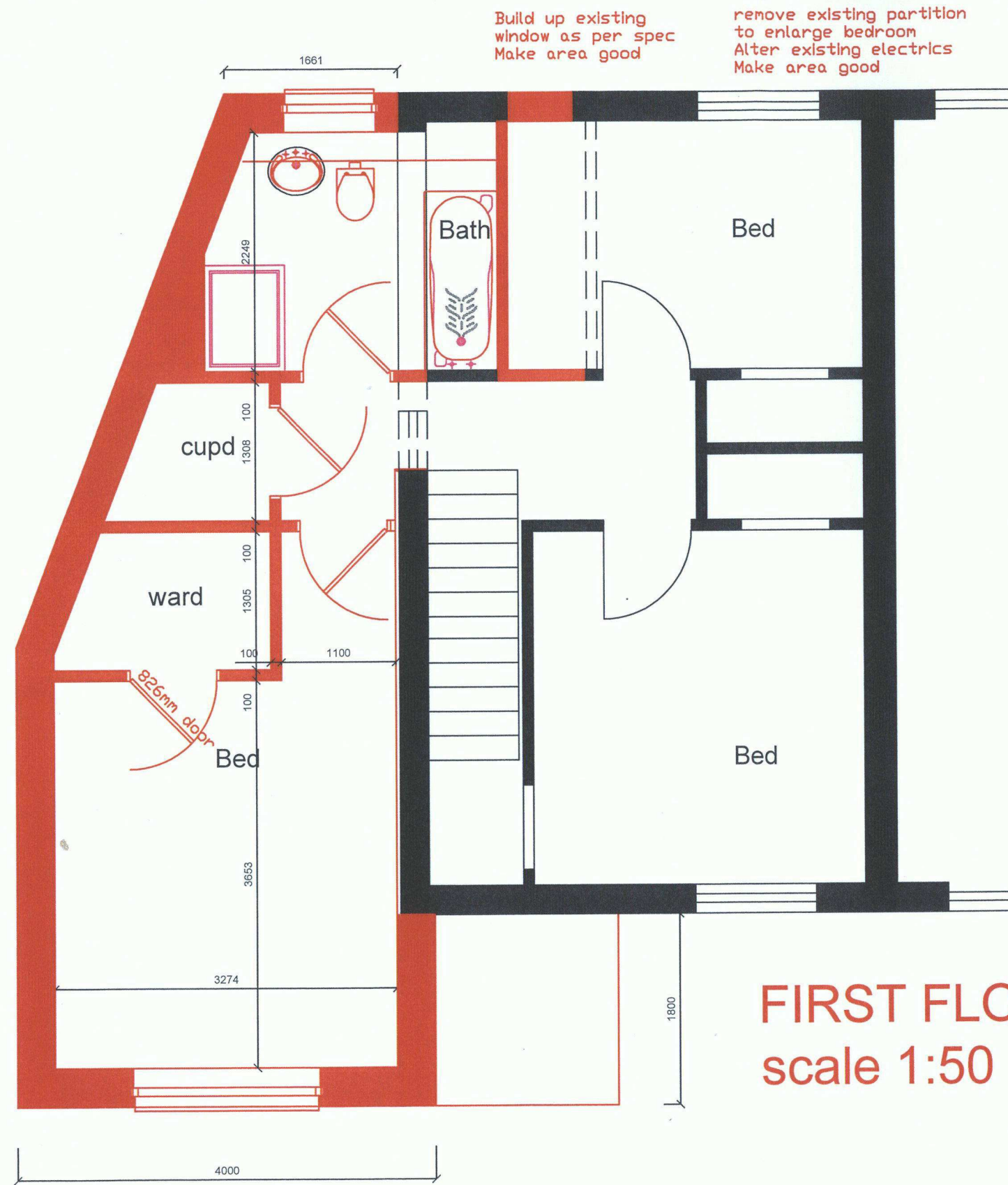


project  
PROPOSED EXTENSION  
address  
13 BISHOPS COURT, LOSSIEMOUTH  
client  
ARRON FIELD & CLAIRE MILLAR  
date  
SEPT 2018  
DRAWING NO 3

10 SEP 2018







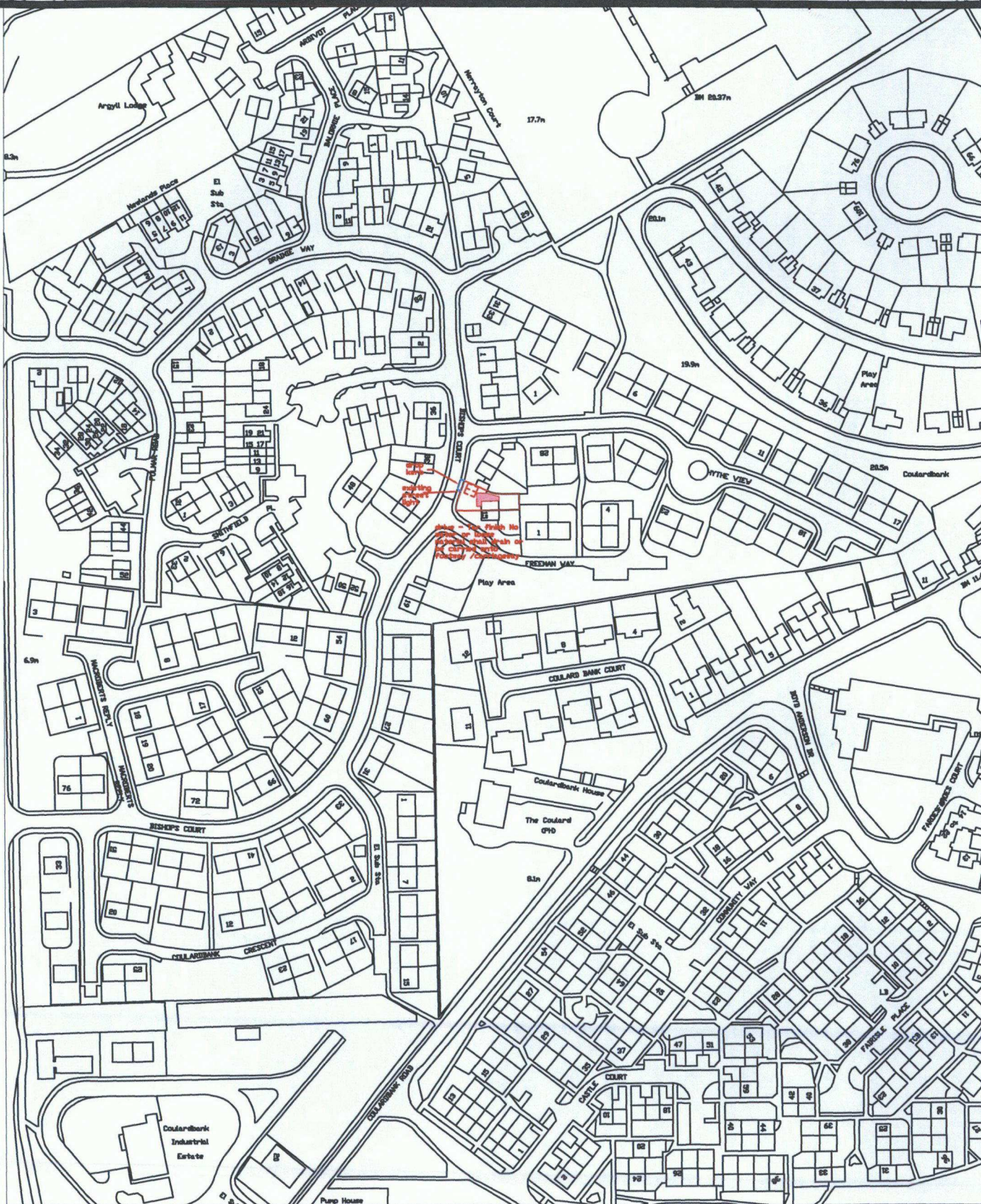
# FIRST FLOOR PLAN scale 1:50

project  
PROPOSED EXTENSION  
address  
13 BISHOPS COURT, LOSSIEMOUTH  
client  
ARRON FIELD & CLAIRE MILLAR  
date  
SEPT 2018  
DRAWING NO 4

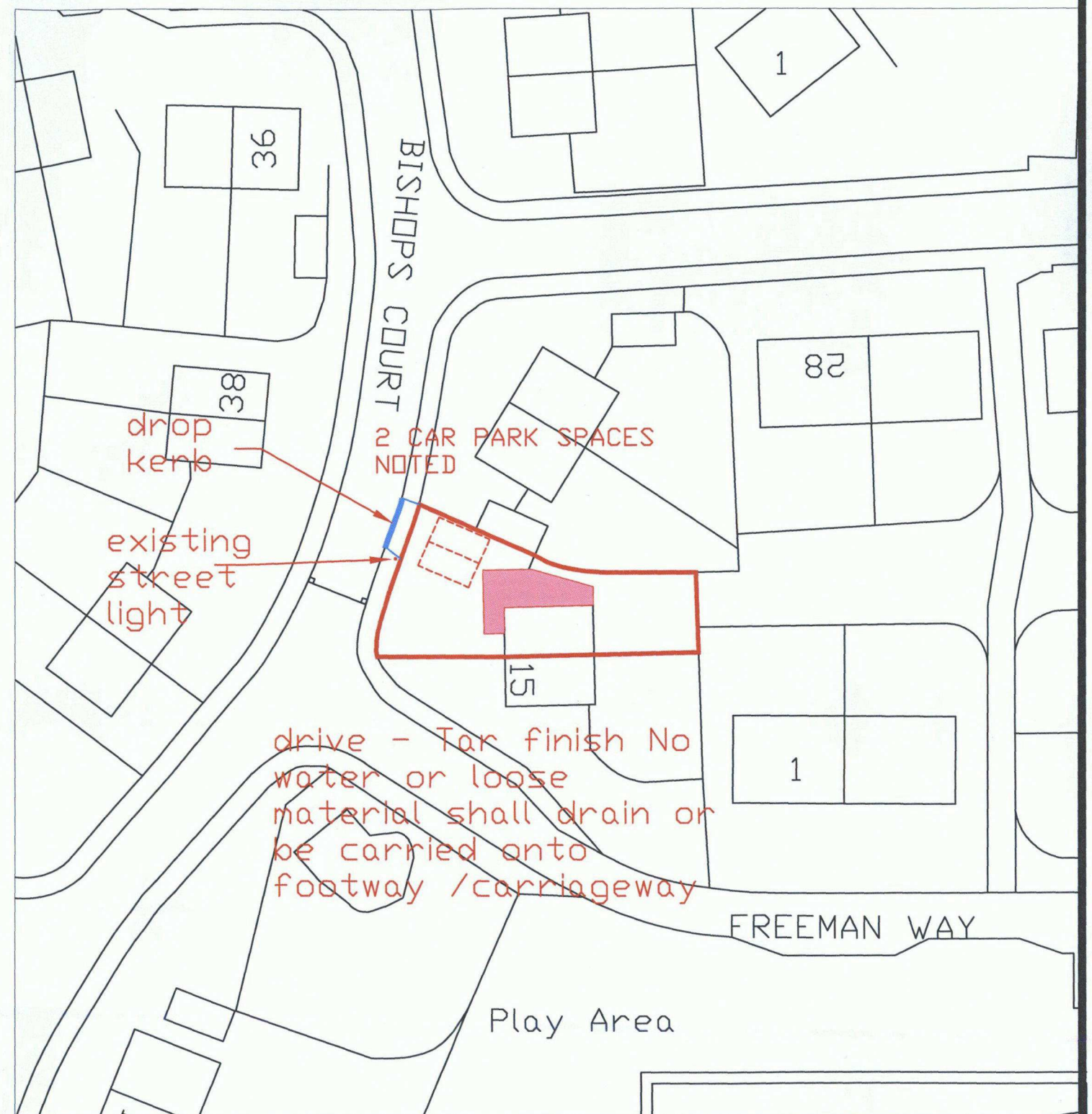
10 SEP 2018







**LOCATION PLAN**  
scale 1:2500



**BLOCK PLAN**  
scale 1:500

22/10/18 PLANNING NOTES ADDED

REV A

PROJECT  
PROPOSED EXTENSION  
ADDRESS  
13 BISHOPS COURT, LOSSIEMOUTH  
CLIENT  
ARRON FIELD & CLAIRE MILLAR  
DATE  
SEPT 2018  
DRAWING NO 11

23 OCT 2018  
18/0207/APP.





# Consultation Request Notification

Planning Authority Name	<b>The Moray Council</b>
Response Date	<b>2nd October 2018</b>
Planning Authority Reference	<b>18/01207/APP</b>
Nature of Proposal (Description)	<b>Erect extension at</b>
Site	<b>13 Bishops Court Lossiemouth Moray IV31 6TL</b>
Site Postcode	<b>N/A</b>
Site Gazetteer UPRN	<b>000133032410</b>
Proposal Location Easting	<b>322516</b>
Proposal Location Northing	<b>870117</b>
Area of application site (Ha)	<b>m<sup>2</sup></b>
Additional Comment	
Development Hierarchy Level	<b>LOCAL</b>
Supporting Documentation URL	<a href="http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=PEUDZ1BG0CR00">http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=PEUDZ1BG0CR00</a>
Previous Application	
Date of Consultation	<b>18th September 2018</b>
Is this a re-consultation of an existing application?	<b>No</b>
Applicant Name	<b>Mr Arron Field And Ms Claire Millar</b>
Applicant Organisation Name	
Applicant Address	<b>13 Bishops Court Lossiemouth Moray IV31 6TL</b>
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	<b>N/A</b>
Case Officer	<b>Amanda Cruickshank</b>
Case Officer Phone number	<b>01343 563575</b>
Case Officer email address	<b>amanda.cruickshank@moray.gov.uk</b>
PA Response To	<b>consultation.planning@moray.gov.uk</b>

## 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.

Please respond using the attached form:-

**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Contaminated Land

**Planning Application Ref. No:** 18/01207/APP

**Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL for Mr Arron Field And Ms Claire Millar**

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

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

**Condition(s)**

**Further comment(s) to be passed to applicant**

**Further information required to consider the application**

**Contact:** Adrian Muscutt  
**email address:**  
**Consultee:**

**Date.....**20/9/18**.....**  
**Phone No** .....

<b>Return response to</b>	<b>consultation.planning@moray.gov.uk</b>
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Please note that information about the application including consultation responses and representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://public.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.

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Applicant Organisation Name	
Applicant Address	<b>13 Bishops Court Lossiemouth Moray IV31 6TL</b>
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	<b>N/A</b>
Case Officer	<b>Amanda Cruickshank</b>
Case Officer Phone number	<b>01343 563575</b>
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**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Aberdeenshire Council Archaeology Service

**Planning Application Ref. No:** 18/01207/APP

**Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL for Mr Arron Field And Ms Claire Millar**

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

- |   | <b>Please</b>                        |
|---|--------------------------------------|
| (a) I OBJECT to the application for the reason(s) as stated below   | <b>x</b><br><input type="checkbox"/> |
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| (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](mailto:archaeology@aberdeenshire.gov.uk)  
**Consultee:** Archaeology service

**Date...**24/09/2018.....  
**Phone No** ...01467 537717

<b>Return response to</b>	<b>consultation.planning@moray.gov.uk</b>
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representations (whether in support or objection) received on the proposal will be published on the Council's website at <http://public.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.

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Applicant Organisation Name	
Applicant Address	<b>13 Bishops Court Lossiemouth Moray IV31 6TL</b>
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	<b>N/A</b>
Case Officer	<b>Amanda Cruickshank</b>
Case Officer Phone number	<b>01343 563575</b>
Case Officer email address	<b>amanda.cruickshank@moray.gov.uk</b>
PA Response To	<b>consultation.planning@moray.gov.uk</b>

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Please respond using the attached form:-

## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

**Planning Application Ref. No: 18/01207/APP**

**Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL for Mr Arron Field And Ms Claire Millar**

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"/>            |

#### **Condition(s)**

1. Two car parking spaces shall be retained within the site throughout the lifetime of the development, unless otherwise agreed in writing with the Council as Planning Authority.

Reason: To ensure the permanent availability of the level of parking necessary for residents/visitors/others in the interests of an acceptable development and road safety.

2. Notwithstanding the submitted details the width of the vehicular access shall be 5.0m and have a maximum gradient of 1:20 measured for the first 5.0m from the edge of the public carriageway. The part of the access over the public footway shall be to The Moray Council specification and surfaced with bituminous macadam. Drop kerbs shall be provided across the extended access to The Moray Council specification.

Reason: To ensure acceptable infrastructure at the development access

3. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the access.

#### **Further comment(s) to be passed to applicant**

An existing street lighting column will require to be relocated a short distance to the south,

the cost of which shall be borne by the developer. The developer must contact the Roads Authority Street Lighting Section at Ashgrove Depot, Elgin – Tel (01343) 557300, Ext 7327 to discuss the proposals.

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

Before starting any work on the existing public road the applicant is obliged to apply for a road opening permit in accordance with Section 56 of the Roads (Scotland) Act 1984. This includes any temporary access joining with the public road. Advice on these matters can be obtained by emailing [roadspermits@moray.gov.uk](mailto:roadspermits@moray.gov.uk)

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

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

The applicant shall free and relieve the Roads Authority from any claims arising out of their operations on the road or extension to the road.

**Contact: DA/AG**  
**email address: [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)**  
**Consultee: TRANSPORTATION**

**Date 24 October 2018**

<b>Return response to</b>	<b><a href="mailto:consultation.planning@moray.gov.uk">consultation.planning@moray.gov.uk</a></b>
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Proposal Location Northing	<b>870117</b>
Area of application site (Ha)	<b>m<sup>2</sup></b>
Additional Comment	
Development Hierarchy Level	<b>LOCAL</b>
Supporting Documentation URL	<a href="http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=PEUDZ1BG0CR00">http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=PEUDZ1BG0CR00</a>
Previous Application	
Date of Consultation	<b>18th September 2018</b>
Is this a re-consultation of an existing application?	<b>No</b>
Applicant Name	<b>Mr Arron Field And Ms Claire Millar</b>
Applicant Organisation Name	
Applicant Address	<b>13 Bishops Court Lossiemouth Moray IV31 6TL</b>
Agent Name	
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Agent Address	
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Agent Email Address	<b>N/A</b>
Case Officer	<b>Amanda Cruickshank</b>
Case Officer Phone number	<b>01343 563575</b>
Case Officer email address	<b>amanda.cruickshank@moray.gov.uk</b>
PA Response To	<b>consultation.planning@moray.gov.uk</b>

## NOTE:

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Please respond using the attached form:-



## MORAY COUNCIL

### PLANNING CONSULTATION RESPONSE

**From:** Transportation Manager

**Planning Application Ref. No:** 18/01207/APP

**Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL for Mr Arron Field And Ms Claire Millar**

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

*Note: This proposal is for an extension from a 2 bed dwelling to a 3 bed dwelling. Moray Council Parking Standards are 2no spaces for a dwelling with 3 bedrooms or less. Therefore although 3no spaces have been shown this proposal only requires 2no parking spaces. The provision of the southern-most space shown on the submitted drawing would appear to conflict with the position of the speed table and existing road gully. Due to the presence of the speed table there would appear to be no scope to relocate the road gully or to provide an acceptable drop kerb arrangement to provide access to the parking space. An existing street lighting column shall require to be relocated (the cost of which to be borne by the developer)*

#### **Further information required to consider the application**

The applicant is required to submit an updated drawing showing parking (minimum 2no spaces) located such that access to the parking does not affect the adjacent speed table or road gully.

The updated drawing should show the position of the existing adjacent street lighting column and road gully along with the extents of the proposed extended drop kerb arrangement. Details of the proposed surfacing is also required (no water or loose material shall be permitted to drain or be carried onto the footway/carriageway).

**Contact:** DA/AG

**Date** 02 October 2018

**email address:** [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)

**Consultee:** TRANSPORTATION

**Return response to**

**[consultation.planning@moray.gov.uk](mailto: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://public.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 18/01207/APP

## Application Summary

Application Number: 18/01207/APP

Address: 13 Bishops Court Lossiemouth Moray IV31 6TL

Proposal: Erect extension at

Case Officer: Amanda Cruickshank

## Customer Details

Name:

[REDACTED]

Address:

[REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: No comment



## **REPORT OF HANDLING**

<b>Ref No:</b>	18/01207/APP	<b>Officer:</b>	Richard Smith
<b>Proposal Description/ Address</b>	Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL		
<b>Date:</b>	08/11/18	<b>Typist Initials:</b>	FJA

### **RECOMMENDATION**

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

### **CONSULTATIONS**

<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Transportation Manager	24/10/18	No objection, condition parking and access.
Aberdeenshire Council Archaeology Service	24/09/18	No objection.
Contaminated Land	20/09/18	No objection.
Environmental Health Manager	15/10/18	No objection.

### **DEVELOPMENT PLAN POLICY**

<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
IMP1: Developer Requirements	Y	
H4: House Alterations and Extensions	Y	
T2: Provision of Access		
T5: Parking Standards		
BE1: Sch Monuments and Nat Designations		

### **REPRESENTATIONS**

Representations Received	YES	
Total number of representations received ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
Issue: No objections. Representation in support of proposed development. Comments (PO): Representation is noted.		

### **The Proposal**

This application seeks approval to erect a two storey side extension on the north elevation and a single storey porch extension on the front (west elevation) of 13 Bishops Court.

The extension will measure approximately 9.6 metres deep (extending forward of the front wall of the dwellinghouse by 1.8 metres) x 4 metres wide at the front (west) narrowing to 1.7 metres to the east (rear). It would rise to a height of 8 metres to the rear in line with the roof ridge of the existing dwellinghouse, and a pitched roof section at the front rising to a height of 6.6 metres. The sloped roofed porch will measure 1.8 metres x 2 metres and rises to a height of 4 metres and will form the new front entrance.

The material finishes will be concrete roof tiles and roughcast to external walls both to match the dwellinghouse.

A proposed ground floor window and an upper floor window will be formed on the west (front) and east (rear) of the proposed extension. No windows are proposed on the north elevation.

The proposed extension will accommodate a new family room, cupboard and dining room on the ground floor and an additional bedroom, wardrobe, cupboard and bathroom.

### **The Site and Surroundings**

The dwellinghouse is a modern two storey semi-detached property within an established residential area of Lossiemouth.

Neighbouring property No. 11 Bishops Court lies to the north and adjoining property No. 15 sits to the south.

To the west is an area of grassed amenity land. 1.8 high timber fencing form the boundaries of the rear garden. Vehicle access and off street parking for 2 cars is to the north-west of the site.

### **Appraisal**

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below.

### **Siting, Design and Amenity**

**(MDLP policies: H4: House Alterations, IMP1: Developer Requirements)**

The application falls to be assessed against Policy H4 and IMP1 of the MLDP.

Policy H4 House Alterations and Extensions allows for domestic alterations and extensions provided these relate satisfactorily to the appearance of the house and surrounding area and are acceptable in terms of style, scale, proportions and materials. The policy seeks to discourage badly designed extensions and to safeguard the character and amenity of residential areas.

Policy IMP1 Developer Requirements requires new proposals to be sensitively sited, designed and serviced appropriate to the character and amenity of the surrounding area and neighbouring properties.

The proposed two storey side extension of the form and size submitted, positioned immediately to the south of neighbouring housing (in this case 11 Bishops Court) would represent an inappropriate form of development for this location which would be detrimental to the amenity of neighbouring occupiers.

The proposed extension would cause an unacceptable loss of daylight and sunlight, and an increased sense of enclosure/overbearing impact to the garden of this adjacent property by reason its bulk, height and close proximity to the site (side) boundary. It would therefore cause an unacceptable and significant loss of residential amenity, contrary to policies IMP1 and H4 of the MLDP.

Given the above concerns the applicants were afforded the opportunity to withdraw the application and to re-apply for a single storey extension, likely to be considered more favourably in this location. In response, the applicants confirmed however that they wish to continue with current application and also submitted a supporting case, citing other domestic extensions in the locality as precedents and asserting that the proposal represents an acceptable form of development that will not adversely affect residential amenity in their opinion.

This additional information has been considered but does not override or address the concerns raised. Each proposal is dealt with on its individual merits, and precedents where cited would not justify approval of an otherwise unacceptable proposal as is the case in this instance. Notwithstanding the applicant's assertions the proposal will result in unacceptable amenity impacts for the reasons highlighted, which is based on a detailed assessment of the site, proposed development and surroundings.

## **T2: Provision of Access and T5: Parking Standards**

Following consultation the Transportation Section raised initial concerns regarding the provision of the southern-most parking space shown on the submitted drawing which appeared to conflict with the position of the speed table and existing road gully. Due to the presence of the speed table there also appeared to be no scope to relocate the road gully or to provide an acceptable drop kerb arrangement to provide access to the parking space. An existing street lighting column would also require to be relocated. In order to address these points the applicant duly submitted an updated drawing showing parking (minimum 2 no. spaces) located such that access to the parking does not affect the adjacent speed table or road gully, and showing the position of the existing adjacent street lighting column and road gully along with the extents of the proposed extended drop kerb arrangement.

The Transportation Section has reviewed the updated plan and has raised no objection to the proposal, subject to conditions requiring retention of the two car parking spaces, detailing specifics relating to the vehicular access and to ensure no water or loose material encroach on the public footway/carriageway. Had the application been recommended for approval these requirements would have been attached to the decision notice.

## **BE1: Scheduled Monuments and National Designations**

Policy BE1 Scheduled Ancient Monuments and National Designations aims to safeguard archaeological sites and seek the recording/research of features (where appropriate) as part of the planning process. The application site is located within a site of archaeological interest (a site of souterrains and possible ring ditches visible as cropmarks on aerial photographs taken in 1954 and 1976). Aberdeenshire Archaeology Services has been consulted on the proposal and has raised no concerns or made any comments. Policy BE1 is met.

## **Recommendation**

Based on the above, the proposal is considered to represent an inappropriate form of development which would have an unacceptable and significant adverse impact on the residential amenity of neighbouring occupiers, contrary to policies H4 and IMP1.

The application is recommended for refusal.

**OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

**HISTORY**

Reference No.	Description			
	Decision		Date Of Decision	

**ADVERT**

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

**DEVELOPER CONTRIBUTIONS (PGU)**

Status	N/A
--------	-----

**DOCUMENTS, ASSESSMENTS etc. \***

*\* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

Supporting information submitted with application?		YES	
Summary of main issues raised in each statement/assessment/report			
Document Name:		Supporting Statement	
Main Issues:			

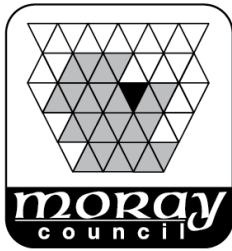
**S.75 AGREEMENT**

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



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





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

**REFUSAL OF PLANNING PERMISSION**

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

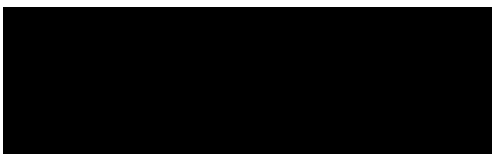
TO Mr Arron Field And Ms Claire Millar  
13 Bishops Court  
Lossiemouth  
Moray  
IV31 6TL

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:-

**Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL**

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

Date of Notice: **8 November 2018**

Pp 

**HEAD OF DEVELOPMENT SERVICES**  
Environmental Services Department  
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 proposal is contrary to Moray Local Development Plan 2015 policies IMP1 and H4 for the following reasons:-

The proposed two storey side extension of the form and size submitted, positioned immediately to the south of neighbouring housing (in this case 11 Bishops Court) would represent an inappropriate form of development for this location which would be detrimental to the amenity of neighbouring occupiers.

The proposed extension would cause an unacceptable loss of daylight and sunlight, and an increased sense of enclosure/overbearing impact to the garden of this adjacent property, by reason its bulk, height and close proximity to the site (side) boundary. It would therefore cause a material loss of residential amenity, contrary to policies IMP1 and H4.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

Reference	Version	Title
2		Elevations
3		Ground floor plan
4		First floor plan
11	Rev A	Location and block plan

**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](http://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**





07 DEC 2018

# NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect  
of Decisions on Local Developments  
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)  
Regulations 2013  
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr & Ms	Ref No.	
Forename	Arron & Claire	Forename	
Surname	Field & Millar	Surname	
Company Name		Company Name	
Building No./Name	13	Building No./Name	
Address Line 1	Bishops Court	Address Line 1	
Address Line 2		Address Line 2	
Town/City	Lossiemouth	Town/City	
Postcode	IV31 6TL	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	

3. Application Details	
Planning authority	Moray Council
Planning authority's application reference number	18/01207/APP
Site address	
<div>13 Bishops Court Lossiemouth IV31 6TL</div>	
Description of proposed development	
<div>erect extension</div>	

Date of application

10/09/18

Date of decision (if any)

08/11/18

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

#### 4. Nature of Application

Application for planning permission (including householder application)

☒

Application for planning permission in principle

☐

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

☐

Application for approval of matters specified in conditions

☐

#### 5. Reasons for seeking review

Refusal of application by appointed officer

☒

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

☐

Conditions imposed on consent by appointed officer

☐

#### 6. Review procedure

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

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

Further written submissions

☐

One or more hearing sessions

☐

Site inspection

☒

Assessment of review documents only, with no further procedure

☐

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

to review proposed site and the adjacent consented applications which are very similar to this application

#### 7. Site inspection

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

Can the site be viewed entirely from public land?

☒

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

☒

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

## 8. Statement

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

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

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

We have completed this section within an appeal statement and this is enclosed along with this application to the LRB

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

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

### 9. List of Documents and Evidence

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

- LRB appeal statement
- submission drawings (floor plan & elevations)
- supporting statement
- photographs

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

### 10. Checklist

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

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

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

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

### DECLARATION

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

Signature:



Name:

Claire Mullar

Date:

05/12/18

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

# **LOCAL REVIEW BODY STATEMENT OF CASE TO SUPPORT**

## **PLANNING APPLICATION TO ERECT EXTENSION AT 13 BISHOPS COURT, LOSSIEMOUTH**

**APPELLANT      MR A FIELD & MS C MILLAR**

**COUNCIL                      18/01207/APP  
PLANNING  
REF.**

**DATE.                      05 DECEMBER 2018**

## **CONTENTS**

1.0	INTRODUCTION	PAGE 3
2.0	THE APPLICATION SITE	PAGE 4
3.0	PLANNING REVIEW CONSIDERATION	PAGE 6
4.0	CONCLUSION	PAGE 11

## **APPENDIX**

APPENDIX 1	COUNCIL DECISION NOTICE
APPENDIX 2	REPORT OF HANDLING
APPENDIX 3	PLANNING SUPPORTING STATEMENT
APPENDIX 4	LOCATION / BLOCK PLAN, ELEVATION, FLOOR PLAN
APPENDIX 5	NO 11 BISHOPS COURT LETTER OF SUPPORT

## 1.0 INTRODUCTION

- 1.1 This Local Review Statement of Case has been prepared to support a recently refused detailed Planning Application, proposing an extension to the front and side of the appellant's property.
- 1.2 The planning application was registered on 10<sup>th</sup> September 2018 and was refused on 08<sup>th</sup> November 2018 under delegated powers (Decision Notice – Appendix 1). This Review has been prepared and lodged within the statutory 3 months period from the date of the decision notice.
- 1.3 The application was refused for the reason below and after due consideration, the appellant has decided to seek a Review of the decision by the Council Review Body and the following Statement of Case and attached appendix constitutes the appellant's submission

*"The proposal is contrary to Moray Local Development Plan 2015 policies IMP1 & H4 for the following reasons:-*

*The proposed two storey side extension of the form and size submitted, positioned immediately to the south of neighbouring housing (in this case 11 Bishops Court) would represent an inappropriate form of development for this location which would be detrimental to the amenity of neighbouring occupiers.*

*The proposed extension would cause an unacceptable loss of daylight and sunlight, and an increased sense of enclosure/overbearing impact to the garden of this adjacent property, by reason its bulk, height and close proximity to the site (side) boundary. It would therefore cause a material loss of residential amenity, contrary to policies IMP1 and H4"*

## 2.0 THE APPLICATION SITE & PROPOSAL

- 2.1 The existing residential property is the part of a semi-detached within the main spine road adjacent to corner junction leading to cul-de-sac. This arrangement is repeated numerous times around this locale.
- 2.2 Properties in this area are predominantly two storey houses with a large percentage with extensions of some form or another. The appellant is seeking to replace their grassed side garden area with a the relatively small extension to the living room.

- 1 Bishops Court, Lossiemouth (planning reference 06/02033)



**These extensions are no different in scale, mass or interaction with their neighbours than the appellant proposals. These by way of approval, infer that they do not impact on the amenity of the adjacent garden daylighting nor sunlight.**



- 4 Bishops Court, Lossiemouth (planning reference 07/00984)



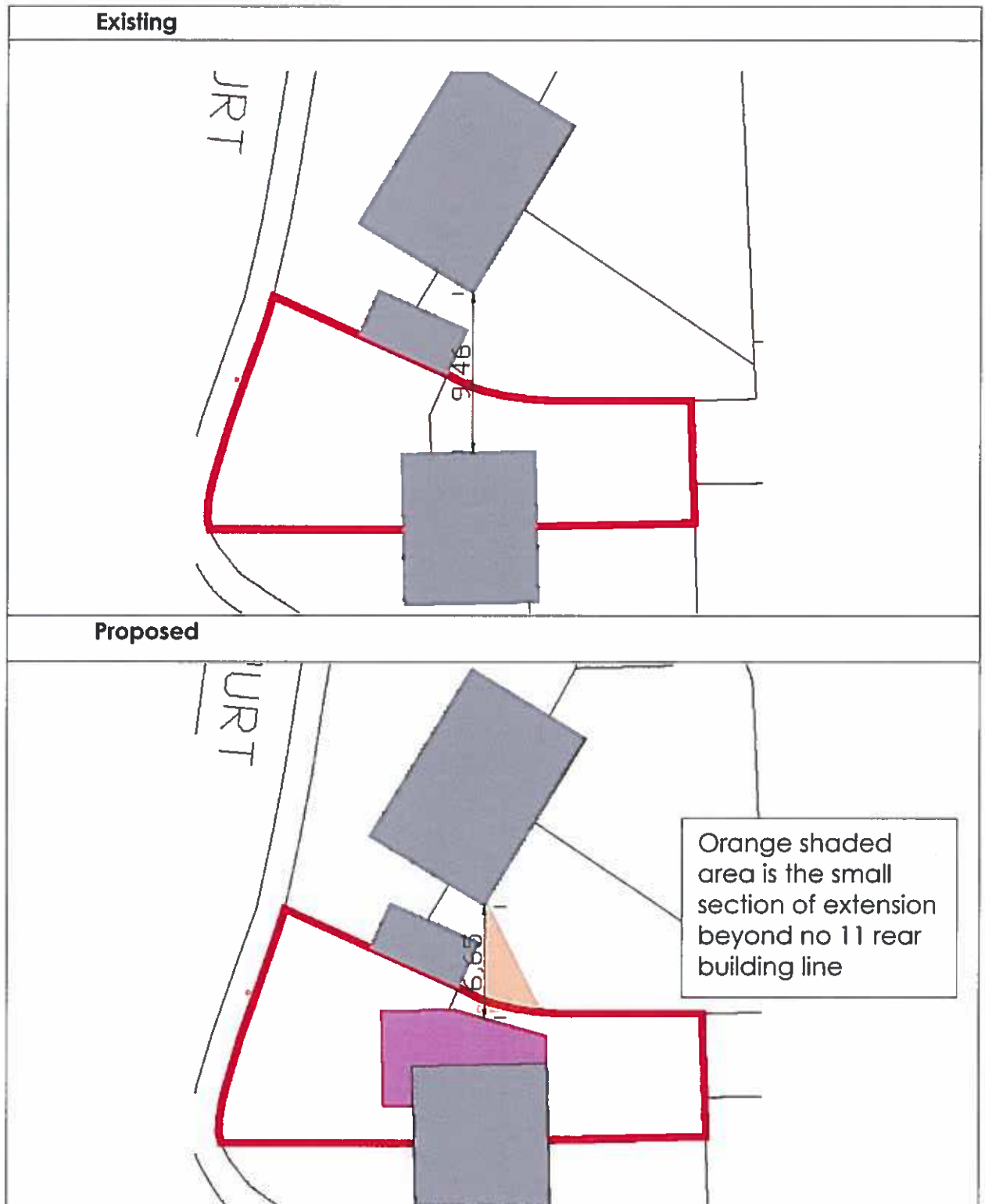
- 2.3 The proposal will include a pitched tile roof to complement the existing roof of the house and the walls will be finished in a matching render and, as such, the finishes are considered to be acceptable in terms of Moray Development Plan Policy H4.
- 2.4 The extension has been designed to ensure that no windows will look onto the adjoining property (11 Bishops Court), thereby ensuring no privacy and/or amenity issues are created as a result of the development. Instead all glazing will look out to the front or into the site. Therefore, the proposal is considered compliant with Moray Development Plan Policy H4 in this regard.
- 2.5 We have also discussed the proposed extension with **our neighbour at No 11 Bishops Court and they are very supportive** of our application and cannot see why there is a perceived issue with daylighting. Having stayed in the property he is fully aware of the actual movement of the sun during the months of the year, rather than an analysis and does not agree with the Council position. He has provided a **letter of support** and this is attached within Appendix 5.

### 3.0 PLANNING REVIEW CONSIDERATION

- 3.1 The Report of handling (document 02) indicates that the appointed Officers primary concern relates to the fact that this would cause an unacceptable loss of daylighting and sunlight and cause an increased sense of enclosure/overbearing impact.
- 3.2 In terms of the Council review, there is no specific analysis or policy and it seems the appointed officer perception of what is unacceptable daylighting or not
- 3.3 The Report of handling (document 02) notes inappropriate form of development for this location.
- 3.4 When you review the existing property in terms of light towards no 11 Bishops Court with the sun rising to the East is unaffected by the current house and remotely when it moves West ward due to the garage.

With the proposed extension the property moves slightly closer to the boundary. If you take a direct line this makes the property approx. 6.65m from the new gable. Again the sun from the East is not affected and in our opinion the gable extension does not inflict any greater concerns to no 11 that occurs currently, remembering that there is an existing garage. The rear gable alignment to the boundary previously was 3m and is now 1.4 which only moves the new building some 1.6m closer which will not adversely affect the adjacent property.

**75% of the extension is to the front of no 11 and is alongside their gable elevation and a VERY SMALL percentage is beyond No 11 rear elevation** building line, so only a small percentage projects beyond. In fact it is only 3.7m and the roof profiling is moving away to the South and again does not adversely affect the adjacent property.



3.5 There are many other similar properties in this area (and within the wider Moray community), to extend houses rather than relying on selling and purchasing new properties in a different area where otherwise they would have remained

- 4 Bain Avenue, Elgin (planning reference 15/01734/APP)



In the handling report for this planning approval at 4 Bain Avenue its notes  
*" In terms of scale, proportion, materials and design, the proposals are in keeping with the character of the existing house. It is considered that the proposal will not have a significant adverse impact on the existing house or on the surrounding locality, hence the proposal is acceptable."*





- 3.6 All these extensions are adjacent to the boundary with the adjoining properties  
**The main point to these noted approved extensions is that they are in the same location and extend out to the rear which would provide a greater issue with the sun and have all been approved by the Planning Authority**

Therefore, we assert that this development would be no more intrusive and/or dominant in its urban setting than the ones noted which have been acceptable

- 3.7 Similar extensions are noted within Elgin, Forres and even in other parts of Lossiemouth. In terms of the rear extensions to ex council stock houses, these in fact if anything impact to a greater degree than this proposal and these have been approved in these circumstances.

- 3.8 If this application had been part of the original development proposals, would this have been a concern to this particular plot. Our opinion is that approval would still have been granted and therefore, what is this difference being undertaken at a different timeframe.
- 3.9 This extension will not unduly harm the character of the area and or create an intrusive development and very much blend into the design and architectural concept of the existing house.

## 5.0 CONCLUSION

### 4.1

In concluding, based on all of the above and the enclosed documents, the appellant believes that their proposal represents an acceptable form of development and, as such, respectfully asks that a positive recommendation can be provided.





APPENDIX 1 – COUNCIL DECISION NOTE





**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:-

**Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL**

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

Date of Notice: **8 November 2018**



**HEAD OF DEVELOPMENT SERVICES**  
Environmental Services Department  
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 proposal is contrary to Moray Local Development Plan 2015 policies IMP1 and H4 for the following reasons:-

The proposed two storey side extension of the form and size submitted, positioned immediately to the south of neighbouring housing (in this case 11 Bishops Court) would represent an inappropriate form of development for this location which would be detrimental to the amenity of neighbouring occupiers.

The proposed extension would cause an unacceptable loss of daylight and sunlight, and an increased sense of enclosure/overbearing impact to the garden of this adjacent property, by reason its bulk, height and close proximity to the site (side) boundary. It would therefore cause a material loss of residential amenity, contrary to policies IMP1 and H4.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

Reference	Version	Title
2		Elevations
3		Ground floor plan
4		First floor plan
11	Rev A	Location and block plan

**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](http://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 – REPORT OF HANDLING





## REPORT OF HANDLING

Ref No:	18/01207/APP	Officer:	Richard Smith
Proposal Description/ Address	Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL		
Date:	08/11/18	Typist Initials:	FJA

### RECOMMENDATION

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

### CONSULTATIONS

Consultee	Date Returned	Summary of Response
Transportation Manager	24/10/18	No objection, condition parking and access.
Aberdeenshire Council Archaeology Service	24/09/18	No objection.
Contaminated Land	20/09/18	No objection.
Environmental Health Manager	15/10/18	No objection.

### DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
IMP1: Developer Requirements	Y	
H4: House Alterations and Extensions	Y	
T2: Provision of Access		
T5: Parking Standards		
BE1: Sch Monuments and Nat Designations		

### REPRESENTATIONS

Representations Received	YES	
Total number of representations received ONE		
Names/Addresses of parties submitting representations		
Name and address details of parties submitting representations withheld in accordance with the General Data Protection Regulations.		
Summary and Assessment of main issues raised by representations		
Issue: No objections. Representation in support of proposed development. Comments (PO): Representation is noted.		

## **OBSERVATIONS – ASSESSMENT OF PROPOSAL**

### **The Proposal**

This application seeks approval to erect a two storey side extension on the north elevation and a single storey porch extension on the front (west elevation) of 13 Bishops Court.

The extension will measure approximately 9.6 metres deep (extending forward of the front wall of the dwellinghouse by 1.8 metres) x 4 metres wide at the front (west) narrowing to 1.7 metres to the east (rear). It would rise to a height of 8 metres to the rear in line with the roof ridge of the existing dwellinghouse, and a pitched roof section at the front rising to a height of 6.6 metres. The sloped roofed porch will measure 1.8 metres x 2 metres and rises to a height of 4 metres and will form the new front entrance.

The material finishes will be concrete roof tiles and roughcast to external walls both to match the dwellinghouse.

A proposed ground floor window and an upper floor window will be formed on the west (front) and east (rear) of the proposed extension. No windows are proposed on the north elevation.

The proposed extension will accommodate a new family room, cupboard and dining room on the ground floor and an additional bedroom, wardrobe, cupboard and bathroom.

### **The Site and Surroundings**

The dwellinghouse is a modern two storey semi-detached property within an established residential area of Lossiemouth.

Neighbouring property No. 11 Bishops Court lies to the north and adjoining property No. 15 sits to the south.

To the west is an area of grassed amenity land. 1.8 high timber fencing form the boundaries of the rear garden. Vehicle access and off street parking for 2 cars is to the north-west of the site.

### **Appraisal**

Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2015 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below.

### **Siting, Design and Amenity**

**(MDLP policies: H4: House Alterations, IMP1: Developer Requirements)**

The application falls to be assessed against Policy H4 and IMP1 of the MLDP.

Policy H4 House Alterations and Extensions allows for domestic alterations and extensions provided these relate satisfactorily to the appearance of the house and surrounding area and are acceptable in terms of style, scale, proportions and materials. The policy seeks to discourage badly designed extensions and to safeguard the character and amenity of residential areas.

Policy IMP1 Developer Requirements requires new proposals to be sensitively sited, designed and serviced appropriate to the character and amenity of the surrounding area and neighbouring properties.

The proposed two storey side extension of the form and size submitted, positioned immediately to the south of neighbouring housing (in this case 11 Bishops Court) would represent an inappropriate form of development for this location which would be detrimental to the amenity of neighbouring occupiers.

The proposed extension would cause an unacceptable loss of daylight and sunlight, and an increased sense of enclosure/overbearing impact to the garden of this adjacent property by reason its bulk, height and close proximity to the site (side) boundary. It would therefore cause an unacceptable and significant loss of residential amenity, contrary to policies IMP1 and H4 of the MLDP.

Given the above concerns the applicants were afforded the opportunity to withdraw the application and to re-apply for a single storey extension, likely to be considered more favourably in this location. In response, the applicants confirmed however that they wish to continue with current application and also submitted a supporting case, citing other domestic extensions in the locality as precedents and asserting that the proposal represents an acceptable form of development that will not adversely affect residential amenity in their opinion.

This additional information has been considered but does not override or address the concerns raised. Each proposal is dealt with on its individual merits, and precedents where cited would not justify approval of an otherwise unacceptable proposal as is the case in this instance. Notwithstanding the applicant's assertions the proposal will result in unacceptable amenity impacts for the reasons highlighted, which is based on a detailed assessment of the site, proposed development and surroundings.

## **T2: Provision of Access and T5: Parking Standards**

Following consultation the Transportation Section raised initial concerns regarding the provision of the southern-most parking space shown on the submitted drawing which appeared to conflict with the position of the speed table and existing road gully. Due to the presence of the speed table there also appeared to be no scope to relocate the road gully or to provide an acceptable drop kerb arrangement to provide access to the parking space. An existing street lighting column would also require to be relocated. In order to address these points the applicant duly submitted an updated drawing showing parking (minimum 2 no. spaces) located such that access to the parking does not affect the adjacent speed table or road gully, and showing the position of the existing adjacent street lighting column and road gully along with the extents of the proposed extended drop kerb arrangement.

The Transportation Section has reviewed the updated plan and has raised no objection to the proposal, subject to conditions requiring retention of the two car parking spaces, detailing specifics relating to the vehicular access and to ensure no water or loose material encroach on the public footway/carriageway. Had the application been recommended for approval these requirements would have been attached to the decision notice.

## **BE1: Scheduled Monuments and National Designations**

Policy BE1 Scheduled Ancient Monuments and National Designations aims to safeguard archaeological sites and seek the recording/research of features (where appropriate) as part of the planning process. The application site is located within a site of archaeological interest (a site of souterrains and possible ring ditches visible as cropmarks on aerial photographs taken in 1954 and 1976). Aberdeenshire Archaeology Services has been consulted on the proposal and has raised no concerns or made any comments. Policy BE1 is met.

## **Recommendation**

Based on the above, the proposal is considered to represent an inappropriate form of development which would have an unacceptable and significant adverse impact on the residential amenity of neighbouring occupiers, contrary to policies H4 and IMP1.

The application is recommended for refusal.

**OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

**HISTORY**

Reference No.	Description		
	Decision		Date Of Decision

**ADVERT**

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

**DEVELOPER CONTRIBUTIONS (PGU)**

Status	N/A
--------	-----

**DOCUMENTS, ASSESSMENTS etc. \***

*\* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*

Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Supporting Statement	
Main Issues:		

**S.75 AGREEMENT**

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

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



## APPENDIX 3– PLANNING SUPPORTING STATEMENT





## SUPPORTING STATEMENT

# PLANNING APPLICATION TO ERECT EXTENSION AT 13 BISHOPS COURT, LOSSIEMOUTH

**APPLICANT**

**MR A FIELD & MS C MILLAR**

**COUNCIL  
PLANNING REF.**

**18/01207/APP**

**DATE.**

**16 NOVEMBER 2018**

## **CONTENTS**

1.0	INTRODUCTION	PAGE 3
2.0	THE APPLICATION SITE	PAGE 7
3.0	PLANNING REVIEW CONSIDERATION	PAGE 9
4.0	CONCLUSION	PAGE 14

## 1.0 INTRODUCTION

- 1.1 This supporting Statement has been prepared to supplement the Planning application as submitted 10<sup>th</sup> September 2018 proposing an extension to our property.
- 1.2 The Planning officer has noted that *"a sun-on ground assessment and the results indicate that due to the form, height and siting of the extension, the development would result in unacceptable overshadowing and significant loss of light (natural light or sunlight) to the neighbouring property which does not comply with Policies IMP1: Developer Requirements and H4: House Alterations"*
- 1.3 This further continues and states " as presented, the proposed development would be refused due to the significant effect on your neighbours amenity"
- 1.4 Planning policies noted below

### Planning Policy H4

- 1.5 Policy H4 states " *House alterations and extensions will normally be approved if the appearance of the house and the surrounding area is not adversely affected in terms of style, scale, proportions or materials. Pitches roofs will be preferred to flat roofs, pitched dormers to box dormers. Existing stone walls should be retained as far as possible.*"

Justification – " *The policy discourages badly designed extensions and alterations. This is intended to safeguard the character and amenity of established residential areas*"

## Planning Policy IMP1

1.6 Policy IM1 Developer Requirements " new developments will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It should comply with the following criteria:

- a) the scale, density and character must be appropriate to the surrounding area
- b) The development must be integrated into the surrounding landscape
- c) road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths: long distance footpaths: national cycle routes must not be adversely affected
- d) acceptable water and drainage provisions must be made, including the use of sustainable urban drainage system (SUDS) for dealing with surface water
- e) where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria
- f) make provisions for additional areas of open space within development
- g) details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications
- h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impact arising from the disturbance of carbon rich soil
- i) avoid areas at risk of flooding, and where necessary carry out flood management measures
- j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures
- k) address and sufficiently mitigate any contamination land issues
- l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land

m) Make arrangements for waste management

Justification “ – The quality of development in terms of its siting, design and servicing is a priority consideration within the Plan. In the first instance, development needs to be suitable to the surrounding built and natural environment. Development should be adequately serviced in terms of transport, water, drainage, with particular emphasis on providing pedestrian and cycle access, and any necessary public transport facilities/ connections. The use of SUDS and incorporation of renewable energy techniques and sustainable design and construction methods will all help promote sustainability in Moray. Most of the serious flood risks have been addressed by flood alleviation schemes, but there are still areas that are susceptible and these should be avoided. Similarly, pollution issues in relation to air, noise, groundwater and ground contamination, must be adequately addressed to provide proper development standards”

- 1.7 No further report has been provided to quantify the assumed concern in terms of daylighting and there is no policy contained within the Guidance on how this has been established and what equates to substantial overshadowing that would warrant recommendation for refusal.
- 1.8 No formal objection has been submitted from no 11 Bishop Court in relation to this planning application.

#### 1.9 Design (H4 & IMP1)

The proposed extension ties appropriately into the existing dwelling in accordance with policy H4 house alterations and extensions. The proposal shows a pitched roof running into the existing house and provided a degree of continuity between the extension viewed from Bishops Court.

Therefore we do believe that this extension does not have any concerns in terms of form, height and siting as its exactly the same as the main, current property and certainly in keeping with the surrounding area and similar extensions.

- 1.10 The siting and impact on surrounding property ( IMP1) require new development to be sensitively sited, designed and serviced. In terms of scale, proportion, material and design, the proposal is in keeping with the character of the existing house and it will not, in visual terms, have a significant adverse impact on the appearance and amenities of either the existing building or the surrounding area. A solid wall on the gable elevation and the finish will ensure there are no significant adverse amenity issues including overlooking or privacy concerns associated with the development. It is considered that the proposal will not have a significant adverse impact on the existing house or the locality and therefore should be approved as submitted.

## 2.0 THE APPLICATION SITE

- 2.1 The existing residential property is part of a semi-detached within the main spine road adjacent to corner junction leading to cul-de-sac. This arrangement is repeated numerous times around this locale.
- 2.4 In this instance our domestic property is a 2 bed property. Access to the ground floor is taken from the front door through the Lounge which acts as a corridor to the Kitchen to the rear. The Kitchen is compact and very little room for a dining area. On the first floor, the second bedroom being extremely small.
- 2.5 There are many other similar properties in this area (and within the wider Moray community), to extend houses rather than relying on selling and purchasing new properties in a different area where otherwise they would have remained
- 2.6 The property has extensive space to the side and rear for potential alteration, like many other properties within the area
- 2.7 Properties in this area are all 2 storey houses, which looking at the planning portal of how many applications have been undertaken during the lifetime of this development, would certainly be in a high percentage of houses.
- 2.8 The proposal will include a pitched tile roof to complement the existing roof of the house and the walls will be finished in a matching render and, as such, the finishes are considered to be acceptable in terms of Moray Development Plan Policy H4.

- 2.9 The extension has been designed to ensure that no windows will look onto the adjoining property (11 Bishops Court), thereby ensuring no privacy and/or amenity issues are created as a result of the development. Instead all glazing will look out to the front or into the site. Therefore, the proposal is considered compliant with Moray Development Plan Policy H4 in this regard

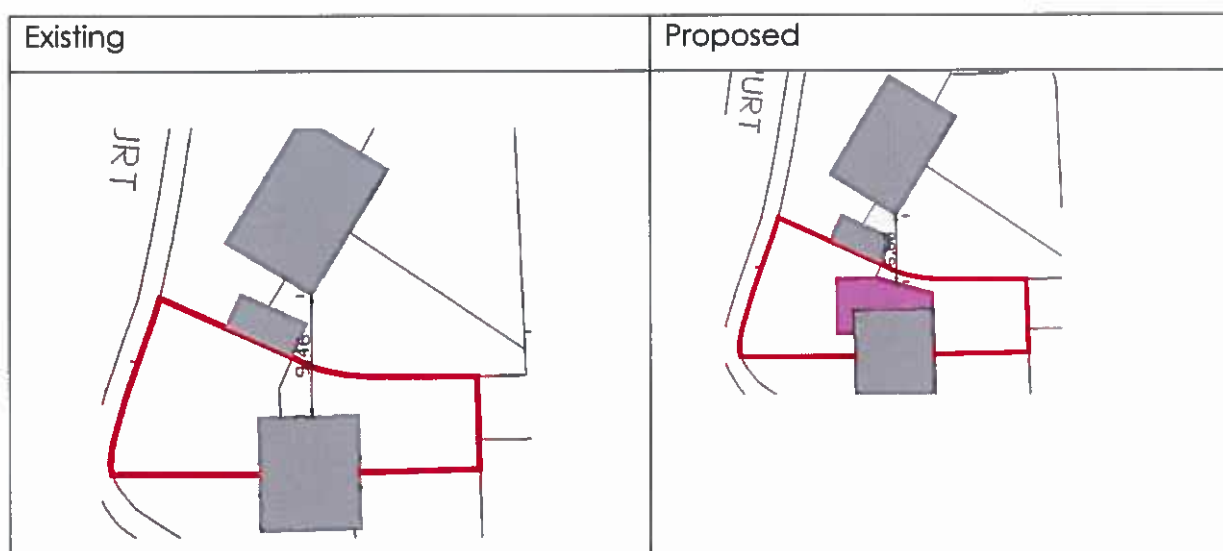


### 3.0 PLANNING REVIEW CONSIDERATION

- 3.1 We, understand that this should not be the primary reason for refusing a domestic planning application, as the Scottish Government has clearly outlined that householders should have more flexibility in adapting their homes for their own use.
- 3.2 When you review the existing property in terms of light towards no 11 Bishops Court with the sun rising to the East is unaffected by the current house and remotely when it moves West ward due to the garage.

With the proposed extension the property moves slightly closer to the boundary. If you take a direct line this makes the property approx. 6.65m from the new gable. Again the sun from the East is not affected and in our opinion the gable extension does not inflight any greater concerns to no 11 that occurs currently, remembering that there is an existing garage. The rear gable alignment to the boundary previously was 3m and is now 1.4 which only moves the new building some 1.6m closer which will not adversely affect the adjacent property.

75% of the extension is beyond No 11 rear elevation building line, so only a small percentage projects beyond. In fact it is only 3.7m and the roof profiling is moving away to the South and again does not adversely affect the adjacent property.



3.3 As noted above, the application was only progressed with an extension of this design and style after viewing numerous others around Moray, including the following:

- 1 Bishops Court, Lossiemouth (planning reference 06/02033)



- 1 Bishops Court, Lossiemouth



- 4 Bishops Court, Lossiemouth (planning reference 07/00984)



- 6 Bishops Court, Lossiemouth (planning reference 04/02249)





- 3.4 All these extensions are adjacent to the boundary with the adjoining properties  
**The main point to these noted approved extensions is that they are in the same location and extend out to the rear which would provide a greater issue with the sun and have all been approved by the Planning Authority**  
 Therefore, we assert that his development would be no more intrusive and/or dominant in its urban setting than the ones noted which have been acceptable
- 3.5 Similar extensions are noted within Elgin, Forres and even in other parts of Lossiemouth. In terms of the rear extensions to ex council stock houses, these in fact if anything impact to a greater degree than this proposal and these have been approved in these circumstances. .
- 3.6 If this application had been part of the original development proposals, would this have been a concern to this particular plot Our opinion is that approval would still have been granted and therefore, what is this difference being undertaken at a different timeframe.
- 3.7 This extension will not unduly harm the character of the area and or create an intrusive development.
- 3.8 New housing development, which have been approved in areas of Elgin have houses with gable ends to other properties and these have the same projections of our application



3.9 Therefore we see no difference in our proposal than other similar approved extensions either as an extension of part of an original scheme.

## 4.0 CONCLUSION

- 4.1 In concluding, based on all of the above, we believe that our proposal represents an acceptable form of development and, as such, respectfully asks that a positive recommendation can be provided.

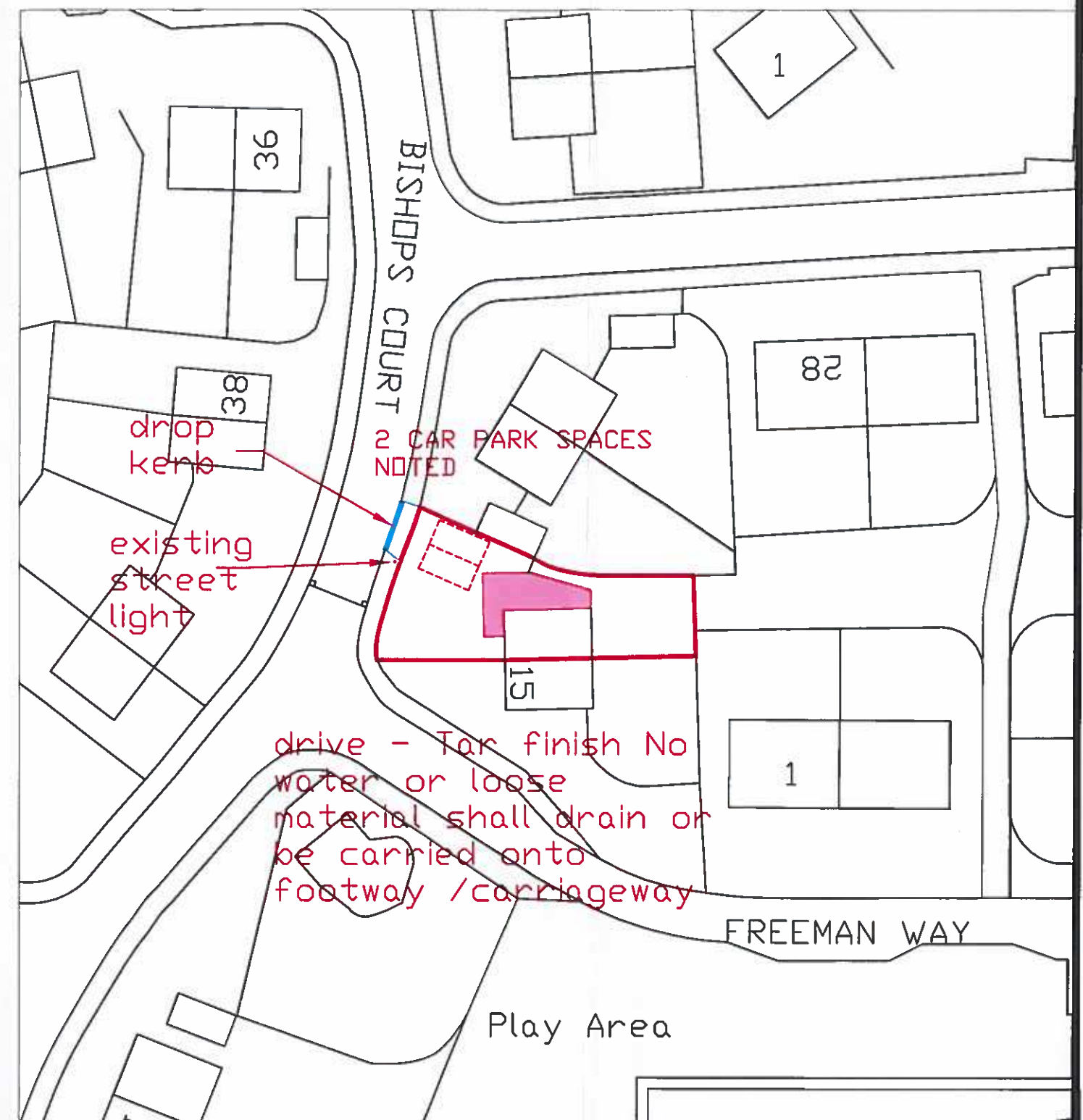
## APPENDIX 4 – LOCATION / BLOCK PLAN, ELEVATIONS, FLOOR PLAN







**LOCATION PLAN**  
scale 1:2500



**BLOCK PLAN**  
scale 1:500

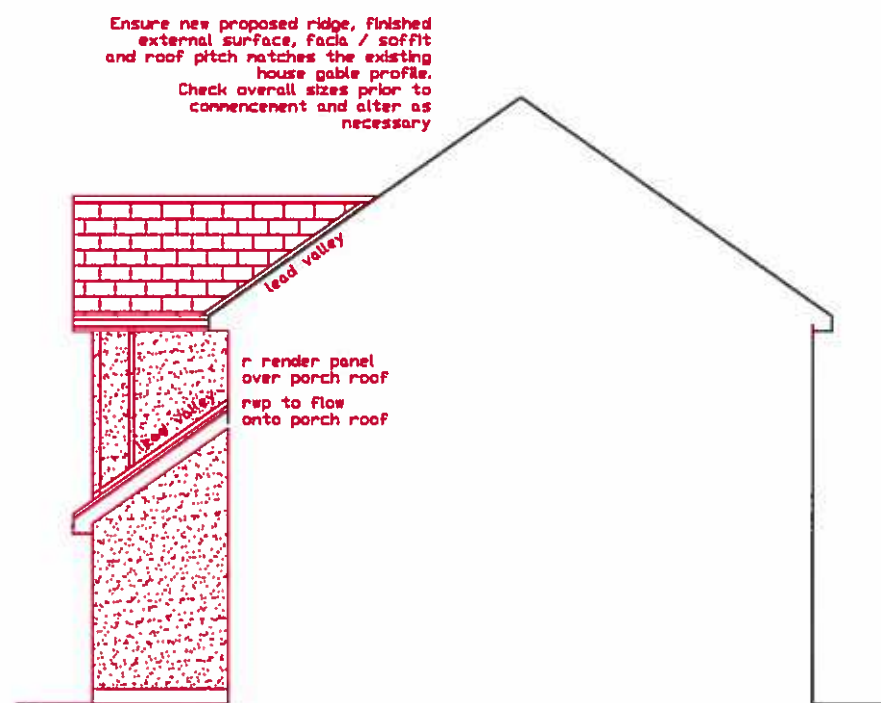
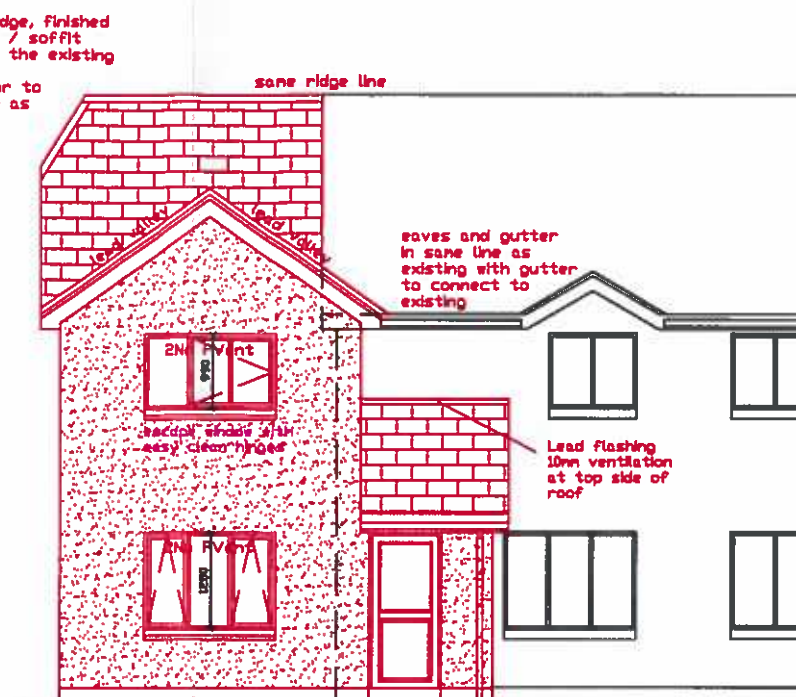
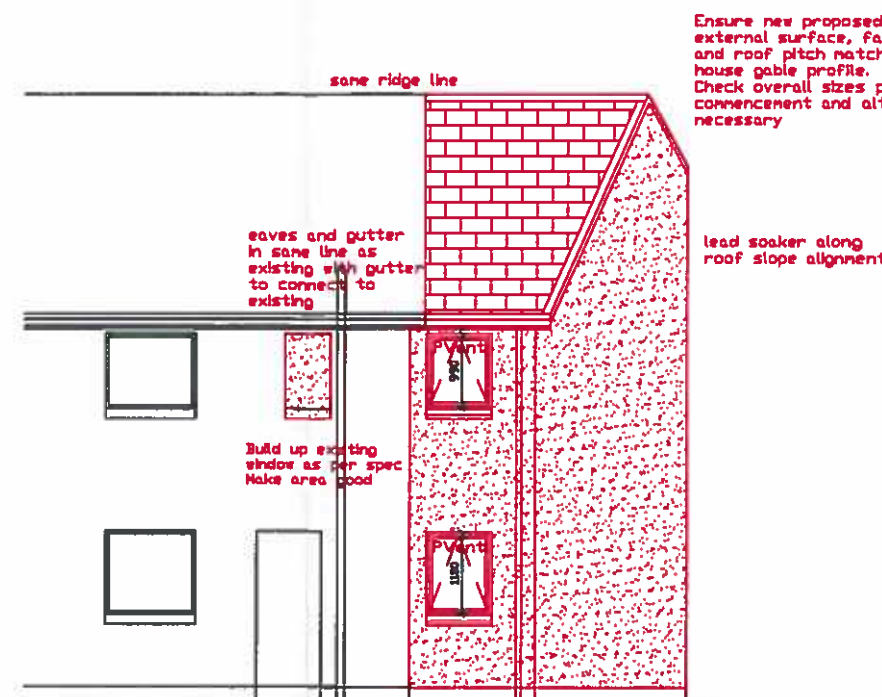
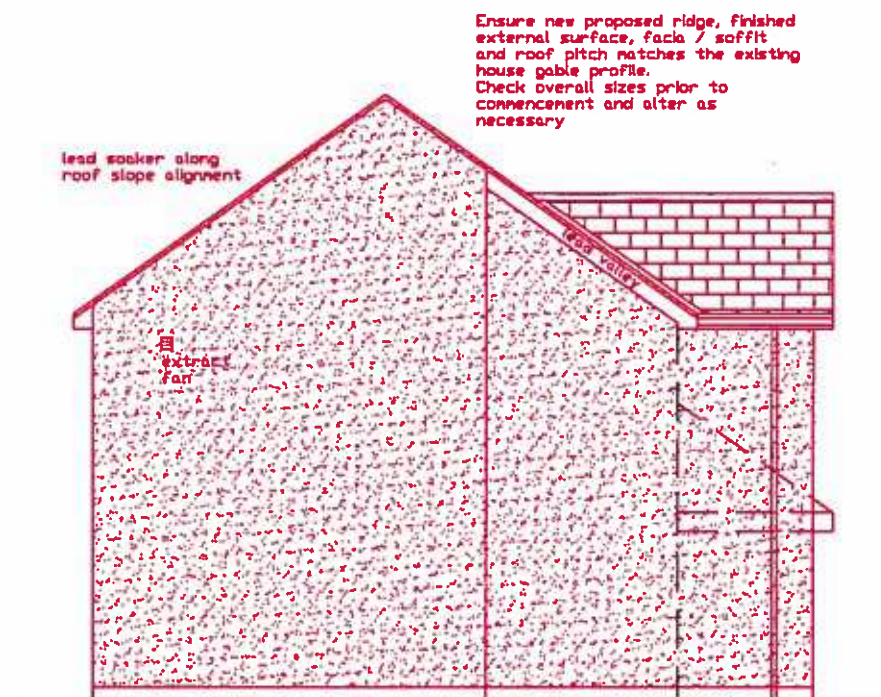
PROJECT  
PROPOSED EXTENSION  
ADDRESS  
13 BISHOPS COURT, LOSSIEMOUTH  
CLIENT  
ARRON FIELD & CLAIRE MILLAR  
DATE  
SEPT 2018  
DRAWING NO 11

22/10/18 PLANNING NOTES ADDED

REV A







TO BE READ IN CONJUNCTION  
WITH ENGINEER DETAILS &  
RECOMMENDATIONS

## ELEVATIONS

scale 1:100

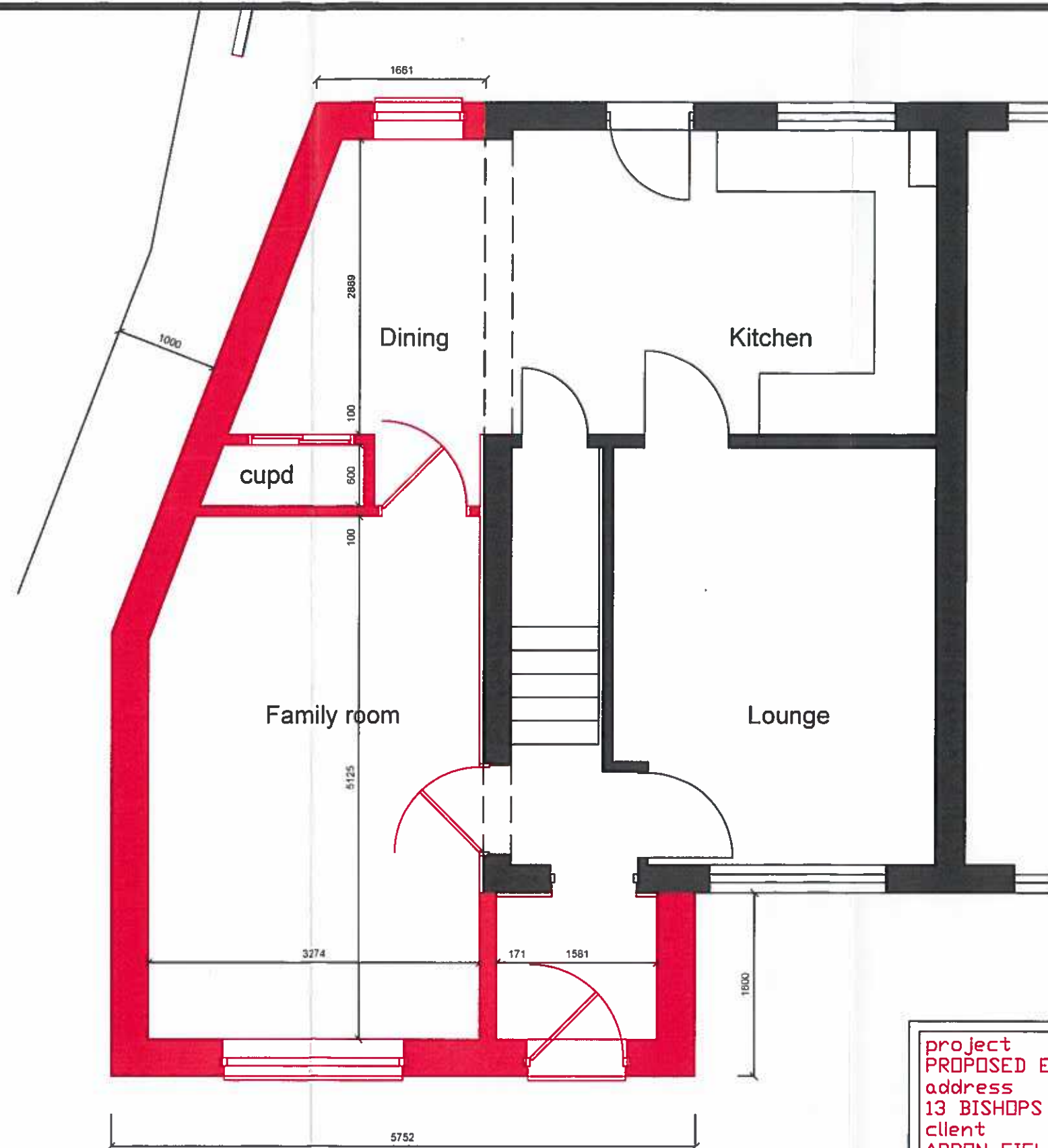
EXTERNAL FINISHES  
concrete roof tiles to match existing  
roughcast to external walls

project  
PROPOSED EXTENSION  
address  
13 BISHOPS COURT, LOSSIEMOUTH  
client  
ARRON FIELD & CLAIRE MILLAR  
date  
SEPT 2018

DRAWING NO 2

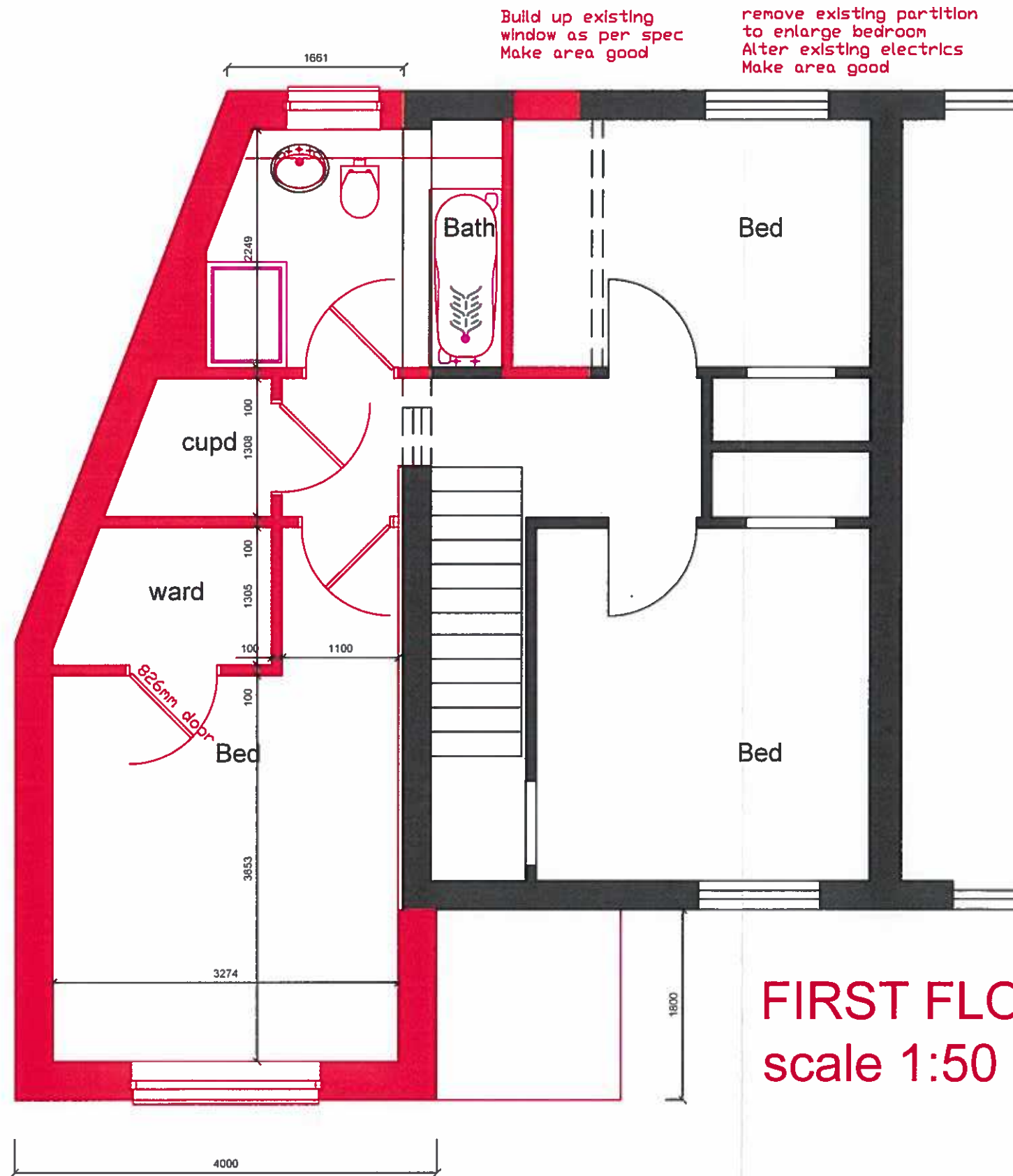


GROUND FLOOR PLAN  
scale 1:50



project  
PROPOSED EXTENSION  
address  
13 BISHOPS COURT, LOSSIEMOUTH  
client  
ARRON FIELD & CLAIRE MILLAR  
date  
SEPT 2018  
DRAWING NO 3





## FIRST FLOOR PLAN

scale 1:50

project  
PROPOSED EXTENSION  
address  
13 BISHOPS COURT, LOSSIEMOUTH  
client  
ARRON FIELD & CLAIRE MILLAR  
date  
SEPT 2018  
DRAWING NO 4





APPENDIX 5 – NO 11 BISHOPS COURT LETTER OF SUPPORT

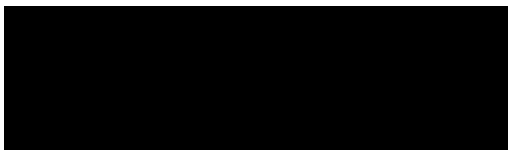


REF. 18/01207/APP

Dear Sir/Madam,

I write this letter to inform you that I have reviewed the planning proposals recently submitted by my neighbours, 13 Bishops Court Lossiemouth. Due to the angle & position of the house I can see no issues with sunlight on my property with erecting the proposed extension. With this in mind, I am happy to support this application.

Kind Regards



Shaun Kellas Flett

Home Owner at 11 Bishops Court, Lossiemouth, IV31 6TL.