



Moray Local Review Body

Thursday, 16 February 2023

NOTICE IS HEREBY GIVEN that a Meeting of the **Moray Local Review Body** is to be held at **Council Chambers, Council Office, High Street, Elgin, IV30 1BX** on **Thursday, 16 February 2023** at **09:30**.

BUSINESS

- 1 **Sederunt**
- 2 **Declaration of Group Decisions and Members Interests ***
- 3 **Minute of Meeting dated 19 January 2023** **5 - 8**
- New Cases**
- 4 **Case LR284 - Ward 4 - Fochabers Lhanbryde** **9 - 212**
Planning Application 22/01066/APP – Alter and extend dwellinghouse at 35 Gordon Street, Portgordon, Buckie
- 5 **Case LR285 - Ward 3 - Buckie** **213 - 272**
Planning Application 22/00327/APP – Change of use of amenity land to garden ground at Rockside, 8 Jubilee Terrace, Findochty, Buckie

Summary of Local Review Body functions:

To conduct reviews in respect of refusal of planning permission or unacceptable conditions as determined by the delegated officer, in terms of the Scheme of Delegation to Officers under Section 43(A)(i) of the Town & Country Planning (Scotland) Act 1997 and the Town & Country Planning (Scheme of Delegation and Local Review Procedure)(Scotland) Regulations 2013, or where the Delegated Officer has not determined the application within 3 months of registration.

GUIDANCE NOTES

* **Declaration of Group Decisions and Members Interests** - The Chair of the meeting shall seek declarations from any individual or political group at the beginning of a meeting whether any prior decision has been reached on how the individual or members of the group will vote on any item(s) of business on the Agenda, and if so on which item(s). A prior decision shall be one that the individual or the group deems to be mandatory on the individual or the group members such that the individual or the group members will be subject to sanctions should they not vote in accordance with the prior decision. Any such prior decisions will be recorded in the Minute of the meeting.

** **Written Questions** - Any Member can put one written question about any relevant and competent business within the specified remits not already on the agenda, to the Chair provided it is received by the Proper Officer or Committee Services by 12 noon two working days prior to the day of the meeting. A copy of any written answer provided by the Chair will be tabled at the start of the relevant section of the meeting. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than 10 minutes after the Council has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he or she can submit it in writing to the Proper Officer who will arrange for a written answer to be provided within 7 working days.

*** **Question Time** - At each ordinary meeting of the Committee ten minutes will be allowed for Members questions when any Member of the Committee can put a question to the Chair on any business within the remit of that Section of the Committee. The Member who has put the question may, after the answer has been given, ask one supplementary question directly related to the subject matter, but no discussion will be allowed.

No supplementary question can be put or answered more than ten minutes after the Committee has started on the relevant item of business, except with the consent of the Chair. If a Member does not have the opportunity to put a supplementary question because no time remains, then he/she can submit it in writing to the proper officer who will arrange for a written answer to be provided within seven working days.

THE MORAY COUNCIL
Moray Local Review Body

SEDERUNT

Councillor Marc Macrae (Chair)
Councillor Amber Dunbar (Depute Chair)

Councillor Neil Cameron (Member)
Councillor Juli Harris (Member)
Councillor Sandy Keith (Member)
Councillor Paul McBain (Member)
Councillor Derek Ross (Member)
Councillor Sonya Warren (Member)

Clerk Name:	Lissa Rowan
Clerk Telephone:	07765 741754
Clerk Email:	committee.services@moray.gov.uk

Minute of Meeting of the Moray Local Review Body

Thursday, 19 January 2023

Council Chambers, Council Office, High Street, Elgin, IV30 1BX

PRESENT

Councillor Neil Cameron, Councillor Amber Dunbar, Councillor Sandy Keith, Councillor Marc Macrae, Councillor Paul McBain, Councillor Derek Ross, Councillor Sonya Warren

APOLOGIES

Councillor Juli Harris

IN ATTENDANCE

Mr A Miller, Senior Planning Officer and Mrs L MacDonald, Senior Planning Officer as Planning Advisers, Mr S Hoath, Senior Solicitor and Mrs J Smith, Solicitor as Legal Advisers and Mrs L Rowan, Committee Services Officer as Clerk to the Meeting.

1 Chair

Councillor Macrae, being Chair of the Moray Local Review Body, chaired the meeting.

2 Declaration of Group Decisions and Members Interests

In terms of Standing Order 20 and the Councillor's Code of Conduct, there were no declarations from Group Leaders or Spokespersons in regard to any prior decisions taken on how Members will vote on any item on the agenda or any declarations of Members interests in respect of any item on the agenda.

3 Minute of Meeting dated 17 November 2022

The Minute of the meeting dated 17 November 2022 was submitted and approved.

4 Adjournment

The Chair sought the agreement of the Moray Local Review Body to adjourn the meeting for a short period to consider the procedure for the meeting. This was unanimously agreed.

5 LR282 - Ward 7 - Elgin City South

Planning Application 21/01686/APP - Change of use of former bakery to a takeaway restaurant at 212 High Street, Elgin, Moray, IV30 1BA

A request was submitted by the Applicant, seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse planning permission on the grounds that:

The proposal is contrary to the Moray Local Development Plan (MLDP) 2020 because:

1. The lack of information in relation to the noise and odour impacts from the takeaway means it is not possible to assess or appropriately mitigate the impact of the proposed takeaway on the residential amenity on the existing and consented residential properties which are adjacent to or adjoin the site. The application therefore fails to demonstrate that it can be serviced or controlled in a way that is appropriate to the character of the site and its immediate residential surrounds. The proposal is therefore contrary to Policies DP7, DP1, EP14 and EP9.
2. The proposal would result in an increase in pedestrian and vehicular activity at a sensitive location, which cannot be safely accommodated or mitigated against, and would therefore be likely to give rise to conditions detrimental to the road safety of road users contrary to MLDP policies DP1 'Development Principles' section (ii)- 'Transportation', part 'a)' (safe entry and exit).

A Summary of Information Report set out the reasons for refusal, together with the documents considered or prepared by the Appointed Officer in respect of the planning application, in addition to the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

In response to a question from the Chair as to whether the Legal or Planning Advisers had any preliminary matters to raise, the Planning Adviser advised that he had nothing to raise at this time.

Mr Hoath, Legal Adviser advised that, during the short adjournment, he had advised the Chair and Depute Chair that the Applicant had stated in his Notice of Review Application that he wished the Moray Local Review Body (MLRB) to consider information that was not before the Appointed Officer at the time the original application was considered. He advised that this further information was significant and may affect the outcome of the appeal. He further advised that, should the MLRB wish to consider this information, it should decide whether any further procedure should be applied such as whether the Appointed Officer and Interested Parties should be given the opportunity to consider and comment on the new information by way of written submissions and/or a hearing. Mr Hoath did however point out that the new information would not be able to be consulted on with the wider public at this stage. Mr Hoath concluded by advising that the MLRB may be of the view that there is sufficient information within the agenda to make a determination on the Planning Application without a further procedure and that if this was the case and the Planning Application was refused, the Applicant could submit a further Planning Application including the new information and that this would be free of charge were it submitted within one year of the MLRB's decision.

Councillor McBain, having considered the case in detail, was of the view that there was sufficient information within the agenda and moved that the MLRB proceed to determine the case as it is. This was seconded by the Chair.

Councillor Cameron was of the view that the MLRB should have the opportunity to consider the new information submitted by the Applicant, given that it was significant, and moved as an amendment, that the MLRB defer the case to allow the Appointed Officer and Interested Parties the opportunity to comment on the new information, by way of written submissions. This was seconded by Councillor Ross.

On a division there voted:

For the Motion (4):	Councillors McBain, Macrae, Dunbar and Keith
For the Amendment (3):	Councillors Cameron, Ross and Warren
Abstention (0):	Nil

Accordingly, the Motion became the finding of the Meeting and the MLRB agreed to proceed to consider the case with the information before them.

Councillor Cameron, having visited the site and considered the case in detail, fully understood why the application had been refused given the further residential development in the area. He was of the view that the location of the proposal was wrong and moved that the MLRB refuse the appeal and uphold the original decision of the Appointed Officer to refuse Planning Application 21/01686/APP as the proposal fails to comply with policies DP7 (Retail/Town Centres), DP1 (Development Principles), EP14 (Pollution, Contamination and Hazards) and EP9 (Conservation Areas) of the MLDP 2020. This was seconded by Councillor Dunbar.

Councillor Keith, having visited the site and considered the case in detail, did not agree that there would be a significant increase in pedestrian and vehicular activity to the detriment of road safety and further noted that there is a public car park immediately adjacent to the location of the proposal. Councillor Keith further stated that, as it was unknown what type of take away food facility would be occupying the premises, there was no way of knowing whether there would be any noise or odour impacts. Councillor Keith therefore moved that the MLRB uphold the appeal and grant planning permission in respect of Planning Application 21/01686/APP as, in his opinion, the proposal is an acceptable departure from policies DP7 (Retail/Town Centres), DP1 (Development Principles), EP14 (Pollution, Contamination and Hazards) and EP9 (Conservation Areas) of the MLDP 2020. This was seconded by Councillor Ross.

On a division there voted:

For the Motion (4):	Councillors Cameron, Dunbar, Macrae and Warren
For the Amendment (3):	Councillors Keith, Ross and McBain
Abstention (0):	Nil

Accordingly, the Motion became the finding of the Meeting and the MLRB agreed to refuse the appeal and uphold the original decision of the Appointed Officer to refuse Planning Application 21/01686/APP as the proposal fails to comply with policies DP7 (Retail/Town Centres), DP1 (Development Principles), EP14 (Pollution, Contamination and Hazards) and EP9 (Conservation Areas) of the MLDP 2020.



MORAY LOCAL REVIEW BODY

16 FEBRUARY 2023

SUMMARY OF INFORMATION FOR CASE No LR284

Planning Application 22/01066/APP – Alter and extend dwellinghouse at 35 Gordon Street, Portgordon, Buckie

Ward 4 – Fochabers Lhanbryde

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 30 September 2022 on the grounds that:

The proposed alterations and extension are contrary to Moray Local Development Plan 2020 policy DP1(i)(a) for the following reasons:

1. The proposed rear dormers are considered unacceptable as they are of an irregular shape which is not keeping with the form and character of the existing traditional property and surrounding area.
2. The proposed first floor extension incorporates an irregular roof shape giving the appearance of a two storey flat roof extension which creates unnecessary bulk and is incongruous with the main parent property.

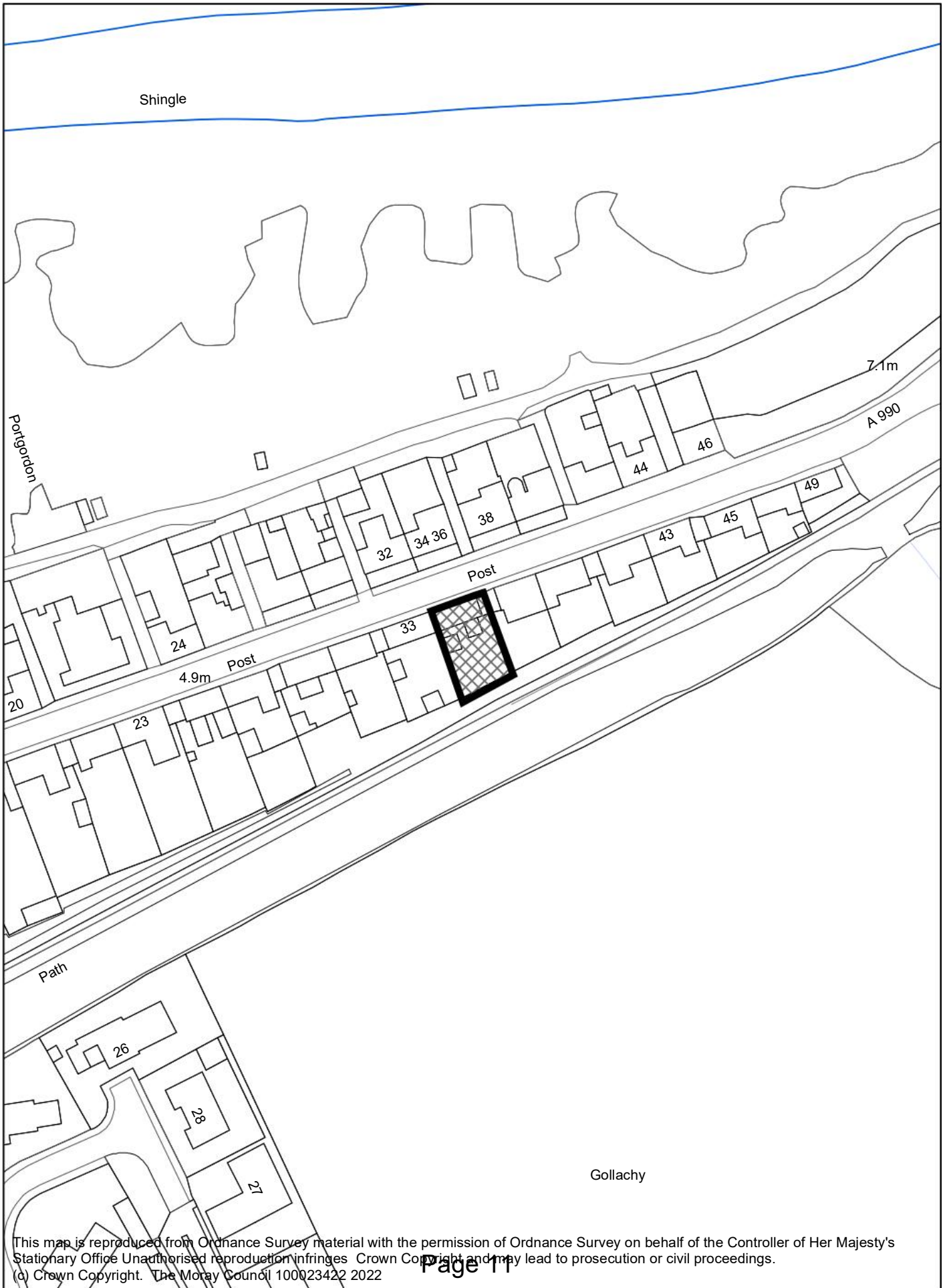
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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 :
22/01066/APP**





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100587093-001

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

Description of Proposal

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

First floor dormer window extension, extension of pitched roof over single storey flat roof, rebuild and adjoin garden store to house to create a bedroom

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:	Nick Midgley Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Nick	Building Name:	Feral Studios
Last Name: *	Midgley	Building Number:	
Telephone Number: *	07711182313	Address 1 (Street): *	Wellington Mills
Extension Number:		Address 2:	Quebec Street
Mobile Number:	07711182313	Town/City: *	Elland
Fax Number:		Country: *	England
		Postcode: *	Hx5 9AS
Email Address: *	nick@nickmidgleydesign.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Claire	Building Number:	35
Last Name: *	Lambert	Address 1 (Street): *	Gordon Street
Company/Organisation	Claire Lambert	Address 2:	Portgordon
Telephone Number: *	+447703279547	Town/City: *	Buckie
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	AB56 5QR
Fax Number:			
Email Address: *	claire.home@talk21.com		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

35 GORDON STREET

Address 2:

PORTGORDON

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

BUCKIE

Post Code:

AB56 5QR

Please identify/describe the location of the site or sites

Northing

864334

Easting

339940

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Pre App written and telephone conversation 21/01027/PEHOU

Title:

Ms

Other title:

Planning Technical Assistant

First Name:

Teresa

Last Name:

Ruggeri

Correspondence Reference Number:

21/01027/PEHOU

Date (dd/mm/yyyy):

19/09/2021

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

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: Nick Midgley

On behalf of: Claire Lambert

Date: 20/07/2022

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 Nick Midgley

Declaration Date: 20/07/2022

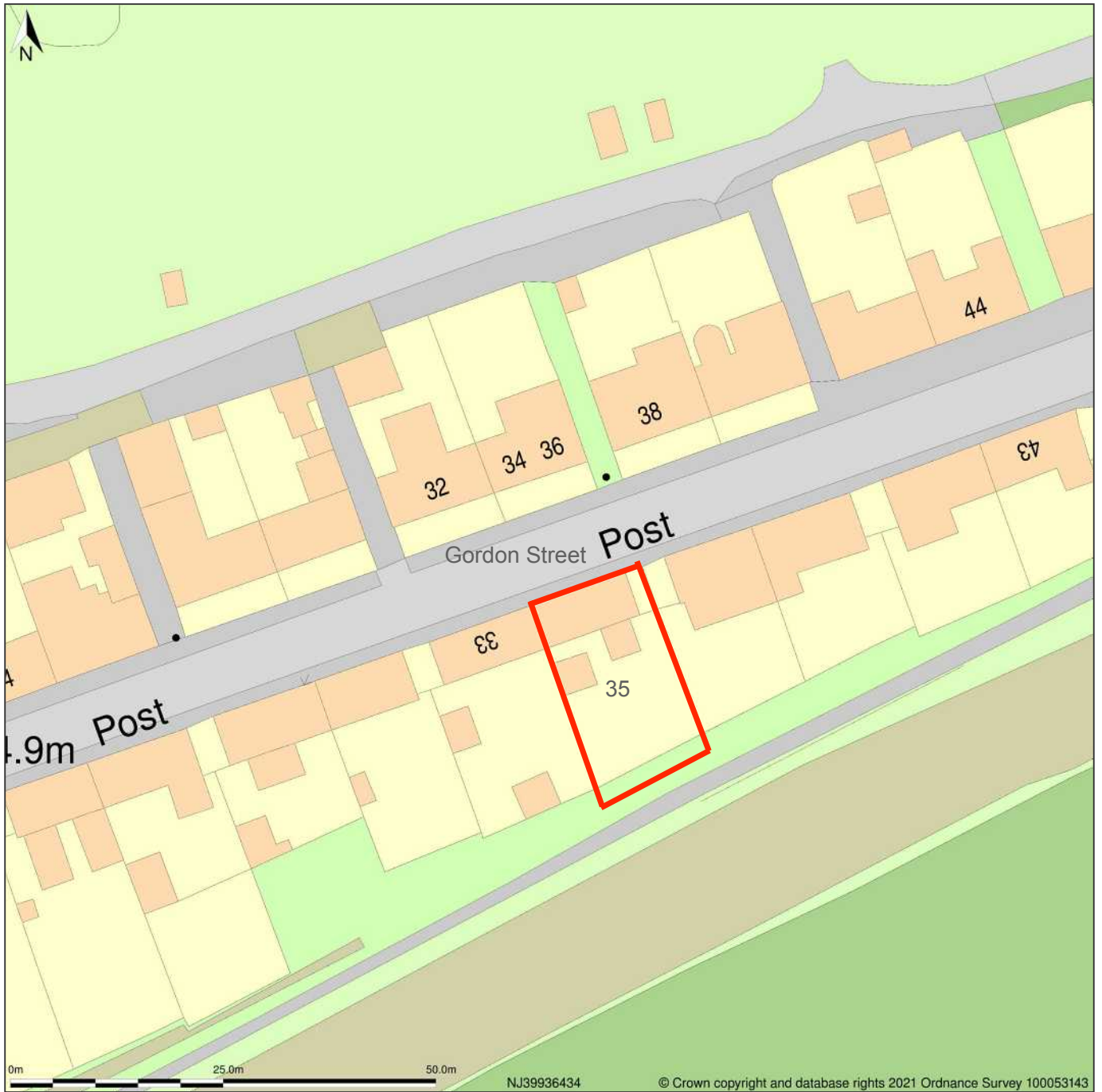
Payment Details

Online payment: 261169

Payment date: 20/07/2022 17:23:31

Created: 20/07/2022 17:23

35, Gordon Street, Portgordon, Moray, AB56 5QR



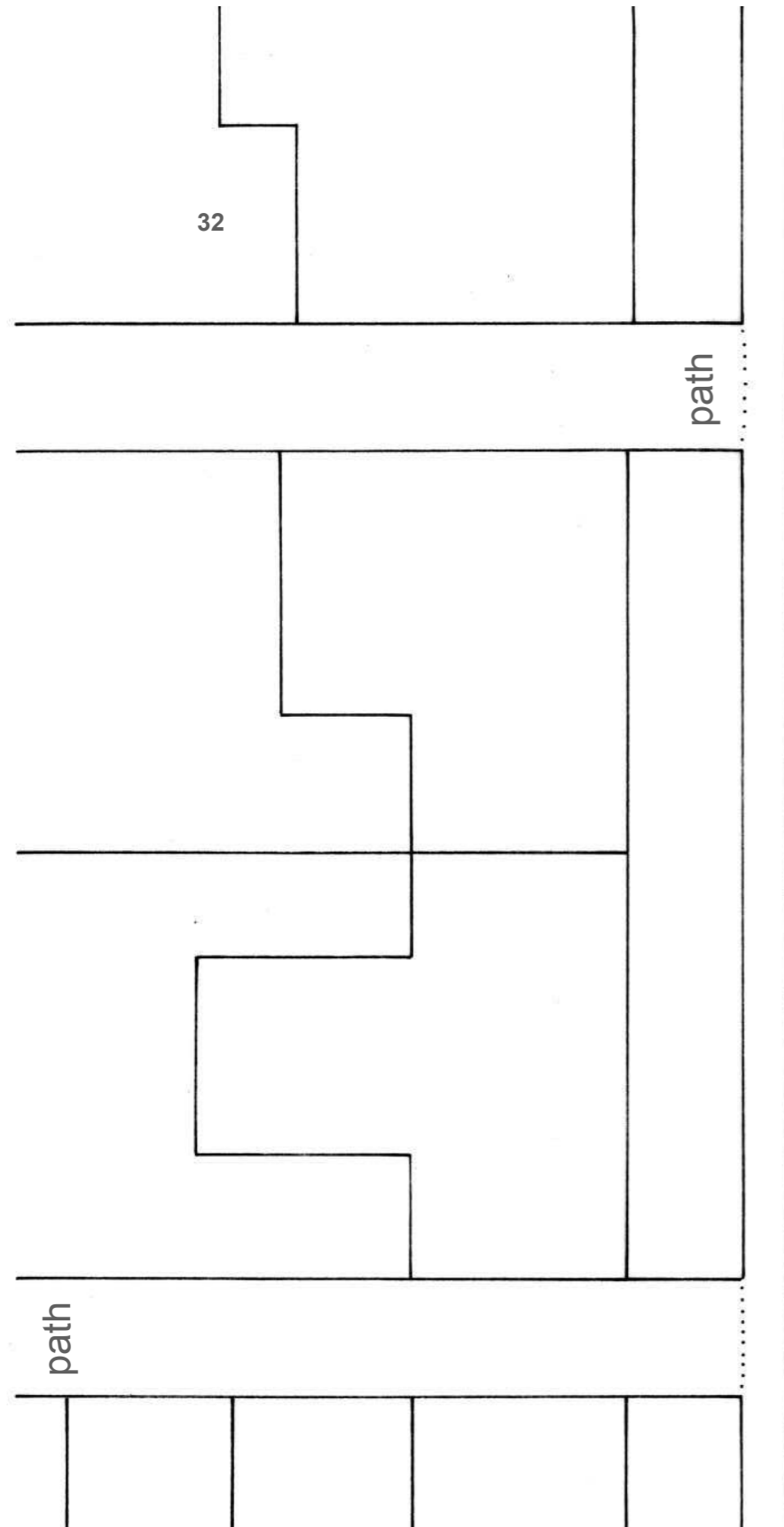
Block Plan shows area bounded by: 339873.25, 864276.25 340001.25, 864404.25 (at a scale of 1:500), OSGridRef: NJ39936434. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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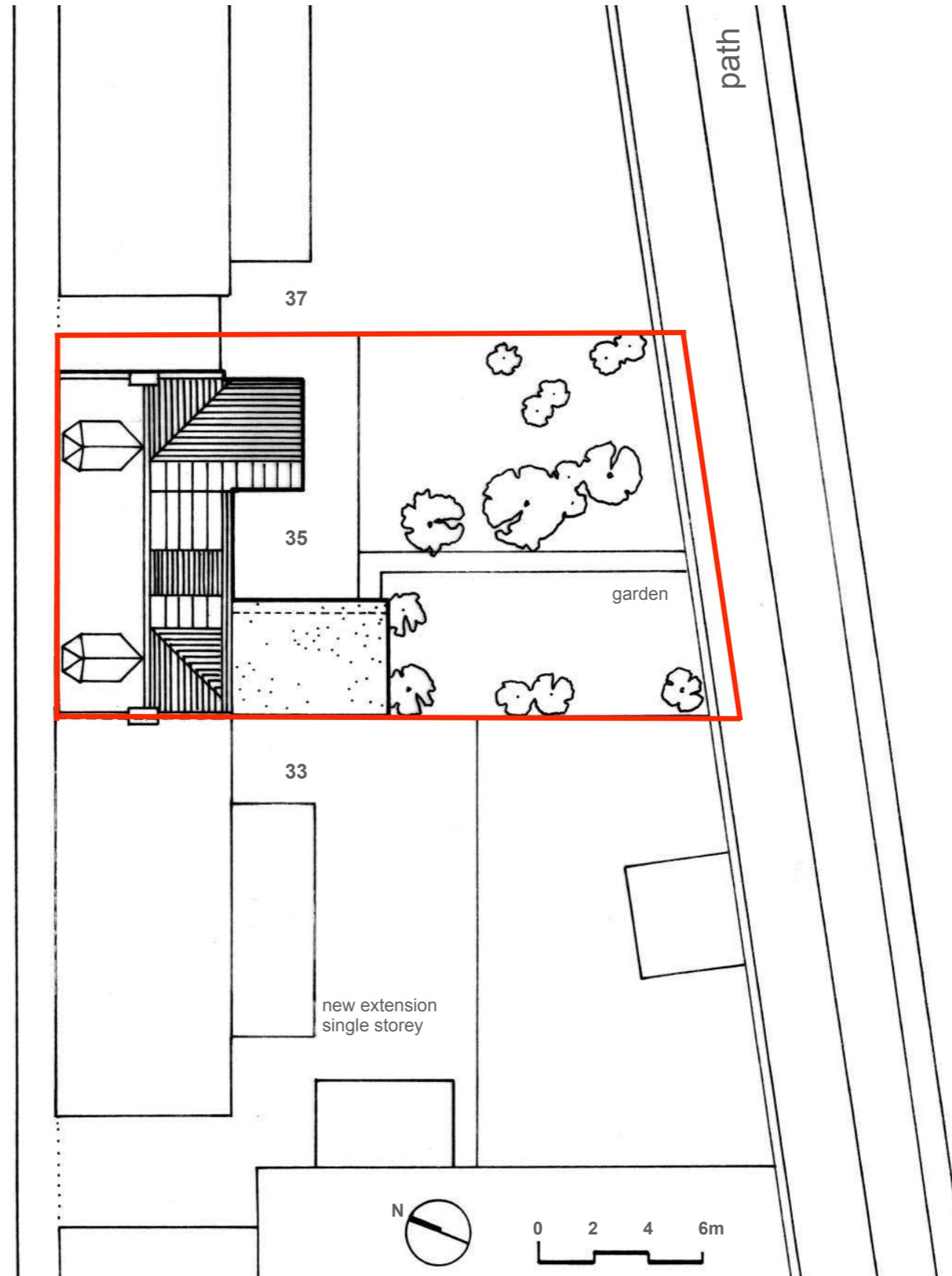
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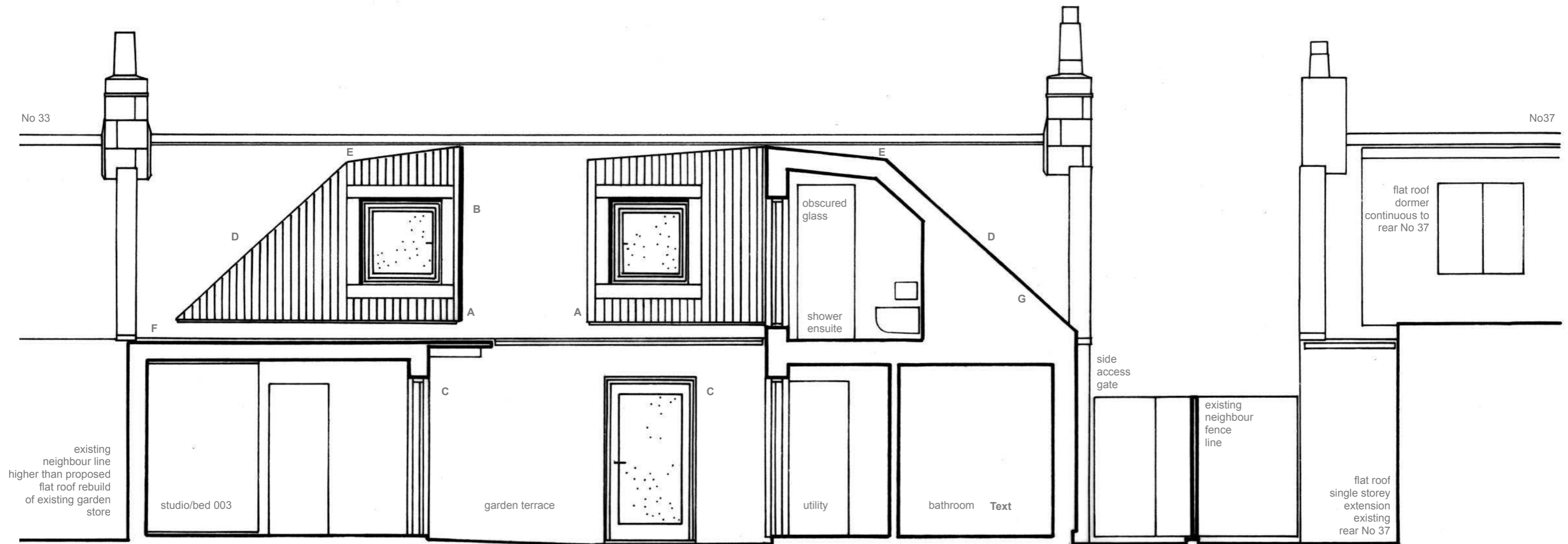
PROPOSAL - site plan & roof 1:200 @ A3 sheet size



GORDON STREET



PROPOSAL - elevation view from south - section AA 1:50 @ A3 sheet size

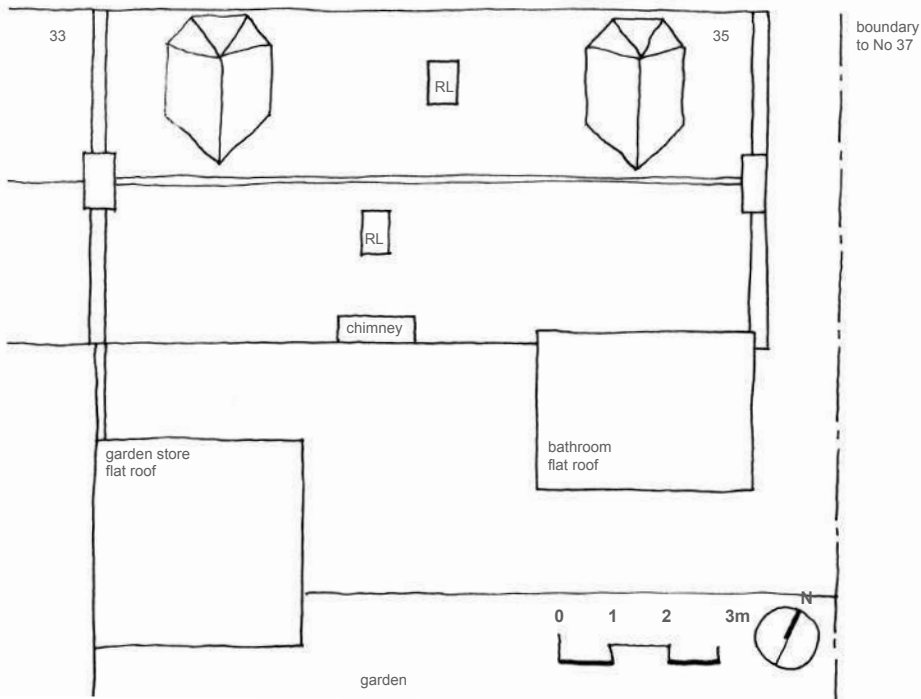


- A - smooth sawn vertical larch plank cladding T&G jointed Sadolin Extra high performance satin black wood stain low maintenance finish
- B - contrast natural stained/oiled framing larch plank
- C - triple glaze Danish alu skin mid grey Eco windows & doors - laminated composite softwood
- D - existing slate roof relaid - new reclaimed slating to match
- E - pitched standing seam self coloured lead/alu metal roofing
- F - green living roof Sedum planted overhang/shelter to east
- G - near Passiv Haus insulated timber frame eco structure airtight construction - low embodied carbon build

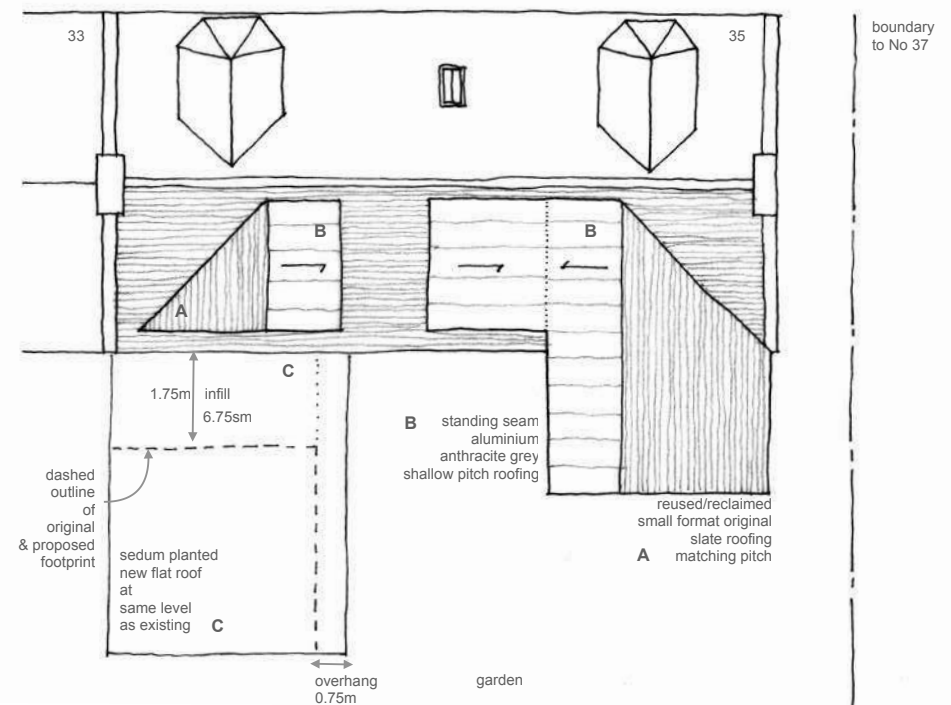


EXISTING & PROPOSED - roof plan 1:100 @ A3 sheet size

EXISTING roof plan

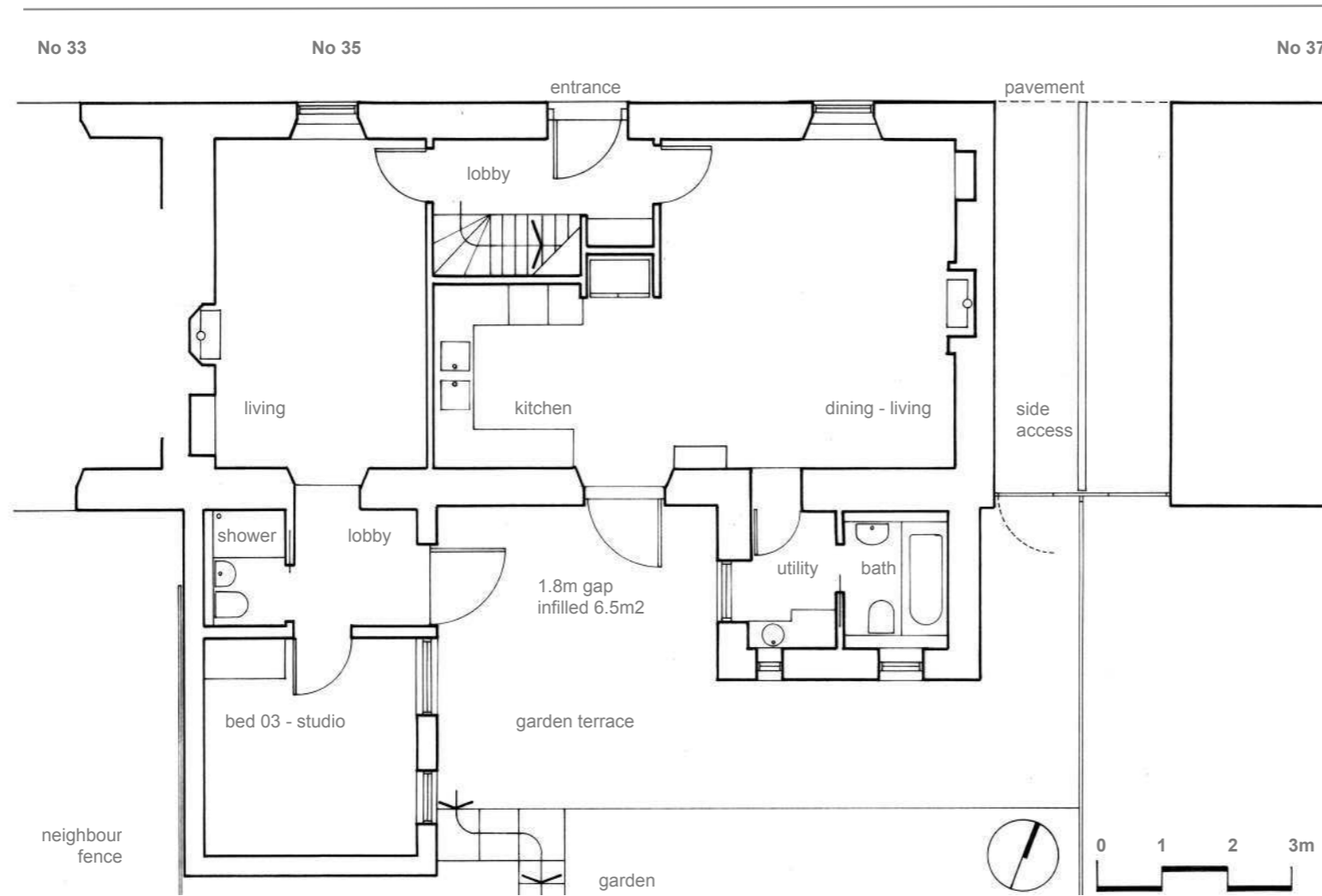


PROPOSED roof plan



PROPOSAL - ground floor plan 1:100 @ A3 sheet size

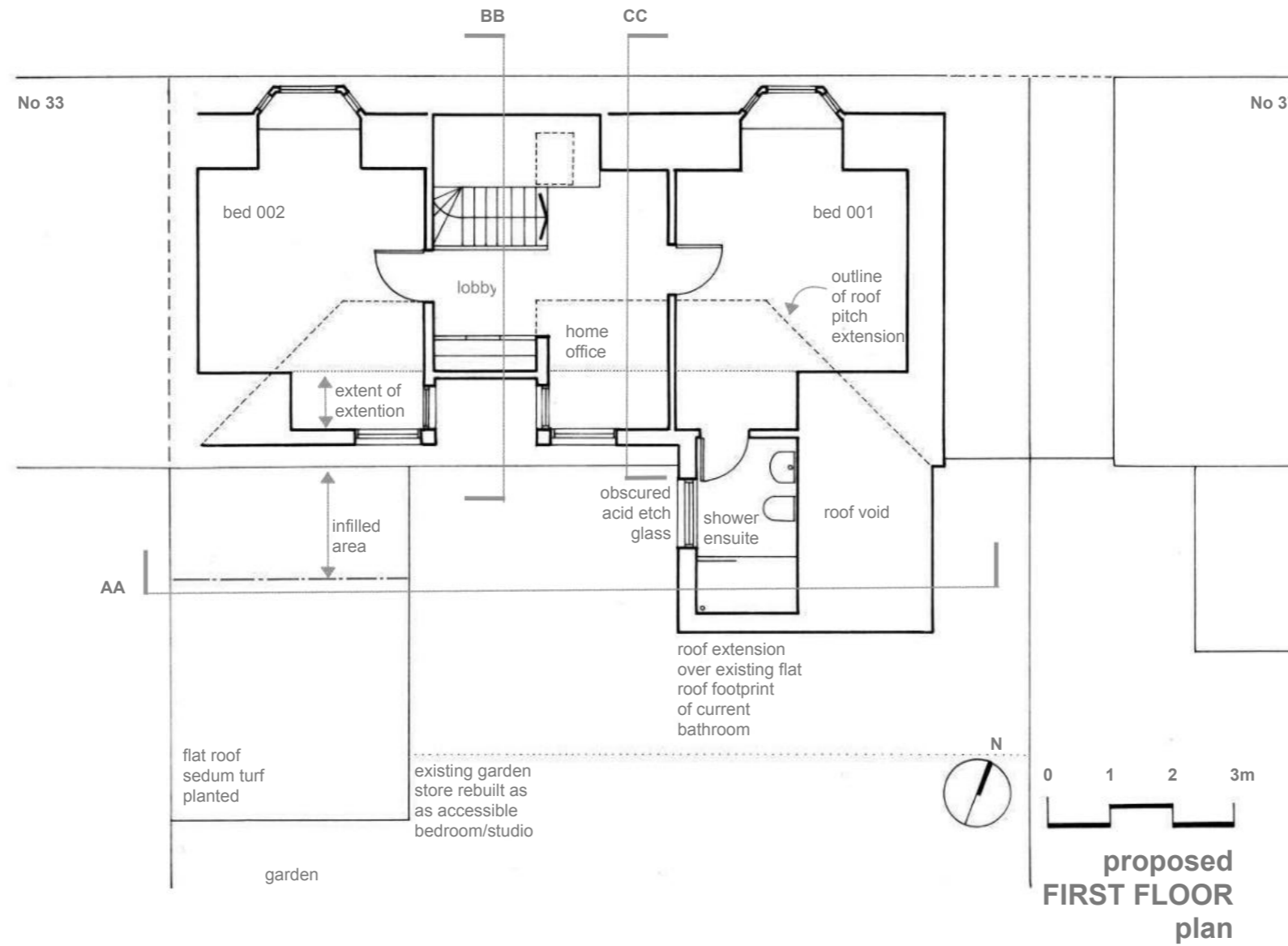
GORDON STREET



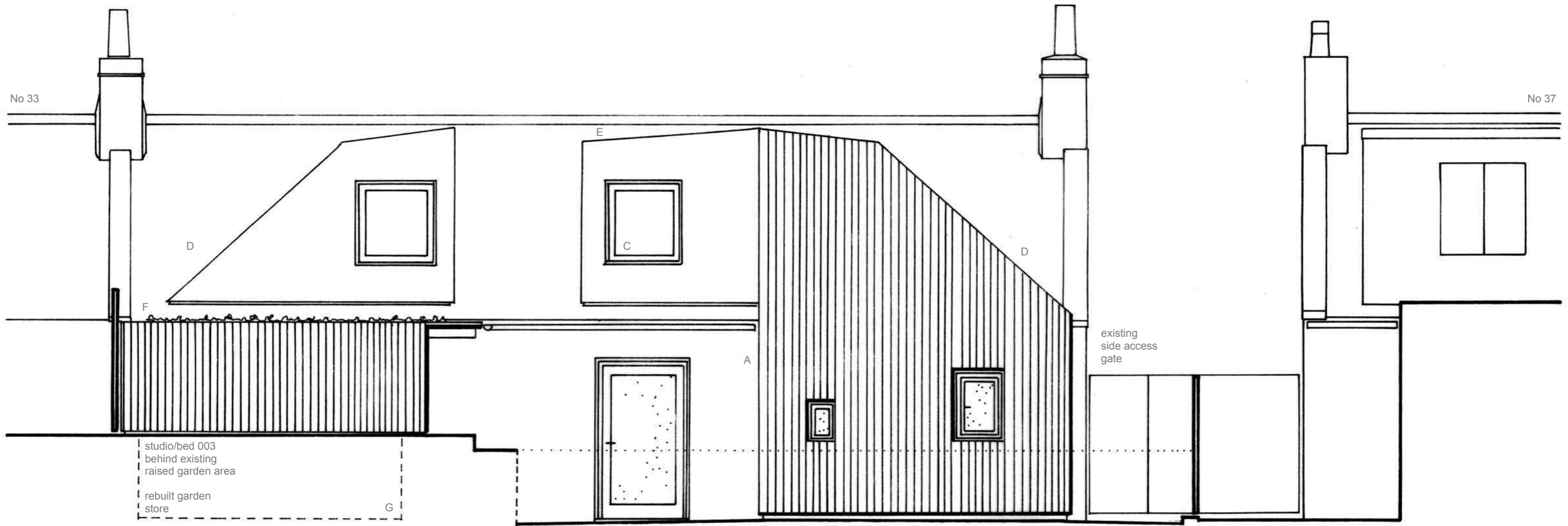
proposed
GROUND FLOOR
plan

PROPOSAL - first floor plan 1:100 @ A3 sheet size

GORDON STREET



PROPOSAL - elevation view from south 1:50 @



studio/bed 003
behind existing
raised garden area

rebuilt garden
store

A - smooth sawn vertical larch plank cladding T&G jointed
Sadolin Extra high performance satin black wood stain
low maintenance finish

B - contrast natural stained/oiled framing larch plank

C - triple glaze Danish alu skin mid grey Eco windows
& doors - laminated composite softwood

D - existing slate roof relaid - new reclaimed slating to match

E - pitched standing seam self coloured lead/alu metal roofing

F - green living roof Sedum planted overhang/shelter to east

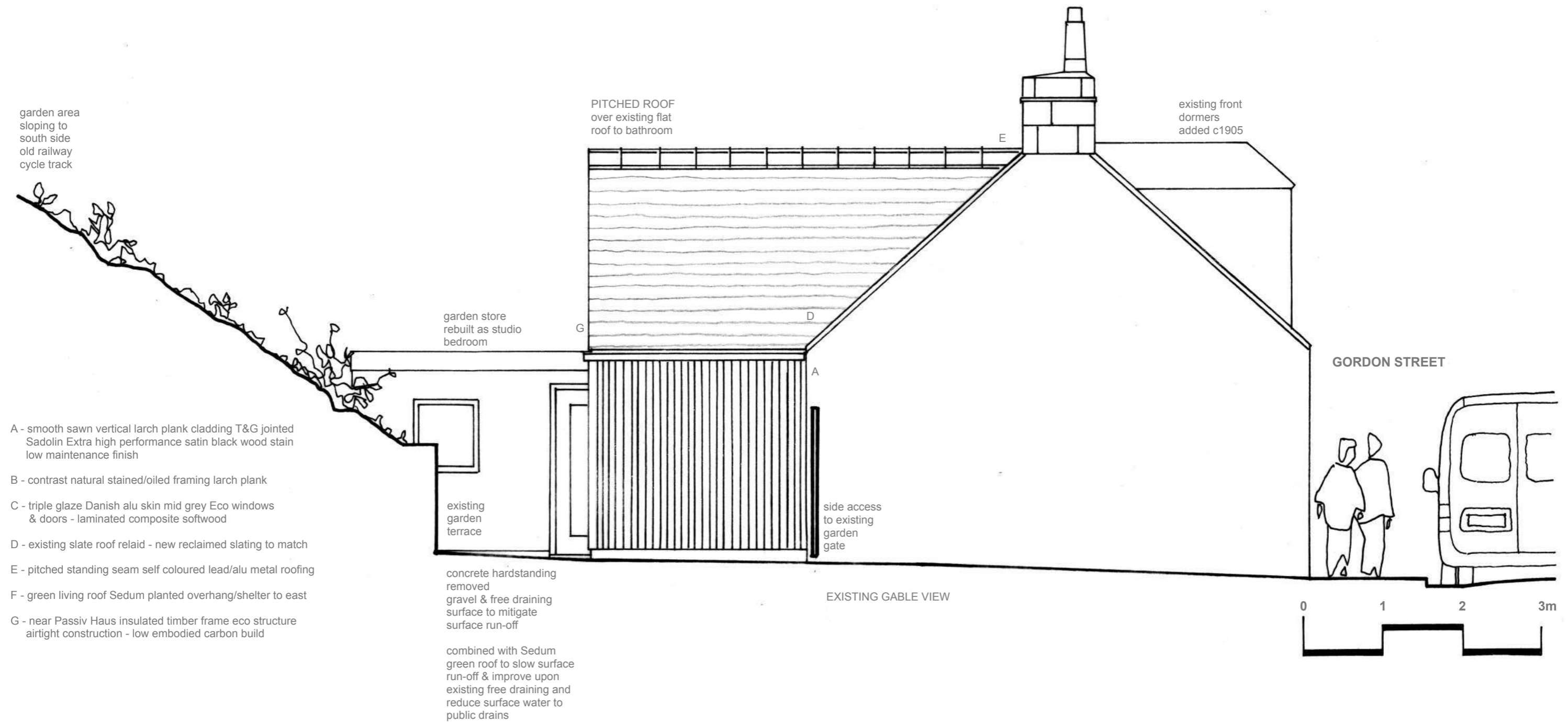
G - near Passiv Haus insulated timber frame eco structure
airtight construction - low embodied carbon build

bed 001 ensuite/shower
over existing flat roof
bathroom

existing
side access
gate

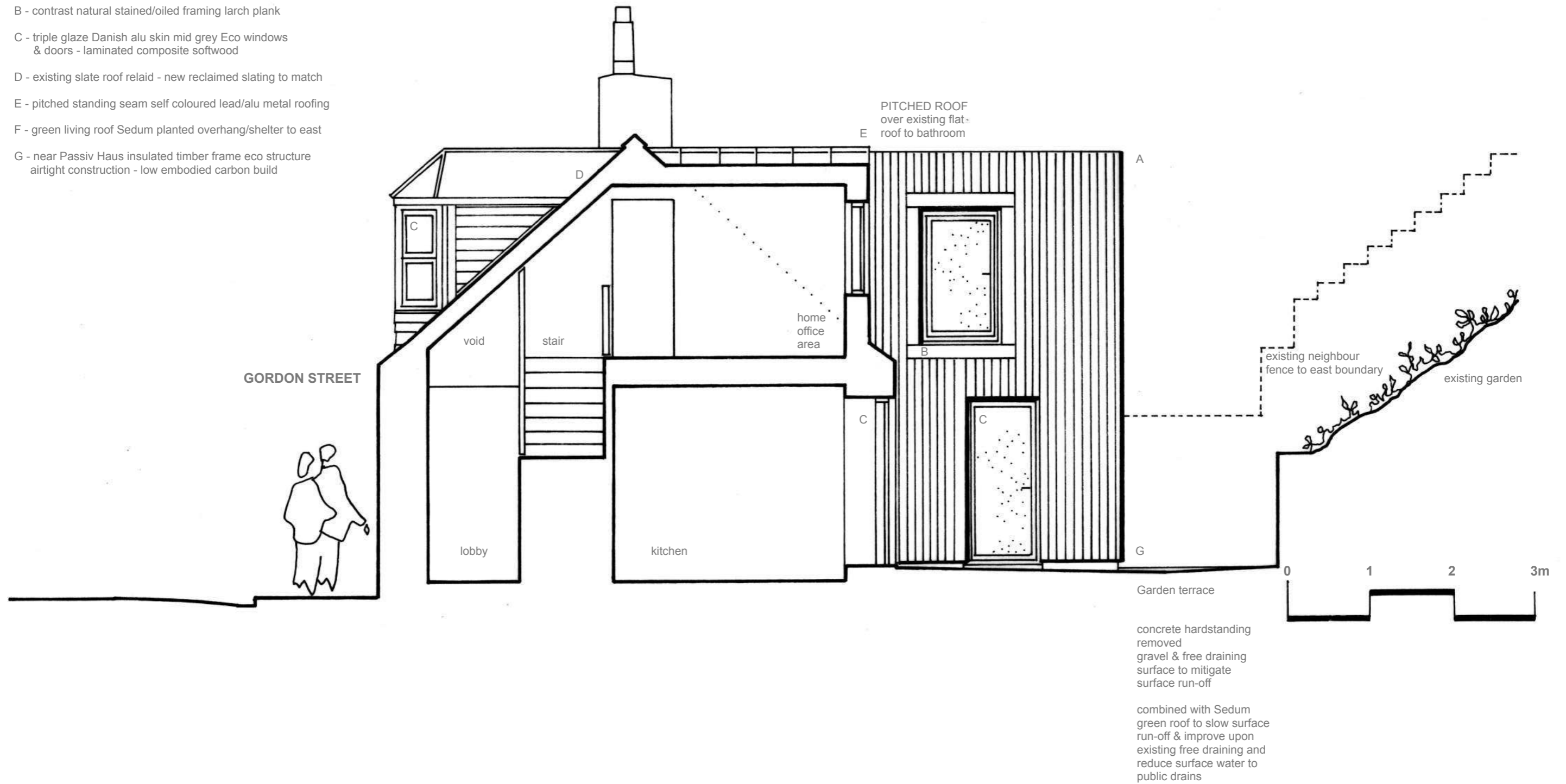


PROPOSAL - elevation view from east 1:50 @ A3 sheet size

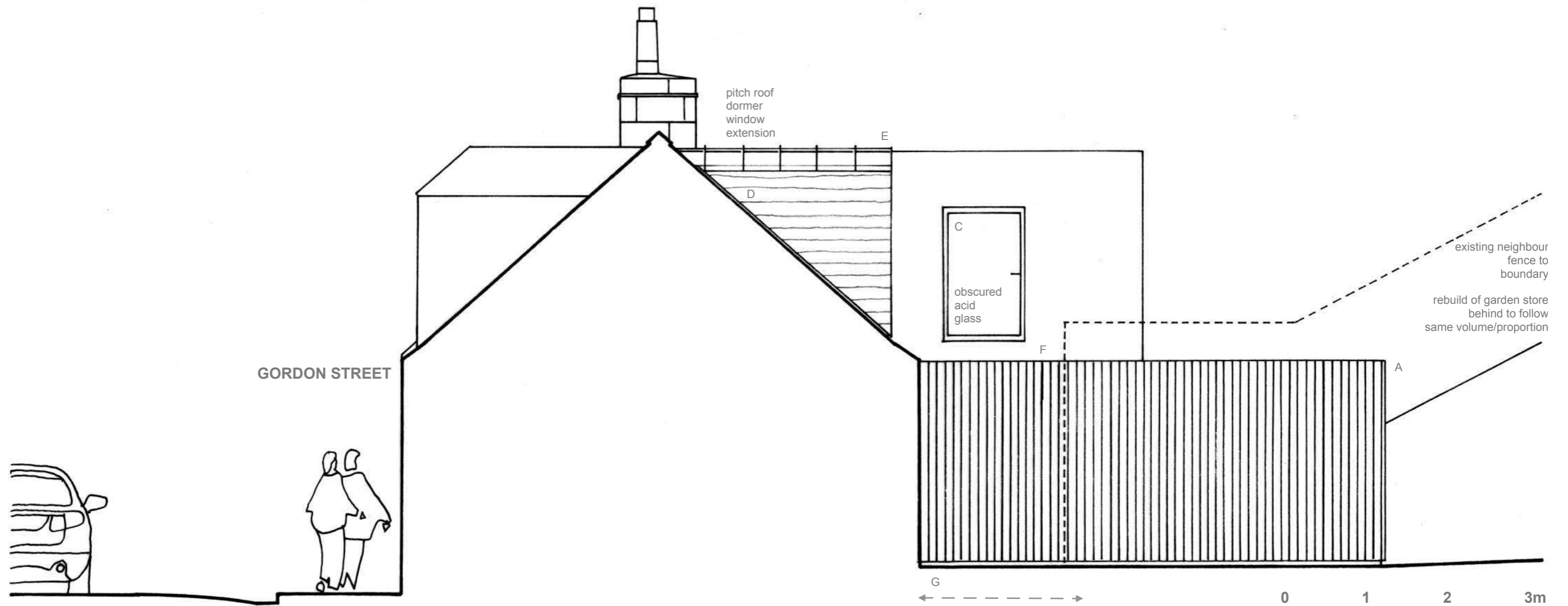


PROPOSAL - elevation view from west 1:50 @ A3 sheet size

- A - smooth sawn vertical larch plank cladding T&G jointed
Sadolin Extra high performance satin black wood stain
low maintenance finish
- B - contrast natural stained/oiled framing larch plank
- C - triple glaze Danish alu skin mid grey Eco windows
& doors - laminated composite softwood
- D - existing slate roof relaid - new reclaimed slating to match
- E - pitched standing seam self coloured lead/alu metal roofing
- F - green living roof Sedum planted overhang/shelter to east
- G - near Passiv Haus insulated timber frame eco structure
airtight construction - low embodied carbon build

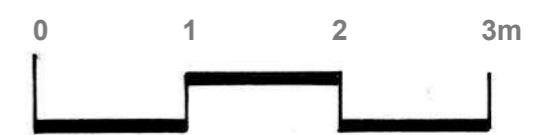


PROPOSAL - elevation view from west 1:50 @ A3 sheet size



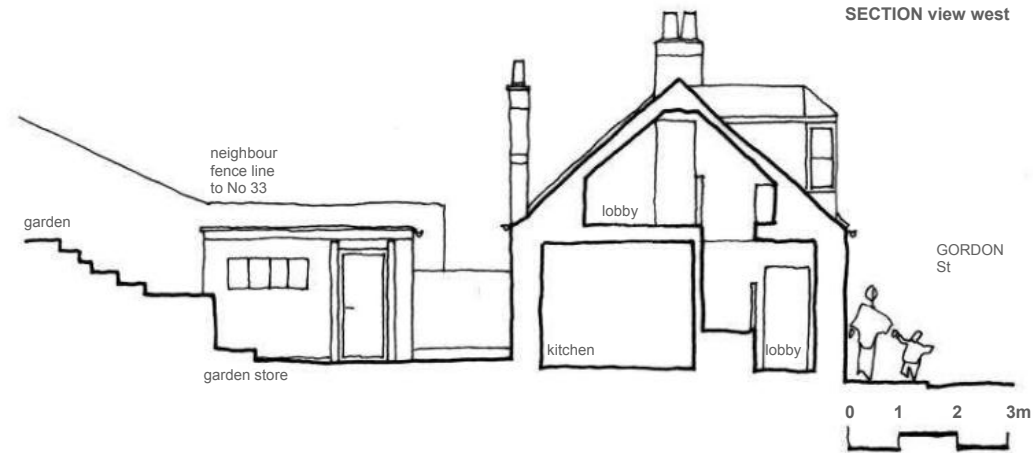
- A - smooth sawn vertical larch plank cladding T&G jointed Sadolin Extra high performance satin black wood stain low maintenance finish
- B - contrast natural stained/oiled framing larch plank
- C - triple glaze Danish alu skin mid grey Eco windows & doors - laminated composite softwood
- D - existing slate roof relaid - new reclaimed slating to match
- E - pitched standing seam self coloured lead/alu metal roofing
- F - green living roof Sedum planted overhang/shelter to east
- G - near Passiv Haus insulated timber frame eco structure airtight construction - low embodied carbon build

G
New section
infill build
to join existing
garden store to
house as
studio/bed 003

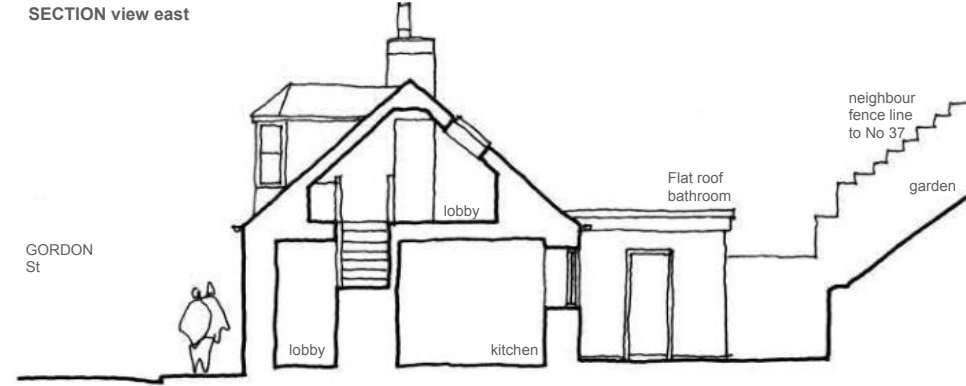


EXISTING - elevations & sections 1:100 @ A3 sheet size

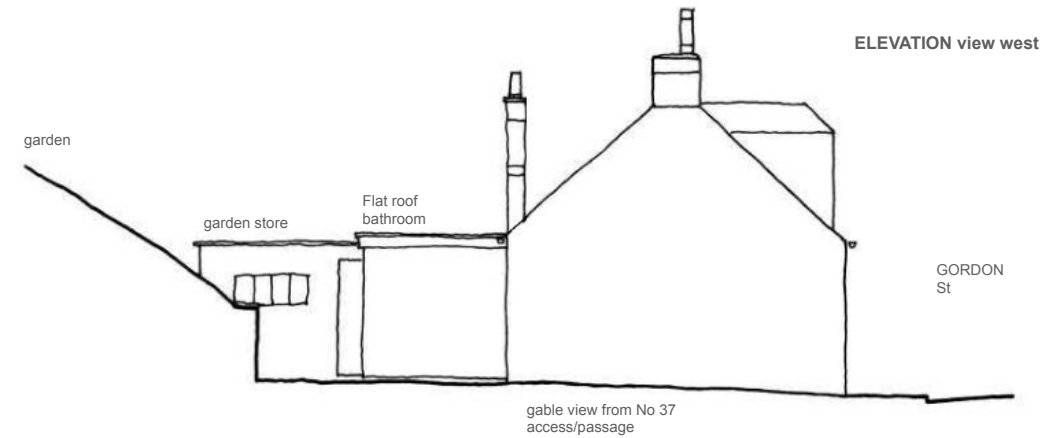
SECTION view west



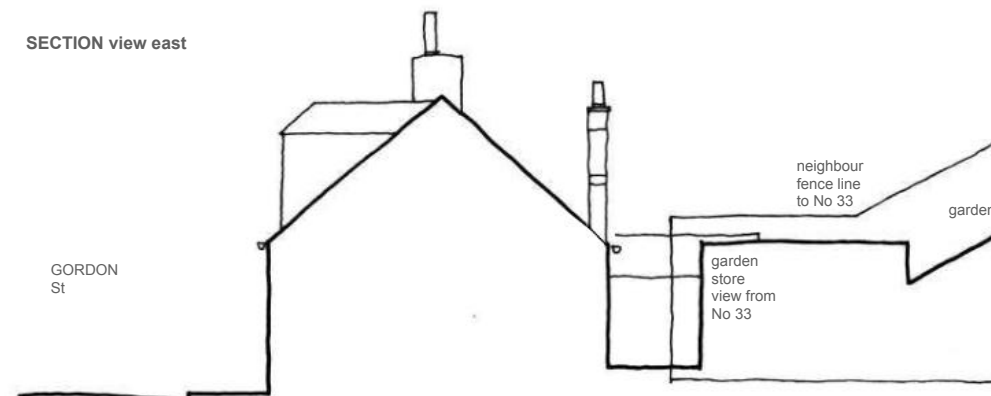
SECTION view east



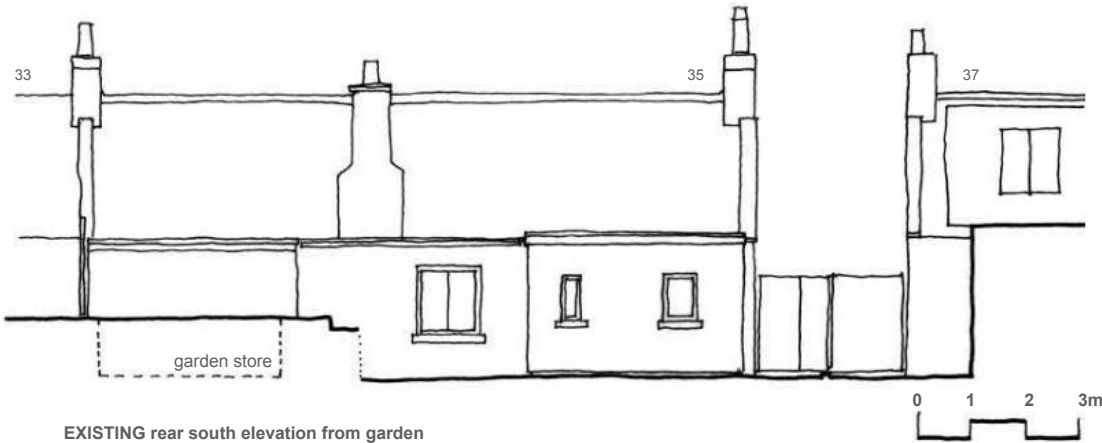
ELEVATION view west



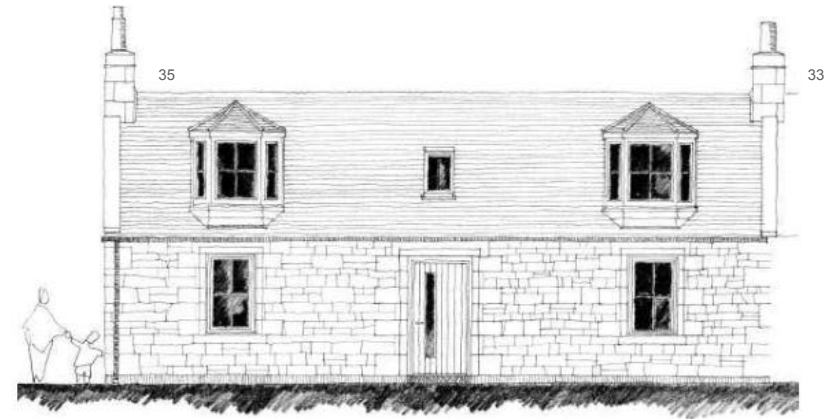
SECTION view east



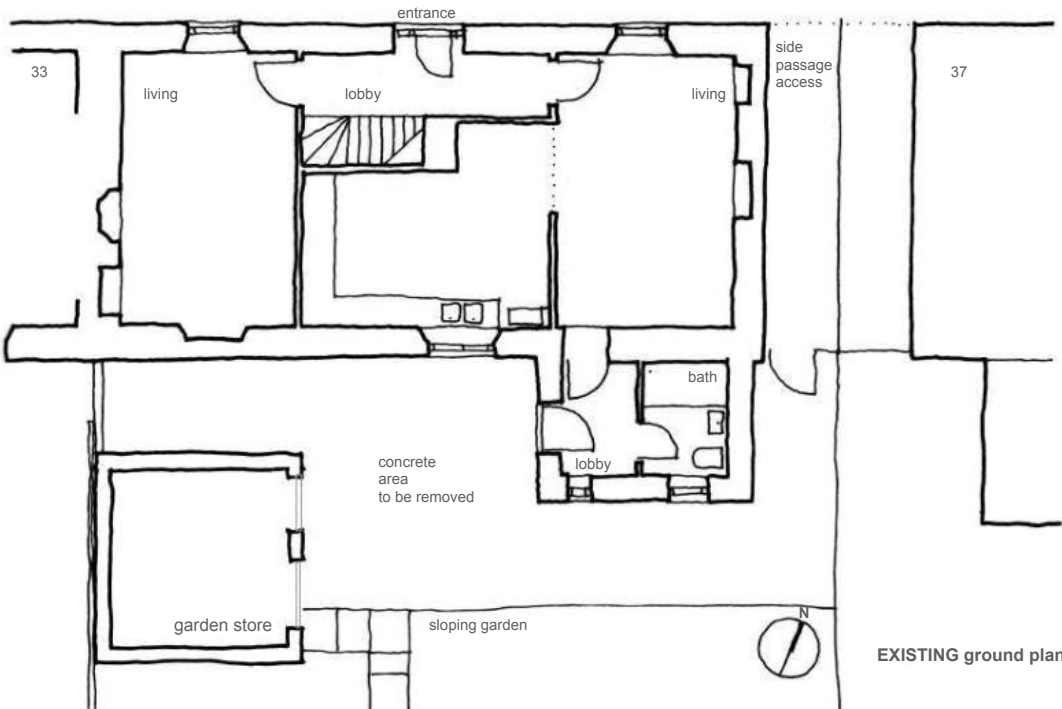
EXISTING - plans & elevations 1:100 @ A3 sheet size



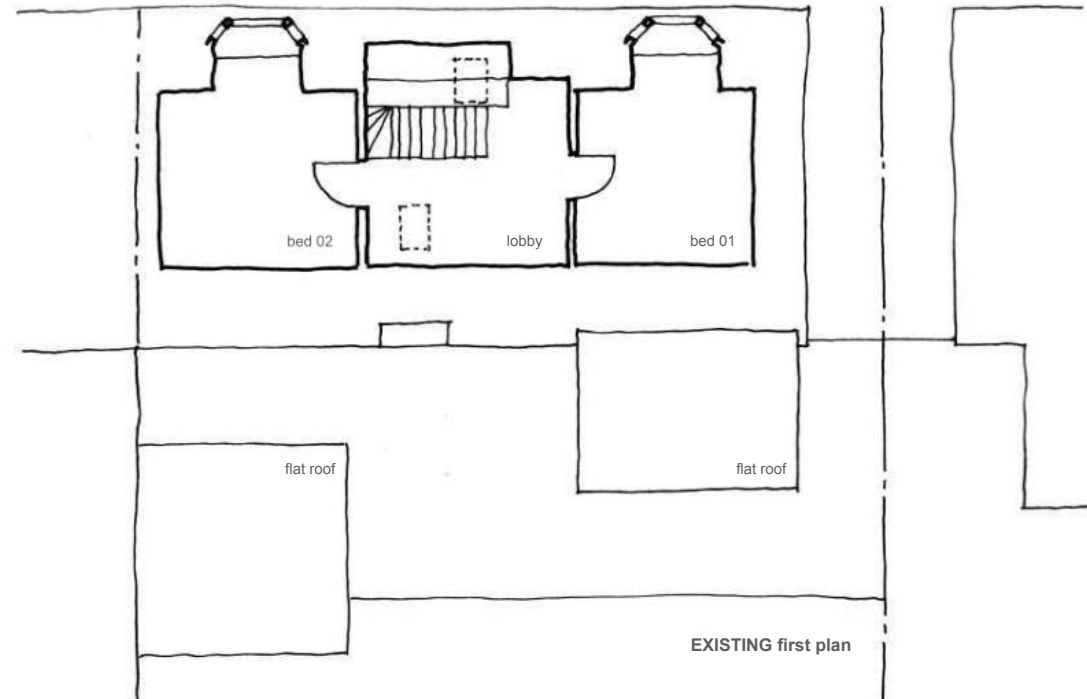
EXISTING rear south elevation from garden



EXISTING front north elevation - shown for information not part of application



EXISTING ground plan



EXISTING first plan

35 GORDON STREET Portgordon AB56 5QR
Ms C Lambert

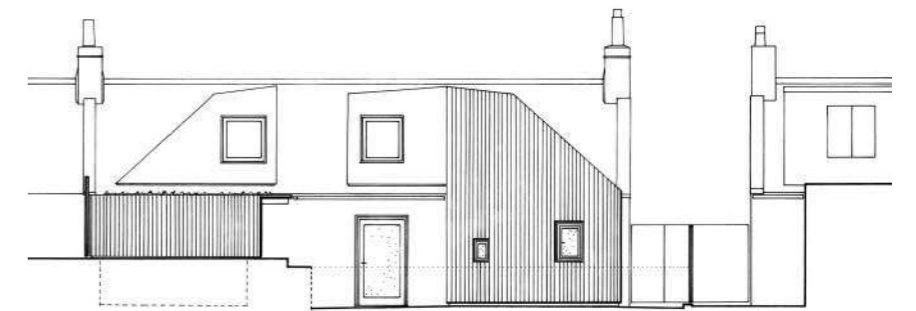
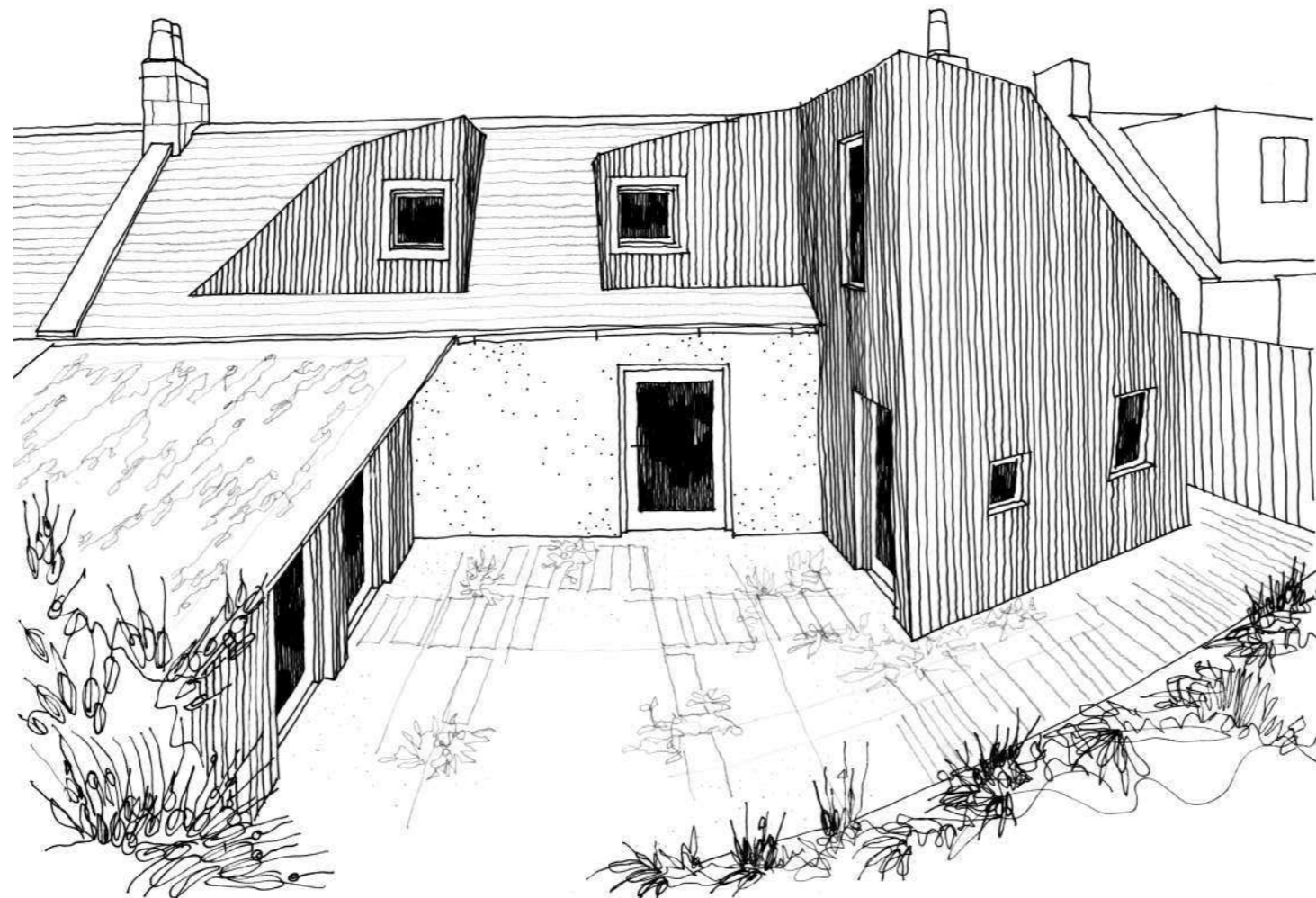
NMD[©]

historic
contemporary
contextual

PROPOSAL - perspective view from south



Buro Wagner
Munich Ho.
© domus.it



Alain Carle architecte
Quebec Ho.
© dezeen

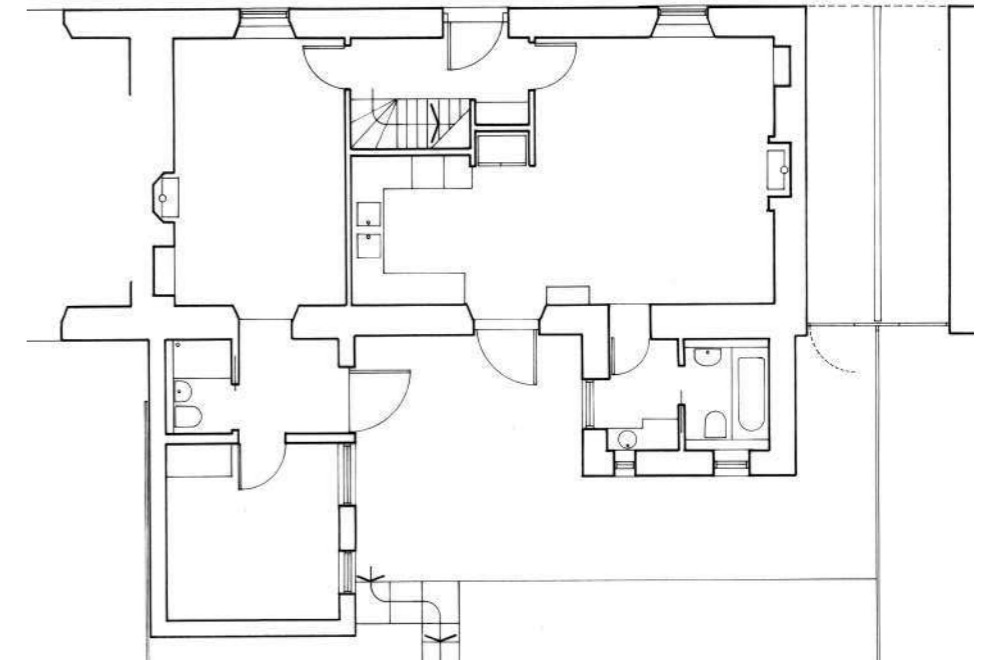


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NMD[©]

historic
contemporary
contextual

PROPOSAL - perspective view from south east



Sommerhaus
© Fryd - Torben Eskerod



Dyke Ho
© Argen Reas Architekten



Brock Cottage
©NMD



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NMD©

historic
contemporary
contextual

PROPOSAL - location context plan - not to scale



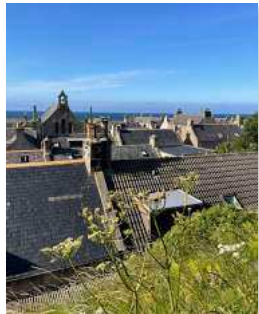
east end Gordon St foreshore



view east from No. 35



former coastal railway path



view north at west end Gordon St

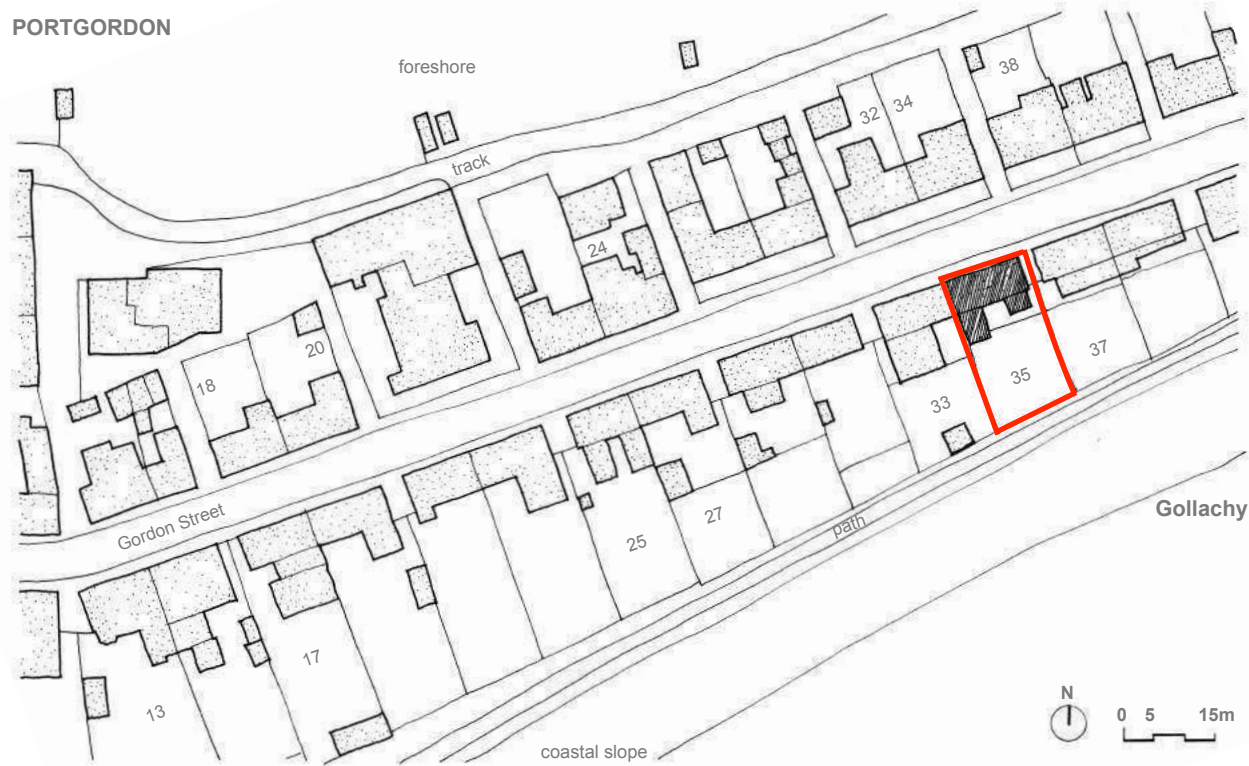
view west from No. 35



view north from No. 35



No. 35 Gordon St



note:

extensions tight on neighbour boundaries at 23 25 27 & 17 19

No. 17 Gordon St 18/00193/APP two storey extension on boundary in contemporary style with distinctive mono pitch roof

view west over east end Gordon St



foreshore



common access track to foreshore

POR.P.001.22

Fiona Olsen Assoc RTPI
Planning Officer

Economic Growth & Development
The Moray Council
High Street
Elgin
IV30 1BX

Friday 26th August 2022

Dear Ms Olsen

22/01066/APP 35 Gordon Street, Portgordon AB56 5QR

Thank you for your attention and the email 22.08.2022, we note the positive response with regard to the Archaeological Photo survey, the submission relationships and intent for the existing flat roofing and the overall scope of development.

To pick up on your comment regarding the roof top extension design proposals for the accommodation, we will address this in respect of:

- design
- context
- policy
- precedent

DESIGN

The scope of the proposals are modest and **does not** include any structure which can be construed to be a 'box dormer', the Moray Local Development Plan 2020 Vol 1 page 35 DP1 para 'g' states that "*Pitched roofs will be preferred to flat roofs and box dormers are not acceptable*" - this is not a great intent

change from previous H4 policy [which still fostered in certain situations until 2020 box dormers in particular settings].

Our discussion via telephone with Shona Stachan late September 2021, advised us that as an authority **you could not offer advice** through our Pre App 21/01027/PEHOU, though she discussed the use of 'catslide' dormers [which we explained would not create usable space - see below] and how we needed to be supporting our submission with a strong contextual design & heritage statement, this along with the design development we have now done. We are clear that the current design proposals move away from the Pre App starting point and foster a much more crafted vernacular design response, that is in context with the location character and the host dwelling. We wrote with earlier sketch proposals to Shona Strachan 21.09.2021 to try to foster a dialogue to move forward, so our client finds it disappointing that it is only now that we are garnering response to a very detailed and carefully presented submission and design.

We are with this proposal **only** creating at ground level 6.5sm of new space and in the roof c11sm in comparison to an overall building footprint of 100sm of space, 28sm of which is within compromised sloping roof areas between 850-1900mm high. The additions cleverly, without an enlarged footprint and with less than a 20% space increase, creates the opportunity for good modern multi generational family living space.

We have consulted with the neighbours and all are very happy to support the changes and keen to help to regenerate with the applicant the dwelling, which had been empty and on the property market for several years.

The proposal overall is a holistic response to the property and setting, the solution proposed has not been arrived at lightly, there has been a considered approach with the applicant to develop a modern 21st C response within the framework of an historic property in an historic setting.

Our client/the applicant is a historian who currently lives in a 1776 cottage property, where we have assisted with contemporary inventions and extensions over a 20 year period. She fully appreciates the historic context and the ebb and flow of societal needs through time, that have formed the character of Portgordon and its varied architecture, whilst also needing to create a family home for multi generational living, that will ultimately also accommodate her octogenarian mother, which is why the ground floor is laid out to provide for easy access and an amount of privacy with the garden bedroom/studio space.

This leads the first floor to accommodate family bedrooms and an area for home working.

Historically the first floor accommodation was all work space, storage etc. ancillary to rudimentary ground floor living and bed spaces.

We illustrated in our Design Statement page 5, the earlier neighbour 37/39 attached extension of a steeply/mansard roofed sail or net loft in a likely black tar stained timber with a flat top - a direct reference for our design and a form typical

of this immediate part of the coastal settlements. There is still a smoker with a juxtaposition of roof adjuncts in Buckpool attached to a residential property. The area is full of varied forms that have evolved with the social and economic change over time - this area is not a static showpiece theme park but a living community. Portgordon has through its Community Trust in the village made leaps and bounds in starting to regenerate the village for the community and this proposal is just a small part of that process.

By forming a pitched roof over the existing bathroom, we remove a flat roof, we present a pitched roof to the neighbour boundary - not a two storey blank wall [see illustration below] projecting 3m into the eye line behind Nos 35/37 and at over 4.5m it would be inappropriate to tower over the rear aspect of No 37.

This mark-up shows the bulk of your proposed suggestion over the bathroom, to effect a full 1.8m head height throughout is not necessary and would create a disturbing scale and mass of architecture in this context. The wall would be a blank

The applicant is to use the 'void' space created as storage to maximise the roof volume off the bedroom, you'll notice from the plan layout these properties afford very little useful cupboard or storage. So the space is not wasted and we are distinct in our intention not to project back from the existing house a large **box-like** structure that would dwarf the neighbour at No 37.

We have approached the design to encompass many aspects, taking a holistic view to all aspects of design, context, use, environment and build costs - this creates a tight equation for the proposal. Internally the height of the existing bed-



rooms is only 1.95m in a narrow strip in the centre of the house, the doorways are less than standard at 1.8m, that's 100mm lower than the norm. The narrow bay windows to the front elevation to effect pitched roofing of around 27° only provide 1.9m height - usually domestic accommodation is at height of 2.4m.

To afford the most balanced and sensible arrangement for the first floor accommodation we have only added a small amount of floor area, created within pitched roof form volume, setback from the eaves of the main house.

You'll note [above] to squeeze the accommodation under quasi traditional pitches, using matching slate to a buildable pitch, shows that we lose floor area and internal height, creating awkward space akin to the narrow frontage bays - non of these arrangements would allow proper head height, positioning furniture, storage or wardrobes - this would afford no benefit or logical reason to build such forms as they would be properly unusable. Equally building in these forms will increase costs, due to major alterations to the existing roof, with the addition of steel beams, propping down through to the ground floor, disturbing the living area plan arrangement and easily doubling the roof level build costs - just to afford non sensical forms - the extra expenditure would force the budget to be rebalanced and the environmental benefits intended are the most likely cost cuts, damaging the ecological advantages that our client intends.

The existing proposal seeks to maximise the available height on the rear of the property - where there is no visual intrusion - new roofing in a shallow pitched standing seam zinc or aluminium is creative and allows us to maximise volume where it is needed, this is not a flat roof and is **not a box dormer**, a box dormer would have a 1:80 near flat roof and blank vertical sides - our proposal is fully pitched a 3D form, it creates no inward views that have blank square walling in any relationship to a 'box dormer' - we contradict you, there is no view as you state '*from the west*', the neighbour at No 33 would have no view of the ensuite proposal and there are no views into the proposal in the context of the village that would construe the proposals to be a box dormer.

The only potential is for a very distant oblique views from the coastal trail, views from here would not afford anything but an 'birdseye' aspect looking down on the pitched roof dormer proposal and the 'L' shaped ensuite addition with roof pitches in two directions.

Coastal trail views - we show these images to illustrate that the pitched forms will only be viewed from above with viewing angles from the south



view form SW



view from south



view form SE

The dialogue for the architectural style is covered in our Design Statement pages 9-12 shortened here:

*“contextually the intent for the new build rear/south additions, is to carefully moderate the scale and form, the roof level additions are to be built within the roof and to reuse the existing slate for the new pitches, the ‘dormer’ window arrangements are to be **varied pitched forms***

*relating to the examples of vernacular forms and secondary adjuncts to dwellings found locally around Portgordon and in the immediate coastal vicinity - forms that reflect the sheds **and additions to older dwellings***

but we have with crisp architectural detail and careful selection of materials, attempted to design a response that is 21st C, whilst borrowing its lead from history.

The additions will be subtle and secondary to the host dwelling, of a scale and form that marries well in local context and built in a manner that weathers well and requires simple yet minimal maintenance”

The backs of Portgordon properties show examples of additions good & bad - this is a thoughtful design, that marries the scale of additions sympathetically without ‘out of context slavish copies’ of a sub-urban pitched roof architecture that is not well represented locally.

We could discuss architectural style, form and the distinction between contemporary flat roof structures and when they become ‘box dormers’, though I think that is a fulsome architectural essay best saved for another day.

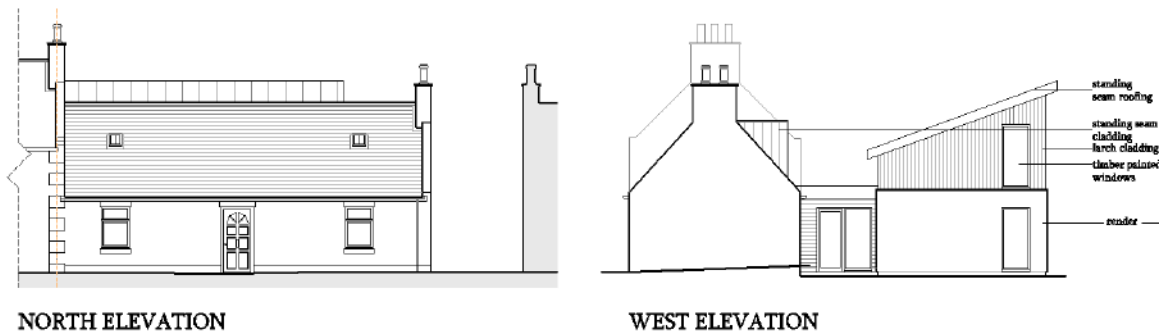
CONTEXT

The immediate local **south side of Gordon Street** displays many architectural forms:

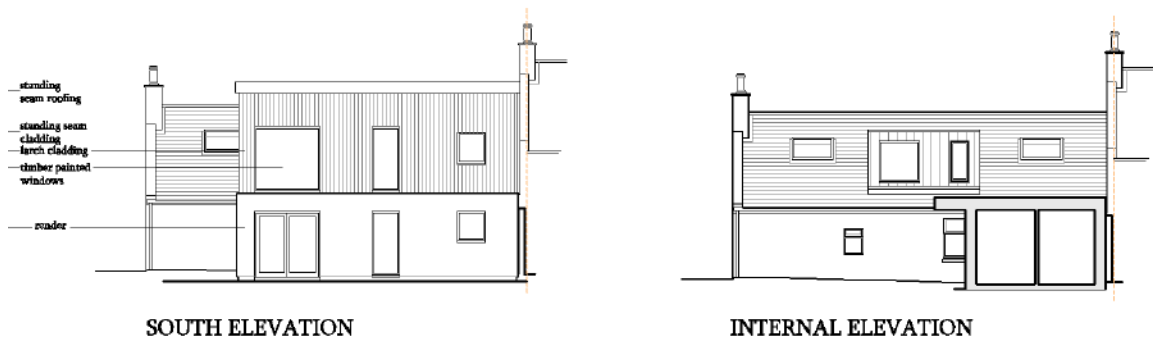
- a flat roof single storey extensive Permitted Development [PD] floor plate of new accommodation at **No 33** using up all the immediate amenity space - that has no relationship to the form of the back gardens, streetscape or historic floor plate of the host dwelling.
- a long 9.5m box dormer at 2nd storey on **No 37** over a long ground floor flat roof extension into the flat garden amenity space - box forms that dominate the host dwelling.
- flat roof extensions & box dormers to **Nos 39 & 41** to the east impinging on amenity space.
- flat roof garden extensions to **Nos 31 & 29** to the west with extensive box dormers.

- A large two storey mono pitch extension to the rear of **No 17** joined by a flat roof link and with a box dormer to the rear pitch approved **18/00193/APP**.

No 17



- the addition is a mono pitch roof higher than the existing cottage and can be clearly seen from neighbour property, public areas - it dominates the host dwelling, dwarfing the scale with a new massing, style & character that is totally different from the host dwelling and the neighbour properties.



- though this addition demonstrates how good quality design does integrate in this locality with the historic setting and host dwellings - even on a much larger scale dominating the host/context.

- the 'Report of Handling' for the No17's 18/00193/APP states [and there is no major change of intent in current DP1 policy from H4 in this instance]:

"Policy Assessment - Impact upon the surrounding locality (H4, IMP1)

The proposed extension is required to be assessed against Policy H4: House Alterations and Extensions and IMP1: Development Requirements in terms of style,

scale, proportions, materials and the potential impact on the surrounding area. The main issue for consideration is whether the proposal will have any adverse effects or impacts on the amenity of the existing house and the surrounding area, including any neighbouring dwellings.

The design of the proposed extension is considered to be acceptable and integrates well to the style, size, scale and proportions of the existing dwelling. The windows look out to the garden, given its location, distance and orientation of the extension from neighbouring adjacent properties it will not have a significant adverse impact on sunlight or daylight nor a significant overlooking or privacy issues in relation to this application, therefore the proposal is acceptable.

The neighbouring property also has a flat room extension in the rear of the property.”

We feel that these contextual examples show the submission proposal is relevant, even though you are saying

“I do not feel that these relate to the character of the existing property or surrounding area”

as this **is contestable** and in fact the character of the setting and the architecture locally is highly varied and displays good strong examples of how contemporary additions over the last 30-40 years have become integrated with the locality without causing overt harm.

The setting is **not a Conservation Area** and other than the height of the extension being at 1m over the allowable [4m] height of an extension within 10m of a boundary, for the roof over the existing bathroom, all aspects of the current proposal would be allowable under PD.

The applicant is minded that PD becomes the most **tempting revision** - to abandon the ensuite shower room proposal and compromise their aspirations due to this subjective interpretation of Planning Policy.

If we were submitting a proposal in a Conservation Area or with a scheduled/listed Historic host dwelling we usually mitigate against causing **harm**, this is key in such a situation, to balance the new proposals within the status quo and to judge if the proposals are harmful, a key point here is that the existing context is not uniform, rear views are very limited and screened, the mantra is

“what is meant by the conservation and enhancement of the historic environment? Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets”

We are clear and show here through example locally and regionally - and in our Design Statement pages 9-10, that even in this undesignated location we are with the applicant going above and beyond what is contextually required.

No visual or historic harm is being caused as the proposed additions can be clearly discerned as contemporary adjuncts and reflect development of architectural form over time.

POLICY

It is clear, that in the case of the application for Planning Permission there is a pre-disposition to support the applicant:

“refusing an application for planning permission solely on the grounds that it does not accord with the provisions of the development plan and without having had regard to other material considerations. Proper consideration should also be given to the merits of the application”

The applicant has committed at length to create a 21st refurbishment of the empty property, being prepared for capital investment in environmental aspects, that go well beyond the regulatory framework for new work to an existing dwelling. There is no requirement for the level of quality and responsibility that will be embodied in the design and the build [see Design Statement pages 12-15] intended.

If the proposed build changes were made at roof level, the substantially increased cost of construction would, as we explain above [page 4], lead to a re-evaluation of expenditure across the property refurbishment and definitely cause the downgrading of build quality and responsible positive environmental features would have to be removed and the contribution of the applicants intent to the future life and quality of the fabric of the building, the setting and the village stock of housing would be lost - it is not responsible to foster a 'style of architecture' purely on visual averages, it has to be a balance of environmental responsibility across all aspects of design and context.

The **Local Plan within PP1** states:

(i) Character and Identity - Create places that are distinctive to prevent homogenous 'anywhere' development

It refers to distinctiveness, architectural identity, detailing and materials - to create successful healthy places that encompass distinctive urban form.

We are conscious with the proposal that it's important not to have a slavish default to quasi traditional safety net of architecture - though nothing we propose here is challenging or offensive, despite our interpretation of traditional forms with a contemporary idiom.

The Local Plan DP1 states that:

*“Development Principles - will be applied reasonably taking into account the **nature and scale of a proposal and individual circumstances**”*

DP1 states it will support applications if:

*(i) Design a) The scale, density and character must be **appropriate to the surrounding area and create a sense of place** (see Policy PP1)*

We have demonstrated we are creating a sensitive, yet distinctive proposal that relates to the scale, setting and traditional coastal area - that fosters a sense of place and nearness to need.

We have created a proposal that can:

*d) Demonstrate how the development will **conserve and enhance the natural and built environment and cultural heritage resources**, retain original land contours and integrate into the landscape.*

And does not:

e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

And embodies the need for:

h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.

*j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) **through the installation and operation of low and zero-carbon generating technologies.***

The 2020 Moray Settlement Statement for Portgordon proposes:

- *Development Strategy / Placemaking Objectives*
- *Protect the character of the existing settlement*
- *Provide support for proposals to re- use the harbour*
- *To promote interest and encourage housing development on designated sites*
- *Development proposals in the Special Landscape Areas must reflect the traditional settlement character in terms of siting and design and respect the special qualities of the designation.*

We have demonstrated that there is protection of the character of the existing settlement, there is no visual intrusion and no extreme characterful harm. The host dwelling sits just out of the Special Landscape Area [SLA] designation and by nature of the scale, orientation and visual accessibility does not impinge on views in or out of the SLA.

By refurbishing and modernising an empty dwelling, this contributes to the re-generation of the whole village - this in turn contributes towards the new life and uses proposed for the harbour and the future generations of this important historic 'planned' harbour village.

PRECEDENT

We gave a few local examples in the Design Statement pages 9-10, of forms that present different aspects of contemporary change, that show the variation, what has been approved through previous Planning Applications and how these all form the character of an area.

The character of the area is made up of good and bad examples of change over time, though here we do work within a framework to foster holistically an improved environment - we say in our design studio we need to 'build back better', this is our starting point for all projects, to offer a quality of architecture that is visually exciting, creating an environment that nurtures and protects whilst embedding a responsibility towards exceeding energy regulations & offering design solutions to provide comfort & sustainability. There is a balance between aspiration & reality, we guide every project to a built form that is responsible & deliverable.

There are precedents in:

- West Bank GARMOUTH
15/02162/APP

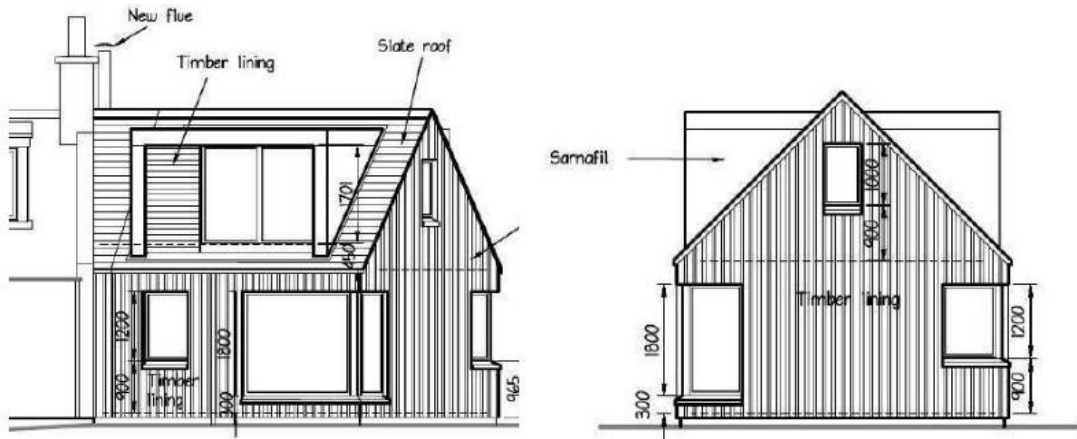


130 Seatown CULLEN
18/00843/APP



Prescalton ARCHIESTOWN

20/00401/APP



I know the authority will claim that these schemes were approved under an older policy regime, though it is clear the intent of policy has changed little other than becoming slightly more prescriptive in wording in certain aspects and all of these examples have been considered recently and the approved additions to settlements and dwellings are determined under the same auspices of social & economic policy in relation to character of the host dwelling and their locations. These additions are now part of that character and location.

There is nothing we are proposing with the additions to 35 Gordon Street that adversely go beyond the auspices of DP1 as the roof additions cannot be classed in there pitched 3D forms as box dormers.

We'd welcome at this point any comment you have with regard to our mitigation of the submission, as you will realise that the applicant is keen to retain the proposal as submitted.

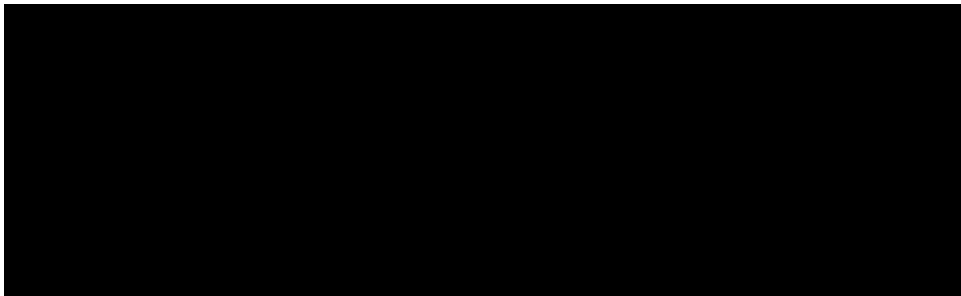
We have advised the applicant of a likely scenario with the determination process and any need to go to a Moray Local Review Body [MLRB] where NMD with our Planning Consultants would need to expand on the submission documentation and this letter in support of a Notice of Review [NOR].

If the authority are to determine with a refusal, the submission can then be presented, explained and discussed/determined via a NOR with the MLRB Members in the context of:

“matters of wider community interest and/or planning significance”

We appreciate your attention, if there is any further dialogue needed at this juncture please do contact me direct or I’m quite happy to meet, as I’ll be local over the next week/10 days.

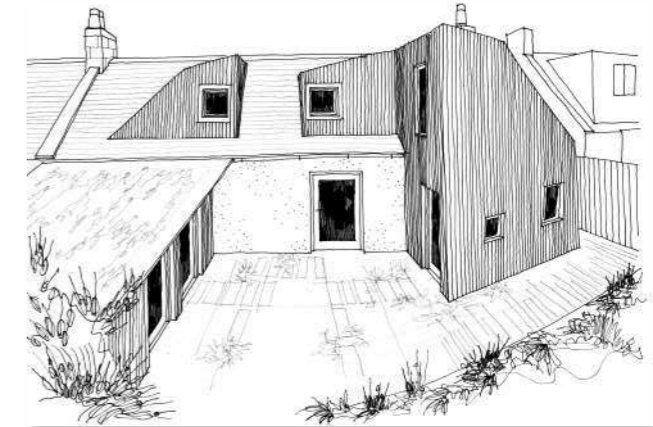
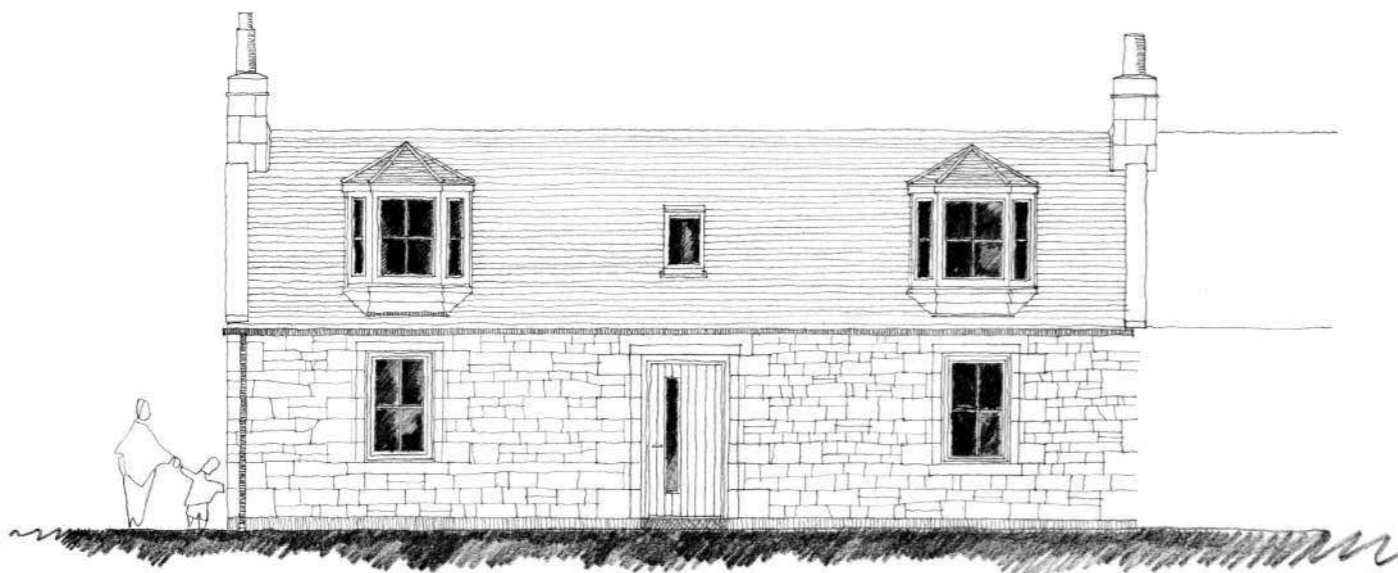
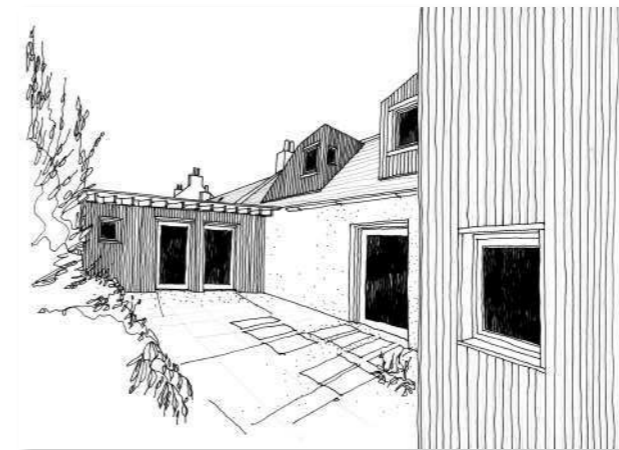
Yours faithfully



Nick Midgley

NMD

cc Claire Lambert



PROPOSED design & context data for extending No 35 GORDON STREET Portgordon AB56 5QR



EXISTING - photo survey - internal/external ground & first floor images 001



001 north-east front elevation



002 north-mid front elevation



003 north-west front elevation



004 street view east



005 street view west



006 front door jamb/lintel stone detail



007 front window jamb/lintel stone detail



008 front window jamb/lintel stone detail



009 front north elevation
cherry-cocking stone detail



010 front door jamb/cill/step stone detail

EXISTING - photo survey - internal/external ground & first floor images 001



011 east gable



012 east gable chimney



013 east gable



014 east gable



015 east gable - east elevation bathroom



016 south elevation bathroom



017 west elevation bathroom



018 south elevation kitchen



019 south elevation kitchen window
concrete sill



020 south elevation & boundary to No 33

EXISTING - photo survey - internal/external ground & first floor images 001



021 south elevation - west chimney



022 east elevation garden store



023 north elevation garden store



024 east garden store window - steel



025 east garden store window inside - steel



026 west elevation inside garden store



027 south elevation inside garden store



028 east elevation inside garden store



029 north elevation inside garden store



030 south elevation garden store

EXISTING - photo survey - internal/external ground & first floor images 001



031 south elevation from garden



032 bathroom east/south elevation



033 bathroom north/east elevation



034 back lobby view south



035 east living room view south



036 east living room original gas fire back boiler during removal 2021



037 east living room original gas fire back boiler during removal 2021



038 east living room fireplace repairs during 2021



039 east living room fireplace repairs during 2021



040 east living room original slate hearth bed exposed during 2022 part made up of roofing slates

EXISTING - photo survey - internal/external ground & first floor images 001



041 west living room fireplace repairs during 2021



042 west living room fireplace opening removing 1930-50s surround during 2022



043 west living room fireplace opening removing stone fill during 2022



044 west living room fireplace opening removing stone fill during 2022



045 west living room fireplace reopened



046 west living room north front view



047 west living room fireplace opening removing stone fill during 2022



048 west living room rear/south wall original window blocked-up



049 front north entrance lobby view west



050 front north entrance lobby view south stair wall wallpaper layers

EXISTING - photo survey - ground floor images 001



051 kitchen view west



052 kitchen view east



053 kitchen view south



054 stair



055 stair winders



056 entrance lobby view east

EXISTING - photo survey - ground floor images 001



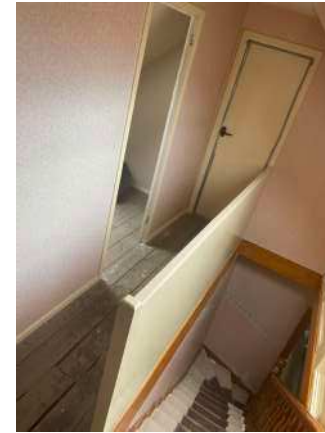
057 East bedroom - 1st floor removing tank housing to gable wall



058 East bedroom - 1st floor void behind tank housing to gable wall



059 East bedroom - 1st floor void behind tank housing to gable wall



060 first floor landing/passage/stair 2021



061 first floor landing/passage/stair removing partition wall 2021



062 first floor west bedroom 2022



063 first floor landing/passage/stair 2022



064 East bedroom - 2021



065 East bedroom - 2022

EXISTING - photo survey - ground floor images 001



066 void under kitchen floor



067 void under kitchen floor



068 kitchen wall clock



069 ground floor internal door pull handles



070 1st floor internal door lever handles



071 kitchen lamp shade



072 bedroom lamp shade



073 old postcards found behind east living room fire surround

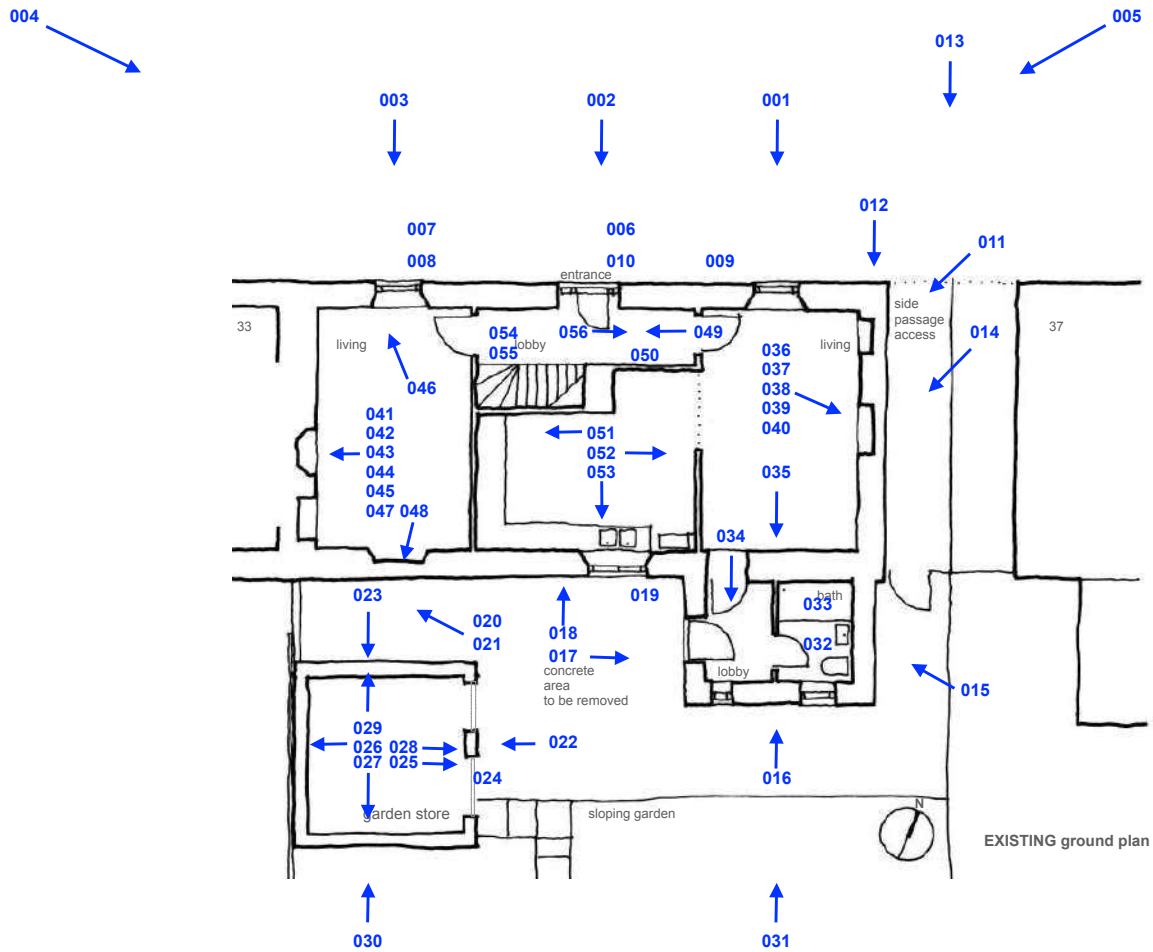


075 original 1960's carpet found under east living fire surround/hearth



076 cracked fireplace lintel to east living room fireplace

EXISTING -photo survey ground floor plan 001

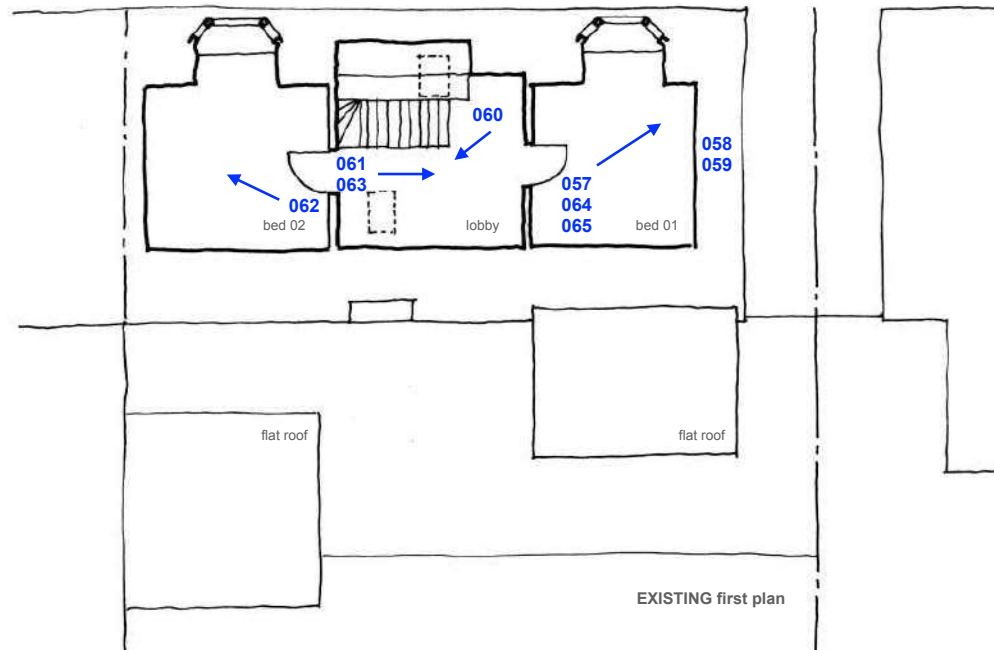


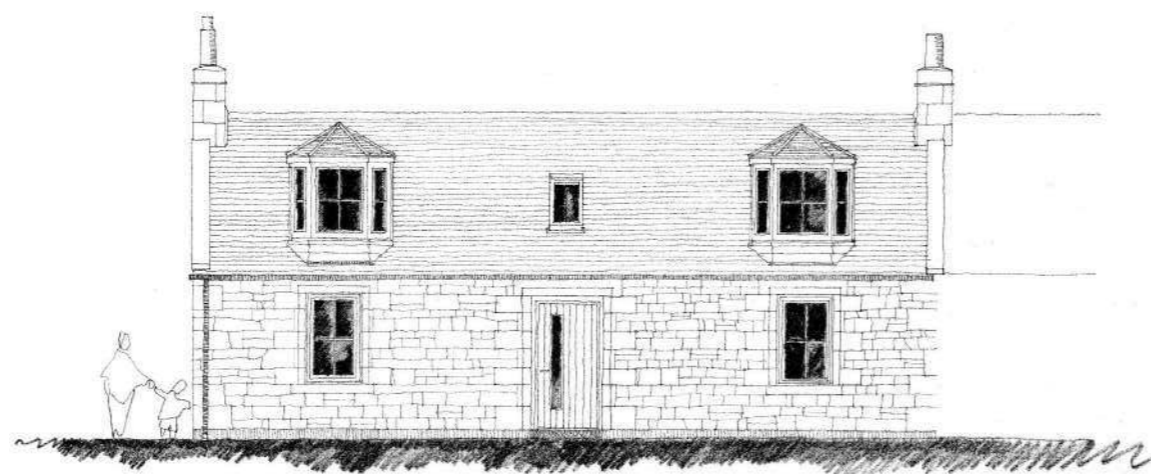
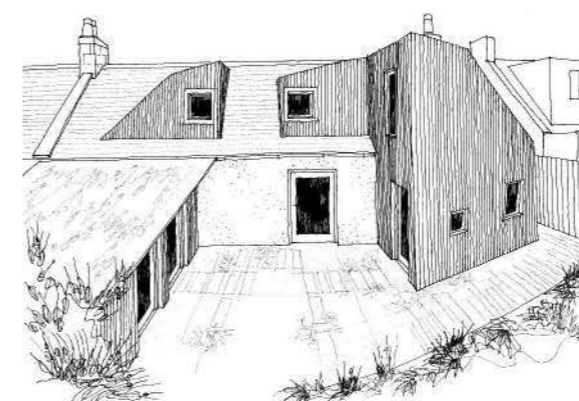
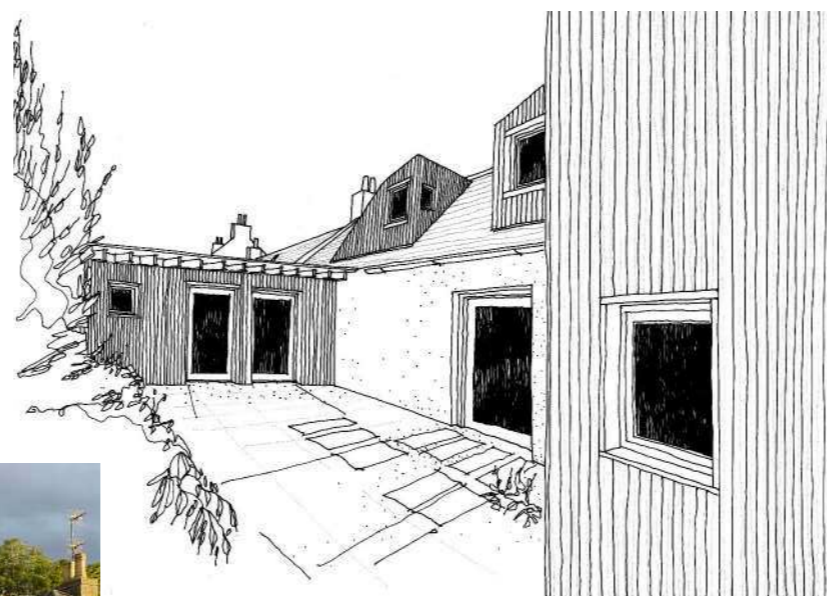
35 GORDON STREET Portgordon AB56 5QR
Ms C Lambert

NMD[©]

historic
contemporary
contextual

EXISTING - photo survey - internal first floor plan 001





PROPOSED - DESIGN STATEMENT context, historic mapping, intent & environment

No 35 GORDON STREET Portgordon AB56 5QR

Portgordon



INTENT

The intent is to alter and update the property, to provide an extra bedroom at ground floor to support multi generational accessible living, extend the roof level/first floor accommodation to improve head height and volume to the existing bedroom/living spaces and to extend the roof pitch over the flat roofed ground floor bathroom to create a first floor ensuite bathroom.

Overall a complete 21st C renovation of the building fabric, to highly insulate to near Passive Haus standards, damp proof the structure and create an environmentally friendly airtight envelope with an energy efficient wet underfloor heating system [UFH], married to well managed smart energy control, with the allowance for future incorporation of either heat pump technology or hydrogen ready heat generation.

The existing fabric and materials will be retained externally to the north Gordon Street Elevation there will be no outward alteration or physical changes.

FAMILY living

The accommodation is to provide family accommodation for the applicant, to create a sensitive refurbishment of the existing spaces and with minimal new built footprint to improve the volume of living space, to let more light into the property, to nurture a healthy 21st C environment and to preserve the property for future generations.

HERITAGE setting

It is important to the applicant to preserve the intrinsic character and qualities of this heritage [mid 1800's] dwelling but to also improve and contrast the new additions, to give an holistic response, that is not slavishly mimicking an historic style with a weak pastiche - but to offer strong yet sympathetic new forms. With embedded vernacular and historic references, whilst offering a contemporary response.

The form and character of the village is unique, as the settlement was a new community and a planned build by the Duke of Gordon' though not as formal as Tomintoul or Fochabers due to its geography on a relatively narrow foreshore strip. The creation of 'Port Gordon' linked the existing settlements of Gollachy and Port Tannachy.

With these modest interventions to the property, we are conscious that the proposals are contemporary - but respond to the here and now of the village and its flow through history.

SETTLEMENT history & context

In the late 1700's Buckie was the principal fishing community on this local part of the coast. At that time fishing was by line, in boats no larger than 14 tons. Development locally of the industry was limited by the lack of proper harbours and disputes amongst the three owners of the various local boats.

One of these local owners, Alexander, 4th Duke of Gordon, decided to establish a new village, just to the west of the tiny community of Gollachy, which comprised but a few houses in the area that is now Gordon Street. Work was underway on the harbour by 1795 and stone was being shipped from Lossiemouth in 1796. In 1797 houses were built for ten fishermen and their families from Nether Buckie which resulted in the communities of Tannachy and Gollachy being joined together as Port Gordon [Portgordon].

Portgordon developed with other uses for the harbour other than purely fishing, with its developing growth and commercial advantage, it started exporting timber and quarry materials, overtaking Buckie in importance. The village thrived into the late 1800's and early 1900's. By the 1850s a post office had opened and there were many coopers, fish processors and net makers. By 1861 the population had grown to around 630. The opening of a fertiliser factory in Keith led to traffic in bones through the harbour too. The harbour was also used for the export, from further inland, for timber and stone.

John Gordon of Cluny was the member of the Gordon family to build the 'modern' Gollachy part of Portgordon, at the east end of the village, the [applicant's] house/property at No 35 was still owned by the Gordon family and passed to his illegitimate son John, then the majority of Portgordon property ended up with his wife after his death 1878.

The house was built just before the railway was built, as it's shown on the 1870's plan proposals which the applicant has sourced from the National Record in Edinburgh - but not on the 1860's survey. Various routes were mooted for the coastal railway between Portsoy and Elgin with the route through the village being established by an Act of Parliament 1881 and following a line through the mid level of the coastal slope, avoiding most of the existing dwellings, though not requiring to climb to the higher ground to the south of the village. The railway has defined the southern limit of the property, with Gordon Street to the north.

With the railway planned in about 1845 and built and opened by 1886, as referenced in the searches in the title documents for the No 35 property.

In 1956 No 35 came into the family who the current owner/applicant purchased it from. The current dormer windows were added later and from internal structural inspection, noting the carpentry & machine sawn timbers/fixings dates them around c1900, this corresponds with the decline of fishing and artisan uses of the properties when predominantly the upper floor was used for storage. It's likely that the first floor accommodation became habitable space.

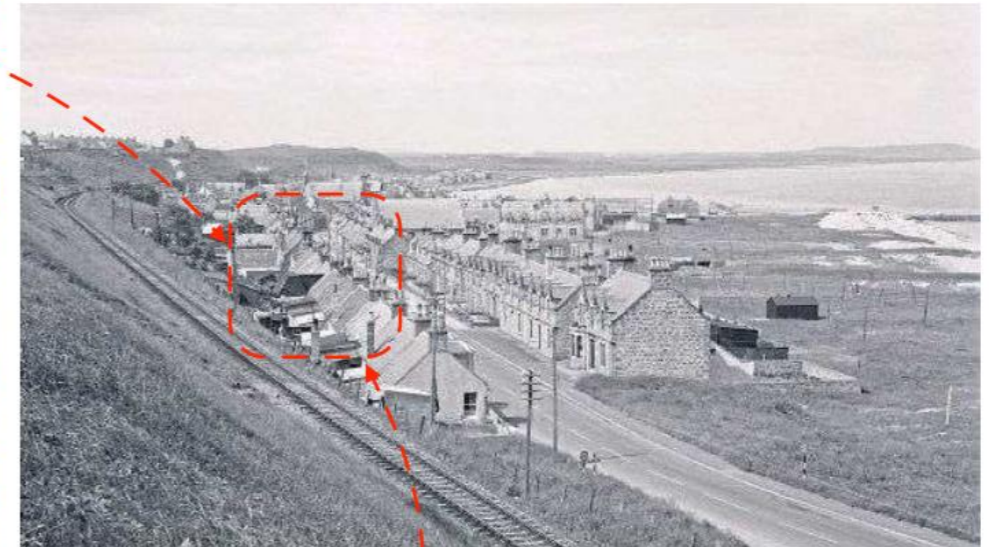
A boat-building industry began, and in the early 1900's local boat yards were ranged on the foreshore to the east of the harbour, first constructing Zulu's and from 1903 steam drifters. In 1907 one yard employed fifty men and launched a drifter every month or so - but this business in drifters had dried up by 1915, though the yard continued to produce salmon cobsles.

Since the 1960's there has been a steady decline in fishing & coastal industries, the village now has been occupied by families who draw occupations from a wider region, in the first part of the 21st C the village has seen people and families moving in from outside the local region, though the village is predominantly still owner occupiers, with only a very few holiday lettings or tourist related occupations.



map 1825-40's

Portgordon
harbour view
from west



context images views
from east & south

photographs show earlier
two storey mansard
roofed outbuilding
to the rear of 37/39



historic view of harbour
illustrating groupings
of ancillary sheds
& workshops

LISTED historic buildings locally

It is interesting that in the 'fisher town' of Portgordon there is only one listed building, as there are many good examples of heritage dwellings & structures, all with their own merit, that create the unique setting and character of this historic coastal settlement.

PORTGORDON 2 EAST HIGH STREET LB15522 Category C

Date Added 22/02/1972
Local Authority Moray
Planning Authority Moray
Parish Rathven
NGR NJ 39650 64244
Coordinates 339650, 864244



Description

Early 19th century. Single storey, 4-bay cottage with single bay return elevation to Gordon Square (W). Rendered rubble with later long and short detailing. Entrance with panelled door flanked by windows with varied glazing; blocked doorway in outer bay at right; single window in W elevation (to Gordon Square). Renewed brick end stacks; piended slate roof.

PORTGORDON, GOLLACHY ICE HOUSE LB15546 Category B

Date Added 25/04/1989
Local Authority Moray
Planning Authority Moray
Parish Rathven
NGR NJ 40260 64565
Coordinates 340260, 864565



Description

Earlier 19th century. Rectangular rubble ice house with long elevations E and W, and off-centre entrance in E. Modern pinkish harl. Piended turfed roof with blocked chute. Ramp at W leads from road to ice house at roof-height. INTERIOR: steps descend from doorway to ante-room (cool chamber) from whence a further doorway leads to single chambered vaulted ice house.

Statement of Special Interest - Unusual ice house in that it is sited on the shore and excavated rather than being built into side of hill. Restored by Moray District in 1970s.

Gollachy Ice House planning approval 17/00155/LBC

ASSET nature & context

Whilst there are only two immediate Listed Buildings close to the applicants property and the village is not a Conservation Area, the heritage assets form this planned village and the inherent preserved history of the settlement, this places it equally with other historic settlements on the Moray Coast. It is relevant with new proposals for development to be conscious of the heritage setting, the quality of environment and the catalogue of vernacular properties that are a good record of the social and economic development along this immediate part of the coastal strip.

The applicants property is part of the latter construction of the eastern end of Gordon Street in the mid 1800's, the linear development of the Gollachy part of the village, built on the available land that is slightly higher than the foreshore with its naval uses and the abrupt coastal slope to the south, this slope was likely steepened at this eastern end of the village with the construction of the railway.

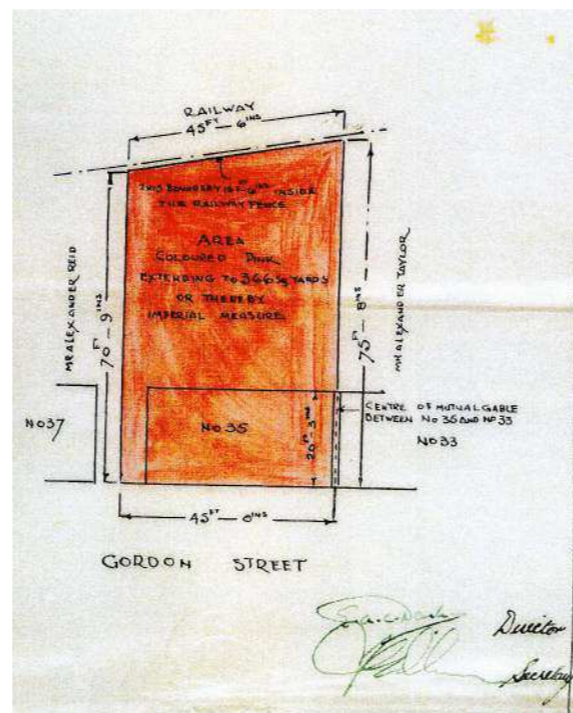
The original properties prior to the planning of railway on Gordon Street were likely to have been built in the first quarter of the 19th C, as the railway was at this point planned on the south side of the village at the top of the coastal slope - these properties we know through discussion with owners on Gordon Street, had longer gardens extending right up to the top of the coastal slope and to the rear of where it was, until more modern development, just farmland.

The gardens to the last 9 properties on the south side of Gordon Street from 33-49 were planned with shorter or no gardens [see the map/plan below] though its likely concurrent with the railway construction, as the land was all in the ownership of the Duke of Gordon gardens were bundled together, when the railway was built or later in 1956 when the land was sold by the benefactors of the Gordon Estate into private ownership. This indicates that the nature of the street and the land adjoining the property has altered little since the mid 1800's.

With the proposal we are conscious of the social & economic progression of the village and this design reflects the architectural history of the immediate area whilst also bringing to a fore the contemporary style and use for this property into the 21st C and beyond.



map 1902



legal document 1956



archive map pre Act Of Parliament for railway construction 1825-50

This historic dialogue is evidenced for properties along Gordon Street being used for the boat building and fishing industry. The photographs shown on the adjoining page 5, shows the property to the east of No 35., [No 37/39] had well into the 1950-60's a large sail/net loft or 2 storey workshop to the south. As a full two storey structure, it appears to be dark stained, presumably timber framed/planked building, with a steep mansard type roof and a flattened top. This style of building is typical of sail/net lofts from many east coast communities, where sails or nets could be rigged and stored vertically for repair and drying.

The photographs and mapping [pages 5-9] also show that previously the area to the south of the ribbon of symmetrical houses along Gordon Street, had many varied and different forms of outhouse and potentially ad-hoc dwellings/workshops, mostly on the flat low area before the coastal slope developing a tight and varied built form under the coastal slope.

Many of these forms and structures remain and more recently there has been a steady growth in new 'garden and workshop' ancillary buildings developed as adjuncts to the historic properties. Often these structures are single storey with flat or pitched roofing, though some are two storey. A strong relationship is established between the formality of the street frontage and back plot ancillary accommodation which creates varied and visually interesting variation in scale and forms within the tight village plots.

This is a typical character of the areas to the south of Gordon Street and the loose grid of dwellings closer to the harbour - historically there will have been more shed, workshops and storage buildings around the harbour [image page 5].

Some of the rear development to property along Gordon Street is attached to the existing houses or equally detached. Development has historically been tight on boundaries and parallel with neighbour structures. The aspect from dwellings is predominantly north and south with very little gable or boundary fenestration.

The images [on page 9] illustrate the close knit ad-hoc arrangements of the 'backland' structures and vernacular forms of roofscape, sheds and workshops, compared to the more formal linear character of the Gordon Street frontage, Hope Street and leading into east High Street East and Gordon Square to the south of the harbour. Despite the more formal planned nature of some of the historic villages, the true Moray character is made up with the ranges of cottages and by the varied scales around each property, vernacular forms and the loose development of ancillary buildings that is part of the predominance of the Moray village characteristics.

The growth of Portgordon within the topographical constraints and within the older part of the village beyond the ribbon layout, has to a greater extent been organic, built structures and forms of varying scale, one two and three storey sometimes with high pitched roofing and steep gables, these dwellings fill the spaces between the harbour shore, roadways and alleys.

Giving an intense footprint of buildings, that only dissipates suddenly to the east on the side of the foreshore, this is where the ownership of the land is that of the Crown and to the south where the village was ultimately confined by the railway.



The foreshore historically provided for boat building, the sheds and enclosures must have been transient as little on the historic map surveys records this industry. The now privately owned ranges of drying frames were apparent for fishing equipment and then more latterly used as communal washing lines - the immediate foreshore/access lane now provides for parking and access to the houses on the north side of Gordon Street - as the north side of the A990 roadway is not usually used for residential parking.

The houses on Gordon Street to the south use the street frontage for parking, the frontages of the dwellings stretching to +13m providing ample space for 2-3 vehicles outside each dwelling.

CONTEXTUAL vernacular precedents



Tannachy - out buildings



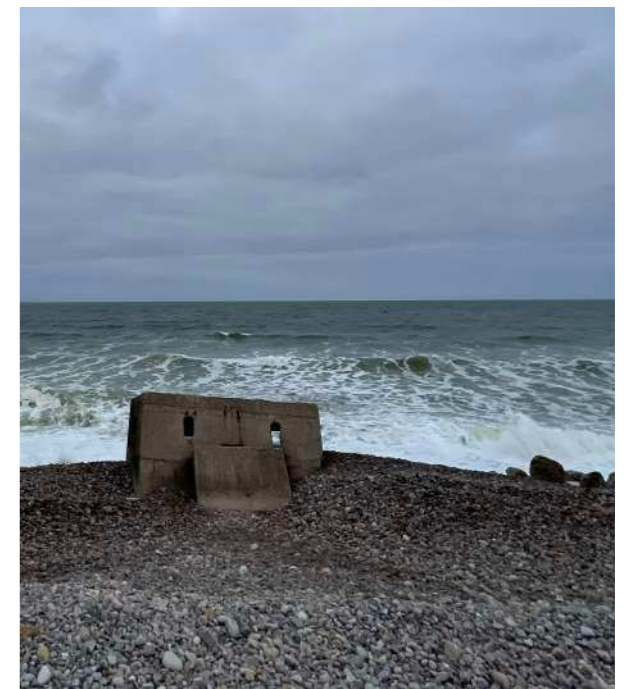
Gordon Street - outbuildings



Kingston - outbuildings



Spey Bay - varied forms & outbuildings



Kingston WW2 vernacular

Portgordon varied roofscape



Portgordon varied roofscape



Gordon Street view west



No 35 & 37

Tannachy varied forms



Kingston - monopitch



CONTEXTUAL contemporary precedents



West Bank GARMOUTH
18/00843/APP

incongruous modern box
dormer to front elevation



130 Seatown CULLEN
15/02162/APP

modern well designed two
storey addition to dwelling
in Conservation Area



Lennox Brae FOCHABERS
17/00907/APP

modern replacement
dwelling - well
designed form and
context in
Speyside setting



Dalmunach Distillery STRATHSPEY

large contemporary
structure in rural
open setting contextual forms
relating to historic vernacular

© Norr Design



Strone Cottage NEWTONMORE

contemporary refurbishment &
extension of existing croft
exemplary modern building
within Cairngorm National Park

© Loader Monteith

NEW BUILD intent

The intent is to alter and update the property, to provide an extra bedroom at ground floor to support multi generational accessible living, extend the roof level/first floor accommodation to improve head height and volume to the existing bedroom/living spaces and to extend the roof pitch over the flat roofed ground floor bathroom to create a first floor ensuite bathroom.

Overall a complete 21st C renovation of the building fabric, to highly insulate to near Passive Haus standards, damp proof the structure and create an environmentally friendly airtight envelope with an energy efficient wet underfloor heating system [UFH], married to well managed smart energy control, with the allowance for future incorporation of either heat pump technology or hydrogen heat source generation.

VISUAL and local amenity

The existing fabric and materials will be retained externally to the north Gordon Street Elevation there will be no outward alteration or physical changes. The intent is to be contemporary both in the arrangement of the dwelling and also in the visual aspects of the new additions to the south/rear.

Contextually the intent for the new build rear/south additions, is to carefully moderate the scale and form, the roof level additions are to be built within the roof and to reuse the existing slate for the new pitches, the 'dormer' window arrangements are to be varied pitched forms, with a shallow pitched capping in standing seam zinc or folded aluminium sheet. The new wall cladding is to be a crisp dark stained larch boarding, whilst window openings are to be contrasted with natural coloured timber edge framing - these are all vernacular features, reinterpreted and expressed in a contemporary form - the pitched roofing moves away from the plethora of awkward 'box dormers' dotted around the village on historic properties, here we intend for the scale of the additions to create a comfortable dialogue with the host dwelling, respecting the form and mass, not to be over bearing, creating additions which are obviously 'of a time' and visually pleasing but secondary to the host form.

Looking into the site from neighbours the aspect of the new forms will be pitched slate roofing reusing the small format natural slates, longer views into the dwelling from the south are from the higher ground of the old railway/coastal trail, this aspect is physically separated from the public domain by a 1.5m earth bund and currently low 1.2m boundary fence, reinforcing the separation of the property from public areas. Mature planting in the garden area breaks up any direct views of or into the the property. The partial views of the additions that can be seen from the neighbours and the public realm will be visually interesting and protect amenity.

Non of the new first floor windows overlook the neighbours private amenity and the window facing west from the first floor ensuite bathroom is to have obscured glass.

The flat roof over the SE bathroom addition is removed by building over with a 'within the roof' two storey [inc. the roof] pitched roof addition, this form sits below the existing ridge and only extends over the existing footprint of the bathroom.

The flat roofed garden store to the SW is to be rebuilt utilising only the existing footprint and volume, it is to be joined to the main house, building over the void and filling the space and minor opening to No 33, the new build footprint proposed here is c6.5sm in total [1.8x3.6m] and 2.4m high to the gutter line.

This existing partial boundary opening is currently screened by the No 33 garden fence which is at a higher elevation and the lower cement rendered boundary wall to No 35 - the height of this link will be below the gutter line and contiguous with the existing storeroom height.

It should be noted that building on boundaries with single storey adjuncts are typical of the Portgordon plots, with a recent large scale infill at No 17 Gordon Street [18/00193/APP], adding a two storey extension on the boundary, in contemporary style with a distinctive mono pitch roof. Closing this boundary gap to the east of No 33 will have little detriment to amenity and increase privacy.

The neighbour to the west at No 33 has now constructed a garden extension structure, single storey under Permitted Development [PD], other than the extension over the bathroom at No 35, the other proposed works to provide the roof dormers and the garden store rebuild, would all have been permitted under PD. We do not consider the proposals reduce visual or domestic amenity of neighbours. The neighbour at No 37 to the east has a large box dormer the length of the property, the new roof pitch over the bathroom at No 35 screens any direct views from No 37.

CONTEXT for the design

The proposals relate to the examples of vernacular forms and secondary adjuncts to dwellings found locally around Portgordon and in the immediate coastal vicinity.

The dark stained timber and simple recessed window and door openings are typical of the extensions, sheds and workshops found along the coast [see page 9-10], varied heights and massing are typical of additions to the historic dwellings, varied roof pitches and contrasting use of materials are reflected in many of the coastal villages.

We have chosen forms that reflect the sheds and additions to older dwellings - but we have with crisp architectural detail and careful selection of materials, attempted to design a response that is 21st C, whilst borrowing its lead from history. The additions will be subtle and secondary to the host dwelling, of a scale and form that marries well in local context and built in a manner that weathers well and requires simple yet minimal maintenance.

The contrast of stained timber, sheet metal with simple and defined openings all features that have a contemporary vernacular dialogue, whilst reflecting the history of build techniques and the locally sourced and used materials. The forms are subtle, visually interesting - but not so overt as to contrast awkwardly in the neighbourhood.

MATERIALS and build

We have spent time sourcing windows and doors in particular, we do not specify, where possible plastics in our builds, this is paramount in window and door specification, we feel it is important to use window and door units that in their detail and function give a strong visual reference and contribute to the overall quality of the project.

The proposal is to replace windows with the traditional format and proportion of casement timber windows with a natural low gloss paint finish, to pick-up on the existing local heritage style and forms, whilst ensuring a contemporary unit is used that provides the best performance, style and eco credentials.

We have a track record of over 25 years working with high performance triple glazed factory painted, authentic 'Scandinavian' style windows. We propose a traditional style and construction of casement sash window, available in high quality sustainably sourced laminated SW timber framing, with a low gloss self coloured aluminium skin externally.

Narrow traditional format 24 mm glazing bars maintain the heritage style, as well as being low maintenance long-lasting windows - high quality crafted windows that are CE-marked, using FSC timber - guarantee of energy performance - with a cottage window style, this is a rare proposition



Designed to provide an effective barrier against inclement Scandinavian weather, a triple-glazed argon filled window unit is one of the best solutions available. It allows us to strike the balance between a light-filled home with views of the outdoors, and one that will stay warm and cosy throughout the chilliest of winters - in addition to impressively low U-values 1.0 or better, the low-maintenance outer-face gives great performance for years to come with minimal upkeep. The solid timber core of the windows means they score high in terms of acoustic and thermal performance whilst looking good.

The new structures to the rear/south side of the house will be highly insulated timber frame panels, clad vertically in locally sourced T&G smooth sawn larch, tightly jointed. Dark stained with black Sadolin Extra a low sheen high performance low maintenance opaque wood stain - this form is redolent of the vernacular vertical plank on plank boarding found in the coastal buildings along the Moray coast.

The shape of the roof extension and the build-up over the bathroom reflects previously the neighbour structure of the workshops, net and sail lofts [page 5], tar painted, board on board cladding, bluff facades and sculptural yet functional built form.

Through the Pre App discussion and understanding the new 'Local Plan' guidance, we know there is a move away from the plethora of applied 'box dormers', in some cases there are good examples though often these additions are awkward and out of scale with the host dwelling [page 10].

The proposal with the redevelopment of No 35 is to bring a heritage asset back to good repair and to upgrade the scope of the accommodation and renew the fabric to foster a good 21st Century living environment.

The property had until mid 2021 been empty since 2019, there had been only minor upgrading in the last decade, with a grant funded basic central heating system, plastic UPVC windows and a plastic lined wetroom/accessible bathroom installed for an elderly occupant.

The scope of the accommodation is dated and largely unchanged in the layout from the early 1900's. The property is by today's standards poorly insulated and has a relatively primitive heating system with very limited management/control not conducive to energy efficient comfortable 21st C living.

The intent is to complete an invasive refurbishment, strip and remove wet/dry rot and all deleterious material. Currently the ground floor timber floor joist structures sit within the sand & gravel of the foreshore, there is no damp proofing. The dwelling structure is of solid sandstone walling, this typically the lowland Moray outcrop sandstones of Upper Old Red Sandstone age, which were widely quarried along the ridges from Alves to Elgin, with very large workings at Newton and in Quarry Wood.

This stone is creamy yellow to pale pink in colour and the textures vary from pebbly, through gritty to fine-grained varieties. Externally the higher quality fine grained dressed sandstone is used around openings to the north, whilst internally the softer [cheaper] pinker sandstone rubble walling is predominant.

Externally the bays of north facing walling are courses of mis-shapen random or field rubble, that are infilled or caulked with smaller pieces, locally known as 'cherry-cocking'. This is a very old practice which has continued well into this century. Amongst early examples are the walls enclosing the garden at medieval Pluscarden Abbey and the park walls at Rothiemay House, occupying the site of Rothiemay Castle.

The intent is to re point the external walling with a lime/grit mortar, the rendered areas of walling to the east/south will be retained as they are in good condition.

Typically internally the walls are dry lined/battened in hardboard/plasterboard, with the original roof structure slated/boarded over a heavy 'A' frame rafter and floor joist, half lapped joints and skew nailed. The low slate pitched dormer faceted windows are from the early 1900's and cut through the roof frame structure and extend into what was formerly roof void. The staircase and ground floor partitions are relatively modern and plasterboard.

The interior will be stripped out, new dry lining to the walls with near Passive House insulation installed, floors removed and excavated and relaid with damp proof tanking, insulation and a wet underfloor heating system run off either an air source heat pump or eventually a hydrogen ready boiler system. The upper floor will see the roof stripped internally and insulated to the same high standards, vapour barriers installed and relined. The existing roof is to be relaid with the existing slates with reclaimed matching slate to replace/add-to as required.

ENVIRONMENT low embodied carbon - principles of design

NMD only specify natural and sustainably sourced materials, we tend not to specify first use plastics where possible, preferring recycled building products reusing plastics, polyester and natural materials, we don't use plastics in situations where they can degrade and breakdown into micro particles or give off toxic gaseous emissions that cause illness, pollute living environments and the natural environment.

We look to buildings to be very low maintenance, minimise intensive maintenance like repainting, this reduces the breakdown of deleterious materials into the environment - as such specifying natural materials that need little or no protection with products like solvent based paints or stain coatings:

- We often use Larch from sustainable local sources, which akin to Cedar when used where it is properly detailed, has a 90+ year design life and carries a very low embodied carbon.
- We frequently use Sheep wool insulation, which is a grass fed natural grown organic material, this uses a material that is now virtually a 'modern waste product' - in use it absorbs toxins and locks them away, it filters moisture and dries out structures naturally and is one of the only high performance 'quilt' like insulants that has a very high insulating value when damp. It is not an irritant when being installed and has a design life when correctly installed in excess of 100 years.
- Recycled polyester insulation married to recycled plasticised aluminium foil membranes, create a high performance airtight 'thin layer' quilt, that also acts as a vapour barrier and providing internal waterproofing to solid masonry structures - with a 70+ yr life.
- Recycled slate for roofing repairs is a material with a design life that is almost infinite, within a correct traditional installation - very low in embodied carbon.
- We minimise concrete/cement use and maximise use of natural lime/sand mortars.
- We minimise blown gas slab insulant slab use, only using it 'sealed' within structures to prevent the breakdown of the material and release of deleterious toxic gases into living spaces.
- We do not specify any products with embedded formaldehyde or solvents.
- We limit the use of gypsum products.
- When we specify aluminium and steel - it has long life galvanised or powder coat finishes - used in shallow pitch roofing and/or preformed gutter and downpipes.
- We only specify smart heating systems - designing dwellings to be close to Passiv Haus standards, energy systems that are 'hydrogen ready' or run from bio source materials or heat pumps and MHVR systems with smart user friendly control systems collect and recycle heat.
- All our dwelling designs rely on natural ventilation patterns.
- We design all buildings to maximise natural daylighting to provide a good natural living environment for all seasons.
- We specify argon filled energy coated triple glazing, in aluminium skinned natural timber framed windows, low maintenance and high eco performance - also offering high security and good acoustic insulation. The units generally have a minimum 75 yr design life and are warrantied for 25 yrs.
- We only install LED lighting with dimming and temperature control 'app' operated smart systems to manage switching periods.

- We source the majority of build elements local to the build site, to reduce embodied carbon, minimise vehicle movements and to support small local business & economy.

- We design build programmes to minimise local disruption with a zero tolerance on emissions of dust and dirt, we design in working practice on site to create clean safe working environments.
- We do not use suppliers or practises that support 'modern day slavery', we do not source materials from parts of the world or regimes where the environment, human rights and basic freedoms are not respected.
- Already No. 35 is zero fossil fuel - it only uses wind/solar source electricity and renewable bio gas.
- We incorporate where possible 'flat-roof' Sedum Turf planting or similar, to foster bio diversity and modify surface run-off to reduce local flash flood drainage issues. We minimise hard surfaces to reduce surface run-off and incorporate natural ground percolation for managing storm water/surface water and flash flooding.

DRAINAGE SUDs - reduction in surface water run-off

The scheme overall improves surface water run-off and reduces the amount of hard surface drainage going to the local drainage system and modifies peak rainfall drainage from flat roof areas by introducing Sedum Turf that slows surface storm water surge run-off.

The run-off currently from pitched, flat roofing and concrete areas is collected by gutters, RWP's and back inlet gullies, that drain to the combined sewerage/rainwater system locally in the village.

Currently the house and garden store has a combined plan footprint of 102sm, the link addition between the house and store will add 6.5sm, a 6% increase in 'built over' area for this development.

Though this is tempered by the intended removal of the south side concrete forecourt in the garden, this is to be replaced with a free draining gravel area, allowing a natural soak-away into the ground for these external amenity areas, this is an area of 35.5sm [equivalent to 33% of the building footprint], by removing this concrete area, we reduce the drained surface area going to surface water run-off and the existing drainage system by 24%.

A gross mitigation of a **reduction of 24%** surface area rainwater to the drainage system.

HIGHWAYS sustainable access & parking

The dwelling is served locally by the Inverness to Aberdeen No 35 bus route within some 20m of the front access door on Gordon Street, this links the village directly on a near hourly basis from 5.00am-11.pm daily Mon-Sat and 10.30am-11.00pm Sundays, this system allows connections to mainline railway stations in Elgin, Inverness, Aberdeen and local points in-between. And allows bus links from Elgin, Inverness & Nairn direct to Inverness Airport. This allows sustainable access to local, regional and national access to education, healthcare, retail outlets, employment and leisure opportunities.

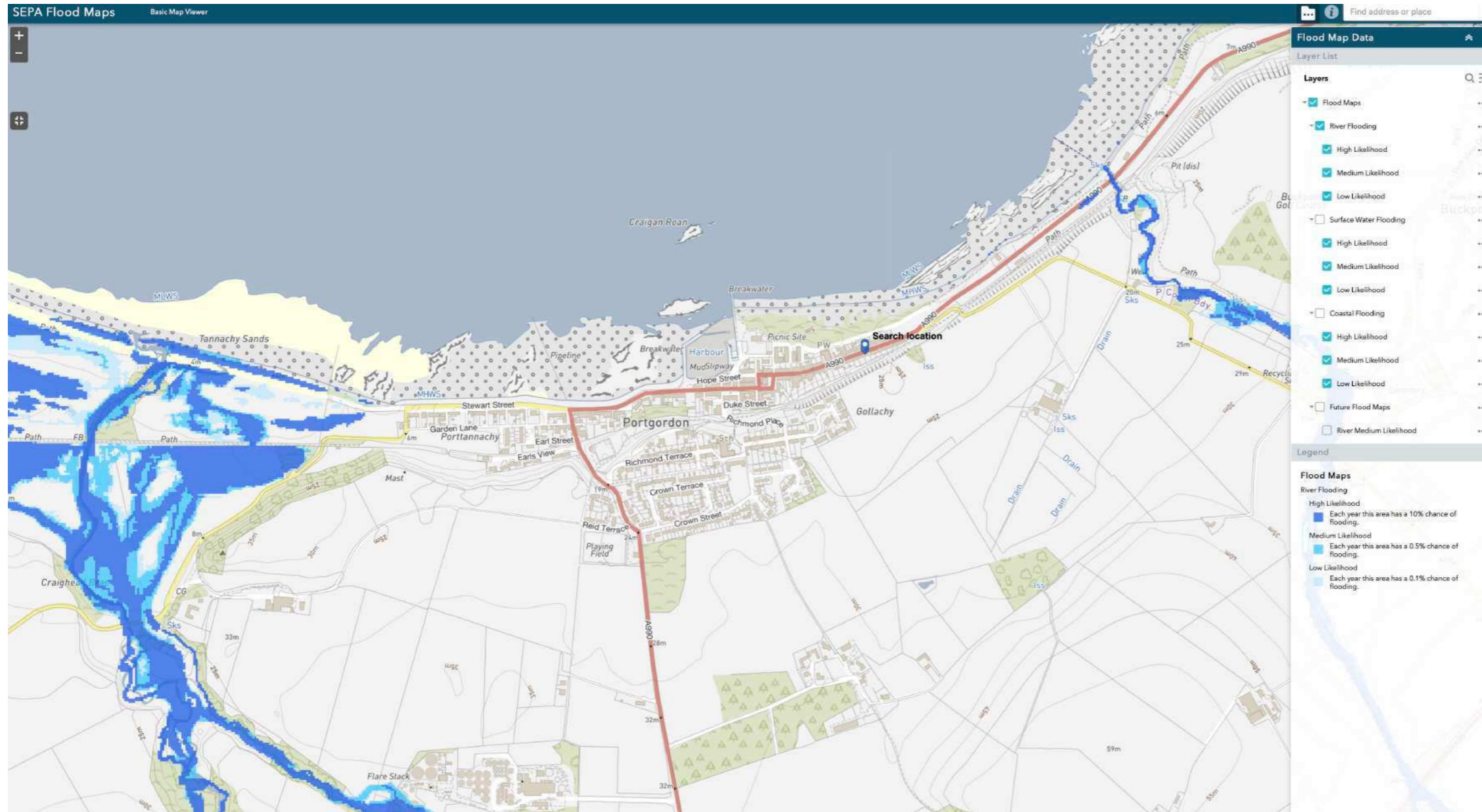
Parking is available on the south side of Gordon Street, with nominal 2-3 spaces per dwelling, with north side Gordon Street residents having private off road parking behind their properties on the north side foreshore lane or within their own garden forecourts. There is also availability of extra visitor parking within 300m, at the 'free-use' harbour car park.

FLOOD risk - non for applicant site - even with predicted 1m level increases for coastal flooding/surges as the property sits 5.5m above the high tide level

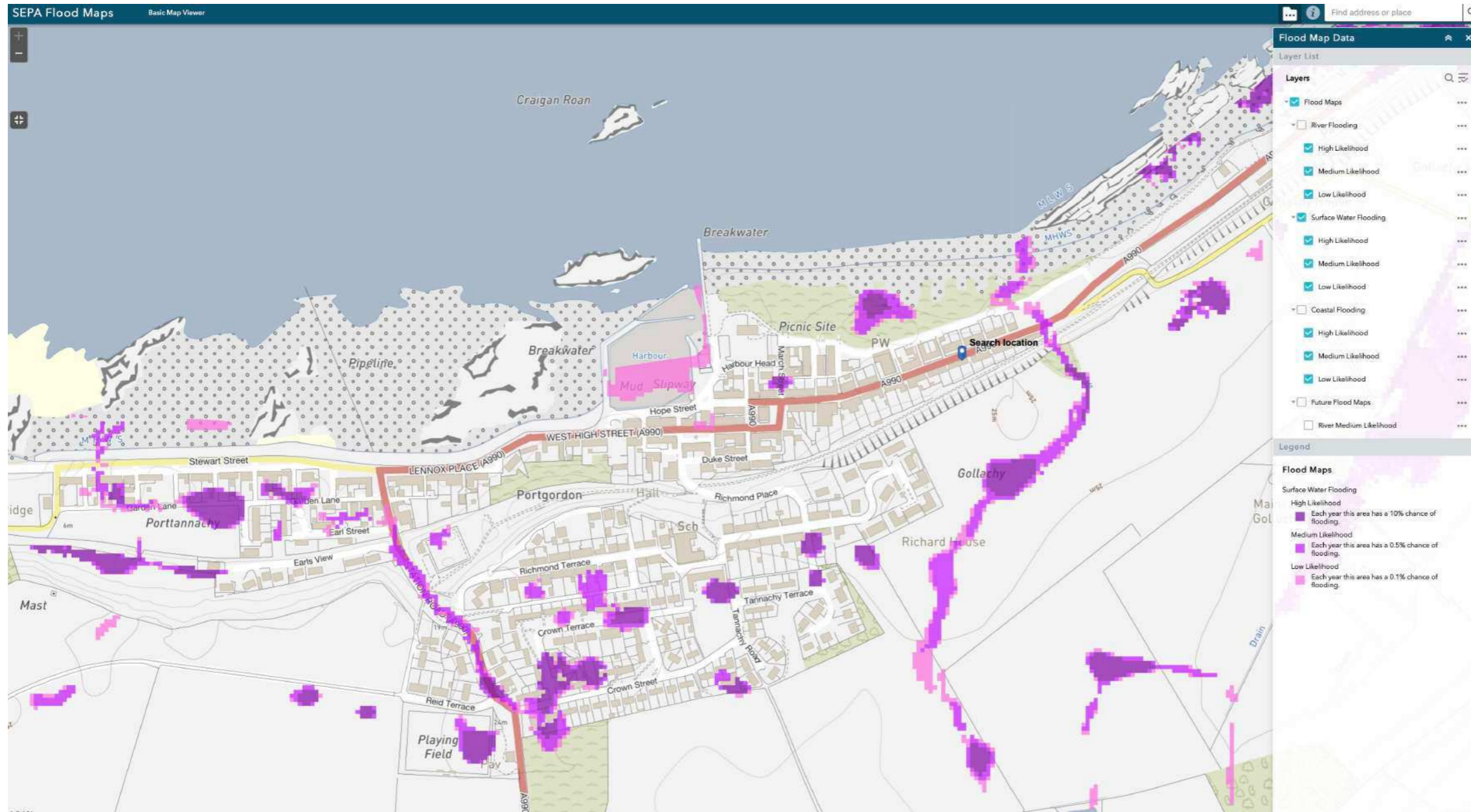
COASTAL flood risk



RIVER flood risk



SURFACE water flood risk



IMPACT on the asset positive outcomes

All the intent is to improve upon the status quo, to add to the longevity of the property with a sustainable, workable, contextual renovation and maintenance programme, that is easy to carry forward enhancing the accommodation for modern living.

Whilst retaining in balance an historic perspective - with the intact heritage assets along Gordon Street and within the historic setting of the village and in the wider aspect of the Moray coastal area.

This dwelling is an important part of the village - in the here and now, historically and in the future - by developing this property to foster renewed use and life for the 21st C, we can preserve historic features, the vernacular detail and character, making sure that for generations to come, that the village of Portgordon and the context of the setting is enhanced and preserved.

FEEDBACK 21/01027/PEHOU in blue NMD response from Pre App

- As a semi-detached property due regard must be given to neighbouring residential amenity. It is recommended that any future planning application provide details of any overshadowing analysis undertaken as part of the proposal development. Whilst the presence of the high boundary fence is noted, the proposed ground floor link lobby will effectively enclose an existing gap to the proposed downstairs studio/bedroom.
 - The neighbour at 33 has started a Permitted Development ground floor single storey extension across the rear/south of their property - this occupies a larger area than the proposal at 35, it is at a similar height to our proposal, the gap between 33 & 35 and the aspect of over looking and/or over bearing will be mitigated by the side/boundary with both properties being largely unaltered as there is already a tall fence, as shown on the design information, closing most of the boundary on the side of No 33, our extension/infill is the same height as the existing outbuilding and lower than the fence at 2.4m.
- The contemporary design proposed is recognised and understood, however, reference is drawn to part g of the policy which highlights that pitched roofs will be preferred to flat roofs and box dormers are not acceptable. In light of this parts of the design could be reconsidered, albeit it is recognised that the flat roof on to the adjoining property serves to limit the height of that part of the development and incorporates a living/green roof which could bring bio diversity benefits. It is also acknowledged that flat roofs are already present at the property. In terms of the policy wording it is ultimately box dormers which are not permissible under the terms of the policy, and could be addressed by deploying a shallow downward pitch to the single box dormer window.
 - We acknowledge the 'DP1' we have amended the original design and copy here the intent to only have pitched roofing - we now have more detail measured survey information for the property and the proposed new roof pitch to the 'top' of the proposed roof adjuncts, serves to create adequate 'head room' internally and incorporate pitched roof extensions, whilst also maintaining the roof extensions well below the existing ridge, we have spaced out the roof interventions and removed the plain box dormer from the Pre App proposal. The intent is to form this volume as an asymmetrical slate roofed, pitched dormer - picking up on the form of our contemporary design theme, the dormer proposals now marry the design intent with the extension at first floor to the east over the bathroom - we read that the Pre App response has broad policy support for these contemporary forms and materials.
- The materials suit the design proposed and would likely sit well as part of the overall contemporary design alongside the existing property given the use of slate roof tiles to tie the extension into the existing roof.
- The proposal is proposals a contemporary intervention to a traditional property and an overall scale which would appear appropriate to the existing property, there would appear to be scope to alter the proposal to comply more readily with Policy DP1 part g.
 - Noted

Transportation comments:

This proposal is for alterations and extension to an existing dwelling and does not trigger the requirement to provide additional parking.

Note - Parking is on- street only and there is an informal agreement in place between

the property owners to park only on the northern side of Gordon Street.

No alterations are proposed to the existing entrance doorway onto Gordon Street. Transportation would therefore have no objections to the proposal.

The property owners on the north side of Gordon Street invariably use the open access lane to foreshore in the the north and park within or behind the properties on private land - there is no intensity of parking on the south side of Gordon Street and frontages of properties are usually in the applicants section of the neighbourhood of c14.5m giving ample space for upto 3 vehicles parallel parked.

All applications must make provision for surface water drainage and this means that all applications must be supported by a drainage statement which details and evidences the drainage design proposed. More information can be found on the Supplementary Guidance for all developments on drainage design and flood risk:

The intent with the reduced run-off of storm water by incorporating sedum roof turf planting is also to remove the concrete hard standing to the rear/south of the property with free draining ground build-up - this reduces surface run-off and reliance on surface water drainage this removes 24% of the existing areas relying on drainage services.

In all there will be a reduction in surface run-off by 24% due to this design mitigation for handling surface water and there will be a reduction in surface water going to the existing top water drainage system in the village.

Design Statement to support the contemporary design

This document embraces the 'Design & Access Statement' which explains the rationale of the acces, living, form of the design and submission in the context of the location and planning policy

POLICY sources particular relevance in blue

Moray Local Development Plan 2020

PP1 Placemaking

- a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
- b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include sufficient information for the council to carry out a Quality Audit. Where considered appropriate by the council, taking account of the nature and scale of the proposed development and of the site circumstances, this shall include a landscaping plan, a topographical survey, slope analysis, site sections, 3D visualisations, a Street Engineering Review and a Biodiversity Plan. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.
- c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles:

(i) Character and Identity

Create places that are distinctive to prevent homogenous 'anywhere' development;

Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable;

Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such

as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of open spaces and streets within a cohesive design strategy for the whole development

PP1 Placemaking supports the Scottish Government's aims to create healthy places through high quality design and ensure that Moray remains an attractive place to live and work, and encouraging inward investment and economic development opportunities.

DP1 Development Principles

This policy applies to all development, including extensions and conversions and will be applied reasonably taking into account the nature and scale of a proposal and individual circumstances.

The Council will require applicants to provide impact assessments in order to determine the impact of a proposal. Applicants may be asked to determine the impacts upon the environment, transport network, town centres, noise, air quality, landscape, trees, flood risk, protected habitats and species, contaminated land, built heritage and archaeology and provide mitigation to address these impacts.

Development proposals will be supported if they conform to the relevant Local Development Plan policies, proposals and additional guidance, meet the following criteria and address their individual and cumulative impacts:

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be

submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).

d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.

e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.

g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.

h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.

i) Proposals must orientate and design buildings to maximise opportunities for solar gain.

j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

(ii) Transportation

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Maximum (50%) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.
- c) Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.

Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.

The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, paviers, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.

The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.

Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;

Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

(iii) Water environment, pollution, contamination

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).
- b) New development should not be located in areas at flood risk or increase vulnerability to flooding (see Policy EP12). Exceptions to this would only be considered in specific circumstances, e.g. extension to an existing building or change of use to an equal or less vulnerable use. Where this exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets.
- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures.
- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

Justification/ Notes

The policy sets out detailed criteria to ensure that proposals meet siting, design and servicing requirements, provide sustainable drainage arrangements and avoid any adverse effects on environmental interests.

Adopted Moray Council Supplementary Planning Guidance

Accessible Housing Affordable Housing

This policy refers mostly to wheelchair accessible housing - the proposal here whilst not a new build have at various points single steps for access and internally - the main intent has been to create a fully ambulant disabled ground floor private bedroom with an adjacent walk/roll-in wet room shower area in a private lobby that can be screened from the living area.

Scottish Planning Policy and Guidance

[NPF 4 broadly refers policy back to regional Local Plans as does:](#)

Scottish Planning Policy (SPP)

Purpose

i. The purpose of the SPP is to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development^[1] and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Status

ii. The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. It is non-statutory. However, Section 3D of the Town and Country Planning (Scotland) 1997 Act requires that functions relating to the preparation of the National Planning Framework by Scottish Ministers and development plans by planning authorities must be exercised with the objective of contributing to **sustainable development**. Under the Act, Scottish Ministers are able to issue guidance on this requirement to which planning authorities must have regard. The Principal Policy on Sustainability is guidance under section 3E of the Act.

iii. The 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. As a statement of Ministers' priorities the content of the SPP is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case. Where development plans and proposals accord with this SPP, their progress through the planning system should be smoother.

iv. The SPP sits alongside the following Scottish Government planning policy documents:

- the [National Planning Framework \(NPF\)](#)^[2], which provides a statutory framework for Scotland's long-term spatial development. The NPF sets out the Scottish Government's spatial development priorities for the next 20 to 30 years. The SPP sets out policy that will help to deliver the objectives of the NPF;
- [Creating Places](#)^[3], the policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design;
- [Designing Streets](#)^[4], which is a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
- [Circulars](#)^[5], which contain policy on the implementation of legislation or procedures.
Circulars

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	10th August 2022
Planning Authority Reference	22/01066/APP
Nature of Proposal (Description)	Alter and extend dwellinghouse at
Site	35 Gordon Street Portgordon Buckie Moray AB56 5QR
Site Postcode	N/A
Site Gazetteer UPRN	000133029837
Proposal Location Easting	339940
Proposal Location Northing	864334
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=RFCWQTBGH9N00
Previous Application	
Date of Consultation	27th July 2022
Is this a re-consultation of an existing application?	No
Applicant Name	Ms Claire Lambert
Applicant Organisation Name	
Applicant Address	35 Gordon Street Portgordon Buckie Moray AB56 5QR
Agent Name	Nick Midgley Design
Agent Organisation Name	
Agent Address	Feral Studios Wellington Mills Quebec Street Elland Hx5 9AS
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: Transportation Manager

Planning Application Ref. No: 22/01066/APP

Alter and extend dwellinghouse at 35 Gordon Street Portgordon Buckie Moray for Ms Claire Lambert

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

Please

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

This proposal is for an extension to an existing property which does not trigger the requirement to provide additional parking. No off street parking presently exists or is proposed; and no alterations are proposed to the existing frontage. Transportation 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.

It should be highlighted that an informal agreement is in place between the property owners within this localised area, to park only on the northern side of Gordon Street.

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.

Contact: AG

Date 29 July 2022

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

Consultee: TRANSPORTATION

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 22/01066/APP

Application Summary

Application Number: 22/01066/APP

Address: 35 Gordon Street Portgordon Buckie Moray AB56 5QR

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

Consultee Details

Name: Mr CL Consultations

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

Email: Not Available

On Behalf Of: Contaminated Land

Comments

Approved unconditionally

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Flood Risk Management

Planning Application Ref. No: 22/01066/APP

Alter and extend dwellinghouse at 35 Gordon Street Portgordon Buckie Moray for Ms Claire Lambert

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:	Javier Cruz	Date..... 02/08/2022
email address:	Javier.cruz@moray.gov.uk	Phone No
Consultee:	The Moray Council, Flood Risk Management	

From: Tracey Dickieson <Tracey.Dickieson@moray.gov.uk>
Sent: 09 Aug 2022 09:18:44
To: DMSMyEmail@moray.gov.uk
Cc:
Subject: FW: Application 22/01066/APP - Archaeology comments
Attachments:

From: Claire Herbert <claire.herbert@aberdeenshire.gov.uk>
Sent: 08 August 2022 14:09
To: Fiona Olsen <Fiona.Olsen@moray.gov.uk>; Planning Consultation <consultation.planning@moray.gov.uk>
Subject: Application 22/01066/APP - Archaeology comments

Warning. This email contains web links and originates from outside of the Moray Council network. You should only click on these links if you are certain that the email is genuine and the content is safe.

Planning Reference: 22/01066/APP
Case Officer Name: Fiona Olsen
Proposal: Alter and extend dwellinghouse
Site Address: 35 Gordon Street Portgordon Buckie Moray
Site Post Code: AB56 5QR
Grid Reference: NJ 3994 6432

Having considered the above application, which affects a house dating to the 19th Century located within the historic core of Portgordon (Moray HER NJ36SE0137), I would ask that the following condition is applied:

Photographic survey

No demolition or any other works in connection with the development hereby approved shall commence unless a photographic survey of the existing buildings and structures on the application site has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures together with the setting of the buildings and structures and any unusual features of the existing buildings and structures shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

Should you have any comments or queries regarding the above, please do not hesitate to contact me.

Kind regards,
Claire

Claire Herbert MA(Hons) MA MCifA

Archaeologist

Archaeology Service, Planning and Economy, Environment and Infrastructure Services
Aberdeenshire Council

T: 01467 537717

E: Claire.herbert@aberdeenshire.gov.uk

W: <https://www.aberdeenshire.gov.uk/leisure-sport-and-culture/archaeology>

Search the Historic Environment Record: <https://online.aberdeenshire.gov.uk/smrpub>

Archaeology Service for Aberdeenshire, Moray, Angus & Aberdeen City Councils

Your feedback is important to us and helps us to improve our service – we value your [comments](#).

Explore the historic environment - find and follow the Archaeology Service on social media:

Instagram: https://www.instagram.com/abshire_archaeology

Twitter: https://twitter.com/AbshireArch_CH/

YouTube: <https://www.youtube.com/channel/UCI3fCWk-cwaN2Nj1G0BkHPg>

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Dh'fhaodadh fiosrachadh sochaire, a tha a-mhàin airson an neach gu bheil am post-dealain air a chur, a bhith an seo. Ma tha thu air am post-dealain fhaighinn mar mhearachd, gabh ar leisgeul agus cuir fios chun an neach a chuir am post-dealain agus dubh às am post-dealain an dèidh sin. 'S e beachdan an neach a chuir am post-dealain a tha ann an gin sam bith a thèid a chur an cèill agus chan eil e a' ciallachadh gu bheil iad a' riochdachadh beachdan Chomhairle Shiorrachd Obar Dheathain.

www.aberdeenshire.gov.uk

REPORT OF HANDLING

Ref No:	22/01066/APP	Officer:	Fiona Olsen
Proposal Description/ Address	Alter and extend dwellinghouse at 35 Gordon Street Portgordon Buckie Moray		
Date:	30.09.2022	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
Aberdeenshire Council Archaeology Service	08/08/22	No Objections
Contaminated Land	01/08/22	No Objections
Transportation Manager	29/07/22	No Objections subject to informatives
Moray Flood Risk Management	02/08/22	No Objections

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP1 Placemaking	N	Complies
PP2 Sustainable Economic Growth	N	Complies
PP3 Infrastructure and Services	N	Complies
DP1 Development Principles	Y	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		NO
Total number of representations received		
Names/Addresses of parties submitting representations		

Summary and Assessment of main issues raised by representations
Issue:
Comments (PO):

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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

Proposal

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

The alterations proposed are to the rear of the property only. These involve the creation of two irregular shaped first floor dormers on the rear roof plane, a first floor extension over an existing single storey flat roof, and the joining and conversion of an existing external garden store to form a ground floor bedroom.

The westernmost dormer proposed contains a single square window and incorporates a shallow pitch at the top, followed by a sharp (45 degree) pitch extending in an easterly direction towards the eaves of the roof. The easternmost dormer contains a shallow pitch at the top and connects to the proposed first floor extension on the western edge. Both dormers are proposed to be finished in natural slate to the sides and standing steam metal roofing to the top.

The proposed extension above the existing single storey flat roof extension, again contains a shallow pitched roof, with a steep (45 degree) pitch extending to eaves of the roof and would measure approx. 5.1m to the highest part of the roof. This extension is proposed to be finished in vertical larch cladding and finished in natural slate.

Finally, an existing external store is proposed to be connected to the main dwellinghouse via a flat roof extension and conversion of the store to an additional bedroom on the ground floor. The existing single storey and connecting extension are proposed to be finished again in vertical larch cladding, with a green living roof Sedum planted with a slight overhang/shelter on the eastern side.

Extensive discussions have taken place with the agent and applicant on the proposed design however the agent and applicant have stated that they wish for the proposal to be determined as it currently stands.

Site

The site is located at 35 Gordon Street, Portgordon and is an existing traditional semi-detached dwellinghouse believed to have been constructed in the mid-1880s. The building is not listed nor in a Conservation Area.

The house is however located within the historic core of Portgordon which is identified on the Historic Environment Record (HER) as a site of archaeological interest.

There are neighbouring properties to the east and west (attached) of the site and the site is bound by the public road to the north and the old railway line to the south (designated as a 'Core Path' and open space within the MLDP 2020).

Policy Assessment

Siting and Design (MLDP 2020 Policy DP1)

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.

As outlined, the application seeks planning permission to alter and extend an existing dwellinghouse. This includes a proposal for an irregular shaped rear dormer and an extension that also has an irregular form and includes a dormer with an irregular shape. The westernmost dormer contains a single square window and incorporates a shallow pitch at the top, followed by a sharp (45 degree) pitch extending in an easterly direction towards the eaves of the roof. The easternmost dormer also contains a single square window and incorporates a shallow pitch at the top connecting to the proposed extension on the western edge. The dormers are of a highly irregular shape and therefore represent an inappropriate form of development for this location as they are not in keeping with the form and character of the main (parent) property and neighbouring housing. On the plans and supporting documents submitted the agent has shown examples of other developments within Moray, however the dormers shown in these examples have a simple square shape, not the irregular shape presented here. Whilst it is acknowledged that the design reflects an attempt to provide a modern alternative to the conventional box dormers found on neighbouring properties, the irregular shaped dormers proposed here are unacceptable as they are not in keeping with the form or character of the existing property or surrounding area.

The proposed first floor extension above the existing flat roof extension again incorporates a shallow pitched roof, following by a sharp (45 degree) pitch, extending down towards eaves level. Whilst the sharp pitch would give the appearance of a traditional pitched roof when viewed from the east, it would give a box-like and flat roof appearance when viewed from the west. Policy DP1 states that pitched roofs are preferred to flat roofs and although the extension would replace an existing single storey flat roof, it would create unnecessary bulk through the appearance of a 'box-like' two storey flat roof extension when viewed from the west. The irregular shaped roof form of the first floor extension is considered incongruous with the form and character of the main traditional dwellinghouse and surrounding area and would not comply with policy DP1 and therefore the application will be refused.

Finally it is proposed to create a single storey 'link' extension and convert an existing store to form a ground floor bedroom. Although this proposal incorporates a flat roof, it extends an existing flat roof, with no increase in height (remaining at single storey) and the addition of Sedum roof planting would bring biodiversity benefits to the site. The extension is also located to the rear and is considered a small scale intervention. This element of the proposal is acceptable.

A design and access statement and further supporting statement have been submitted in light of the proposals. This gives examples of local buildings, both modern and traditional which incorporate traditional pitched roofs finished in traditional materials. The Design and Access Statement states that the dormer window arrangements proposed as part of this application are to be 'varied pitch forms, with shallow pitched capping' and goes on to state that these are 'vernacular features, reinterpreted and expressed in a contemporary form'. It also refers to the first floor extension and states that this reflects the 'neighbour structure of the workshops, net and sail lofts, sculptural yet function built form'. It is noted none of the examples given exemplify a roof design akin to that of the proposed irregular shaped dormers or first floor extension and whilst an effort has been made to create an alternative design to the common 'box-dormer', the alternative presented does not relate to the form, character or detailing of the parent dwelling or surrounding properties and therefore is not considered acceptable in terms of the design requirements of policy DP1.

A further supporting statement (received on 26/08/2022) outlines that the proposed alterations create only 6.5sqm of additional footprint. Whilst efforts to minimise additional footprint and ensure that the alterations do not result in overdevelopment of the existing site are commended, this does not

overcome the fact that both the dormers and first floor extension are of an irregular shape and design which is not in keeping with the form or character of the existing main property and therefore would not comply with policy DP1. The statement also outlines the requirement for a ground floor bedroom for multi-generational living and as outlined this element of the proposals, occupying the extended ground floor is deemed acceptable. Finally the statement outlines that the first floor extension will result in the removal of a flat roof and the creation of a pitched roof to the east. The statement fails to note however that the roof of the extension of an irregular shape and when viewed from the west, the first floor extension would create the appearance of a two storey flat roof 'box' which ultimately has a detrimental impact on the character of the dwelling, particularly when compared with the existing small scale single storey flat roof extensions.

With regard to the external finishes, the dormers are proposed to be finished in natural slate on the sides, with the shallow roof over in metal standing seam roofing. The flat roof extension is proposed to be finished in vertical larch cladding with a living roof planted in Sedum over. Finally the first floor extension is proposed to be finished again in vertical larch cladding with a natural slate roof over. These traditional materials would accord with the stone and slate finish of the main dwellinghouse and would therefore be acceptable.

In summary, the proposed rear dormers are considered unacceptable as they are of an irregular shape which is out of keeping with the form and character of the existing property and surrounding area. The irregular roof shape of the proposed first floor extension would give the appearance of a two storey flat roof extension (when viewed from the west) which creates unnecessary bulk and is incongruous with the main parent property and therefore the proposals are contrary to the design requirements of policy DP1 and the application will be refused.

In terms of proposed openings within the extensions and dormers, these will largely be orientated onto the applicant's existing garden ground, or old railway to the south of the site. The only opening to be orientated onto a neighbouring property is a single full length window on the western elevation of the first floor extension and is to be fitted with opaque glass. Therefore, no openings within the proposed alterations are deemed to give rise to any unacceptable loss of light or overlooking to neighbours. In terms of any loss of light or overshadowing, the extensions are either single storey or set back sufficiently and with an acceptable wall-head height so as not to give rise to adverse amenity impact to neighbours. Therefore, these aspects would be considered to comply with policy DP1.

Drainage (DP1, EP12)

The site is not within any areas identified to be at risk of flooding. Drainage information is provided within the Design and Access statement and outlines that the increase in roof area as a result of the proposals is only 6.5sqm. An area of concrete is also proposed to be replaced with free-draining gravel and the addition of a Sedum roof which slows surface water run-off. Moray Flood Risk Management have been consulted and have raised no objections therefore the drainage proposals would comply with policy DP1.

Protected Species (EP1)

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.

Archaeology (EP8)

As outlined, an area of archaeological interest lies over the site relating to the historic village of Portgordon. The Council's archaeologist has been consulted and requested a photographic survey be undertaken of the building for inclusion in the National Monuments Record for Scotland and local Sites and Monuments Record. This has been done and the Council's archaeologist is satisfied with

the information submitted. As a result the proposal would comply with policy EP8.

Parking and Access (DP1)

The site is currently accessed via the public road to the north of the site and parking is via on-street parking again to the north. 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.

Conclusion

The proposed rear dormers are considered unacceptable as they are of an irregular shape which is not keeping with the form and character of the existing traditional property and surrounding area. The proposed first floor extension incorporates an irregular roof shape which would give the appearance of a two storey flat roof extension which creates unnecessary bulk and is incongruous with the main parent property and therefore the proposals are contrary to the design requirements of policy DP1 and the application is refused.

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:	Design and Access Statement (dated 18/07/2022)
Main Issues:	Outlines background and justification for design shown. Also gives details on drainage proposals.
Document Name:	Supporting Statement (dated 26/08/2022)
Main Issues:	Statement prepared in response to Planning Officer's email sent on 22/08/2022 raising concern with regard to extension and dormers.

Document Name:	Photographic Survey (dated 12/08/2022)
Main Issues:	Photographic historical record of the building, both internally and externally, requested by the Council's Archaeologist.

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

**[Fochabers Lhanbryde]
Application for Planning Permission**

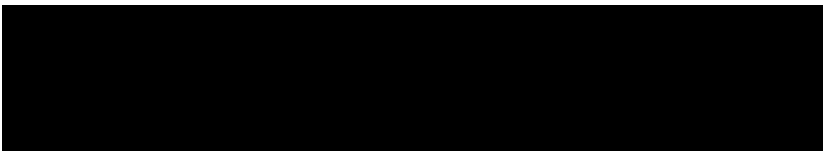
TO Ms Claire Lambert
c/o Nick Midgley Design
Feral Studios
Wellington Mills
Quebec Street
Elland
Hx5 9AS

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 35 Gordon Street Portgordon Buckie Moray

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

Date of Notice: **30 September 2022**



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 alterations and extension are contrary to Moray Local Development Plan 2020 policy DP1(i)(a) for the following reasons:

1. The proposed rear dormers are considered unacceptable as they are of an irregular shape which is not keeping with the form and character of the existing traditional property and surrounding area.
2. The proposed first floor extension incorporates an irregular roof shape giving the appearance of a two storey flat roof extension which creates unnecessary bulk and is incongruous with the main parent property.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
POR.P.007		Proposed south elevation and section
POR.P.027		Existing and proposed roof plan
		Block plan
POR.P.009		Proposed elevation
POR.P.010		Proposed east elevation
POR.P.006		Proposed first floor plan
POR.P.012		Proposed elevation
POR.P.008		Proposed south elevation
POR.P.005		Proposed ground floor plan
POR.P.011		Proposed west elevation and section
POR.P.014		Perspective view from south east
		Location plan
POR.P.004		Site 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

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 100611085-001

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:

Nick Midgley Design

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Nick

Building Name:

Feral Studios

Last Name: *

Midgley

Building Number:

Telephone Number: *

07711182313

Address 1 (Street): *

Wellington Mills

Extension Number:

Address 2:

Quebec Street

Mobile Number:

Town/City: *

Elland

Fax Number:

Country: *

England

Postcode: *

Hx5 9AS

Email Address: *

nick@nickmidgleydesign.co.uk

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="Claire"/>	Building Number:	<input type="text" value="35"/>
Last Name: *	<input type="text" value="Lambert"/>	Address 1 (Street): *	<input type="text" value="Gordon Street"/>
Company/Organisation	<input type="text" value="none"/>	Address 2:	<input type="text" value="Portgordon"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Buckie"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB56 5QR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Moray Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="35 GORDON STREET"/>
Address 2:	<input type="text" value="PORTGORDON"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BUCKIE"/>
Post Code:	<input type="text" value="AB56 5QR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="864334"/>	Easting	<input type="text" value="339940"/>
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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)

22/01066/APP Alter and extend dwellinghouse at 35 Gordon Street Portgordon Buckie Moray - refusal of application 30.09.2022

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.

We seek to review the refusal 'proposed rear dormers considered unacceptable - an irregular shape not in keeping with the form and character of the existing traditional property & surrounding area. The proposed first floor extension incorporates an irregular roof shape giving the appearance of a two storey flat roof extension which creates unnecessary bulk & is incongruous with the main parent property & therefore the proposals are contrary to the design requirements of policy DP1'

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)

001 Grounds for Review - appeal statement 002 Supporting Document - Appeal statement precedents 003 Supporting Document - Original Application - design docs., contextual information, heritage statement DAS 004 Supporting Document - Original application - dialogue/letters POR.001 & 002 005 Email of support from Portgordon Community Trust sent during application process to Case Officer

Application Details

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

22/01066/APP

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

21/07/2022

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

30/09/2022

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

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

To understand the context of the private space that the application related to, that the area for the proposed development is not visible directly from a public area and the context of the proposals are minor in the overall setting on the back of the house away from public areas and not seen by neighbours.

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

No reasons

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 Nick Midgley

Declaration Date: 22/12/2022

POR.NOR.001

SUPPORTING DOCUMENT 001

F.A.O

Clerk to:

The Moray Council Local Review Body

Economic Growth & Development
The Moray Council
High Street
Elgin
IV30 1BX

Tuesday 20th December 2022

Dear Sir / Madam

NOTICE OF REVIEW 22/01066/APP 35 Gordon Street, Portgordon AB56 5QR

Further to the Moray Council determination **REFUSAL of 22/01066/APP** for the application to 'alter and extend 35 Gordon Street, Portgordon, Buckie, Moray AB56 5QR' we submit this 'Notice of Review' [NOR].

We request that The Moray Council review the decision made by the officer Ms F Olsen for this 'local development' case under section 43 [A] [17] of the Town and Country Planning [Scotland] Act 1997, this is within three months from the date of the Refusal of Planning Permission notice **30.09.22**.

001 Grounds for Review - appeal statement

We include with this NOR the following Supporting Documents:

- 002** - Supporting Document - Appeal statement local precedents.
- 003** - Supporting Documents - Original Application - design docs., contextual information, heritage statement & Design & Access Statement [DAS].
- 004** - Supporting Documents Original application - officer dialogue/letters POR.001 & 002.
- 005** - Supporting Document - email of support from Chair of Portgordon Community Trust.

Note all Moray correspondence/policy/determinations notes/quotations are shown in blue italic

001.1.0 Request for review against Refusal Notice

The request for Review is made against the determination refusal statement by The Moray Council:

The Council's reason(s) for this decision are as follows:

The proposed alterations and extension are contrary to Moray Local Development Plan 2020 policy DP1(i)(a) for the following reasons:

1 - The proposed rear dormers are considered unacceptable as they are of an irregular shape which is not keeping with the form and character of the existing traditional property and surrounding area.

2 - The proposed first floor extension incorporates an irregular roof shape giving the appearance of a two storey flat roof extension which creates unnecessary bulk and is incongruous with the main parent property.

001.1.1 Application proposal intent

The application **22/01066/APP** was made in the mitigation of The Moray Council Policy proposals embodying [see Supporting Document 003 DAS]:

- refurbishment of a property that stood empty for 3 years.
- creation of multi generational living, with only a very small increase in actual footprint providing for ground floor living space, reduced mobility living/sleeping area [page 11].
- High environmental build methodology in light of the Moray Council's stated 'Climate Emergency' [page 13-15] & [see policy J below para 001.3].
- a subordinate proposal in relation to the host dwelling.
- a clear delineation of old [host dwelling] and new subordinate proposal.

These are all mitigating factors that are embodied in The Moray Council planning policy and have to be considered in the overall balance of a determination.

This has not happened.

001.1.2 Review parameters

This request for this review focuses on the issue of the refusal not being wholly supported by DP1 policy & the fact there are instances locally of DP1 policy being **interpreted differently** to support other similar situations with approvals of other recent applications:

- the fact that irregular shapes [refusal para 1 above] are found historically all over Portgordon and the Moray district, that irregular and asymmetrical buildings are typical of prevailing vernacular style and that there is distinct evidence of irregular and asymmetrical buildings approved by The Moray Council planning determination process over recent years under the same planning policy regime negates the refusal experienced with this application [see Supplementary Document 002].
- the fact that the extension cannot under current policy be judged on 'irregular shape' [asymmetry] as there is no prescriptive policy that rules against asymmetry.
- the fact that the proposal does '**not look like a flat roof**' and that there is no prescriptive policy that rules against flat roofing.
- the fact that the proposal in context is not bulky, at Pre App **21/01027/PEHOU** the scope, volume and massing of the proposal was accepted - only a pitched roof to the 'dormer' was required [see officer comment 001.3.0 para 3 below].
- the 'subjective view that the asymmetry and the perceived bulk' is over ruled by the precedents of The Moray Council Planning determinations in favour of similar and more extensive examples on other recent applications [see Supplementary Document 002].
- the fact that the refusal reasons given actually differ from the wording of DP1.

The applicant Ms Lambert wishes to stress and has asked us to state:

- *'I believe that the officers have not paid attention to the detail in the application, they have not properly looked at the submission which places the design fully in context and it is a well rounded application that understands Portgordon and its heritage and it's obvious that they [officers] are contradicting themselves'.*
- *'the process was very frustrating as we had embodied the changes requested at the PRE APP, to then be blocked by a Planning Department 'U' turn at the application stage'.*
- *'it appears that there is no consistency in the relation to this determination and recently passed applications'.*

001.2 Review context

We request review of the refusal in the context of the original application **22/01066/APP**, and the processing by Moray Council's department of Economic Growth & Development officers.

In context with the Pre App submission **21/01027/PEHOU** and the guidance offered by Moray Planning Officers, showing an explicit 'U' turn at **22/01066/APP** against the advice and supporting statements offered by Planning Officers.

The interpretation of the **Policy DP1 [I] [a]** with regard to Moray Council's Planning's determination of this and other applications within the Moray region, since the adoption of

the 'Moray Local Development Plan 2020 [MLDP], the policy for determination of all Planning Applications in Moray.

We show here that there are inconsistencies and unaligned personal 'subjective' decisions being made by officers, which have no legal bearing for this determination of this application under **Policy DP1 [I] [a]** and that there is a rewording of the intent within the refusal notice from the explicit intent of DP1 [para 001.3.2 below].

The test to the application proposal is if it CAUSES HARM to the INTENT of DP1 [I] [a] - we have demonstrated with the application that NO HARM would be caused and there is no departure from any prescriptive intent of any adopted policy, we extend here our reasons for the request for review.

001.3.0 Application process of determination

During the processing of the application by The Moray Council, despite the intent to refuse the application, there was very little time spent by Moray Planning to engage with the applicant and offer meaningful guidance - repeatedly officers without recourse to policy, expected a design change to suit their own internal sensibilities - from our phone log:

- 3 minute telephone conversation Fiona Olsen, Case Officer 07.09.22, when the only guidance given was to alter the scheme, even though we discussed that there was no policy to support a proposed refusal.
- 2 minute telephone conversation Lisa MacDonald, Senior Planner 09.09.22, when it was actually put to us that the concern was more the dormer window not the proposed extension to the bathroom at two stories [now deemed to be bulky], the officer stated [to quote] that 'the mix of styles was irrelevant', the distinct 'form of the rear extension was agreeable', the 'form of the Pre App was preferable' and 'the modern form was good' - they felt as a department they should have offered 'better communication'. We stated that as we were clear that there was no prescriptive policy that could warrant refusal, we would await a determination, a refusal notice has to be supported by a written report supporting against policy the reasons for refusal - as we were receiving no dialogue to explain a refusal in policy terms.
- 2 minute telephone conversation from Lisa MacDonald in response to our letter POR.P.003.22 [Supporting Document 004], she stated 'not sure where we go now', as we'd presented evidence of support from the PRE APP, the options we could build under Permitted Development [PD] which were bulkier and more intrusive to neighbours than the application [Supporting Document 004 POR.P.003 page 5]. Despite our conversation 09.09.22 the officer expected us to make changes, even when we'd explained that we'd been broadly supported by the officer at the PRE APP and the applicant didn't wish to compromise the design on the grounds of subjective views not supported by adopted policy.
- 2 minute conversation with Beverley Smith HoP 23.09.22 brief conversation that repeated the department line of wanting change, we explained as there was still no guidance as to why the application was to be refused, we'd await the Refusal Notice and officers report, HoP stated 'we don't want refusal', we stated 'neither do we' but why should we change a scheme on subjective grounds, for a scheme supported at PRE APP, when there is no prescriptive policy to warrant a refusal of the application, when it is clear that the scope of the application goes above

and beyond what is normally presented by a householder to extend and modernise a property' [see para 001.1.1 above and Supporting Document 003 the DAS].

001.3.1 Application interpretation

The Officer Ms Olsen contacted us via email 22.08.2022, following her site visit, she accepted the overall intent of the application but offered the 'subjective opinion' with regard to the style of the proposals:

Dormer windows – I do not feel that these relate to the character of the existing property or surrounding area. The response my colleague Shona gave to the 'pre-application' was that we would look for a sloped roof to be added on the box dormers originally shown. I would ask you to consider this design option instead for the dormers.

We bring the Review Panel's attention to the response from the the PRE APP by her colleague:

*In terms of the policy wording it is **ultimately box dormers which are not permissible under the terms of the policy, and could be addressed by deploying a shallow downward pitch to the single box dormer window.***

[see Supporting Doc 4 letter NMD POR.P.003 page 4 showing the box dormer]

We had **incorporated a sloping roof** to the dormer window, there is nothing prescriptive in DP1 that demands symmetry, it only prescribes:

MLDP 2020 Vol 1 page 35 DP1 para [g] 'Pitched roofs will be preferred to flat roofs and box dormers are not acceptable'

[see Supporting Doc 4 letter NMD POP.P.001 page 8-9]

001.3.2 Application mitigating policy

We note that the MLDP PP1 requires:

PP1 (i) Character and Identity - Create places that are distinctive to prevent homogenous 'anywhere' development

PP1 refers to distinctiveness, architectural identity, detailing and materials - to create successful healthy places that encompass distinctive urban form.

We are conscious with this proposal, it's important not to have a slavish default to quasi traditional safety net of architecture, we need to be creative and foster a 21st C forms that relate to modern living and can be 'different' whilst relating in style and form to the vernacular context - though nothing we propose here is challenging or offensive or would cause harm [see Supporting Document 003 DAS pages 9-10] of various traditional, his-

toric and vernacular forms that are asymmetrical, contemporary or irregular, the application is our interpretation of traditional forms within a contemporary idiom.

The proposal shows 'what is new' and how it contrasts with the existing, giving an architectural dialogue of sub-urban development over time in contrast with the host dwelling.

In relation to the intent of DP1, it is important to stress that this proposal **causes no harm**.

The Local Plan DP1 states that:

*“Development Principles - will be applied reasonably taking into account the **nature and scale of a proposal and individual circumstances**”*

This is key to determination of applications, there is nothing unreasonable about the application proposal, it embodies environmental, heritage and contextual relationships.

It causes no harm and it does comply with policy. Para 001.1 above and **the refusal statement** says: ‘

not keeping with the form and character of the existing traditional property and surrounding area’

DP1 actually reads:

*a) The **scale, density and character must be appropriate to the surrounding area and create a sense of place***

This is quite different, the intent of DP1 is ‘**appropriate character**’, Portgordon has character through a diversity of styles, scales and densities. Our proposal embodies the intent of DP1 and in its setting and context it is not **inappropriate**.

The proposal cannot be seen from neighbouring properties, it cannot be seen from the public domain, it is screened from the coastal trail by the earth bunding and garden planting from the south and is wholly below the roof from the north Gordon Street views. [Supporting Document 004 letter POR.P.003 pages 2-3 & letter POR.P.001 page 4]

Supporting Document 003 of the original application design information POR.P.008 shows that the west side views from No. 33 are screened by the existing single storey area and that the view from No. 37 to the east is screened by the proposed pitched roof.

001.1.3 Policy interpretation

Bulk and scale of the proposal is not the issue here, it is the officers interpretation of ‘**appropriate character**’, we gave examples of the varied character around Portgordon and the varied style, forms and shapes, massing and structures found up and down the Moray coast.

Supporting document 003 the DAS pages 9-10 and supporting document 004 pages 10-11 and Supporting Document 002 illustrate where we have collated various recent approvals of schemes that show the **diversity of character** and where officers have recently supported proposals that **meet their interpretation of policy** or proposals that create **diversity of character**, examples that show over archingly a demonstration that

'form and character' in Portgordon and Moray is not a narrow prescriptive style, particularly in the areas to the rear and behind property where many shapes are ad-hoc, giving Portgordon its own and varied style, as typically found around Moray.

The proposal maybe different, though it is 'not inappropriate'. **A sense of place is created by individuality and unique style, not sameness.**

Moray Planning cannot say that these proposals for 35 Gordon Street are 'not in keeping' to Moray, they maybe different in some respects but **the character they present is not harmful** to Moray - the differences in Moray are its character. The policy DP1 requires 'appropriate' design, not that it has to mimic design.

We have demonstrated that we are creating a sensitive, yet distinctive proposal that relates to the scale, setting and traditional coastal area - that **fosters as required by policy DP1 a 'sense of place' and we are clear that for the applicant we need to provide a nearness to need.**

001.3.4 Policy mitigating the application

We have created a proposal that mitigates Moray Policy:

*d) Demonstrate how the development will **conserve and enhance the natural and built environment and cultural heritage resources**, retain original land contours and integrate into the landscape.*

And does not:

e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

And embodies the need for:

h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.

*j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) **through the installation and operation of low and zero-carbon generating technologies.***

The 2020 Moray Settlement Statement for Portgordon proposes:

- *Development Strategy / Placemaking Objectives*
- *Protect the character of the existing settlement*
- *Provide support for proposals to re-use the harbour*
- *To promote interest and encourage housing development on designated sites - Development proposals in the Special Landscape Areas must reflect the traditional settlement character in terms of siting and design and respect the special qualities of the designation.*

001.3.5 Determination inaccuracies

The Officer Ms Olsen's contact email during the Planning Application determination period, 22.08.2022 also stated:

Two storey extension – Again I do not feel that the design, shape and character of this extension relates to the main property. I also feel there is wasted space internally with a the roof void. Could a traditional gable extension provide the required accommodation over two floors whilst also maintaining the appropriate ceiling height? Although from the west the roof would appear pitched, from the east the extension appears box-like and I am not keen to support this.

This was the guidance dialogue offered during the determination process of the application, it **varies from the REFUSAL NOTICE**.

Also See 001.2.5 below, where the officer approves a dormer window that looks like a box dormer [Supporting Document 002 page 5].

The email statement chooses to offer design advice which is irrelevant, as the officer does not understand or is not qualified to offer guidance on the methods of construction, build costs, existing structure or to dictate the amount of usable space in what she assumes is the height and volume of the existing roof space [see Supporting document 004 NMD POR.P.001 letter pages 3-4].

The officer surmises that the scheme offers wasted space, **the officer has not been inside the house**, where ceiling heights are lower than standard doorways and the sloping roof presents a tent like interior.

The proposal, through design skill, balancing many factors, offers supremely usable space and maximises available volume, with presumed 'dead' space within roof pitches intended for storage - this is dangerous territory for the officer and will be dismissed here as ill advised comment - the key here is their interpretation of **'what does it look like' and the fact they find it different**, don't like it and want to rule against it - officers have to be careful not to stray into areas that are **not mitigated by Planning Policy or their departmental remit**.

The officer suggests that the scheme from 'the west is pitched' - we think they mean the east?

Then states 'from the east appears box like' - we think they mean the west?

We question the officers clear understanding of the context and the information submitted - the roof extensions are not visible from any neighbours as the flat roof of the existing store on the western boundary screens the views to the roof from No. 33 and the pitched roof proposal screens views from No. 37.

We question whether the officer has spent the time to understand the application, whether the time has been spent to analyse the overall intent in the detailed breadth of the context of the application submission.

The applicant has asked us if we feel that the submission has been truly understood and read properly - we do not feel that the application has been fully assessed against all aspects of the intent, the detail of the presentation of the submission [Supporting Document 003] and how that is supported by policy - officers offered in telephone conversation no mitigating policy to warrant a refusal [para 001.3.0].

It is clear that there is an inconsistency with determination, the same officer approves [see Supporting Document 002 page 5] a scheme against policy DP1 intent **21/00343/APP**, where a flat roofed dormer is approved, that is clearly visible from the public domain, creating a major '**bulky**' change to a roof scape in a manner similar to this application - it feels like our client, the applicant is being penalised for presenting a proposal that is 'different' while still appropriate and officers from a personal point of view **DON'T LIKE IT** so they refuse the application.

Another officer approves an extensive flat roof dormer in Cullen 21/00350/LBC, on a Listed Building in A Conservation Area wholly contradicting DP1 [Supporting Document 002 pages 2-3] and an extensive very bulky square 'box like' extension to a house on the highly visible harbour front in Findochty 21/01657/APP [Supporting Document 002 page 4]

The **REFUSAL of 22/01066/APP** determination states:

2 - The proposed first floor extension incorporates an irregular roof shape giving the appearance of a two storey flat roof extension which creates unnecessary bulk and is incongruous with the main parent property.

This comment about bulk is a departure from the dialogue given during the determination process, see the statement below from the officer, it is also a departure from the officers Pre App response advice where it was stated:

*The contemporary design proposed is recognised and understood, however, reference is drawn to part g of the policy which highlights that pitched roofs will be preferred to flat roofs and box dormers are not acceptable. In light of this parts of the design could be reconsidered, albeit it is recognised that the flat roof on to the adjoining property serves to limit the height of that part of the development and incorporates a living/green roof which could bring bio diversity benefits. It is also acknowledged that flat roofs are already present at the property. **In terms of the policy wording it is ultimately box dormers which are not permissible under the terms of the policy**, and could be addressed by deploying a shallow downward pitch to the single box dormer window*

There is no PRE APP guidance telling the applicant that there is 'unnecessary bulk' that is incongruous to the main parent property' - the mass and shape of the scheme has not changed, only to introduce as requested **pitched roofing** to the dormer - and over the roof extension that **reduces** the height and square 'bulk'.

The Pre App officer offered, that other than the 'dormer' needing pitched roof no other part of the scheme would be refused as '**ultimately box dormers are not permissible under the terms of the policy**', so now with the Full Planning Application to use DP1 to refuse the application is spurious and questionable, when before Moray Planning were previously in support of the application intent.

To introduce in the REFUSAL NOTICE a 'reinterpretation' of DP1 calls in the legality of the Moray Council determination process through a subjective reinterpretation of policy to suit an officers personal position regarding style.

001.3.6 Supporting Moray precedents

We note other applications over the last two years since the adoption of the MLDP 2020 and previous applications under the auspices of the older H4 policy - policies that had the same intent.

These approvals, often in Conservation Areas, part of historic or Listed buildings have been granted, using the same DP1 policy determinations of schemes that are 'different, modern, contemporary of varying scale and style are deemed to have been acceptable.

The **DP1 or previous H4** policy is interpreted to support the applications. The officers reports say that like this application the proposals were **SUBORDINATE** or although different gave a **CLEAR DELINEATION OF OLD & NEW**, allowing the proposals to be clearly distinguishable as the evolution of the host dwelling/buildings:

- The approval on the edge of Portgordon for an extensive extension to the **Category B Listed Icehouse** with a cafe and living space 13/01730/PPP as a two storey building with an alien form in relation to the icehouse, a proposal that blocks open views to the sea from neighbours and is highly visible in the SLA [Supporting Document 002 page 6] totally contradicts the refusal in this instance, whilst the 2013 policies were superseded by the 2020 MLDP the policy intent is accepted to be unchanged.
- Supporting document 002 page 7 illustrates the recent approval of a large extension to a Portgordon Cottage in a highly visible situation, in a form that is larger footprint and in a form higher than the host dwelling presenting a two storey dwelling space - deemed to be acceptable under DP1.
- Supporting document 002 page 8 illustrates the approval of an extension of two storey height on the boundary dwarfing neighbours with a modern symmetrical MONO pitch roof, flat roof link and a box dormer - a style that is alien to the host dwelling, towering over the existing house as it is higher than existing eaves and roof ridges.

This precedent was ignored when presented to officers during the determination, this is a neighbouring approval in the same row of properties on Gordon Street with a more imposing design than No. 35 [Supporting Document 004 letter POR.P. 001 page 6].

- In the Cullen Seatown Conservation Area approval 09/00783/FUL - yes, an older 2009 remodelling - adjacent to and opposite category C listed property is the 'modernist' interpretation of the Moray vernacular, a different style and form to the immediate locality and context but a scheme that offers and gives '*scale, density and character [that] must be appropriate to the surrounding area and create a sense of place*' to the heritage setting [Supporting Document 002 page 9].
- Also in Cullen in the Conservation Area of the Seatown is approval 15/02162/APP, the addition of a modernist box structure, higher than the eaves of the host dwelling a category C listed dwelling house, a structure that is providing a 1st floor terrace that overlooks neighbours and private space, a modern structure that is highly visible in the public domain of the Conservation Area [Supporting Document 002 page 10].

We view all these examples as complementary to the quality of diversity in Moray and commend that we are doing no different with the intent at No.35 Gordon Street.

These **policies cannot be reinterpreted to suit the refusal** of this application, when in other instances with the same interventions in terms of modern style and scale where on other schemes approvals have been given - the application for Planning Approval is a

legal process and not open to interpretation to suit personal or subjective architectural taste by officers.

Supporting Document 002 **PRECEDENTS** give various examples where similar situations of bold development proposals have been approved in much more prominent Conservation, Heritage or within Listed buildings, that have a much greater impact in terms of scale and bulk on the host dwelling and the setting than this application which is hidden and small in scale.

We have annotated Supporting Document 002 in **green** the context and relevance of the approvals.

Though it has to be realised that all these approvals have **not caused harm** and have contributed to the context and character of the setting and Moray.

001.4 Conclusion

We request that the Moray Review Panel uphold our review and support an approval of the proposals on the grounds that:

- the design of the alterations and extension are not contextually inappropriate
- asymmetrical form or irregular [different] shape is not outlawed in Moray

The applicant thanks the Moray Review Panel for their time and attention with this review request.

Yours faithfully



Nick Midgley BA Hons Dip Arch Oxford

NMD

cc applicant Ms Claire Lambert

35 GORDON STREET Portgordon AB56 5QR
Ms C Lambert

NOR Moray Review Panel - appeal of REFUSAL 22/01066/APP
Supplementary Document 002

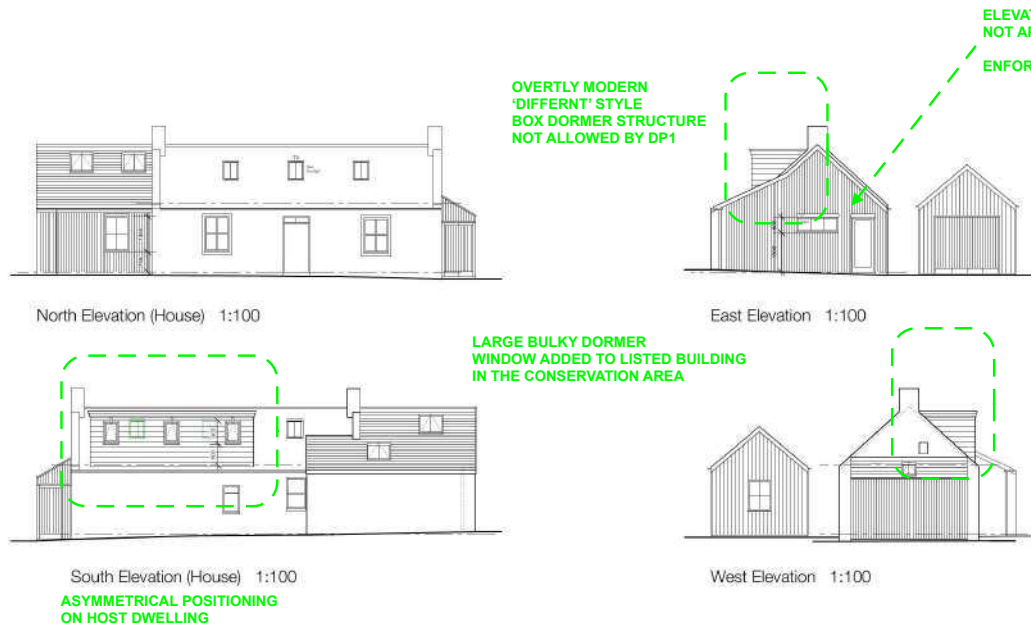
MORAY PRECEDENTS to 2022

NMD©
historic
contemporary
contextual

SUPPORTING DOCUMENT 002

MORAY PRECEDENTS to 2022

21/00350/LBC. Alter and extend dwellinghouse at 206 Seatown Cullen Buckie Moray approved 15.June 2021



Impact of the proposed development on the listed building and Conservation Area

The aim of the listed building consent procedure is to protect the character, integrity and setting of listed buildings and requires development proposals i.e. alterations/extensions to listed buildings or new development within their curtilage to be of the highest quality and to respect the original structure in terms of setting, scale, materials and design.

With the exception of the dormer to the rear and small window added to the gable, very little is proposed to the historic core of the listed building. The layout and arrangement of rooms internally will remain unchanged ensuring that the lives of past occupants and use of the building can be read and understood.

The proposed dormer window to the rear of the listed building will serve to provide increased headroom height for first floor accommodation. It will have slated roof and cheeks and will not impact on key views of the listed building.

Key views of the principal elevation will not be affected. The proposed alterations will not have a negative impact on the character and architectural interest of the listed building.

In design terms (as amended), the scale, form and massing of the extended dwellinghouse is similar to other residential structures in the vicinity. The extension is to be built largely on the footprint of the existing structures

The proposal has also been designed in such a way that the composition of traditional built form and modern materials, ensures that the distinction between old and new elements is clear. The introduction of a modern intervention is a recognised approach to ensuring that changes to historic buildings are clear allowing the viewer to understand the evolution of the building and wider conservation area designation. The proposed alterations will preserve and enhance rather than detract from the character of the conservation area.

Conclusion - Overall, the design of the new dwellinghouse is of sufficient quality enabling it to integrate successfully and as such the proposal will not adversely affect but enhance and contribute in a positive manner to the character and appearance of the Conservation Area in which it is located. In addition the alterations will not have a negative impact on the character or architectural interest of the listed building.

MORAY PRECEDENTS to 2022



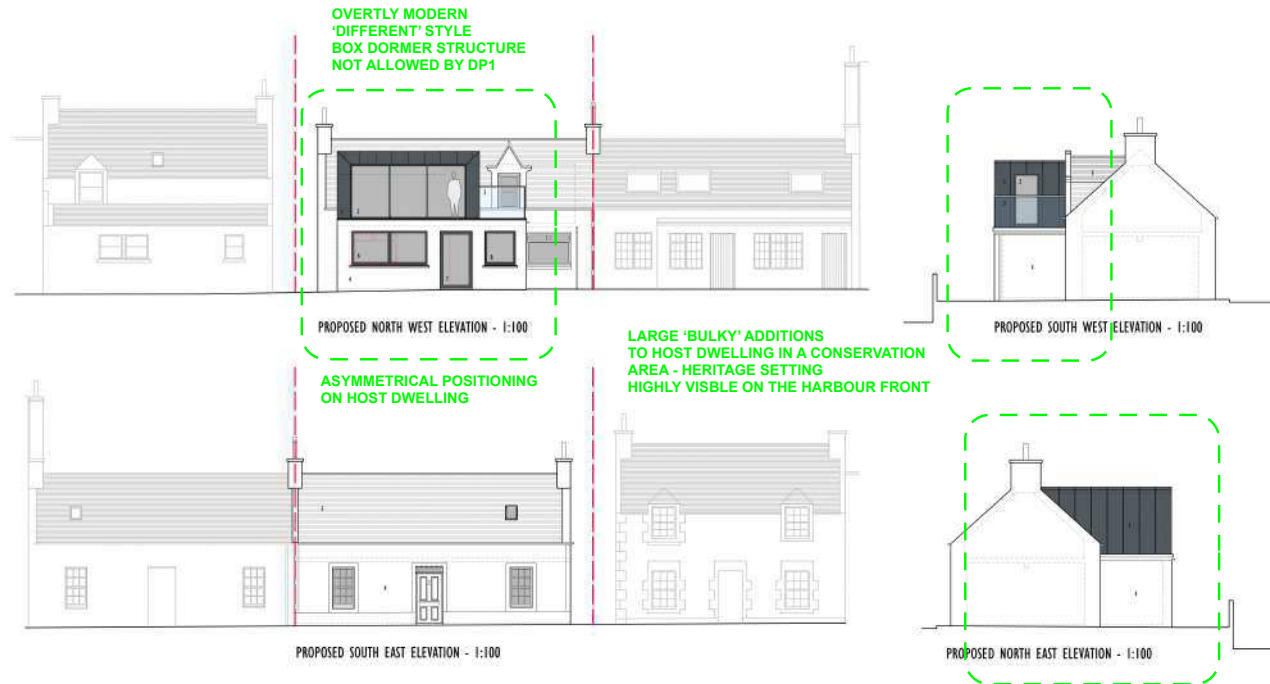
ELEVATION BUILT WITH EXTENSIVE GLAZING
NOT APPROVED
ENFORCEMENT ACTION??

LARGE 'BULKY' ADDITIONS TO A LISTED
BUILDING IN A MODERN STYLE IN
THE CONSERVATION AREA



MORAY PRECEDENTS to 2022

21/01657/APP Alter and extend dwellinghouse including a balcony at 31 Commercial Street Findochty Buckie Moray approved 17.12.2021



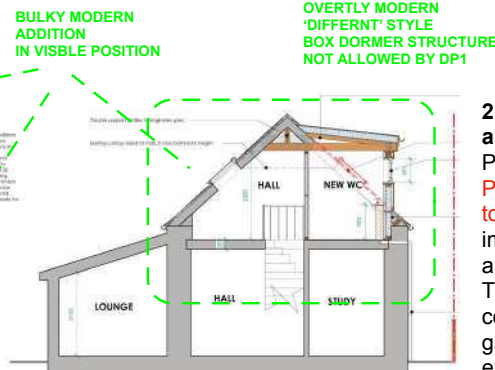
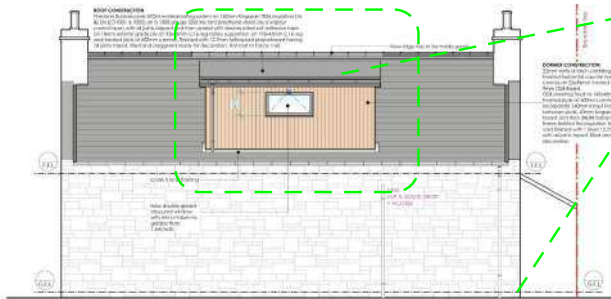
In considering applications for **planning permission in a conservation area, the Planning (Listed Buildings and Conservation Areas) (Scotland) 1997 Act** directs planning authorities to **ensure that new development will preserve and enhance the character and appearance of an area.** The aim is to ensure that new development will enhance an area's quality and therefore experience of visitors and residents alike, Policy EP9 refers.

Policy DP1 Developer Principles requires new development to be **sensitively sited, designed** and serviced appropriate to the amenity of the surrounding area and to comply with set criteria. This includes the requirement for development **to be appropriate to the surrounding area in terms of scale, density and character.** Following extensive discussions on the design of the proposed extension to the rear of 31 Commercial Street, the proposal as amended, is considered to be acceptable and will not have a detrimental impact on the parent property in character terms or on surrounding conservation area or neighbouring amenity. The proposal will result in an upper floor being added above the existing ground floor extension to create first floor lounge and balcony overlooking the harbour. The material finish of the extension is to be coated zinc to create a modern intervention distinctly different from the traditional rendered parent property. This is an established conservation approach ensuring the character and architectural interest of the parent property are preserved. **Old and new elements are easily distinguishable and the evolution of the conservation area is clear.**

There are a number of neighbouring properties with similar less successful extensions to the rear in the immediate vicinity. The proposal is of sufficient architectural quality that it will preserve and enhance rather than detract from the established character in this part of the conservation area.

In terms of amenity, the scale, form and massing of the proposed extension ensures that surrounding properties are not directly overlooked by windows nor suffer from loss of light/daylight from its size. Although introducing a balcony at this level, neighbouring properties are all open to public view within the harbour area and others also have roof terraces or upper floor windows overlooking the harbour. The proposed extension will not lead to any significant overlooking or privacy issues or sunlight/daylight issues sufficient to warrant refusal. The plan form of the extension is consistent with the traditional form of the parent property. **The scale and form of the extension is subservient to the parent property and will not have a negative impact overall.** The proposals comply with the above development plan policy provisions. No consultees or neighbouring properties have objected to the proposed development. Recommended for approval.

MORAY PRECEDENTS to 2022



21/00343/APP Form dormer extension at 1 Station Road Burghead Elgin Moray approved 22.06.2021

Policy Assessment Siting and Design (MLDP 2020 Policy DP1)

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. It also states that box dormers are not acceptable.

The dormer is proposed on the rear roof plane of an existing dwellinghouse and would contain a single opening (to be of obscure glazing) facing onto the applicant's existing garden and beyond, the neighbouring property to the south. The dormer will replace an existing velux rooflight and would serve a new bathroom only and therefore would not give rise to any additional overlooking or loss of privacy to the neighbouring property to the

south.

Policy DP1 states that box dormers are not acceptable. Although the dormer proposed incorporates a sloped roof, its proportions would be more akin to a box dormer and therefore the application was advertised as a departure from policy DP1.

A site visit was undertaken and the surrounding area has also been assessed. There are number of existing box dormers within this area of Burghead, and in particular there are a set of two box dormers on the principal elevation of an existing building to the east of the site (and also on Station Road). Throughout Burghead many box dormers are present, in particular these can be seen on principal elevations, facing directly or indirectly onto the public road and some would also occupy an entire roof plane.

The dormer proposed here would be located on a rear roof plane, and although visible from the public road to the west of the site, would occupy around half of the rear roof plane and been designed to integrate more sensitively than a true box dormer.

Firstly, the sloped roof gives a less bulky appearance on the roof plane and secondly, the revised external finishes of larch cladding (in comparison to the Marley cladding original proposed) would sit well against the existing traditional dwellinghouse and natural slate roof. The sloped roof over would be finished in EPDM which is a common finish on dormer extensions on domestic properties and would be acceptable also in this location.

Therefore on this occasion, the proposed dormer would be considered an acceptable departure from Policy DP1 as it is not a true box dormer (as it incorporates a sloped roof), is located on a rear roof plane and is in a location where the area is characterised by a number of poorer examples of traditional box dormers.

Conclusion - Approval



MORAY PRECEDENTS to 2022

HIGHLY VISIBLE IN PUBLIC DOMAIN



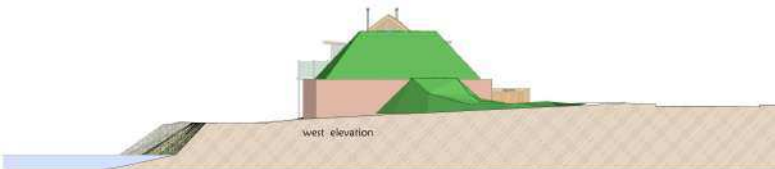
13/01730/PPP Erect New Cafe Pavilion next to existing listed Icehouse PORTGORDON

Approved by committee 21.03.2014 shown here are prevailing policy is largely unchanged in the context of this development

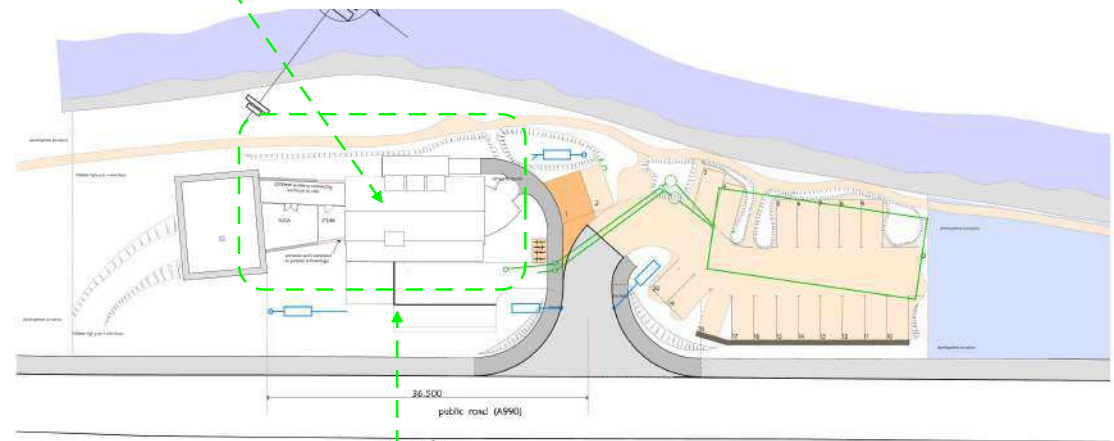


DWARFS EXISTING LISTED BUILDING

LARGE MODERN ALIEN STRUCTURE IN PRECINCTS OF CATEGORY B LISTED BUILDING



west elevation



site plan

NEIGHBOUR VIEW TO SEA BLOCKED

MORAY PRECEDENTS to 2022

Extend and alter dwelling house at Urie Cottage 6 Hope Street Portgordon Buckie 22/00902/APP approved 30.11.2022

Siting and Design (DP1 - Development Principles)

Policy DP1 of the MLPD 2020 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.

The proposal is to construct a single storey extension along the eastern boundary of the garden which will be accessed via an existing single storey extension. The scale, form and design of the extension reflecting traditional form is acceptable and will relate satisfactorily to the existing property. Its height will be in keeping with neighbouring properties to the east and west. Proposed external material finishes as detailed above will also be appropriate in this location, which is characterised by a mix of properties of different styles.

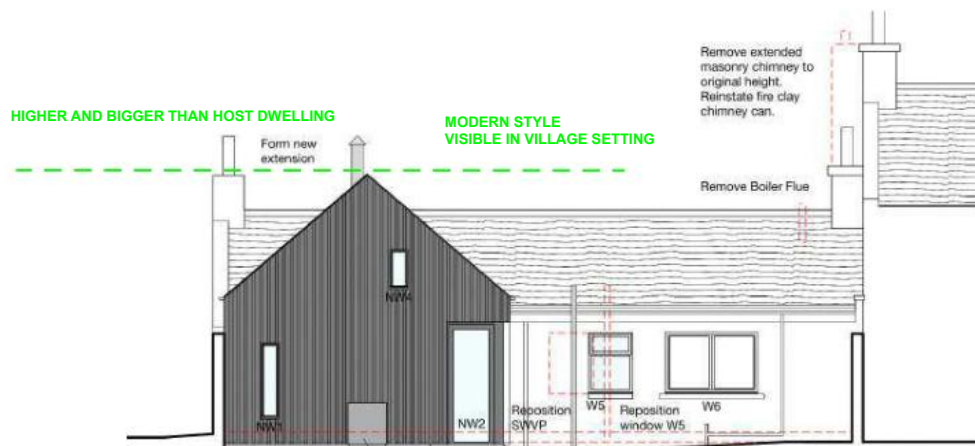
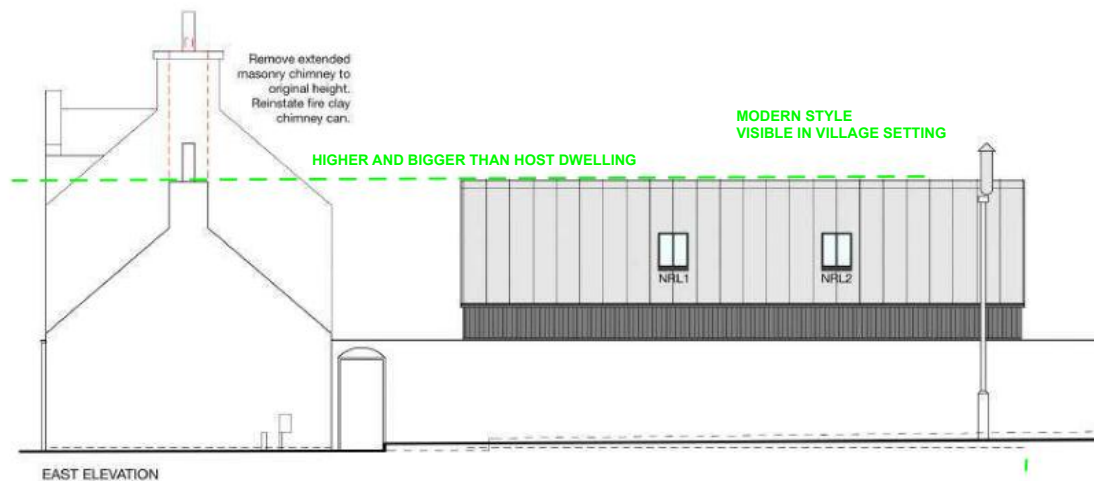
There will be no adverse impact on the amenity of neighbouring properties in regards to overlooking, loss of daylight or privacy. The neighbouring properties have high boundary walls and there would be no windows above this level that would give rise to unacceptable overlooking. The proposed single storey extension is also positioned as such to ensure that it will not cause any unacceptable overshadowing or loss of daylight to neighbouring properties.

Drawing from the above considerations, there will be no adverse impact on the character or appearance of the existing property or that of the surrounding area, and there will be no adverse impact on neighbouring amenity. The proposal therefore complies with Policy DP1.

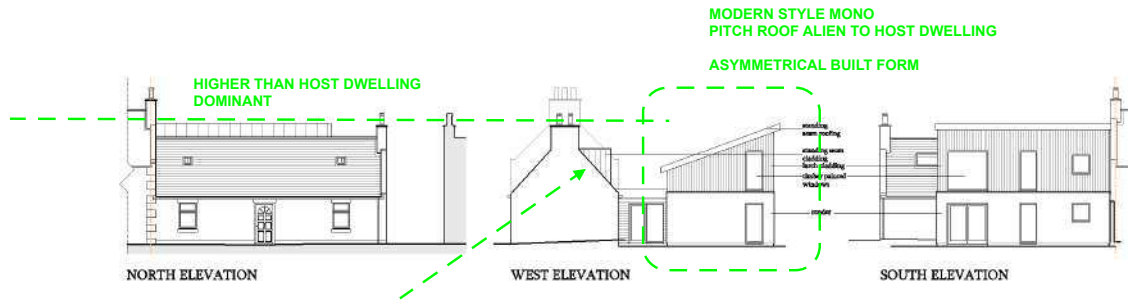
As such the proposal complies with Policy EP8.

Recommendation

Based on the above considerations the application represents an appropriate form of development and attracts a recommendation of approval.



MORAY PRECEDENTS to 2022



18/00193/APP Alter and extend dwellinghouse at 17 Gordon Street Portgordon
Buckie Moray approved 27.03.18

Policy Assessment

Impact upon the surrounding locality (H4, IMP1)

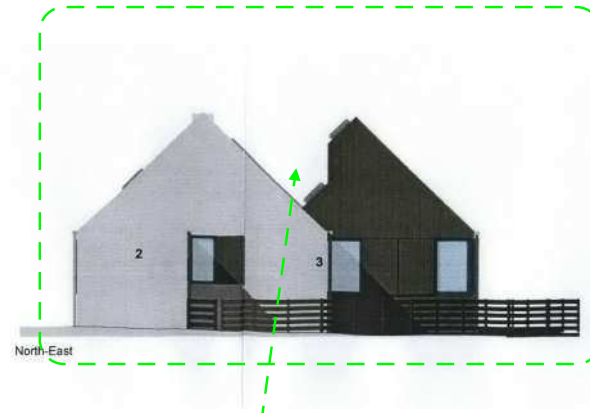
The proposed extension is required to be assessed against Policy H4: House Alterations and Extensions and IMP1: Development Requirements in terms of style, scale, proportions, materials and the potential impact on the surrounding area. The main issue for consideration is whether the proposal will have any adverse effects or impacts on the amenity of the existing house and the surrounding area, including any neighbouring dwellings.

The design of the proposed extension is considered to be acceptable and integrates well to the style, size, scale and proportions of the existing dwelling. The windows look out to the garden, given its location, distance and orientation of the extension from neighbouring adjacent properties it will not have a significant adverse impact on sunlight or daylight nor a significant overlooking or privacy issues in relation to this application, therefore the proposal is acceptable.



LARGE EXTENDED AREA
ON BOUNDARY
DWARFING NEIGHBOURS

MORAY PRECEDENTS to 2022



approved 30.07.09

- MODERN ASYMMETRICAL STRUCTURE
- DOMINATING HOST DWELLING
- ADJACENT TO LISTED BUILDINGS IN CONSERVATION AREA

**57 Seatown Cullen
AB57 4SJ.
09/00783/FUL**

130 Seatown Cullen Buckie Moray 15/02161/LBC approved 11.02.2016

MORAY PRECEDENTS to 2022



130 Seatown Cullen is a category C Listed Building within Cullen Seatown Conservation Area. The house is a semi-detached 1 1/2 storey cottage forming part of a terrace. The cottage has a natural stone façade, having had the intended painted rubble finish removed, and a slate roof.

Impact of the proposal on listed building

The main aim of the listed building consent procedure is to ensure that any proposed **new development should preserve the character and special historic interest of the listed building**. It should ensure that any new development protects key views of the listed building and that the works are ultimately reversible and without detriment to the listed building.

The extension has been designed and will be finished in a way that makes clear it is **a subordinate and modern addition to the house**. The development will not alter the way in which the listed building is understood and it will not detract from the character and special architectural interest of the listed building. The proposals will not have an adverse effect on the character, integrity or setting of the listed building.

Recommendation is to approve.

REASON(S) FOR DECISION

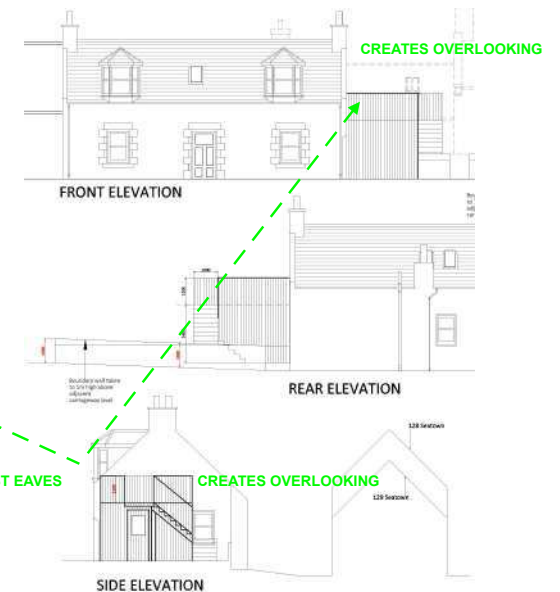
The Council's reason(s) for making this decision are:-

The proposed **extension will not have a detrimental impact on the character and special historic interest of the listed building**. Key views of it will be maintained.



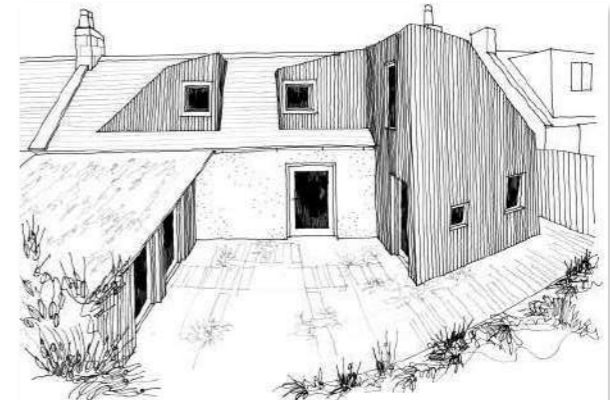
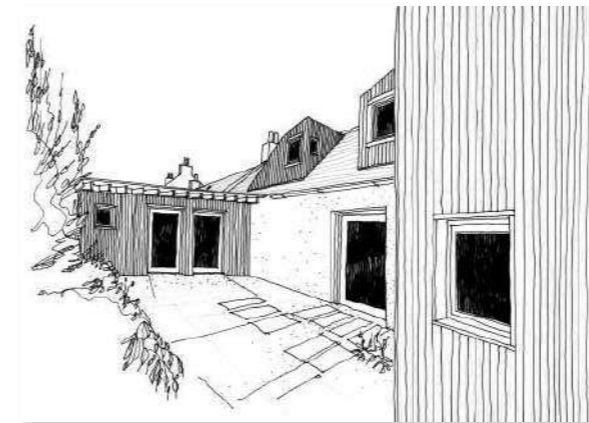
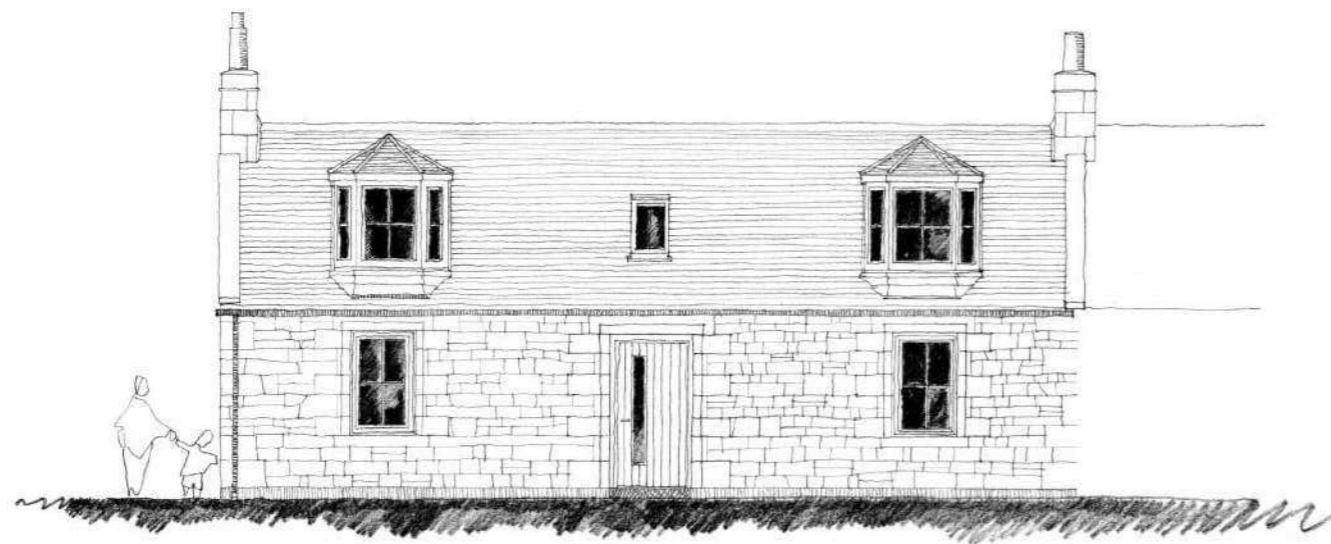
MODERN ALIEN STRUCTURE
ON LISTED BUILDING
IN THE CONSERVATION AREA

CREATES OVERLOOKING



130 Seatown CULLEN
15/02162/APP

SUPPORTING DOCUMENT 003



PROPOSED design & context data for extending No 35 GORDON STREET Portgordon AB56 5QR



35 GORDON STREET Portgordon AB56 5QR
Ms C Lambert

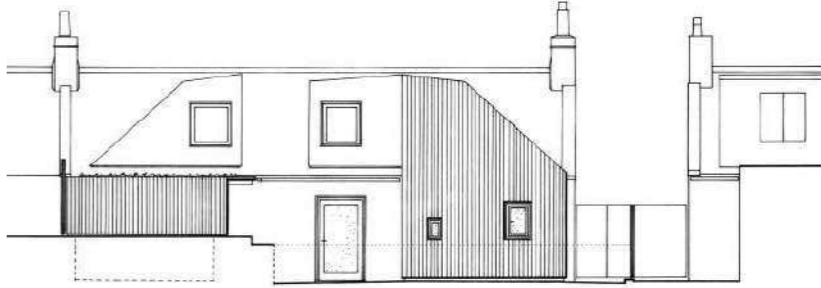
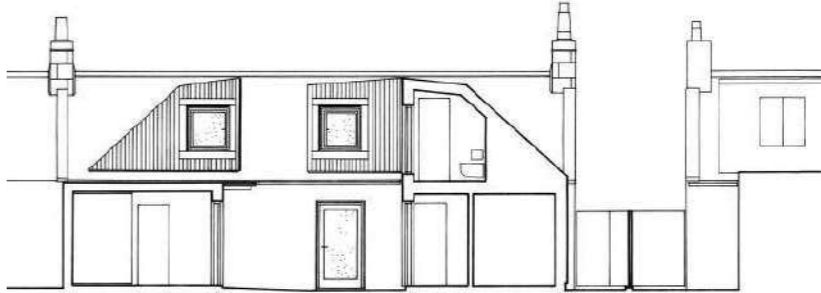
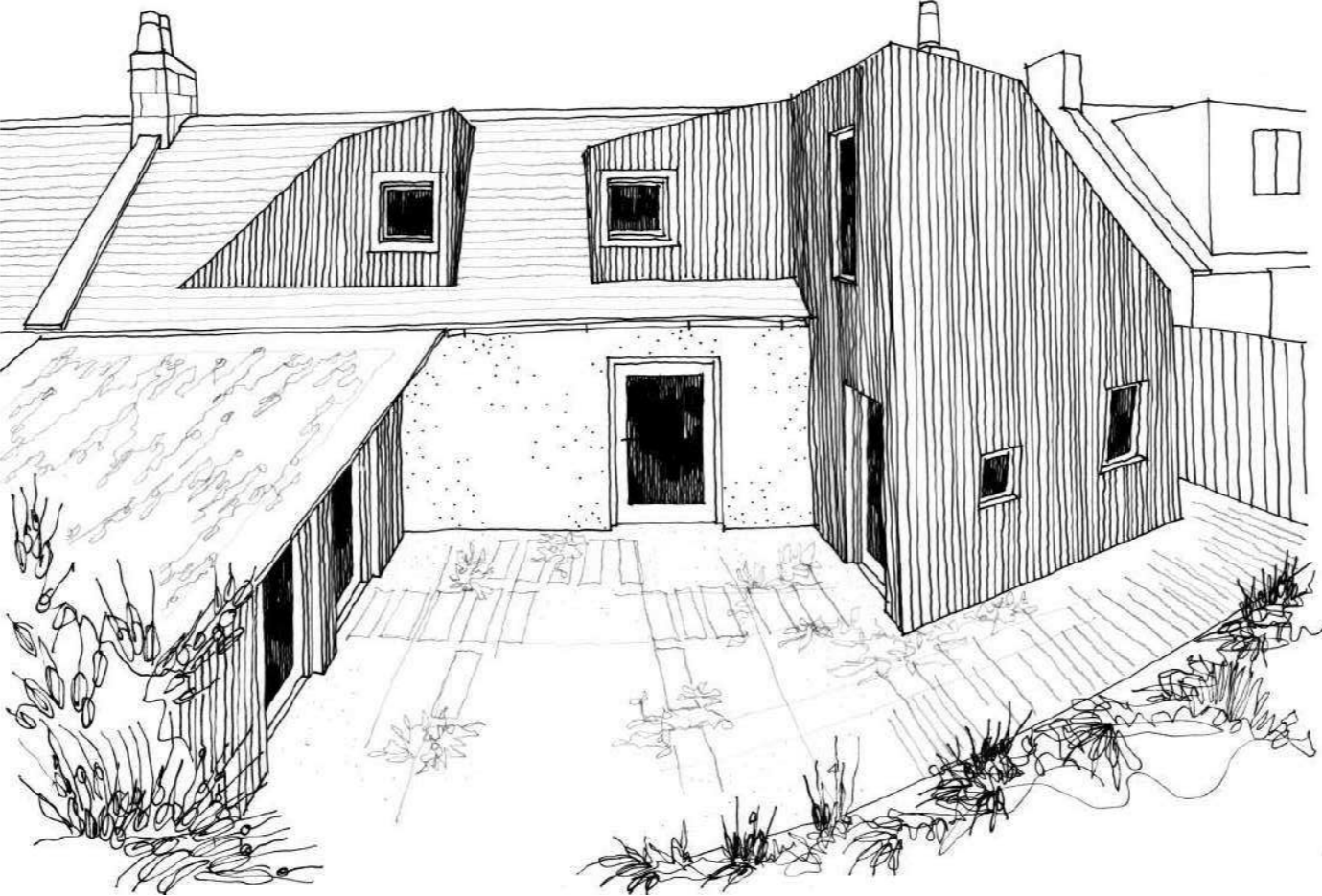
NMD[©]

historic
contemporary
contextual

PROPOSAL - perspective view from south



Buro Wagner
Munich Ho.
© domus.it



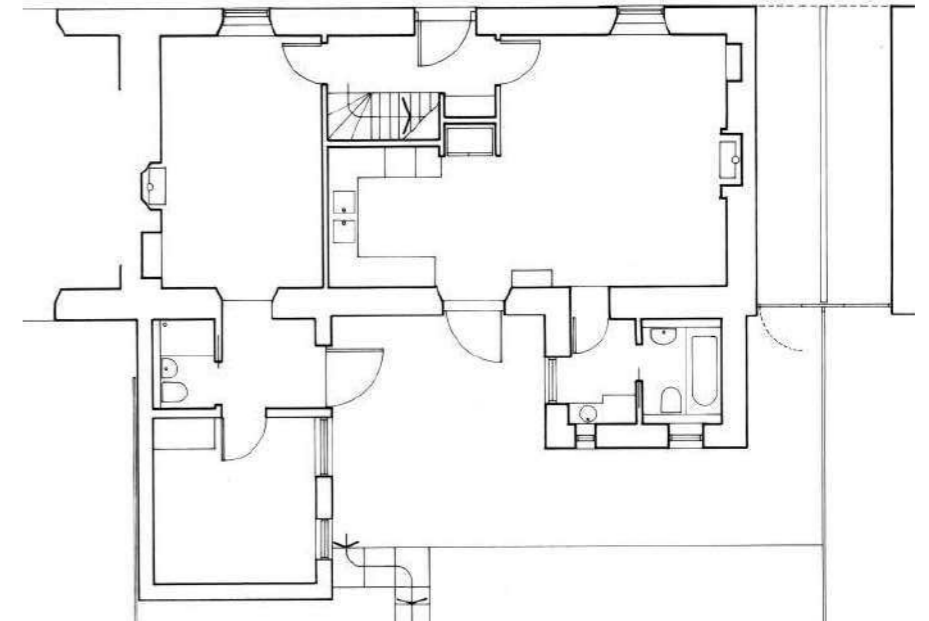
Alain Carle architecte
Quebec Ho.
© dezeen

35 GORDON STREET Portgordon AB56 5QR
Ms C Lambert

NMD[©]

historic
contemporary
contextual

PROPOSAL - perspective view from south east



Sommerhaus
© Fryd - Torben Eskerod



Dyke Ho
© Argen Reas Architekten



Brock Cottage
©NMD



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Ms C Lambert

PROPOSAL - location context plan - not to scale

NMD©

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contextual



east end Gordon St foreshore



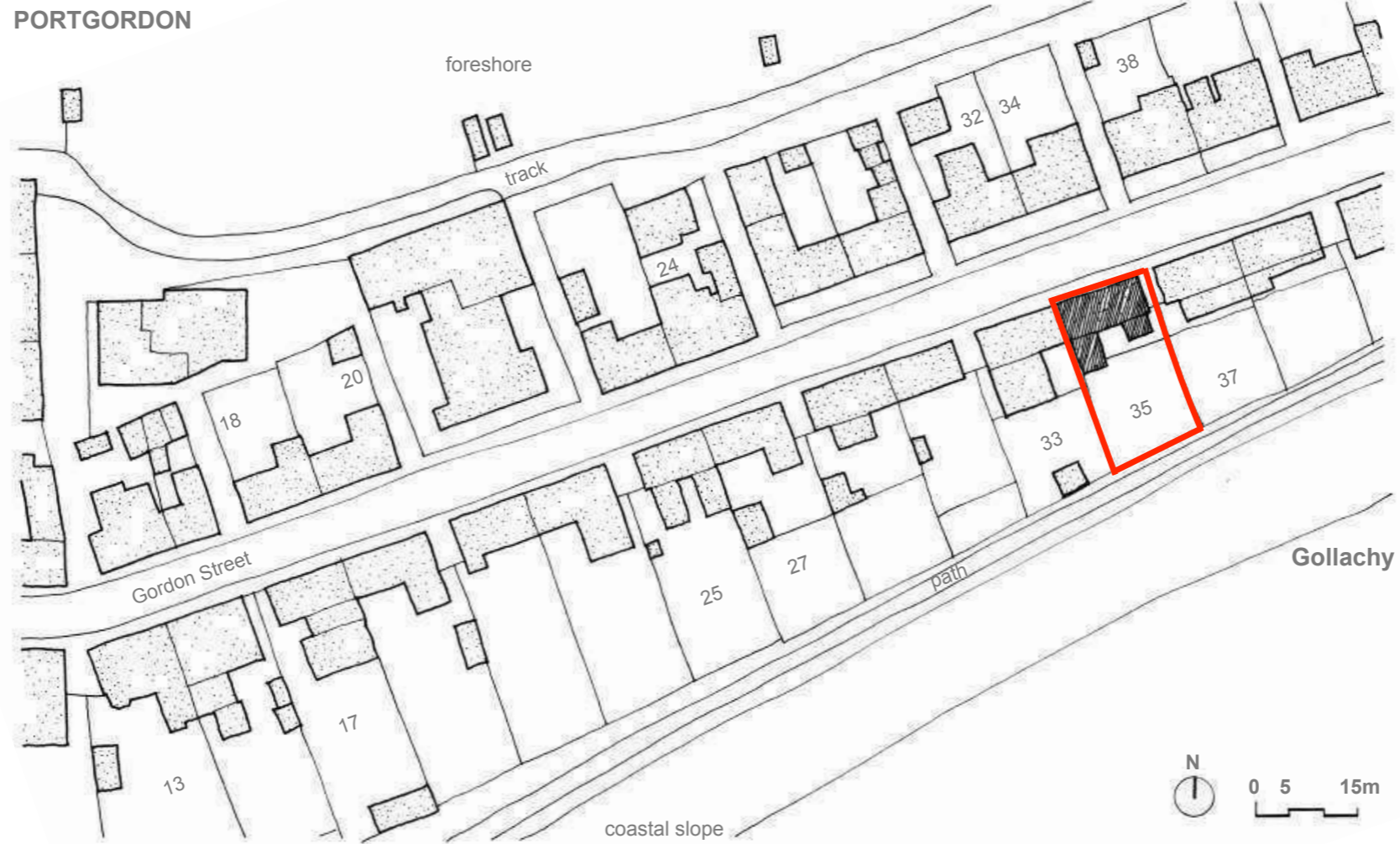
view east from No. 35



former coastal railway path



view north at west end Gordon St



foreshore



common access track to foreshore



view west over east end Gordon St

view west from No. 35



view north from No. 35



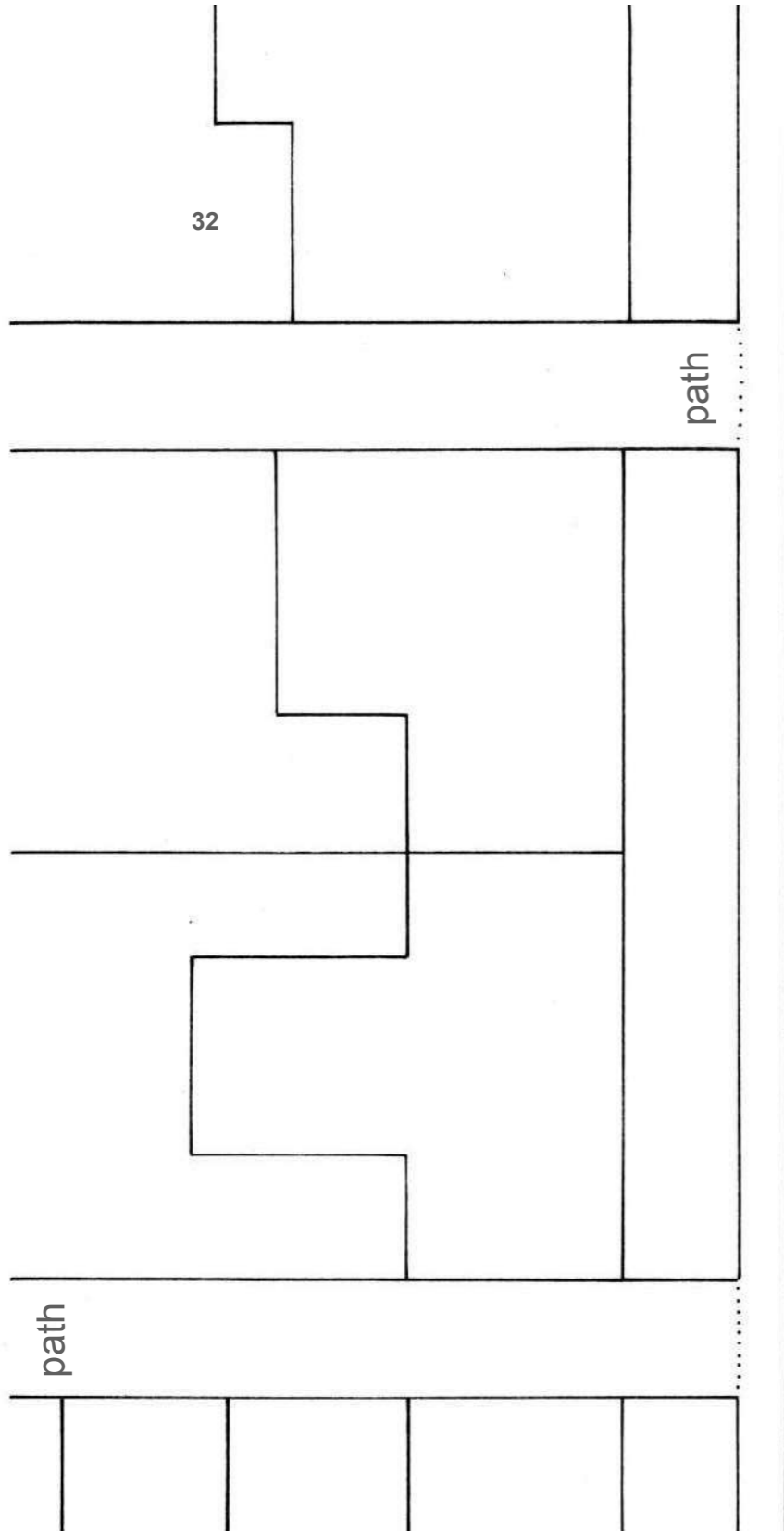
No. 35 Gordon St

note:

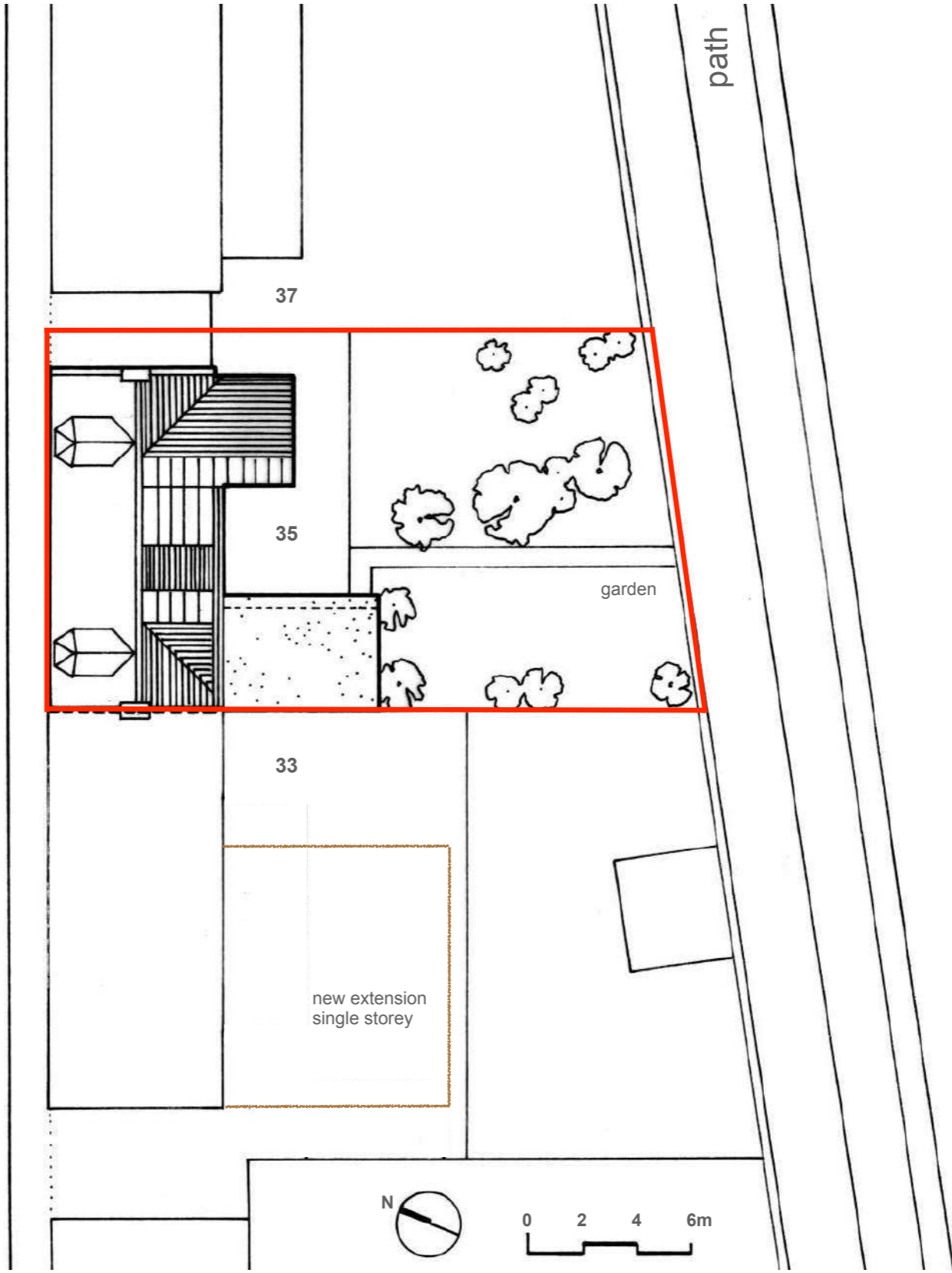
extensions tight on neighbour boundaries at 23 25 27 & 17 19

No. 17 Gordon St 18/00193/APP two storey extension on boundary in contemporary style with distinctive mono pitch roof

PROPOSAL - site plan & roof 1:200 @ A3 sheet size



GORDON STREET



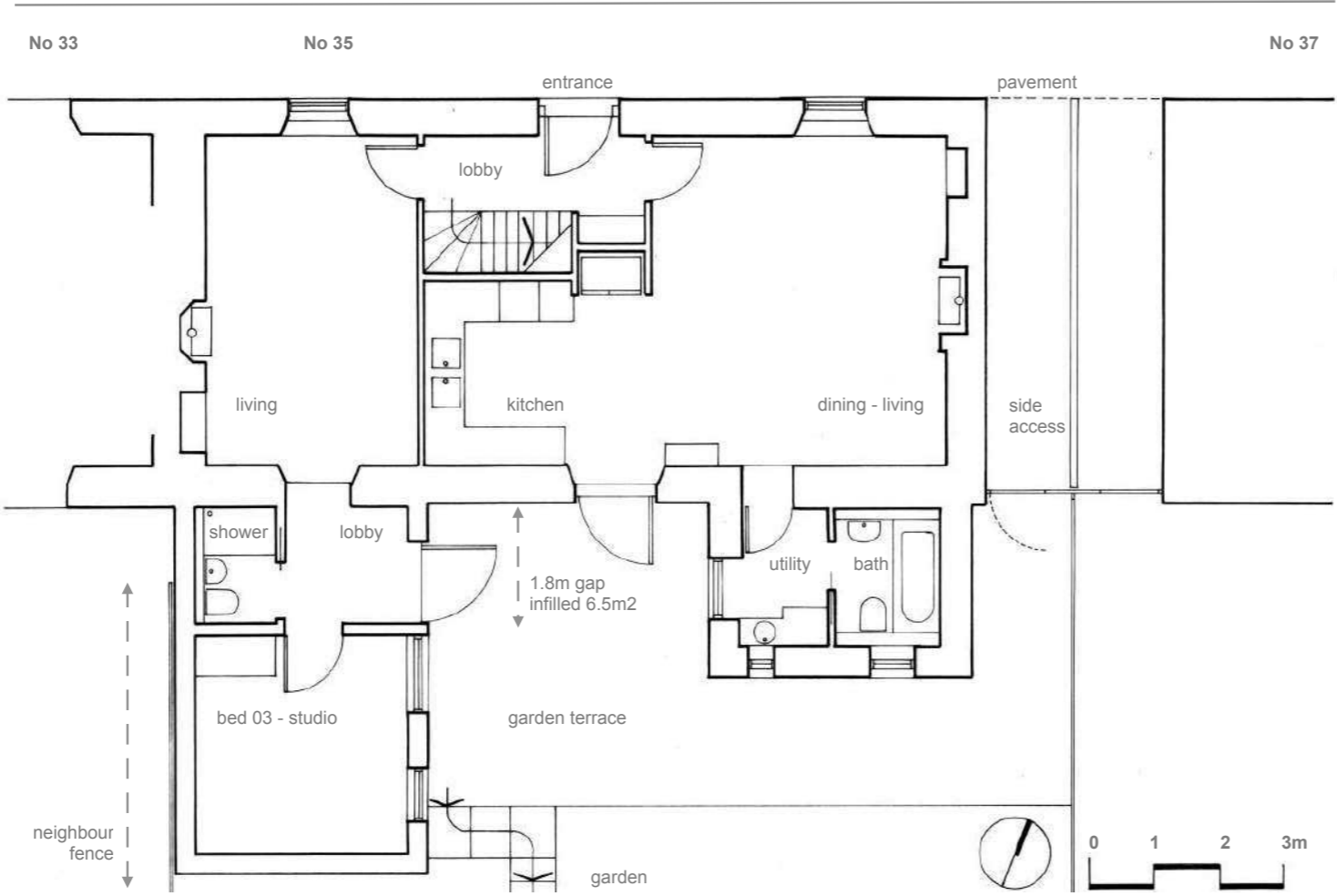
35 GORDON STREET Portgordon AB56 5QR
Ms C Lambert

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historic
contemporary
contextual

PROPOSAL - ground floor plan 1:100 @ A3 sheet size

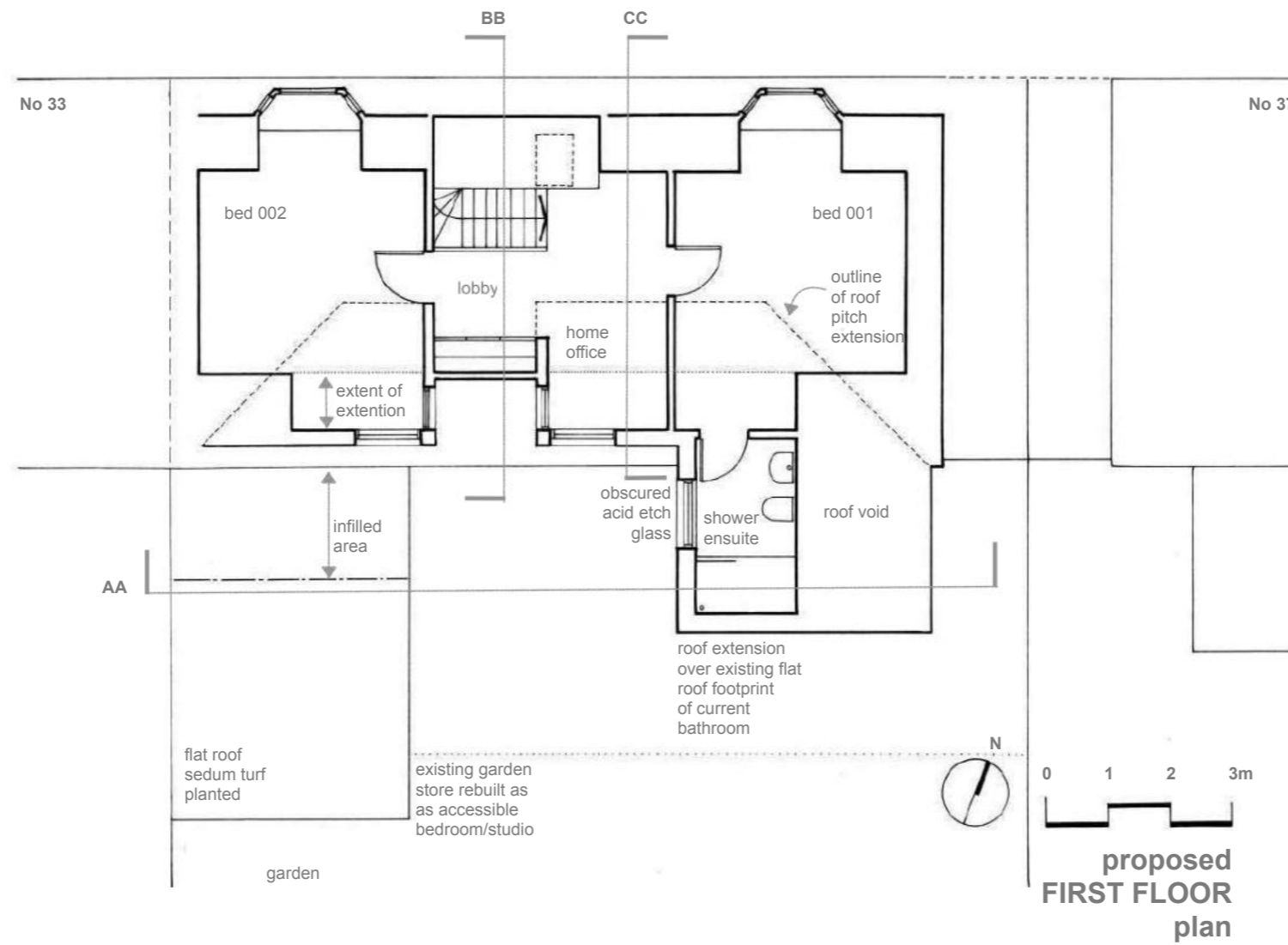
GORDON STREET



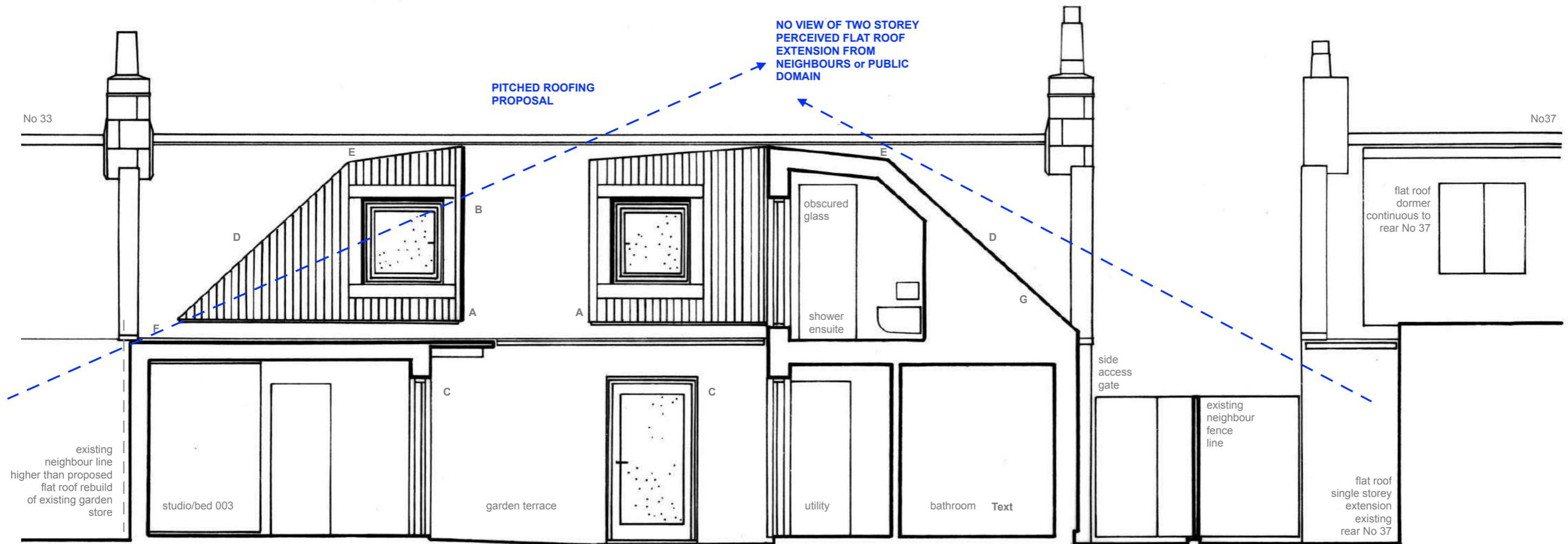
**proposed
GROUND FLOOR
plan**

PROPOSAL - first floor plan 1:100 @ A3 sheet size

GORDON STREET



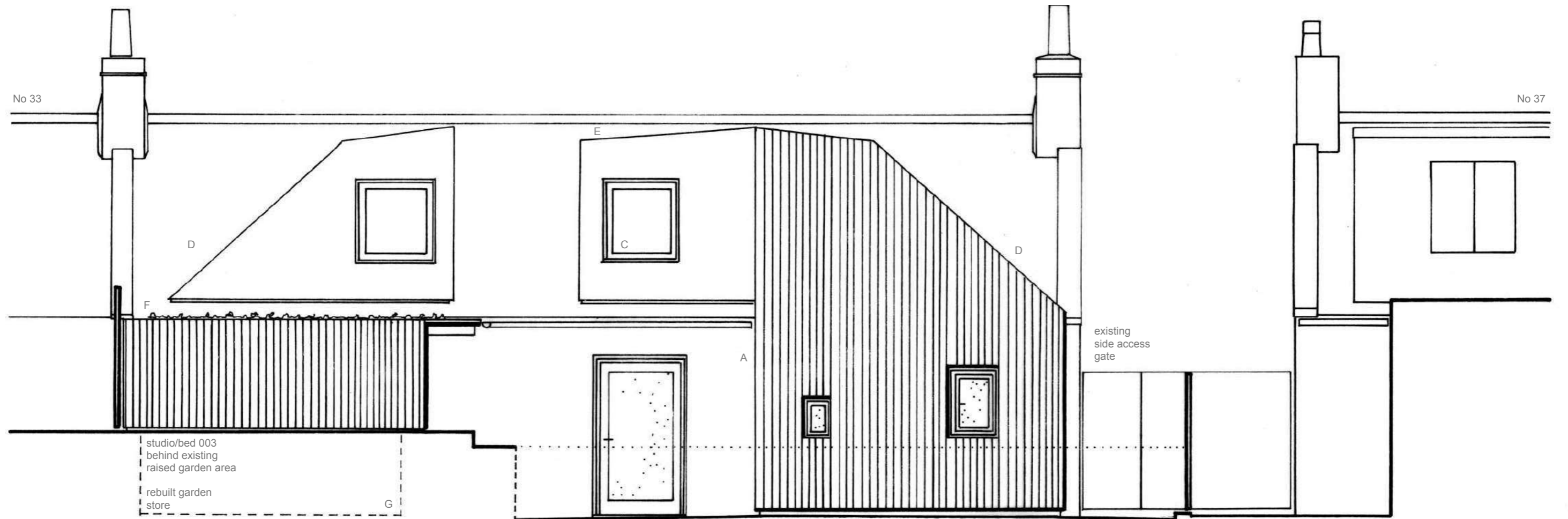
PROPOSAL - elevation view from south - section AA 1:50 @ A3 sheet size



- A - smooth sawn vertical larch plank cladding T&G jointed Sadolin Extra high performance satin black wood stain low maintenance finish
- B - contrast natural stained/oiled framing larch plank
- C - triple glaze Danish alu skin mid grey Eco windows & doors - laminated composite softwood
- D - existing slate roof relaid - new reclaimed slating to match
- E - pitched standing seam self coloured lead/aluminum metal roofing
- F - green living roof Sedum planted overhang/shelter to east
- G - near Passiv Haus insulated timber frame eco structure airtight construction - low embodied carbon build



PROPOSAL - elevation view from south 1:50 @

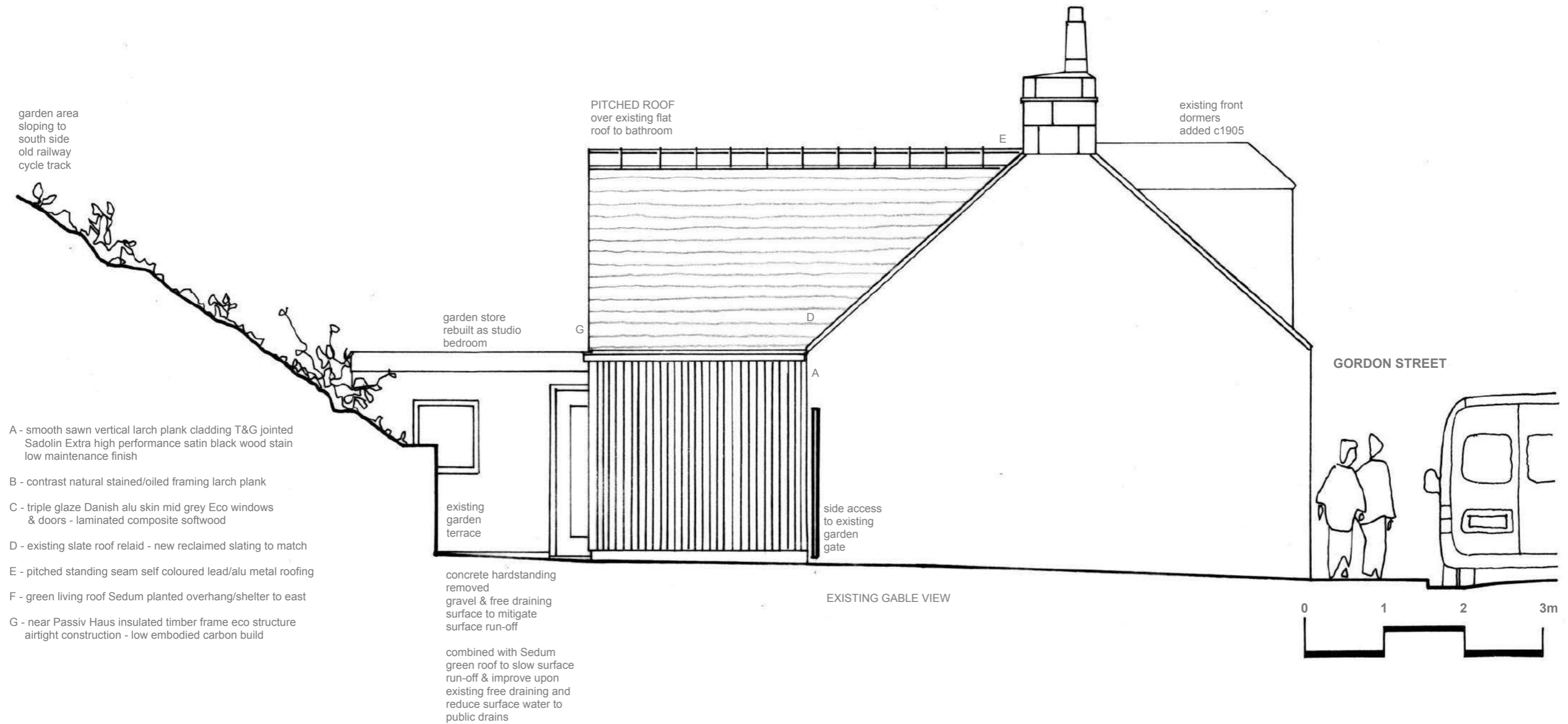


- A - smooth sawn vertical larch plank cladding T&G jointed Sadolin Extra high performance satin black wood stain low maintenance finish
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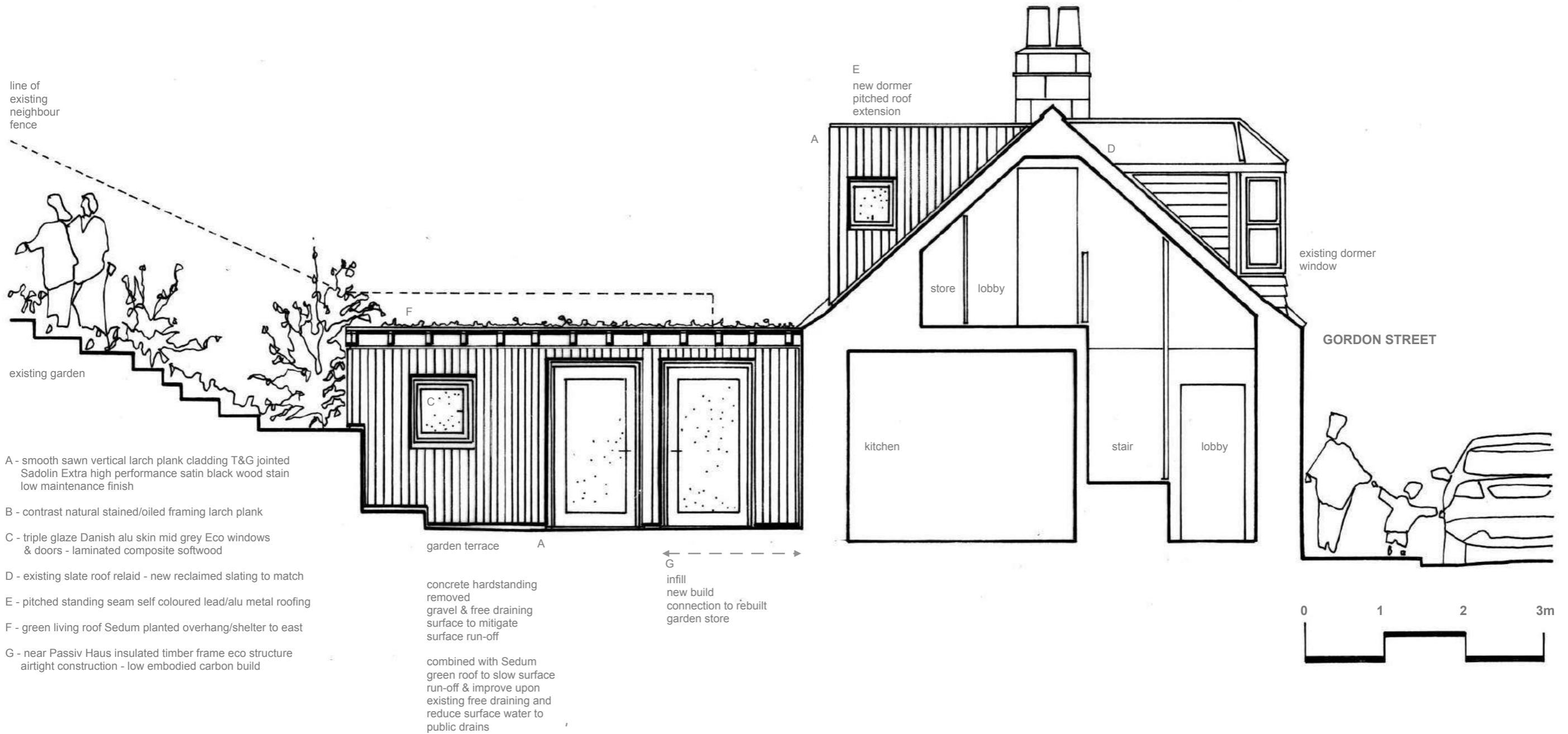
bed 001 ensuite/shower over existing flat roof bathroom



PROPOSAL - elevation view from east 1:50 @ A3 sheet size

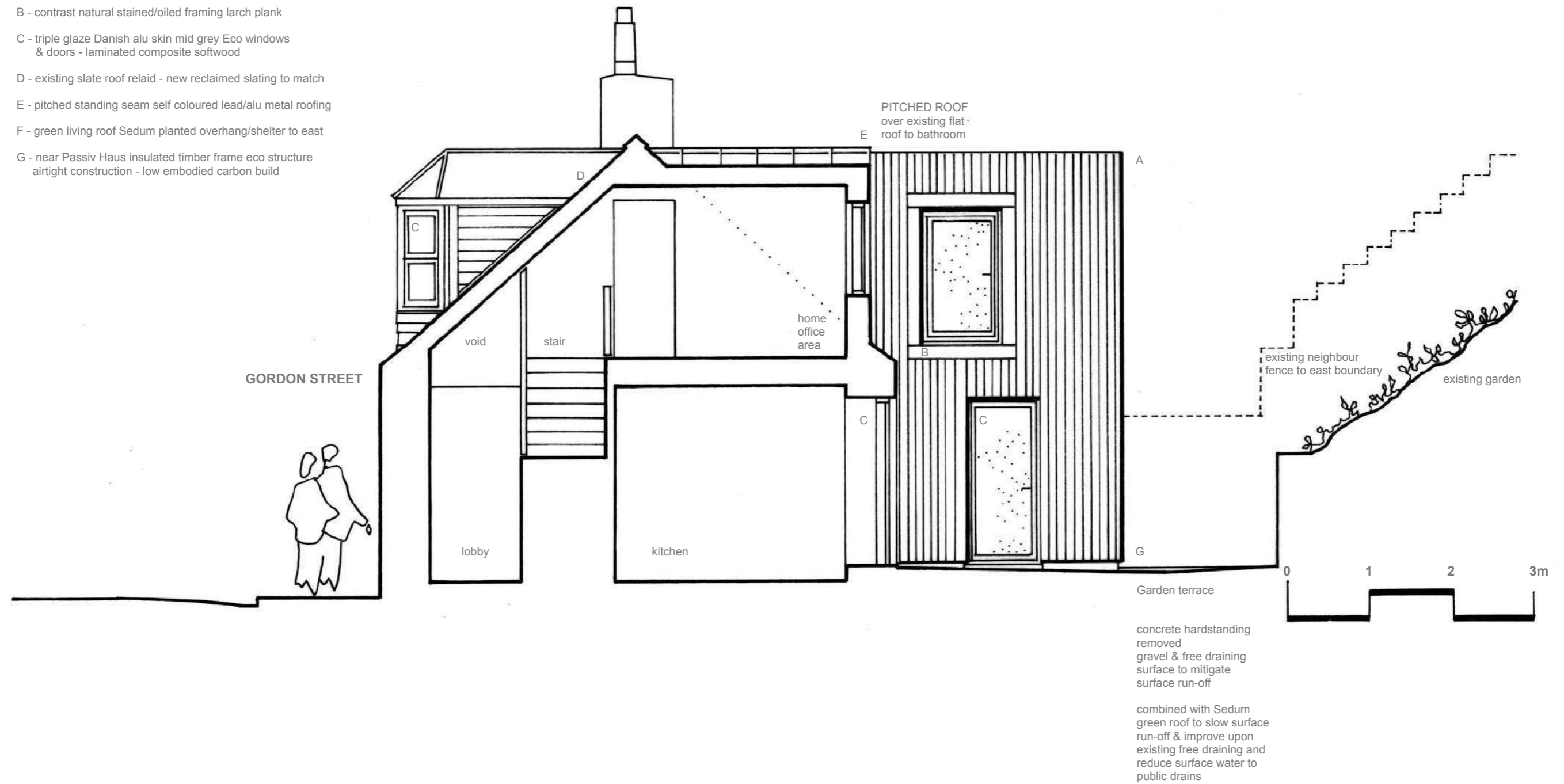


PROPOSAL - elevation view from east 1:50 @ A3 sheet size

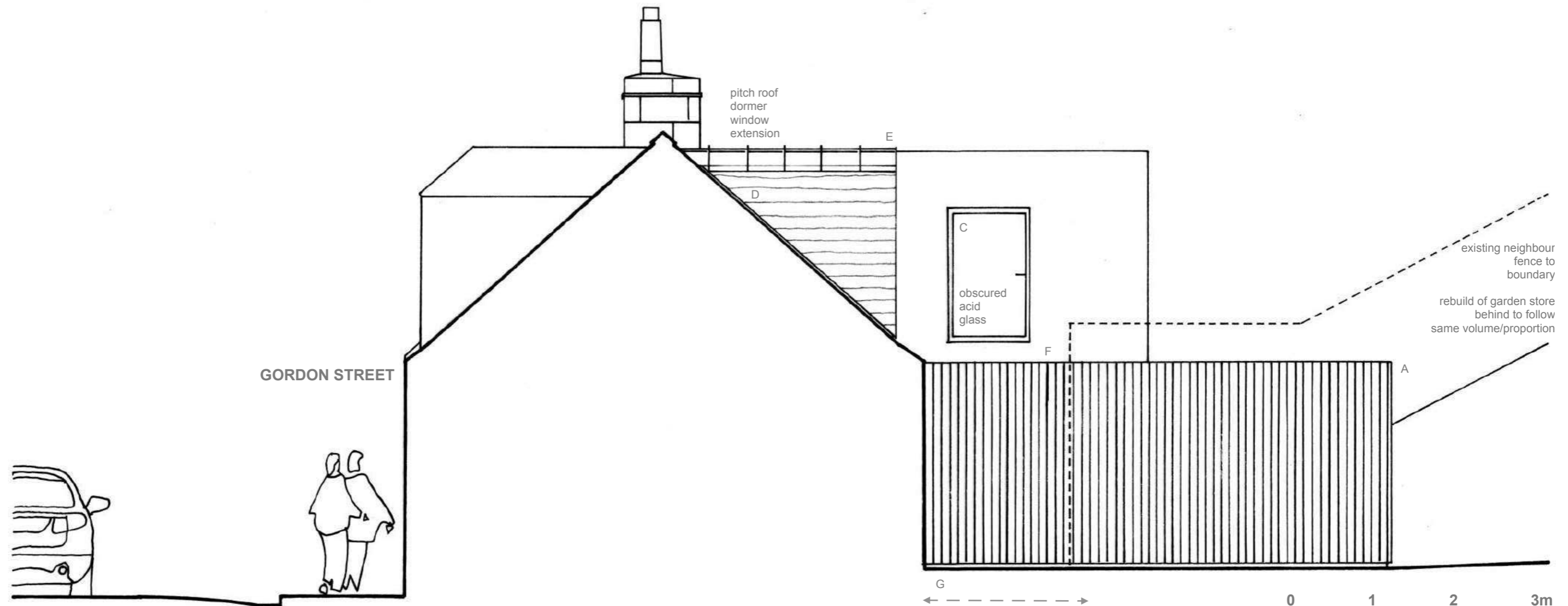


PROPOSAL - elevation view from west 1:50 @ A3 sheet size

- A - smooth sawn vertical larch plank cladding T&G jointed
Sadolin Extra high performance satin black wood stain
low maintenance finish
- B - contrast natural stained/oiled framing larch plank
- C - triple glaze Danish alu skin mid grey Eco windows
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airtight construction - low embodied carbon build



PROPOSAL - elevation view from west 1:50 @ A3 sheet size



- A - smooth sawn vertical larch plank cladding T&G jointed Sadolin Extra high performance satin black wood stain low maintenance finish
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- F - green living roof Sedum planted overhang/shelter to east
- G - near Passiv Haus insulated timber frame eco structure airtight construction - low embodied carbon build

G
←-----→

New section
infill build
to join existing
garden store to
house as
studio/bed 003



35 GORDON STREET Portgordon AB56 5QR
Ms C Lambert

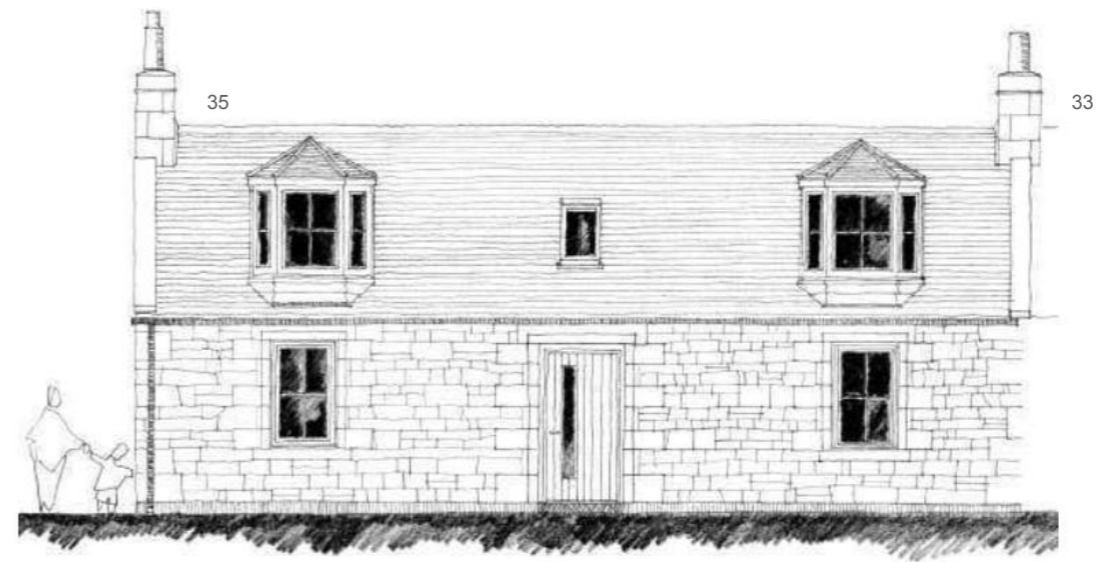
NMD[©]

historic
contemporary
contextual

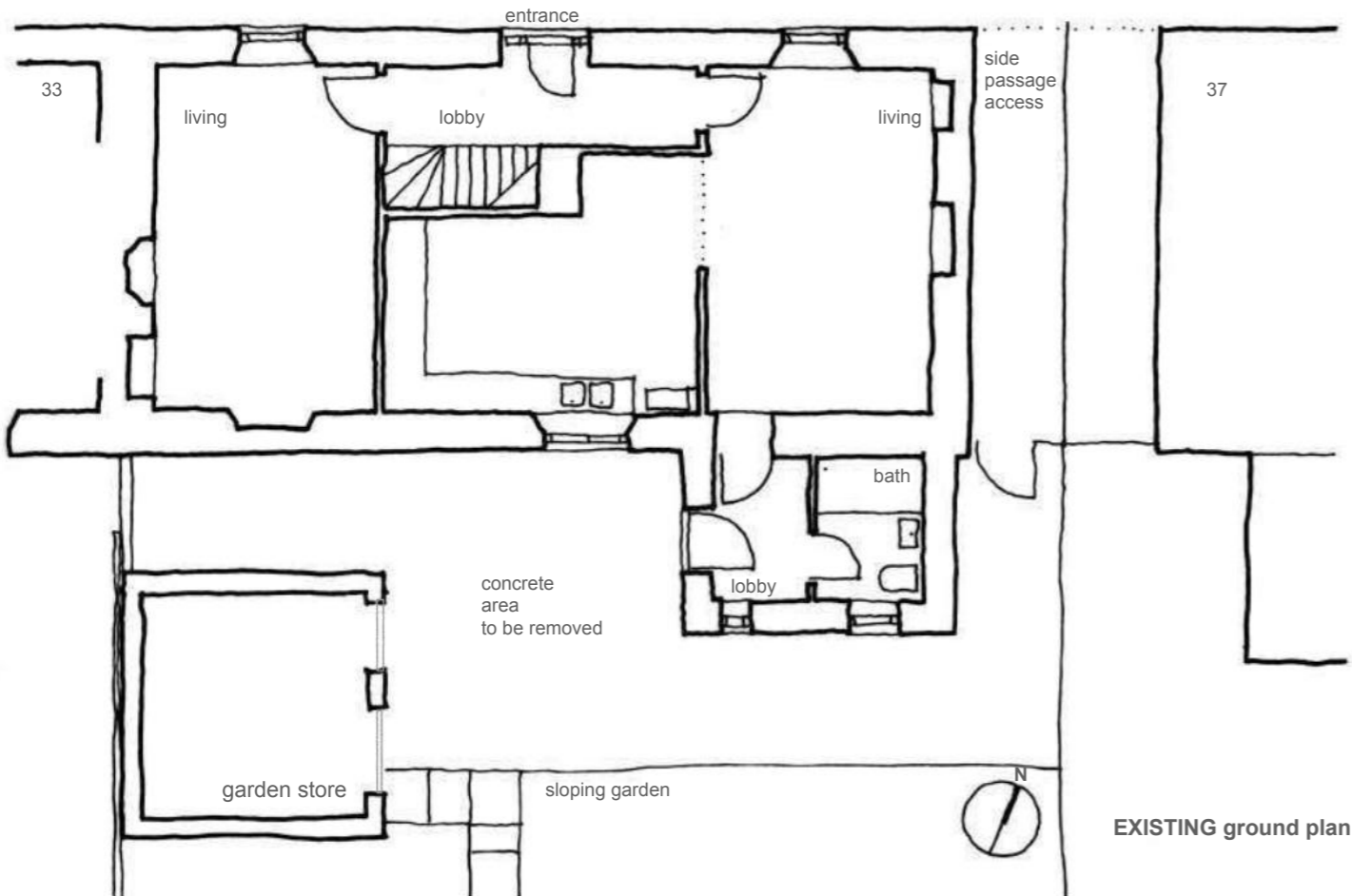
EXISTING - plans & elevations 1:100 @ A3 sheet size



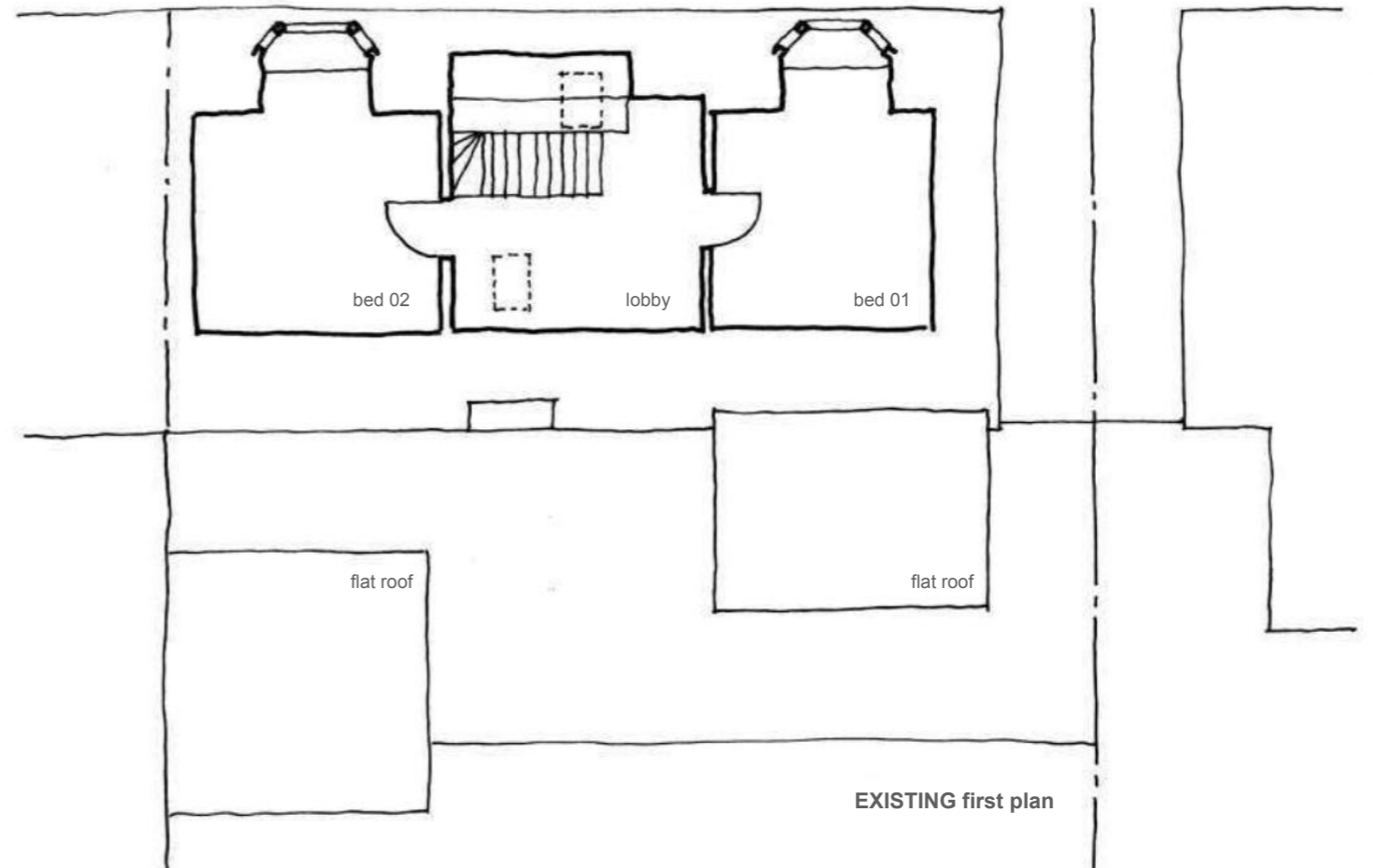
EXISTING rear south elevation from garden



EXISTING front north elevation - shown for information not part of application



EXISTING ground plan



EXISTING first plan

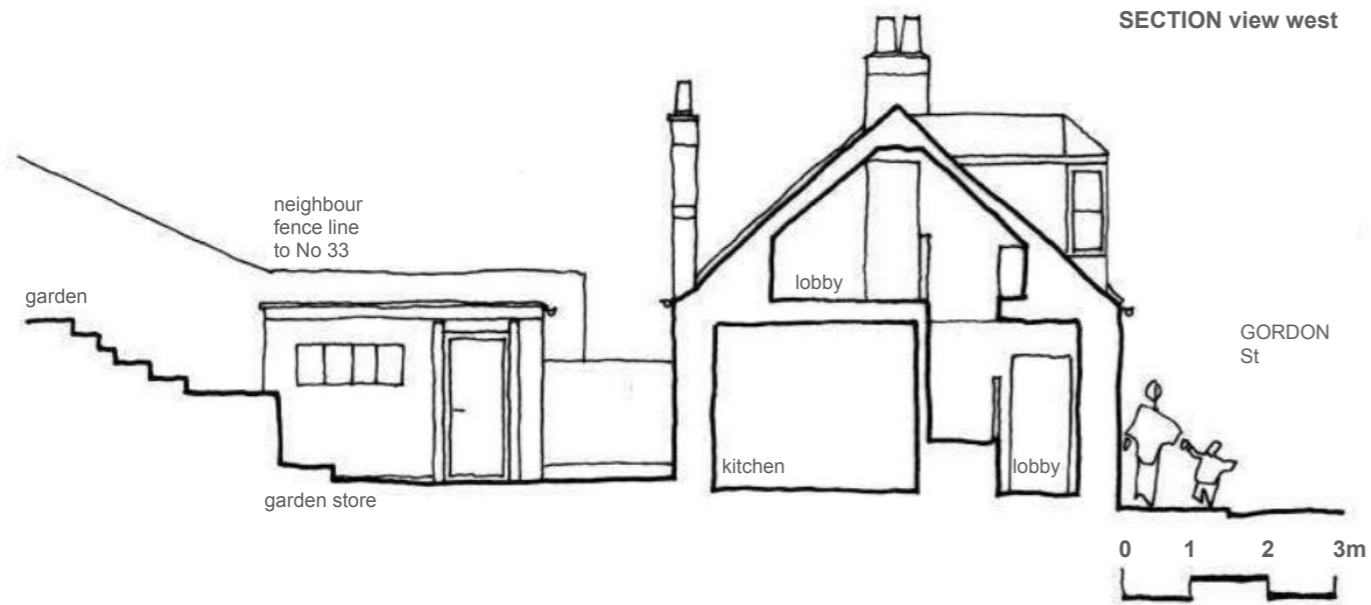
35 GORDON STREET Portgordon AB56 5QR
Ms C Lambert

NMD[©]

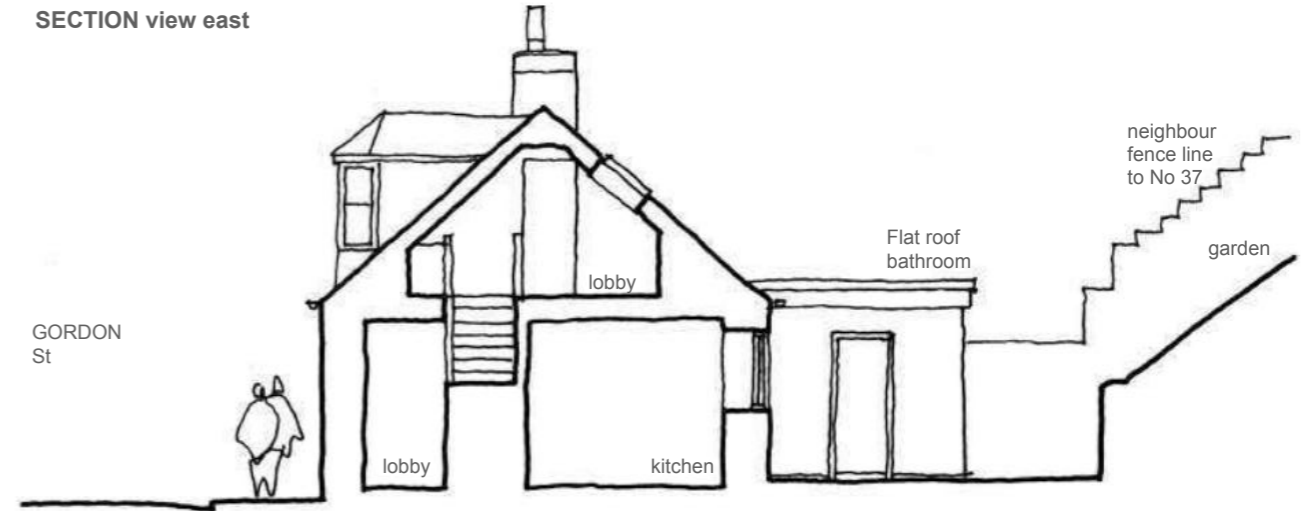
historic
contemporary
contextual

EXISTING - elevations & sections 1:100 @ A3 sheet size

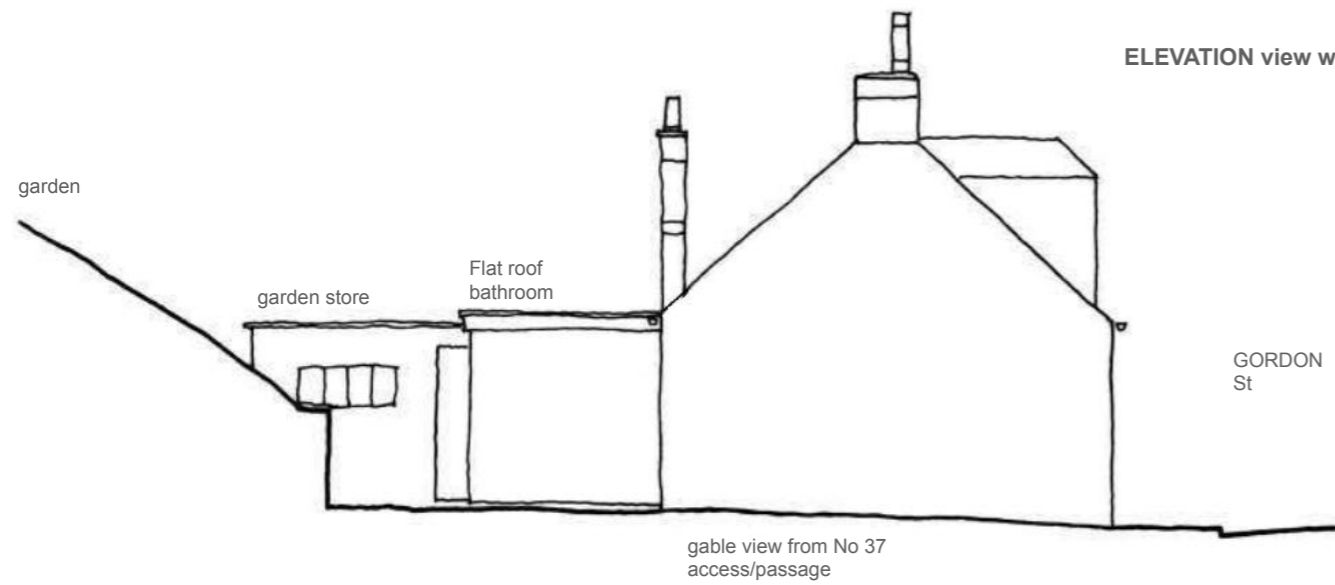
SECTION view west



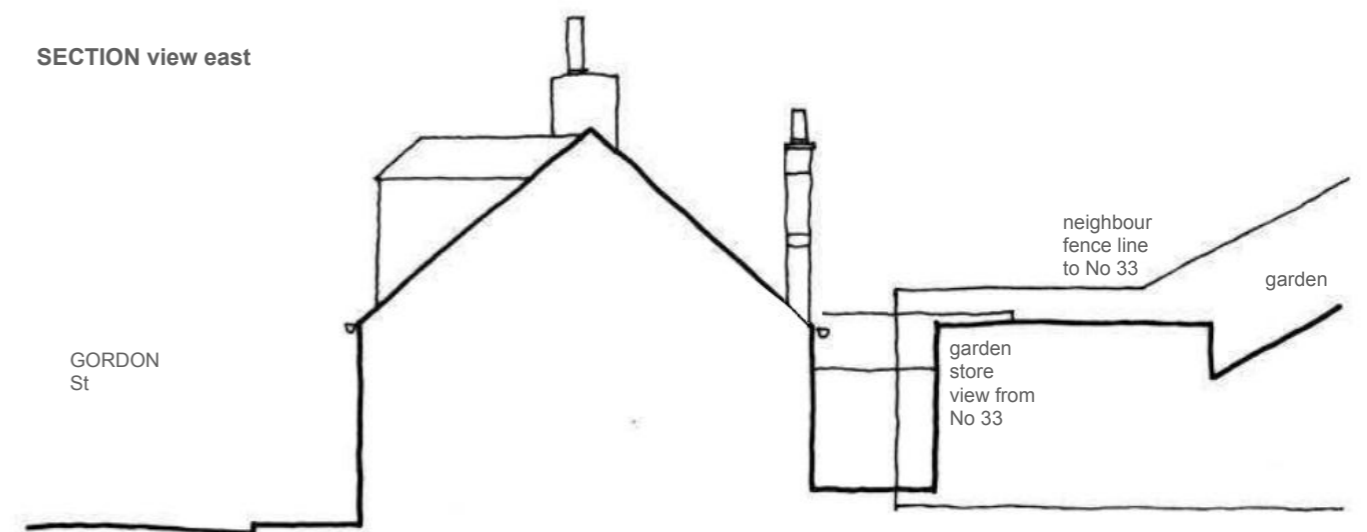
SECTION view east



ELEVATION view west

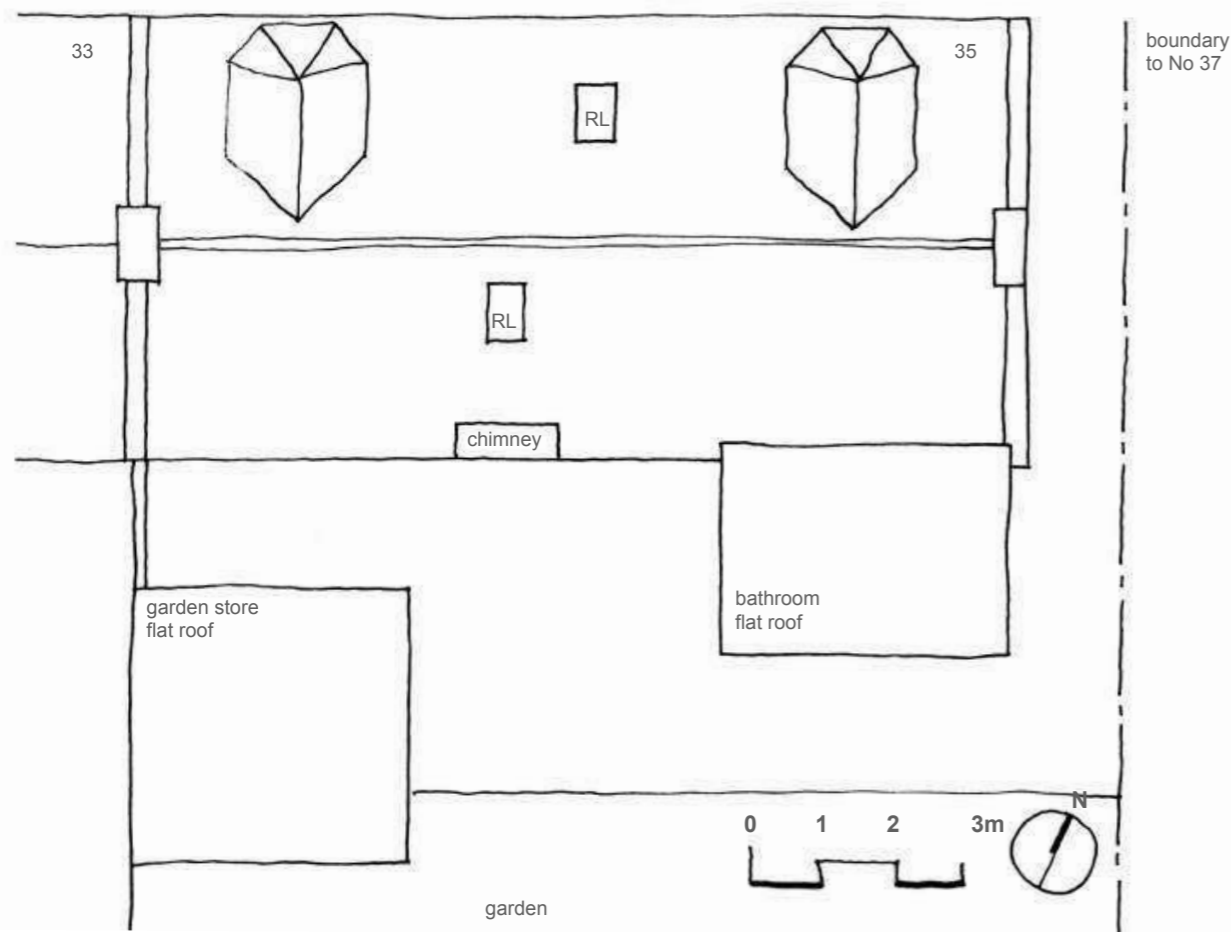


SECTION view east

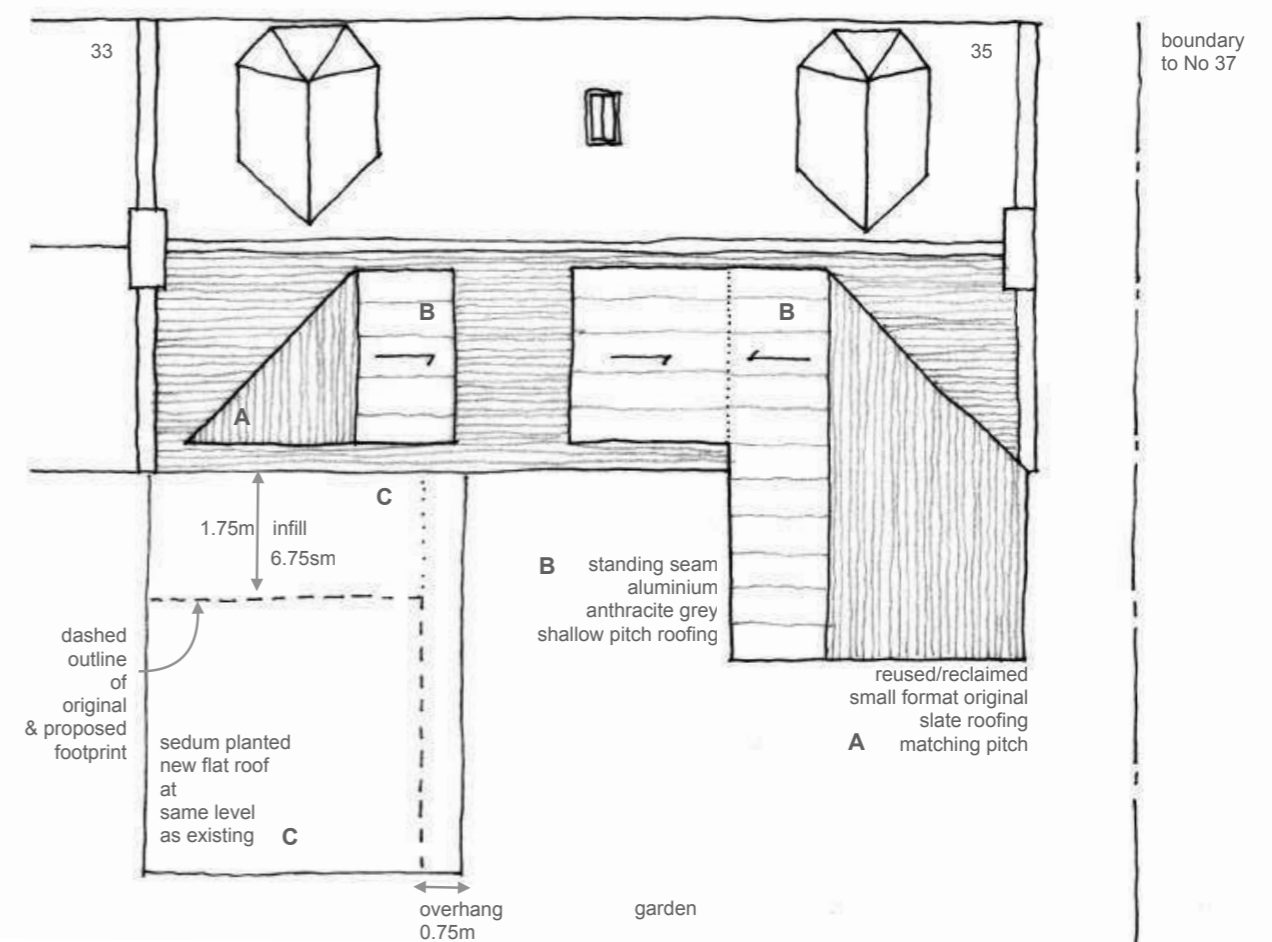


EXISTING & PROPOSED - roof plan 1:100 @ A3 sheet size

EXISTING roof plan



PROPOSED roof plan



A3 sheet
DO NOT SCALE
this drawing is a digital
file indication of scale
for printing relies on
true print/sheet sizes
ANY DOUBT ASK



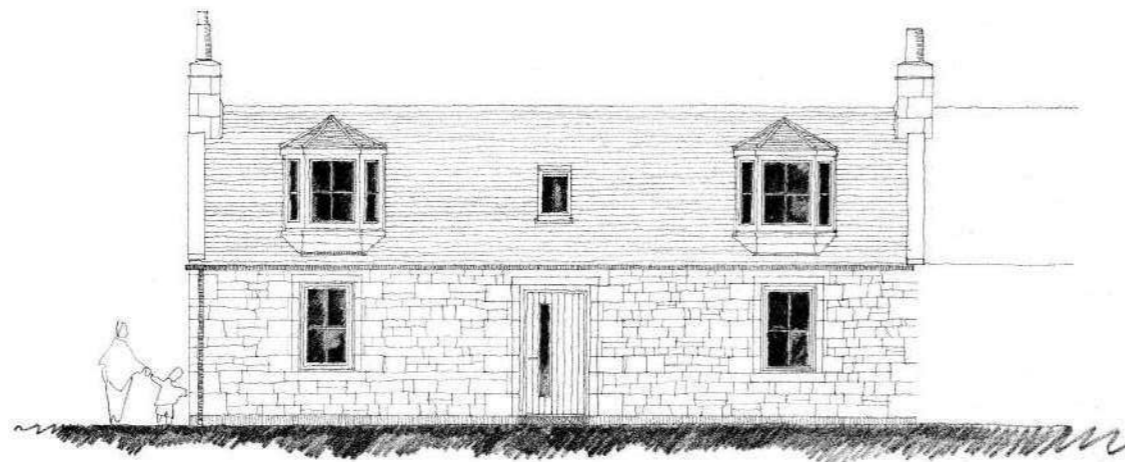
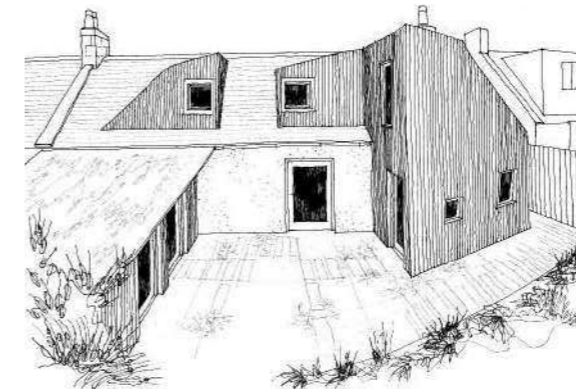
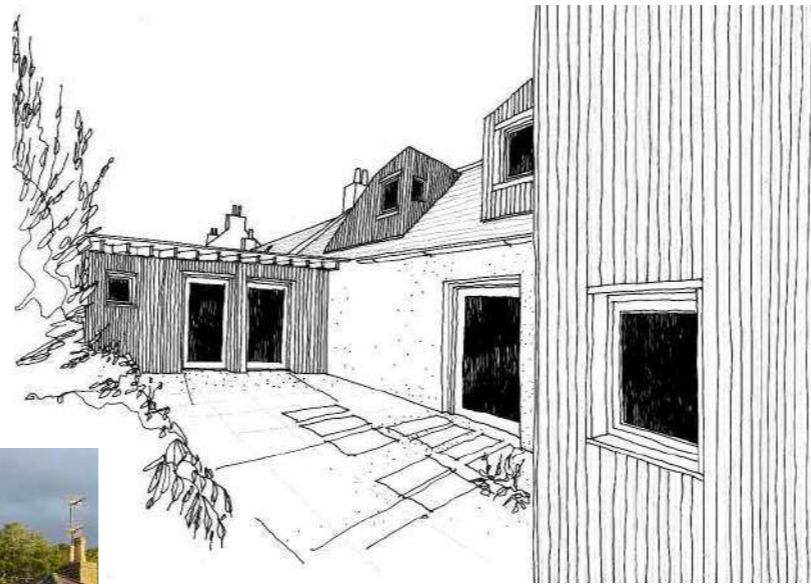
35, Gordon Street, Portgordon, Moray, AB56 5QR



Location Plan shows area bounded by: 339783.2, 864206.25 339983.2, 864406.25 (at a scale of 1:1250), OSGridRef: NJ39886430. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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PROPOSED - DESIGN STATEMENT context, historic mapping, intent & environment

No 35 GORDON STREET Portgordon AB56 5QR

A3 sheet

DO NOT SCALE
this drawing is a digital
file indication of scale
for printing relies on
true print/sheet sizes

ANY DOUBT ASK

Portgordon



INTENT

The intent is to alter and update the property, to provide an extra bedroom at ground floor to support multi generational accessible living, extend the roof level/first floor accommodation to improve head height and volume to the existing bedroom/living spaces and to extend the roof pitch over the flat roofed ground floor bathroom to create a first floor ensuite bathroom.

Overall a complete 21st C renovation of the building fabric, to highly insulate to near Passive Haus standards, damp proof the structure and create an environmentally friendly airtight envelope with an energy efficient wet underfloor heating system [UFH], married to well managed smart energy control, with the allowance for future incorporation of either heat pump technology or hydrogen ready heat generation.

The existing fabric and materials will be retained externally to the north Gordon Street Elevation there will be no outward alteration or physical changes.

FAMILY living

The accommodation is to provide family accommodation for the applicant, to create a sensitive refurbishment of the existing spaces and with minimal new built footprint to improve the volume of living space, to let more light into the property, to nurture a healthy 21st C environment and to preserve the property for future generations.

HERITAGE setting

It is important to the applicant to preserve the intrinsic character and qualities of this heritage [mid 1800's] dwelling but to also improve and contrast the new additions, to give an holistic response, that is not slavishly mimicking an historic style with a weak pastiche - but to offer strong yet sympathetic new forms. With embedded vernacular and historic references, whilst offering a contemporary response.

The form and character of the village is unique, as the settlement was a new community and a planned build by the Duke of Gordon' though not as formal as Tomintoul or Fochabers due to its geography on a relatively narrow foreshore strip. The creation of 'Port Gordon' linked the existing settlements of Gollachy and Port Tannachy.

With these modest interventions to the property, we are conscious that the proposals are contemporary - but respond to the here and now of the village and its flow through history.

SETTLEMENT history & context

In the late 1700's Buckie was the principal fishing community on this local part of the coast. At that time fishing was by line, in boats no larger than 14 tons. Development locally of the industry was limited by the lack of proper harbours and disputes amongst the three owners of the various local boats.

One of these local owners, Alexander, 4th Duke of Gordon, decided to establish a new village, just to the west of the tiny community of Gollachy, which comprised but a few houses in the area that is now Gordon Street. Work was underway on the harbour by 1795 and stone was being shipped from Lossiemouth in 1796. In 1797 houses were built for ten fishermen and their families from Nether Buckie which resulted in the communities of Tannachy and Gollachy being joined together as Port Gordon [Portgordon].

Portgordon developed with other uses for the harbour other than purely fishing, with its developing growth and commercial advantage, it started exporting timber and quarry materials, overtaking Buckie in importance. The village thrived into the late 1800's and early 1900's. By the 1850s a post office had opened and there were many coopers, fish processors and net makers. By 1861 the population had grown to around 630. The opening of a fertiliser factory in Keith lead to traffic in bones through the harbour too. The harbour was also used for the export, from further inland, for timber and stone.

John Gordon of Cluny was the member of the Gordon family to build the 'modern' Gollachy part of Portgordon, at the east end of the village, the [applicant's] house/property at No 35 was still owned by the Gordon family and passed to his illegitimate son John, then the majority of Portgordon property ended up with his wife after his death 1878.

The house was built just before the railway was built, as it's shown on the 1870's plan proposals which the applicant has sourced from the National Record in Edinburgh - but not on the 1860's survey. Various routes were muted for the coastal railway between Portsoy and Elgin with the route through the village being established by an Act of Parliament 1881 and following a line through the mid level of the coastal slope, avoiding most of the existing dwellings, though not requiring to climb to the higher ground to the south of the village. The railway has defined the southern limit of the property, with Gordon Street to the north.

With the railway planned in about 1845 and built and opened by 1886, as referenced in the searches in the title documents for the No 35 property.

In 1956 No 35 came into the family who the current owner/applicant purchased it from. The current dormer windows were added later and from internal structural inspection, noting the carpentry & machine sawn timbers/fixings dates them around c1900, this corresponds with the decline of fishing and artisan uses of the properties when predominantly the upper floor was used for storage. It's likely that the first floor accommodation became habitable space.

A boat-building industry began, and in the early 1900's local boat yards were ranged on the foreshore to the east of the harbour, first constructing Zulu's and from 1903 steam drifters. In 1907 one yard employed fifty men and launched a drifter every month or so - but this business in drifters had dried up by 1915, though the yard continued to produce salmon cobles.

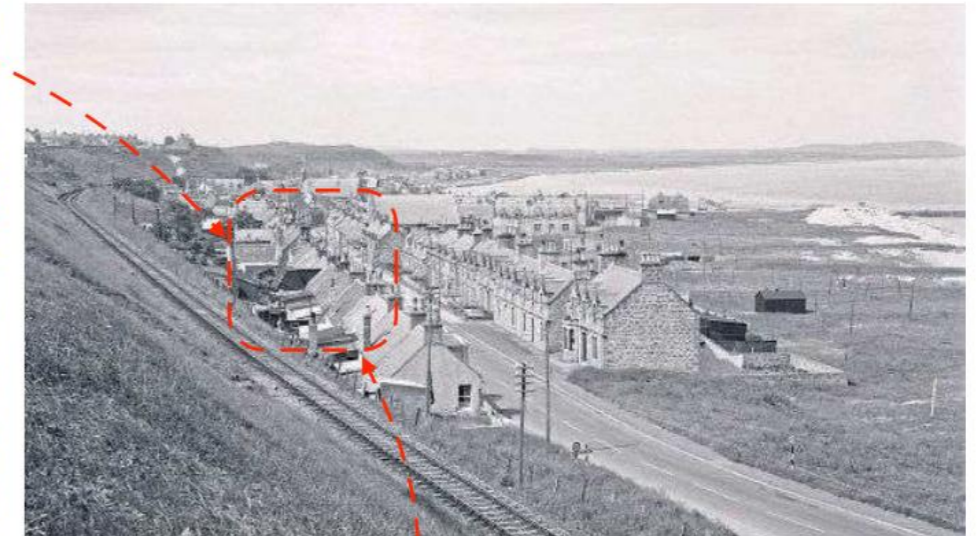
Since the 1960's there has been a steady decline in fishing & coastal industries, the village now has been occupied by families who draw occupations from a wider region, in the first part of the 21st C the village has seen people and families moving in from outside the local region, though the village is predominantly still owner occupiers, with only a very few holiday lettings or tourist related occupations.



map 1825-40's



Portgordon
harbour view
from west



context images views
from east & south



photographs show earlier
two storey mansard
roofed outbuilding
to the rear of 37/39



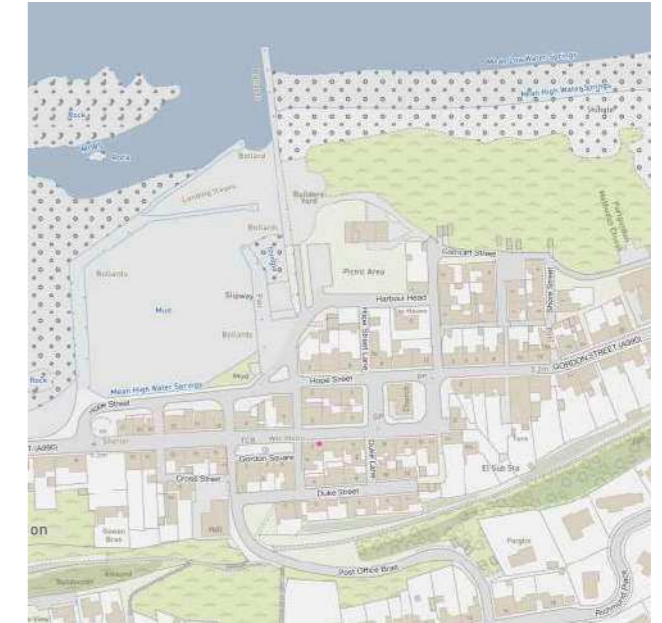
historic view of harbour
illustrating groupings
of ancillary sheds
& workshops

LISTED historic buildings locally

It is interesting that in the 'fisher town' of Portgordon there is only one listed building, as there are many good examples of heritage dwellings & structures, all with their own merit, that create the unique setting and character of this historic coastal settlement.

PORTGORDON 2 EAST HIGH STREET LB15522 Category C

Date Added 22/02/1972
Local Authority Moray
Planning Authority Moray
Parish Rathven
NGR NJ 39650 64244
Coordinates 339650, 864244



Description

Early 19th century. Single storey, 4-bay cottage with single bay return elevation to Gordon Square (W). Rendered rubble with later long and short detailing. Entrance with panelled door flanked by windows with varied glazing; blocked doorway in outer bay at right; single window in W elevation (to Gordon Square). Renewed brick end stacks; piended slate roof.

PORTGORDON, GOLLACHY ICE HOUSE LB15546 Category B

Date Added 25/04/1989
Local Authority Moray
Planning Authority Moray
Parish Rathven
NGR NJ 40260 64565
Coordinates 340260, 864565



Description

Earlier 19th century. Rectangular rubble ice house with long elevations E and W, and off-centre entrance in E. Modern pinkish harl. Piended turfed roof with blocked chute. Ramp at W leads from road to ice house at roof-height. INTERIOR: steps descend from doorway to ante-room (cool chamber) from whence a further doorway leads to single chambered vaulted ice house.

Statement of Special Interest - Unusual ice house in that it is sited on the shore and excavated rather than being built into side of hill. Restored by Moray District in 1970s.

Gollachy Ice House planning approval 17/00155/LBC

ASSET nature & context

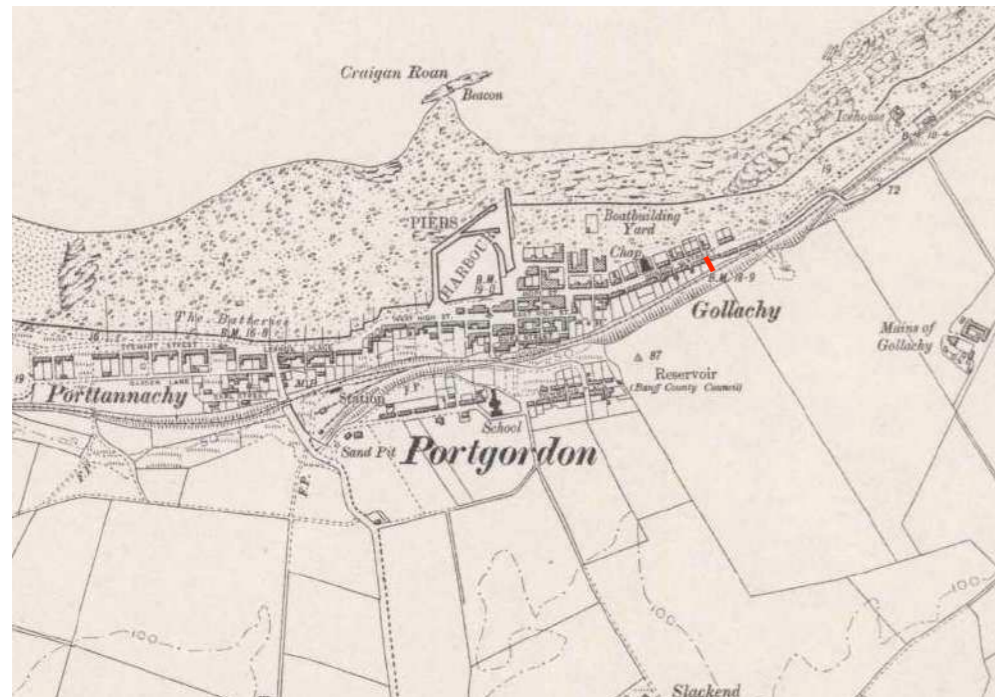
Whilst there are only two immediate Listed Buildings close to the applicants property and the village is not a Conservation Area, the heritage assets form this planned village and the inherent preserved history of the settlement, this places it equally with other historic settlements on the Moray Coast. It is relevant with new proposals for development to be conscious of the heritage setting, the quality of environment and the catalogue of vernacular properties that are a good record of the social and economic development along this immediate part of the coastal strip.

The applicants property is part of the latter construction of the eastern end of Gordon Street in the mid 1800's, the linear development of the Gollachy part of the village, built on the available land that is slightly higher than the foreshore with its naval uses and the abrupt coastal slope to the south, this slope was likely steepened at this eastern end of the village with the construction of the railway.

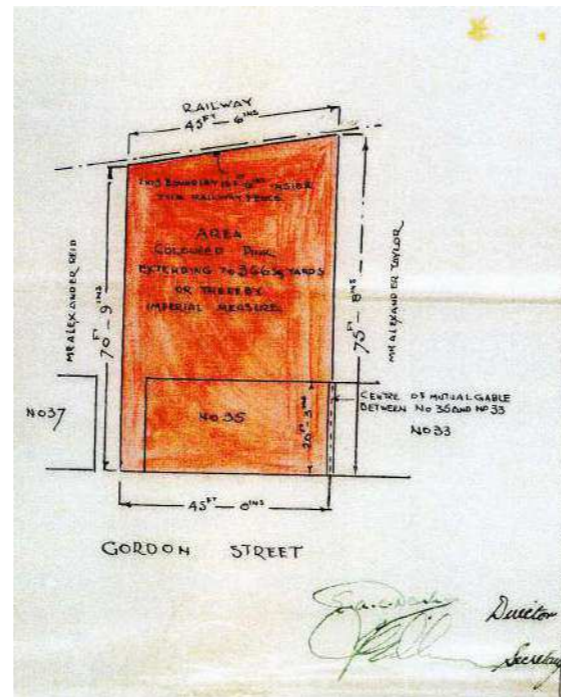
The original properties prior to the planning of railway on Gordon Street were likely to have been built in the first quarter of the 19th C, as the railway was at this point planned on the south side of the village at the top of the coastal slope - these properties we know through discussion with owners on Gordon Street, had longer gardens extending right up to the top of the coastal slope and to the rear of where it was, until more modern development, just farmland.

The gardens to the last 9 properties on the south side of Gordon Street from 33-49 were planned with shorter or no gardens [see the map/plan below] though its likely concurrent with the railway construction, as the land was all in the ownership of the Duke of Gordon gardens were bundled together, when the railway was built or later in 1956 when the land was sold by the benefactors of the Gordon Estate into private ownership. This indicates that the nature of the street and the land adjoining the property has altered little since the mid 1800's.

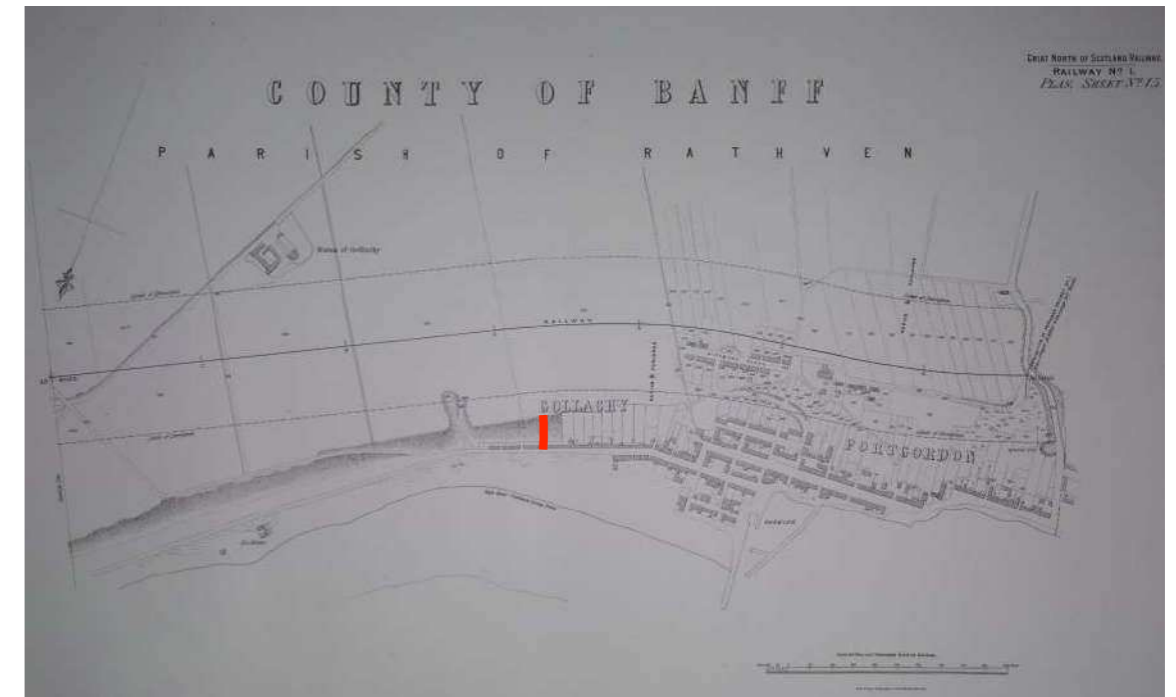
With the proposal we are conscious of the social & economic progression of the village and this design reflects the architectural history of the immediate area whilst also bringing to a fore the contemporary style and use for this property into the 21st C and beyond.



map 1902



legal document 1956



archive map pre Act Of Parliament for railway construction 1825-50

This historic dialogue is evidenced for properties along Gordon Street being used for the boat building and fishing industry. The photographs shown on the adjoining page 5, shows the property to the east of No 35., [No 37/39] had well into the 1950-60's a large sail/net loft or 2 storey workshop to the south. As a full two storey structure, it appears to be dark stained, presumably timber framed/planked building, with a steep mansard type roof and a flattened top. This style of building is typical of sail/net lofts from many east coast communities, where sails or nets could be rigged and stored vertically for repair and drying.

The photographs and mapping [pages 5-9] also show that previously the area to the south of the ribbon of symmetrical houses along Gordon Street, had many varied and different forms of outhouse and potentially ad-hoc dwellings/workshops, mostly on the flat low area before the coastal slope developing a tight and varied built form under the coastal slope.

Many of these forms and structures remain and more recently there has been a steady growth in new 'garden and workshop' ancillary buildings developed as adjuncts to the historic properties. Often these structures are single storey with flat or pitched roofing, though some are two storey. A strong relationship is established between the formality of the street frontage and back plot ancillary accommodation which creates varied and visually interesting variation in scale and forms within the tight village plots.

This is a typical character of the areas to the south of Gordon Street and the loose grid of dwellings closer to the harbour - historically there will have been more shed, workshops and storage buildings around the harbour [image page 5].

Some of the rear development to property along Gordon Street is attached to the existing houses or equally detached. Development has historically been tight on boundaries and parallel with neighbour structures. The aspect from dwellings is predominantly north and south with very little gable or boundary fenestration.

The images [on page 9] illustrate the close knit ad-hoc arrangements of the 'backland' structures and vernacular forms of roofscape, sheds and workshops, compared to the more formal linear character of the Gordon Street frontage, Hope Street and leading into east High Street East and Gordon Square to the south of the harbour. Despite the more formal planned nature of some of the historic villages, the true Moray character is made up with the ranges of cottages and by the varied scales around each property, vernacular forms and the loose development of ancillary buildings that is part of the predominance of the Moray village characteristics.

The growth of Portgordon within the topographical constraints and within the older part of the village beyond the ribbon layout, has to a greater extent been organic, built structures and forms of varying scale, one two and three storey sometimes with high pitched roofing and steep gables, these dwellings fill the spaces between the harbour shore, roadways and alleys.

Giving an intense footprint of buildings, that only dissipates suddenly to the east on the side of the foreshore, this is where the ownership of the land is that of the Crown and to the south where the village was ultimately confined by the railway.



The foreshore historically provided for boat building, the sheds and enclosures must have been transient as little on the historic map surveys records this industry. The now privately owned ranges of drying frames were apparent for fishing equipment and then more latterly used as communal washing lines - the immediate foreshore/access lane now provides for parking and access to the houses on the north side of Gordon Street - as the north side of the A990 roadway is not usually used for residential parking.

The houses on Gordon Street to the south use the street frontage for parking, the frontages of the dwellings stretching to +13m providing ample space for 2-3 vehicles outside each dwelling.

CONTEXTUAL vernacular precedents



Tannachy - out buildings



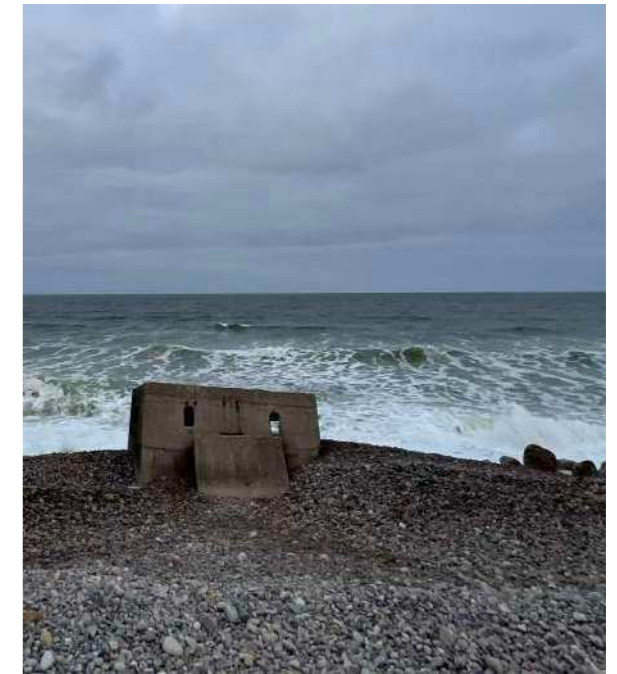
Gordon Street - outbuildings



Kingston - outbuildings



Spey Bay - varied forms & outbuildings



Kingston WW2 vernacular



Portgordon varied roofscape



Portgordon varied roofscape



Gordon Street view west



No 35 & 37

Tannachy varied forms



Kingston - monopitch



CONTEXTUAL contemporary precedents



West Bank GARMOUTH
18/00843/APP

incongruous modern box
dormer to front elevation



130 Seatown CULLEN
15/02162/APP

modern well designed two
storey addition to dwelling
in Conservation Area



Lennox Brae FOCHABERS
17/00907/APP

modern replacement
dwelling - well
designed form and
context in
Speyside setting



Dalmunach Distillery STRATHSPEY

large contemporary
structure in rural
open setting contextual forms
relating to historic vernacular

© Norr Design



Strone Cottage NEWTONMORE

contemporary refurbishment &
extension of existing croft
exemplary modern building
within Cairngorm National Park

© Loader Monteith

NEW BUILD intent

The intent is to alter and update the property, to provide an extra bedroom at ground floor to support multi generational accessible living, extend the roof level/first floor accommodation to improve head height and volume to the existing bedroom/living spaces and to extend the roof pitch over the flat roofed ground floor bathroom to create a first floor ensuite bathroom.

Overall a complete 21st C renovation of the building fabric, to highly insulate to near Passive Haus standards, damp proof the structure and create an environmentally friendly airtight envelope with an energy efficient wet underfloor heating system [UFH], married to well managed smart energy control, with the allowance for future incorporation of either heat pump technology or hydrogen heat source generation.

VISUAL and local amenity

The existing fabric and materials will be retained externally to the north Gordon Street Elevation there will be no outward alteration or physical changes. The intent is to be contemporary both in the arrangement of the dwelling and also in the visual aspects of the new additions to the south/rear.

Contextually the intent for the new build rear/south additions, is to carefully moderate the scale and form, the roof level additions are to be built within the roof and to reuse the existing slate for the new pitches, the 'dormer' window arrangements are to be varied pitched forms, with a shallow pitched capping in standing seam zinc or folded aluminium sheet. The new wall cladding is to be a crisp dark stained larch boarding, whilst window openings are to be contrasted with natural coloured timber edge framing - these are all vernacular features, reinterpreted and expressed in a contemporary form - the pitched roofing moves away from the plethora of awkward 'box dormers' dotted around the village on historic properties, here we intend for the scale of the additions to create a comfortable dialogue with the host dwelling, respecting the form and mass, not to be over bearing, creating additions which are obviously 'of a time' and visually pleasing but secondary to the host form.

Looking into the site from neighbours the aspect of the new forms will be pitched slate roofing reusing the small format natural slates, longer views into the dwelling from the south are from the higher ground of the old railway/coastal trail, this aspect is physically separated from the public domain by a 1.5m earth bund and currently low 1.2m boundary fence, reinforcing the separation of the property from public areas. Mature planting in the garden area breaks up any direct views of or into the the property. The partial views of the additions that can be seen from the neighbours and the public realm will be visually interesting and protect amenity.

Non of the new first floor windows overlook the neighbours private amenity and the window facing west from the first floor ensuite bathroom is to have obscured glass.

The flat roof over the SE bathroom addition is removed by building over with a 'within the roof' two storey [inc. the roof] pitched roof addition, this form sits below the existing ridge and only extends over the existing footprint of the bathroom.

The flat roofed garden store to the SW is to be rebuilt utilising only the existing footprint and volume, it is to be joined to the main house, building over the void and filling the space and minor opening to No 33, the new build footprint proposed here is c6.5sm in total [1.8x3.6m] and 2.4m high to the gutter line.

This existing partial boundary opening is currently screened by the No 33 garden fence which is at a higher elevation and the lower cement rendered boundary wall to No 35 - the height of this link will be below the gutter line and contiguous with the existing storeroom height.

It should be noted that building on boundaries with single storey adjuncts are typical of the Portgordon plots, with a recent large scale infill at No 17 Gordon Street [18/00193/APP], adding a two storey extension on the boundary, in contemporary style with a distinctive mono pitch roof. Closing this boundary gap to the east of No 33 will have little detriment to amenity and increase privacy.

The neighbour to the west at No 33 has now constructed a garden extension structure, single storey under Permitted Development [PD], other than the extension over the bathroom at No 35, the other proposed works to provide the roof dormers and the garden store rebuild, would all have been permitted under PD. We do not consider the proposals reduce visual or domestic amenity of neighbours. The neighbour at No 37 to the east has a large box dormer the length of the property, the new roof pitch over the bathroom at No 35 screens any direct views from No 37.

CONTEXT for the design

The proposals relate to the examples of vernacular forms and secondary adjuncts to dwellings found locally around Portgordon and in the immediate coastal vicinity.

The dark stained timber and simple recessed window and door openings are typical of the extensions, sheds and workshops found along the coast [see page 9-10], varied heights and massing are typical of additions to the historic dwellings, varied roof pitches and contrasting use of materials are reflected in many of the coastal villages.

We have chosen forms that reflect the sheds and additions to older dwellings - but we have with crisp architectural detail and careful selection of materials, attempted to design a response that is 21st C, whilst borrowing its lead from history. The additions will be subtle and secondary to the host dwelling, of a scale and form that marries well in local context and built in a manner that weathers well and requires simple yet minimal maintenance.

The contrast of stained timber, sheet metal with simple and defined openings all features that have a contemporary vernacular dialogue, whilst reflecting the history of build techniques and the locally sourced and used materials. The forms are subtle, visually interesting - but not so overt as to contrast awkwardly in the neighbourhood.

MATERIALS and build

We have spent time sourcing windows and doors in particular, we do not specify, where possible plastics in our builds, this is paramount in window and door specification, we feel it is important to use window and door units that in their detail and function give a strong visual reference and contribute to the overall quality of the project.

The proposal is to replace windows with the traditional format and proportion of casement timber windows with a natural low gloss paint finish, to pick-up on the existing local heritage style and forms, whilst ensuring a contemporary unit is used that provides the best performance, style and eco credentials.

We have a track record of over 25 years working with high performance triple glazed factory painted, authentic 'Scandinavian' style windows. We propose a traditional style and construction of casement sash window, available in high quality sustainably sourced laminated SW timber framing, with a low gloss self coloured aluminium skin externally.

Narrow traditional format 24 mm glazing bars maintain the heritage style, as well as being low maintenance long-lasting windows - high quality crafted windows that are CE-marked, using FSC timber - guarantee of energy performance - with a cottage window style, this is a rare proposition



Designed to provide an effective barrier against inclement Scandinavian weather, a triple-glazed argon filled window unit is one of the best solutions available. It allows us to strike the balance between a light-filled home with views of the outdoors, and one that will stay warm and cosy throughout the chilliest of winters - in addition to impressively low U-values 1.0 or better, the low-maintenance outer-face gives great performance for years to come with minimal upkeep. The solid timber core of the windows means they score high in terms of acoustic and thermal performance whilst looking good.

The new structures to the rear/south side of the house will be highly insulated timber frame panels, clad vertically in locally sourced T&G smooth sawn larch, tightly jointed. Dark stained with black Sadolin Extra a low sheen high performance low maintenance opaque wood stain - this form is redolent of the vernacular vertical plank on plank boarding found in the coastal buildings along the Moray coast.

The shape of the roof extension and the build-up over the bathroom reflects previously the neighbour structure of the workshops, net and sail lofts [page 5], tar painted, board on board cladding, bluff facades and sculptural yet functional built form.

Through the Pre App discussion and understanding the new 'Local Plan' guidance, we know there is a move away from the plethora of applied 'box dormers', in some cases there are good examples though often these additions are awkward and out of scale with the host dwelling [page 10].

The proposal with the redevelopment of No 35 is to bring a heritage asset back to good repair and to upgrade the scope of the accommodation and renew the fabric to foster a good 21st Century living environment.

The property had until mid 2021 been empty since 2019, there had been only minor upgrading in the last decade, with a grant funded basic central heating system, plastic UPVC windows and a plastic lined wetroom/accessible bathroom installed for an elderly occupant.

The scope of the accommodation is dated and largely unchanged in the layout from the early 1900's. The property is by today's standards poorly insulated and has a relatively primitive heating system with very limited management/control not conducive to energy efficient comfortable 21st C living.

The intent is to complete an invasive refurbishment, strip and remove wet/dry rot and all deleterious material. Currently the ground floor timber floor joist structures sit within the sand & gravel of the foreshore, there is no damp proofing. The dwelling structure is of solid sandstone walling, this typically the lowland Moray outcrop sandstones of Upper Old Red Sandstone age, which were widely quarried along the ridges from Alves to Elgin, with very large workings at Newton and in Quarry Wood.

This stone is creamy yellow to pale pink in colour and the textures vary from pebbly, through gritty to fine-grained varieties. Externally the higher quality fine grained dressed sandstone is used around openings to the north, whilst internally the softer [cheaper] pinker sandstone rubble walling is predominant.

Externally the bays of north facing walling are courses of mis-shapen random or field rubble, that are infilled or caulked with smaller pieces, locally known as 'cherry-cocking'. This is a very old practice which has continued well into this century. Amongst early examples are the walls enclosing the garden at medieval Pluscarden Abbey and the park walls at Rothiemay House, occupying the site of Rothiemay Castle.

The intent is to re point the external walling with a lime/grit mortar, the rendered areas of walling to the east/south will be retained as they are in good condition.

Typically internally the walls are dry lined/battened in hardboard/plasterboard, with the original roof structure slated/boarded over a heavy 'A' frame rafter and floor joist, half lapped joints and skew nailed. The low slate pitched dormer faceted windows are from the early 1900's and cut through the roof frame structure and extend into what was formerly roof void. The staircase and ground floor partitions are relatively modern and plasterboard.

The interior will be stripped out, new dry lining to the walls with near Passive House insulation installed, floors removed and excavated and relaid with damp proof tanking, insulation and a wet underfloor heating system run off either an air source heat pump or eventually a hydrogen ready boiler system. The upper floor will see the roof stripped internally and insulated to the same high standards, vapour barriers installed and relined. The existing roof is to be relayed with the existing slates with reclaimed matching slate to replace/add-to as required.

ENVIRONMENT low embodied carbon - principles of design

NMD only specify natural and sustainably sourced materials, we tend not to specify first use plastics where possible, preferring recycled building products reusing plastics, polyester and natural materials, we don't use plastics in situations where they can degrade and breakdown into micro particles or give off toxic gaseous emissions that cause illness, pollute living environments and the natural environment.

We look to buildings to be very low maintenance, minimise intensive maintenance like repainting, this reduces the breakdown of deleterious materials into the environment - as such specifying natural materials that need little or no protection with products like solvent based paints or stain coatings:

- We often use Larch from sustainable local sources, which akin to Cedar when used where it is properly detailed, has a 90+ year design life and carries a very low embodied carbon.
- We frequently use Sheep wool insulation, which is a grass fed natural grown organic material, this uses a material that is now virtually a 'modern waste product' - in use it absorbs toxins and locks them away, it filters moisture and dries out structures naturally and is one of the only high performance 'quilt' like insulants that has a very high insulating value when damp. It is not an irritant when being installed and has a design life when correctly installed in excess of 100 years.
- Recycled polyester insulation married to recycled plasticised aluminium foil membranes, create a high performance airtight 'thin layer' quilt, that also acts as a vapour barrier and providing internal waterproofing to solid masonry structures - with a 70+ yr life.
- Recycled slate for roofing repairs is a material with a design life that is almost infinite, within a correct traditional installation - very low in embodied carbon.
- We minimise concrete/cement use and maximise use of natural lime/sand mortars.
- We minimise blown gas slab insulant slab use, only using it 'sealed' within structures to prevent the breakdown of the material and release of deleterious toxic gases into living spaces.
- We do not specify any products with embedded formaldehyde or solvents.
- We limit the use of gypsum products.
- When we specify aluminium and steel - it has long life galvanised or powder coat finishes - used in shallow pitch roofing and/or preformed gutter and downpipes.
- We only specify smart heating systems - designing dwellings to be close to Passiv Haus standards, energy systems that are 'hydrogen ready' or run from bio source materials or heat pumps and MHVR systems with smart user friendly control systems collect and recycle heat.
- All our dwelling designs rely on natural ventilation patterns.
- We design all buildings to maximise natural daylighting to provide a good natural living environment for all seasons.
- We specify argon filled energy coated triple glazing, in aluminium skinned natural timber framed windows, low maintenance and high eco performance - also offering high security and good acoustic insulation. The units generally have a minimum 75 yr design life and are warrantied for 25 yrs.
- We only install LED lighting with dimming and temperature control 'app' operated smart systems to manage switching periods.
- We source the majority of build elements local to the build site, to reduce embodied carbon, minimise vehicle movements and to support small local business & economy.

- We design build programmes to minimise local disruption with a zero tolerance on emissions of dust and dirt, we design in working practice on site to create clean safe working environments.
- We do not use suppliers or practises that support 'modern day slavery', we do not source materials from parts of the world or regimes where the environment, human rights and basic freedoms are not respected.
- Already No. 35 is zero fossil fuel - it only uses wind/solar source electricity and renewable bio gas.
- We incorporate where possible 'flat-roof' Sedum Turf planting or similar, to foster bio diversity and modify surface run-off to reduce local flash flood drainage issues. We minimise hard surfaces to reduce surface run-off and incorporate natural ground percolation for managing storm water/surface water and flash flooding.

DRAINAGE SUDs - reduction in surface water run-off

The scheme overall improves surface water run-off and reduces the amount of hard surface drainage going to the local drainage system and modifies peak rainfall drainage from flat roof areas by introducing Sedum Turf that slows surface storm water surge run-off.

The run-off currently from pitched, flat roofing and concrete areas is collected by gutters, RWP's and back inlet gullies, that drain to the combined sewerage/rainwater system locally in the village.

Currently the house and garden store has a combined plan footprint of 102sm, the link addition between the house and store will add 6.5sm, a 6% increase in 'built over' area for this development.

Though this is tempered by the intended removal of the south side concrete forecourt in the garden, this is to be replaced with a free draining gravel area, allowing a natural soak-away into the ground for these external amenity areas, this is an area of 35.5sm [equivalent to 33% of the building footprint], by removing this concrete area, we reduce the drained surface area going to surface water run-off and the existing drainage system by 24%.

A gross mitigation of a **reduction of 24%** surface area rainwater to the drainage system.

HIGHWAYS sustainable access & parking

The dwelling is served locally by the Inverness to Aberdeen No 35 bus route within some 20m of the front access door on Gordon Street, this links the village directly on a near hourly basis from 5.00am-11.pm daily Mon-Sat and 10.30am-11.00pm Sundays, this system allows connections to mainline railway stations in Elgin, Inverness, Aberdeen and local points in-between. And allows bus links from Elgin, Inverness & Nairn direct to Inverness Airport. This allows sustainable access to local, regional and national access to education, healthcare, retail outlets, employment and leisure opportunities.

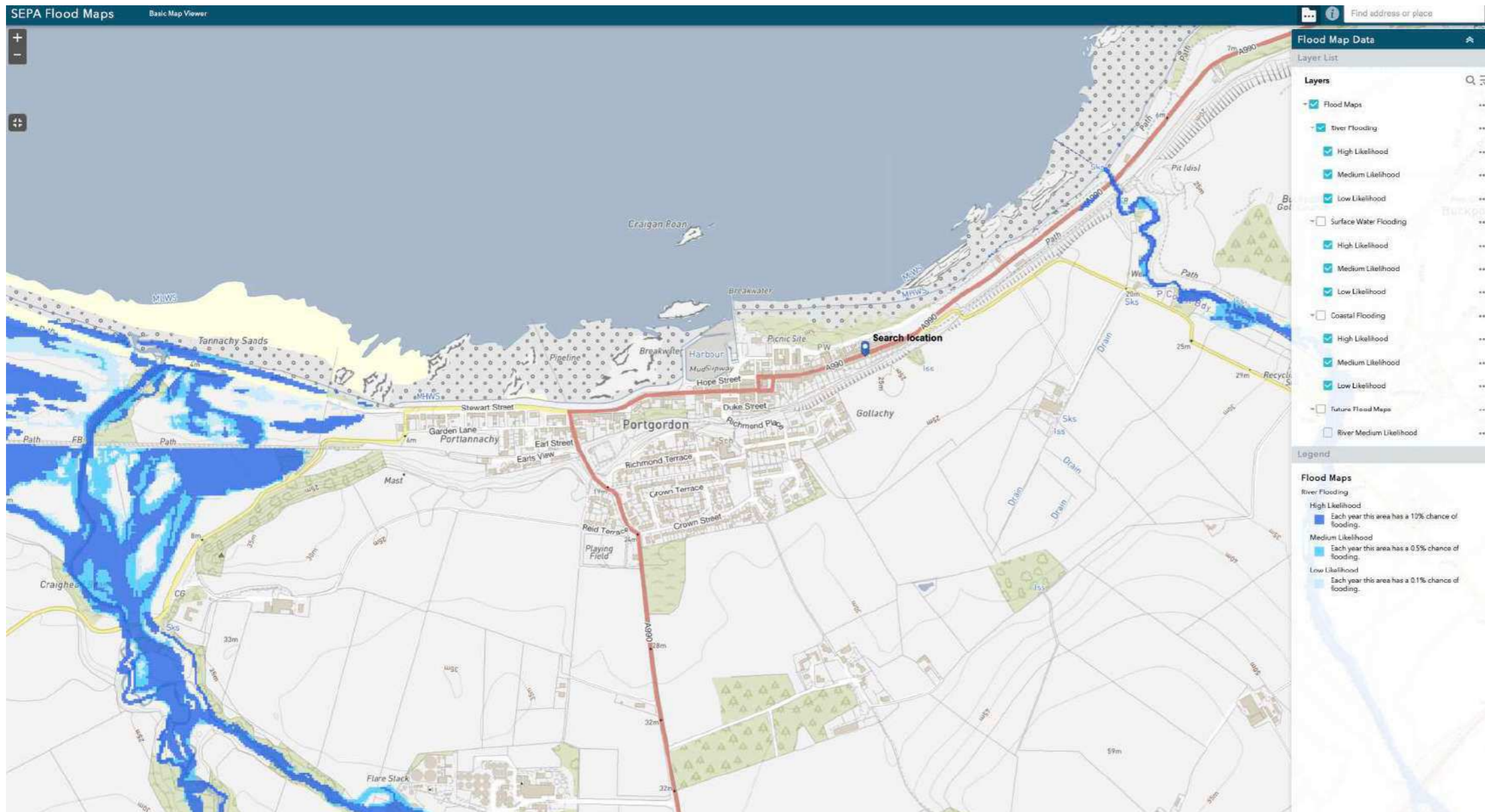
Parking is available on the south side of Gordon Street, with nominal 2-3 spaces per dwelling, with north side Gordon Street residents having private off road parking behind their properties on the north side foreshore lane or within their own garden forecourts. There is also availability of extra visitor parking within 300m, at the 'free-use' harbour car park.

FLOOD risk - non for applicant site - even with predicted 1m level increases for coastal flooding/surges as the property sits 5.5m above the high tide level

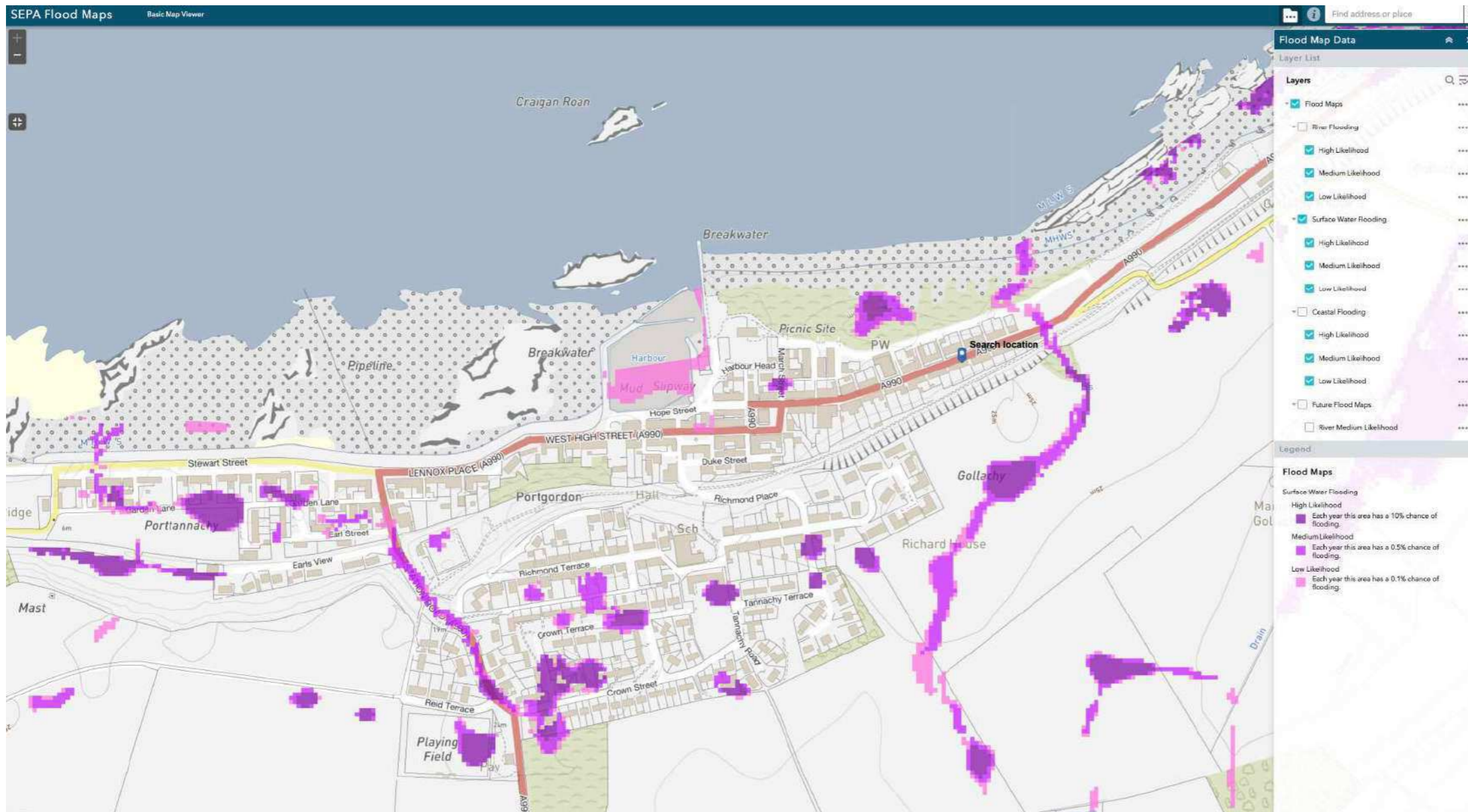
COASTAL flood risk



RIVER flood risk



SURFACE water flood risk



IMPACT on the asset positive outcomes

All the intent is to improve upon the status quo, to add to the longevity of the property with a sustainable, workable, contextual renovation and maintenance programme, that is easy to carry forward enhancing the accommodation for modern living.

Whilst retaining in balance an historic perspective - with the intact heritage assets along Gordon Street and within the historic setting of the village and in the wider aspect of the Moray coastal area.

This dwelling is an important part of the village - in the here and now, historically and in the future - by developing this property to foster renewed use and life for the 21st C, we can preserve historic features, the vernacular detail and character, making sure that for generations to come, that the village of Portgordon and the context of the setting is enhanced and preserved.

FEEDBACK 21/01027/PEHOU in blue NMD response from Pre App

- As a semi-detached property due regard must be given to neighbouring residential amenity. It is recommended that any future planning application provide details of any overshadowing analysis undertaken as part of the proposal development. Whilst the presence of the high boundary fence is noted, the proposed ground floor link lobby will effectively enclose an existing gap to the proposed downstairs studio/bedroom.
 - The neighbour at 33 has started a Permitted Development ground floor single storey extension across the rear/south of their property - this occupies a larger area than the proposal at 35, it is at a similar height to our proposal, the gap between 33 & 35 and the aspect of over looking and/or over bearing will be mitigated by the side/boundary with both properties being largely unaltered as there is already a tall fence, as shown on the design information, closing most of the boundary on the side of No 33, our extension/infill is the same height as the existing outbuilding and lower than the fence at 2.4m.
- The contemporary design proposed is recognised and understood, however, reference is drawn to part g of the policy which highlights that pitched roofs will be preferred to flat roofs and box dormers are not acceptable. In light of this parts of the design could be reconsidered, albeit it is recognised that the flat roof on to the adjoining property serves to limit the height of that part of the development and incorporates a living/green roof which could bring bio diversity benefits. It is also acknowledged that flat roofs are already present at the property. In terms of the policy wording it is ultimately box dormers which are not permissible under the terms of the policy, and could be addressed by deploying a shallow downward pitch to the single box dormer window.
 - We acknowledge the 'DP1' we have amended the original design and copy here the intent to only have **pitched roofing** - we now have more detail measured survey information for the property and the proposed new roof pitch to the 'top' of the proposed roof adjuncts, serves to create adequate 'head room' internally and incorporate pitched roof extensions, whilst also maintaining the roof extensions well below the existing ridge, we have spaced out the roof interventions and removed the plain box dormer from the Pre App proposal. The intent is to form this volume as an asymmetrical slate roofed, pitched dormer - picking up on the form of our contemporary design theme, the dormer proposals now marry the design intent with the extension at first floor to the east over the bathroom - we read that the Pre App response has broad policy support for these contemporary forms and materials.
- The materials suit the design proposed and would likely sit well as part of the overall contemporary design alongside the existing property given the use of slate roof tiles to tie the extension into the existing roof.
- The proposal is proposals a contemporary intervention to a traditional property and an overall scale which would appear appropriate to the existing property, there would appear to be scope to alter the proposal to comply more readily with Policy DP1 part g.
 - Noted

Transportation comments:

This proposal is for alterations and extension to an existing dwelling and does not trigger the requirement to provide additional parking.

Note - Parking is on- street only and there is an informal agreement in place between

the property owners to park only on the northern side of Gordon Street.

No alterations are proposed to the existing entrance doorway onto Gordon Street. Transportation would therefore have no objections to the proposal.

The property owners on the north side of Gordon Street invariably use the open access lane to foreshore in the north and park within or behind the properties on private land - there is no intensity of parking on the south side of Gordon Street and frontages of properties are usually in the applicants section of the neighbourhood of c14.5m giving ample space for upto 3 vehicles parallel parked.

All applications must make provision for surface water drainage and this means that all applications must be supported by a drainage statement which details and evidences the drainage design proposed. More information can be found on the Supplementary Guidance for all developments on drainage design and flood risk:

The intent with the reduced run-off of storm water by incorporating sedum roof turf planting is also to remove the concrete hard standing to the rear/south of the property with free draining ground build-up - this reduces surface run-off and reliance on surface water drainage this removes 24% of the existing areas relying on drainage services.

In all there will be a reduction in surface run-off by 24% due to this design mitigation for handling surface water and there will be a reduction in surface water going to the existing top water drainage system in the village.

Design Statement to support the contemporary design

This document embraces the 'Design & Access Statement' which explains the rationale of the access, living, form of the design and submission in the context of the location and planning policy

POLICY sources particular relevance in blue

Moray Local Development Plan 2020

PP1 Placemaking

- a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
- b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include sufficient information for the council to carry out a Quality Audit. Where considered appropriate by the council, taking account of the nature and scale of the proposed development and of the site circumstances, this shall include a landscaping plan, a topographical survey, slope analysis, site sections, 3D visualisations, a Street Engineering Review and a Biodiversity Plan. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.
- c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles:

(i) Character and Identity

Create places that are distinctive to prevent homogenous 'anywhere' development;

Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable;

Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such

as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of open spaces and streets within a cohesive design strategy for the whole development

PP1 Placemaking supports the Scottish Government's aims to create healthy places through high quality design and ensure that Moray remains an attractive place to live and work, and encouraging inward investment and economic development opportunities.

DP1 Development Principles

This policy applies to all development, including extensions and conversions and will be applied reasonably taking into account the nature and scale of a proposal and individual circumstances.

The Council will require applicants to provide impact assessments in order to determine the impact of a proposal. Applicants may be asked to determine the impacts upon the environment, transport network, town centres, noise, air quality, landscape, trees, flood risk, protected habitats and species, contaminated land, built heritage and archaeology and provide mitigation to address these impacts.

Development proposals will be supported if they conform to the relevant Local Development Plan policies, proposals and additional guidance, meet the following criteria and address their individual and cumulative impacts:

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".
- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be

submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).

d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.

e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.

- g) [Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.](#)
- h) Existing stone walls on buildings and boundaries must be retained. [Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning](#) and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) [All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use \(calculated on the basis of the approved design and plans for the specific development\) through the installation and operation of low and zero-carbon generating technologies.](#)

(ii) Transportation

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. [Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.](#)
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. [Maximum \(50%\) parking to the front of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.](#)
- c) [Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network.](#) Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.

Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.

The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, pavements, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.

The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.

Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;

Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

(iii) Water environment, pollution, contamination

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).
- b) New development should not be located in areas at flood risk or increase vulnerability to flooding (see Policy EP12). Exceptions to this would only be considered in specific circumstances, e.g. extension to an existing building or change of use to an equal or less vulnerable use. Where this exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets.
- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures.
- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

Justification/ Notes

The policy sets out detailed criteria to ensure that proposals meet siting, design and servicing requirements, provide sustainable drainage arrangements and avoid any adverse effects on environmental interests.

Adopted Moray Council Supplementary Planning Guidance

Accessible Housing Affordable Housing

This policy refers mostly to wheelchair accessible housing - the proposal here whilst not a new build have at various points single steps for access and internally - the main intent has been to create a fully ambulant disabled ground floor private bedroom with an adjacent walk/roll-in wet room shower area in a private lobby that can be screened from the living area.

Scottish Planning Policy and Guidance

[NPF 4 broadly refers policy back to regional Local Plans as does:](#)

Scottish Planning Policy (SPP)

Purpose

i. The purpose of the SPP is to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development^[1] and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

Status

ii. The SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. It is non-statutory. However, Section 3D of the Town and Country Planning (Scotland) 1997 Act requires that functions relating to the preparation of the National Planning Framework by Scottish Ministers and development plans by planning authorities must be exercised with the objective of contributing to **sustainable development**. Under the Act, Scottish Ministers are able to issue guidance on this requirement to which planning authorities must have regard. The Principal Policy on Sustainability is guidance under section 3E of the Act.

iii. The 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. As a statement of Ministers' priorities the content of the SPP is a material consideration that carries significant weight, though it is for the decision-maker to determine the appropriate weight in each case. Where development plans and proposals accord with this SPP, their progress through the planning system should be smoother.

iv. The SPP sits alongside the following Scottish Government planning policy documents:

- the [National Planning Framework](#) (NPF)^[2], which provides a statutory framework for Scotland's long-term spatial development. The NPF sets out the Scottish Government's spatial development priorities for the next 20 to 30 years. The SPP sets out policy that will help to deliver the objectives of the NPF;
- [Creating Places](#)^[3], the policy statement on architecture and place, which contains policies and guidance on the importance of architecture and design;
- [Designing Streets](#)^[4], which is a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
- [Circulars](#)^[5], which contain policy on the implementation of legislation or procedures.
Circulars

Supporting Document 004

POR.P.001.22

Fiona Olsen Assoc RTP1
Planning Officer

Economic Growth & Development
The Moray Council
High Street
Elgin
IV30 1BX

Friday 26th August 2022

Dear Ms Olsen

22/01066/APP 35 Gordon Street, Portgordon AB56 5QR

Thank you for your attention and the email 22.08.2022, we note the positive response with regard to the Archaeological Photo survey, the submission relationships and intent for the existing flat roofing and the overall scope of development.

To pick up on your comment regarding the roof top extension design proposals for the accommodation, we will address this in respect of:

- design
- context
- policy
- precedent

DESIGN

The scope of the proposals are modest and **does not** include any structure which can be construed to be a 'box dormer', the Moray Local Development Plan 2020 Vol 1 page 35 DP1 para 'g' states that "*Pitched roofs will be preferred to flat roofs and box dormers are not acceptable*" - this is not a great intent

change from previous H4 policy [which still fostered in certain situations until 2020 box dormers in particular settings].

Our discussion via telephone with Shona Stachan late September 2021, advised us that as an authority **you could not offer advice** through our Pre App 21/01027/PEHOU, though she discussed the use of 'catslide' dormers [which we explained would not create usable space - see below] and how we needed to be supporting our submission with a strong contextual design & heritage statement, this along with the design development we have now done. We are clear that the current design proposals move away from the Pre App starting point and foster a much more crafted vernacular design response, that is in context with the location character and the host dwelling. We wrote with earlier sketch proposals to Shona Strachan 21.09.2021 to try to foster a dialogue to move forward, so our client finds it disappointing that it is only now that we are garnering response to a very detailed and carefully presented submission and design.

We are with this proposal **only** creating at ground level 6.5sm of new space and in the roof c11sm in comparison to an overall building footprint of 100sm of space, 28sm of which is within compromised sloping roof areas between 850-1900mm high. The additions cleverly, without an enlarged footprint and with less than a 20% space increase, creates the opportunity for good modern multi generational family living space.

We have consulted with the neighbours and all are very happy to support the changes and keen to help to regenerate with the applicant the dwelling, which had been empty and on the property market for several years.

The proposal overall is a holistic response to the property and setting, the solution proposed has not been arrived at lightly, there has been a considered approach with the applicant to develop a modern 21st C response within the framework of an historic property in an historic setting.

Our client/the applicant is a historian who currently lives in a 1776 cottage property, where we have assisted with contemporary inventions and extensions over a 20 year period. She fully appreciates the historic context and the ebb and flow of societal needs through time, that have formed the character of Portgordon and its varied architecture, whilst also needing to create a family home for multi generational living, that will ultimately also accommodate her octogenarian mother, which is why the ground floor is laid out to provide for easy access and an amount of privacy with the garden bedroom/studio space.

This leads the first floor to accommodate family bedrooms and an area for home working.

Historically the first floor accommodation was all work space, storage etc. ancillary to rudimentary ground floor living and bed spaces.

We illustrated in our Design Statement page 5, the earlier neighbour 37/39 attached extension of a steeply/mansard roofed sail or net loft in a likely black tar stained timber with a flat top - a direct reference for our design and a form typical

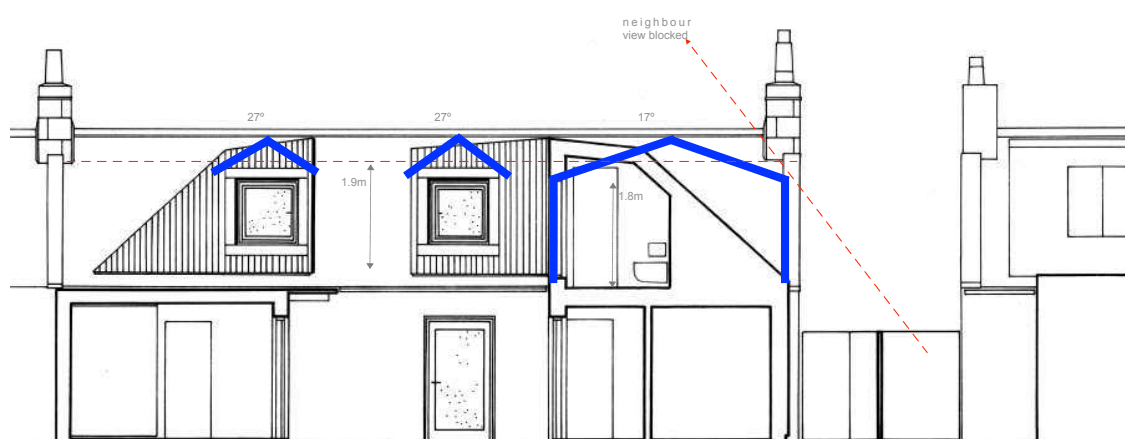
of this immediate part of the coastal settlements. There is still a smoker with a juxtaposition of roof adjuncts in Buckpool attached to a residential property. The area is full of varied forms that have evolved with the social and economic change over time - this area is not a static showpiece theme park but a living community. Portgordon has through its Community Trust in the village made leaps and bounds in starting to regenerate the village for the community and this proposal is just a small part of that process.

By forming a pitched roof over the existing bathroom, we remove a flat roof, we present a pitched roof to the neighbour boundary - not a two storey blank wall [see illustration below] projecting 3m into the eye line behind Nos 35/37 and at over 4.5m it would be inappropriate to tower over the rear aspect of No 37.

This mark-up shows the bulk of your proposed suggestion over the bathroom, to effect a full 1.8m head height throughout is not necessary and would create a disturbing scale and mass of architecture in this context. The wall would be a blank

The applicant is to use the 'void' space created as storage to maximise the roof volume off the bedroom, you'll notice from the plan layout these properties afford very little useful cupboard or storage. So the space is not wasted and we are distinct in our intention not to project back from the existing house a large **box-like** structure that would dwarf the neighbour at No 37.

We have approached the design to encompass many aspects, taking a holistic view to all aspects of design, context, use, environment and build costs - this creates a tight equation for the proposal. Internally the height of the existing bed-



rooms is only 1.95m in a narrow strip in the centre of the house, the doorways are less than standard at 1.8m, that's 100mm lower than the norm. The narrow bay windows to the front elevation to effect pitched roofing of around 27° only provide 1.9m height - usually domestic accommodation is at height of 2.4m.

To afford the most balanced and sensible arrangement for the first floor accommodation we have only added a small amount of floor area, created within pitched roof form volume, setback from the eaves of the main house.

You'll note [above] to squeeze the accommodation under quasi traditional pitches, using matching slate to a buildable pitch, shows that we lose floor area and internal height, creating awkward space akin to the narrow frontage bays - non of these arrangements would allow proper head height, positioning furniture, storage or wardrobes - this would afford no benefit or logical reason to build such forms as they would be properly unusable. Equally building in these forms will increase costs, due to major alterations to the existing roof, with the addition of steel beams, propping down through to the ground floor, disturbing the living area plan arrangement and easily doubling the roof level build costs - just to afford non sensical forms - the extra expenditure would force the budget to be rebalanced and the environmental benefits intended are the most likely cost cuts, damaging the ecological advantages that our client intends.

The existing proposal seeks to maximise the available height on the rear of the property - where there is no visual intrusion - new roofing in a shallow pitched standing seam zinc or aluminium is creative and allows us to maximise volume where it is needed, this is not a flat roof and is **not a box dormer**, a box dormer would have a 1:80 near flat roof and blank vertical sides - our proposal is fully pitched a 3D form, it creates no inward views that have blank square walling in any relationship to a 'box dormer' - we contradict you, there is no view as you state '*from the west*', the neighbour at No 33 would have no view of the ensuite proposal and there are no views into the proposal in the context of the village that would construe the proposals to be a box dormer.

The only potential is for a very distant oblique views from the coastal trail, views from here would not afford anything but an 'birdseye' aspect looking down on the pitched roof dormer proposal and the 'L' shaped ensuite addition with roof pitches in two directions.

Coastal trail views - we show these images to illustrate that the pitched forms will only be viewed from above with viewing angles from the south



view form SW



view from south



view form SE

The dialogue for the architectural style is covered in our Design Statement pages 9-12 shortened here:

*“contextually the intent for the new build rear/south additions, is to carefully moderate the scale and form, the roof level additions are to be built within the roof and to reuse the existing slate for the new pitches, the ‘dormer’ window arrangements are to be **varied pitched forms***

*relating to the examples of vernacular forms and secondary adjuncts to dwellings found locally around Portgordon and in the immediate coastal vicinity - forms that reflect the sheds **and additions to older dwellings***

but we have with crisp architectural detail and careful selection of materials, attempted to design a response that is 21st C, whilst borrowing its lead from history.

The additions will be subtle and secondary to the host dwelling, of a scale and form that marries well in local context and built in a manner that weathers well and requires simple yet minimal maintenance”

The backs of Portgordon properties show examples of additions good & bad - this is a thoughtful design, that marries the scale of additions sympathetically without ‘out of context slavish copies’ of a sub-urban pitched roof architecture that is not well represented locally.

We could discuss architectural style, form and the distinction between contemporary flat roof structures and when they become ‘box dormers’, though I think that is a fulsome architectural essay best saved for another day.

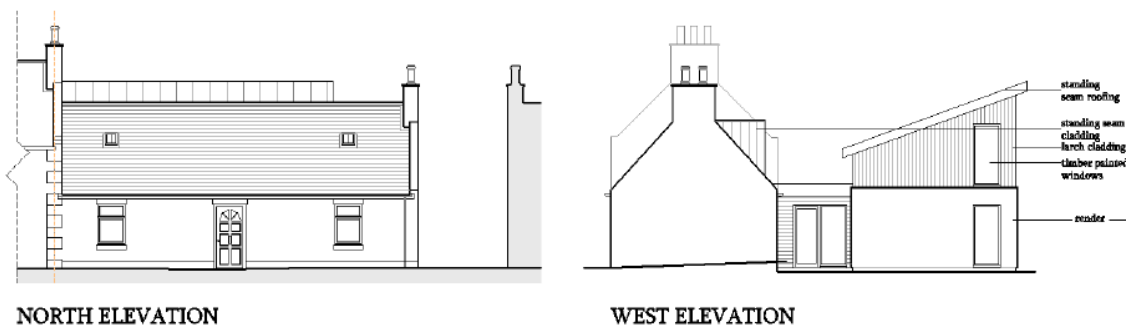
CONTEXT

The immediate local **south side of Gordon Street** displays many architectural forms:

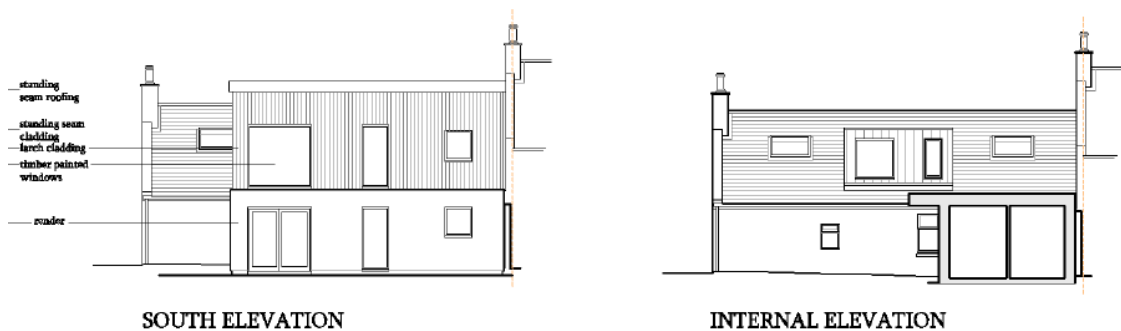
- a flat roof single storey extensive Permitted Development [PD] floor plate of new accommodation at **No 33** using up all the immediate amenity space - that has no relationship to the form of the back gardens, streetscape or historic floor plate of the host dwelling.
- a long 9.5m box dormer at 2nd storey on **No 37** over a long ground floor flat roof extension into the flat garden amenity space - box forms that dominate the host dwelling.
- flat roof extensions & box dormers to **Nos 39 & 41** to the east impinging on amenity space.
- flat roof garden extensions to **Nos 31 & 29** to the west with extensive box dormers.

- A large two storey mono pitch extension to the rear of **No 17** joined by a flat roof link and with a box dormer to the rear pitch approved **18/00193/APP**.

No 17



- the addition is a mono pitch roof higher than the existing cottage and can be clearly seen from neighbour property, public areas - it dominates the host dwelling, dwarfing the scale with a new massing, style & character that is totally different from the host dwelling and the neighbour properties.



- though this addition demonstrates how good quality design does integrate in this locality with the historic setting and host dwellings - even on a much larger scale dominating the host/context.

- the 'Report of Handling' for the No17's 18/00193/APP states [and there is no major change of intent in current DP1 policy from H4 in this instance]:

"Policy Assessment - Impact upon the surrounding locality (H4, IMP1)

The proposed extension is required to be assessed against Policy H4: House Alterations and Extensions and IMP1: Development Requirements in terms of style,

scale, proportions, materials and the potential impact on the surrounding area. The main issue for consideration is whether the proposal will have any adverse effects or impacts on the amenity of the existing house and the surrounding area, including any neighbouring dwellings.

The design of the proposed extension is considered to be acceptable and integrates well to the style, size, scale and proportions of the existing dwelling. The windows look out to the garden, given its location, distance and orientation of the extension from neighbouring adjacent properties it will not have a significant adverse impact on sunlight or daylight nor a significant overlooking or privacy issues in relation to this application, therefore the proposal is acceptable.

The neighbouring property also has a flat room extension in the rear of the property.”

We feel that these contextual examples show the submission proposal is relevant, even though you are saying

“I do not feel that these relate to the character of the existing property or surrounding area”

as this is **contestable** and in fact the character of the setting and the architecture locally is highly varied and displays good strong examples of how contemporary additions over the last 30-40 years have become integrated with the locality without causing overt harm.

The setting is **not a Conservation Area** and other than the height of the extension being at 1m over the allowable [4m] height of an extension within 10m of a boundary, for the roof over the existing bathroom, all aspects of the current proposal would be allowable under PD.

The applicant is minded that PD becomes the most **tempting revision** - to abandon the ensuite shower room proposal and compromise their aspirations due to this subjective interpretation of Planning Policy.

If we were submitting a proposal in a Conservation Area or with a scheduled/listed Historic host dwelling we usually mitigate against causing **harm**, this is key in such a situation, to balance the new proposals within the status quo and to judge if the proposals are harmful, a key point here is that the existing context is not uniform, rear views are very limited and screened, the mantra is

“what is meant by the conservation and enhancement of the historic environment? Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets”

We are clear and show here through example locally and regionally - and in our Design Statement pages 9-10, that even in this undesignated location we are with the applicant going above and beyond what is contextually required.

No visual or historic harm is being caused as the proposed additions can be clearly discerned as contemporary adjuncts and reflect development of architectural form over time.

POLICY

It is clear, that in the case of the application for Planning Permission there is a pre-disposition to support the applicant:

“refusing an application for planning permission solely on the grounds that it does not accord with the provisions of the development plan and without having had regard to other material considerations. Proper consideration should also be given to the merits of the application”

The applicant has committed at length to create a 21st refurbishment of the empty property, being prepared for capital investment in environmental aspects, that go well beyond the regulatory framework for new work to an existing dwelling. There is no requirement for the level of quality and responsibility that will be embodied in the design and the build [see Design Statement pages 12-15] intended.

If the proposed build changes were made at roof level, the substantially increased cost of construction would, as we explain above [page 4], lead to a re-evaluation of expenditure across the property refurbishment and definitely cause the downgrading of build quality and responsible positive environmental features would have to be removed and the contribution of the applicants intent to the future life and quality of the fabric of the building, the setting and the village stock of housing would be lost - it is not responsible to foster a 'style of architecture' purely on visual averages, it has to be a balance of environmental responsibility across all aspects of design and context.

The **Local Plan within PP1** states:

(i) Character and Identity - Create places that are distinctive to prevent homogenous 'anywhere' development

It refers to distinctiveness, architectural identity, detailing and materials - to create successful healthy places that encompass distinctive urban form.

We are conscious with the proposal that it's important not to have a slavish default to quasi traditional safety net of architecture - though nothing we propose here is challenging or offensive, despite our interpretation of traditional forms with a contemporary idiom.

The Local Plan DP1 states that:

“Development Principles - will be applied reasonably taking into account the nature and scale of a proposal and individual circumstances”

DP1 states it will support applications if:

*(i) Design a) The scale, density and character must be **appropriate to the surrounding area and create a sense of place** (see Policy PP1)*

We have demonstrated we are creating a sensitive, yet distinctive proposal that relates to the scale, setting and traditional coastal area - that fosters a sense of place and nearness to need.

We have created a proposal that can:

*d) Demonstrate how the development will **conserve and enhance the natural and built environment and cultural heritage resources**, retain original land contours and integrate into the landscape.*

And does not:

e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.

And embodies the need for:

h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.

*j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) **through the installation and operation of low and zero-carbon generating technologies.***

The 2020 Moray Settlement Statement for Portgordon proposes:

- *Development Strategy / Placemaking Objectives*
- *Protect the character of the existing settlement*
- *Provide support for proposals to re- use the harbour*
- *To promote interest and encourage housing development on designated sites*
- *Development proposals in the Special Landscape Areas must reflect the traditional settlement character in terms of siting and design and respect the special qualities of the designation.*

We have demonstrated that there is protection of the character of the existing settlement, there is no visual intrusion and no extreme characterful harm. The host dwelling sits just out of the Special Landscape Area [SLA] designation and by nature of the scale, orientation and visual accessibility does not impinge on views in or out of the SLA.

By refurbishing and modernising an empty dwelling, this contributes to the re-generation of the whole village - this in turn contributes towards the new life and uses proposed for the harbour and the future generations of this important historic 'planned' harbour village.

PRECEDENT

We gave a few local examples in the Design Statement pages 9-10, of forms that present different aspects of contemporary change, that show the variation, what has been approved through previous Planning Applications and how these all form the character of an area.

The character of the area is made up of good and bad examples of change over time, though here we do work within a framework to foster holistically an improved environment - we say in our design studio we need to 'build back better', this is our starting point for all projects, to offer a quality of architecture that is visually exciting, creating an environment that nurtures and protects whilst embedding a responsibility towards exceeding energy regulations & offering design solutions to provide comfort & sustainability. There is a balance between aspiration & reality, we guide every project to a built form that is responsible & deliverable.

There are precedents in:

- West Bank GARMOUTH
15/02162/APP

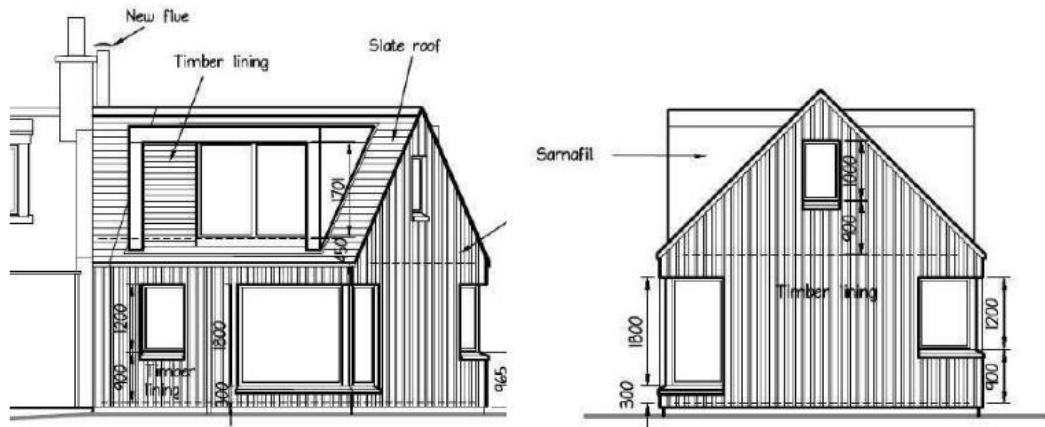


130 Seatown CULLEN
18/00843/APP



Prescaltan ARCHIESTOWN

20/00401/APP



I know the authority will claim that these schemes were approved under an older policy regime, though it is clear the intent of policy has changed little other than becoming slightly more prescriptive in wording in certain aspects and all of these examples have been considered recently and the approved additions to settlements and dwellings are determined under the same auspices of social & economic policy in relation to character of the host dwelling and their locations. These additions are now part of that character and location.

There is nothing we are proposing with the additions to 35 Gordon Street that adversely go beyond the auspices of DP1 as the roof additions cannot be classed in there pitched 3D forms as box dormers.

We'd welcome at this point any comment you have with regard to our mitigation of the submission, as you will realise that the applicant is keen to retain the proposal as submitted.

We have advised the applicant of a likely scenario with the determination process and any need to go to a Moray Local Review Body [MLRB] where NMD with our Planning Consultants would need to expand on the submission documentation and this letter in support of a Notice of Review [NOR].

If the authority are to determine with a refusal, the submission can then be presented, explained and discussed/determined via a NOR with the MLRB Members in the context of:

“matters of wider community interest and/or planning significance”

We appreciate your attention, if there is any further dialogue needed at this juncture please do contact me direct or I’m quite happy to meet, as I’ll be local over the next week/10 days.

Yours faithfully

A handwritten signature in black ink, appearing to read 'nick ~ midgley'.

Nick Midgley

NMD

cc Claire Lambert

NMD nick midgley design

historic
contemporary
contextual

FERAL STUDIOS
WELLINGTON MILLS
QUEBEC STREET
ELLAND
HX5 9AS

01422 255 818
077 111 82 313

POR.P.003.22

Lisa MacDonald
Senior Planning Officer

Economic Growth & Development
The Moray Council
High Street
Elgin
IV30 1BX

Thursday 15th September 2022

Dear Ms Macdonald

22/01066/APP 35 Gordon Street, Portgordon AB56 5QR

Further to our telephone conversation last Friday 09.09.2022 @ 15.06 we present some options for the scope of the application.

We noted in our conversation that you confirmed a preference for the Pre App submission **21/01027/PEHOU - Pre App 35 Gordon Street Portgordon AB56 5QR** which embodies the same form and mass for a two storey extension over the flat roofed existing bathroom, a separate dormer window to the rear/south roof pitch and the flat roof infill to the garden store Grd. Flr. area as the current submission.

We noted you saying that despite DP1 of the adopted Local Plan not allowing 'box dormers', architecturally you felt you would have supported this proposal had the incumbent policy towards box dormers having been different.

We have, as we noted in the submission and our [attached] letter POR.P.001, explained that the submitted design proposal has not been arrived at lightly for the applicant, NMD have picked up the guidance of the Pre App response from Moray in adopting shallow pitched roofing to the dormer and the main extension, along with a symmetrical slate pitched roofing to the dormer, echoing an asymmetrical balance with the roof extension over the existing bathroom flat roof.

We have with the applicant gone 'above & beyond' with the presentation of the design proposal, showing in detail, the context and in relationships to the heritage setting - even though this is not a Conservation Area or listed building.

As we have previously discussed and presented through the submission, NMD made sure, in detail, that the proposal is wholly in alliance with policy [see our letter POR.P.001].

e: nick@nickmidgleydesign.co.uk www.nickmidgleydesign.co.uk

The applicant struggles to accept the scant comment from officers through the submission/determination process and has asked that we point out that other than last weeks telephone conversation there has been no attempt to place Moray Planning's response in the context of her detailed application and submission presentation - she wishes to point out, that bearing in mind the scope of the minor work to the property, she feels singled out and also unduly stressed late in the day with this application.

At no point has Moray Planning shown any prescriptive response to the submission, no comments have been offered in relation to the detail, design or context shown - the applicant feels that the holistic scope of the submission has

"just been ignored or not even looked at"

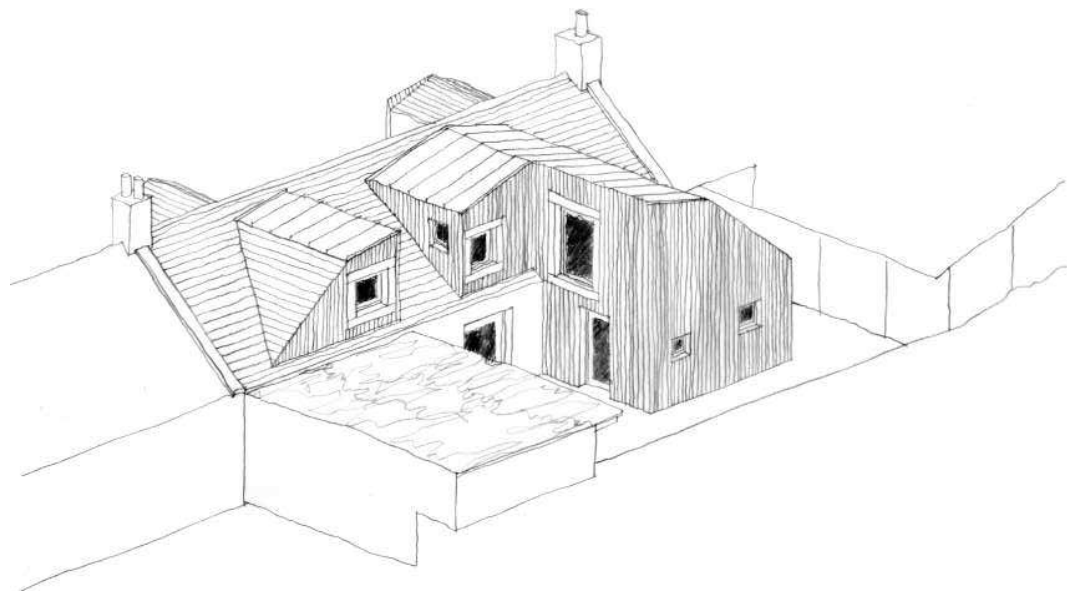
We judge that apparently Moray have given little time to understand the proposal as a 3D form in the setting, its environmental advantages and the regeneration of a 19th C property for the 21st C.

Your comment that the design is 'amorphous' is an odd description - as the applicant points out:

"an amorphous body is organic and without form - better to describe the proposal as crystalline, as a crystalline form is a structure"

The pitched roofing could, to be complimentary, be considered as crystalline, we do not see this though as a negative architectural style.

Shown below is a render and an isometric view of the current submission.



isometric view of current submission proposal

We present here 3no. options:

A

The existing submission, which best relates to neighbour properties, context, the host dwelling and forms a structure that offers the best arrangement to suit multi-generational living - is a new form that would hardly be seen at all in its backland setting.

It presents a pitched slate roof to the eastern neighbours - can just be seen if a passer-by stands on the private land/bund to the north of the Coastal Trail, though when the applicant has erected their new garden fence at 1850mm there will be no view into the south elevation/roof of the property.

From No 33 to west there's no view of the two storey extension except through the trees from the top of their garden and only a partial view of the slate pitch to the western dormer window. We show the images of the partial birds eye view onto the dwelling pitched roofing, that would only just be seen from outside the dwelling boundary **20m** away standing on the elevated bund - not the public area of the Coastal Trail pathway:



render of partial roof top view of current proposal

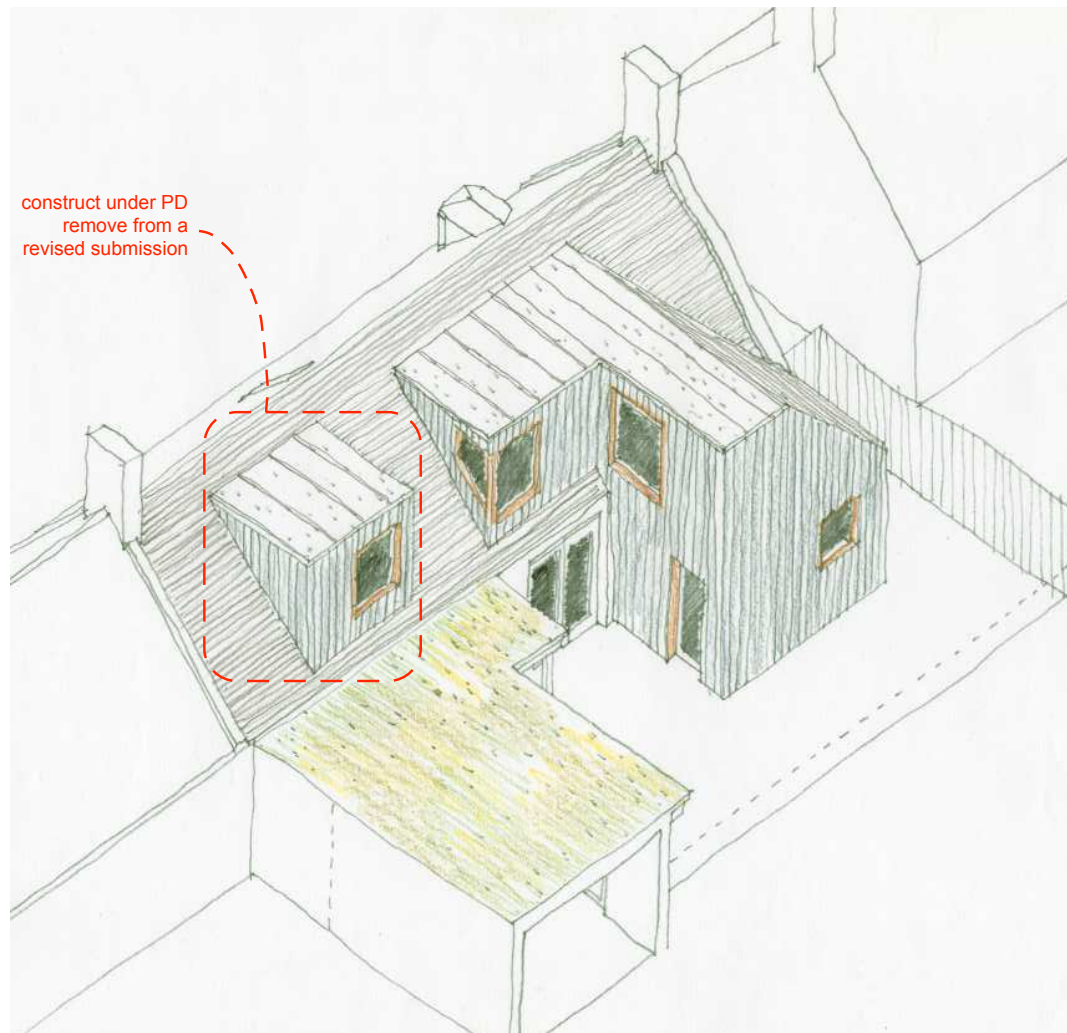
This is the view of the top of the proposed pitched roofing, with the main ridge and chimneys of the host dwelling - between existing mature planting. With new fencing this view will not exist.

The applicant is clear that this is the form they wish to stay with as ideal for the regeneration of the property, they do not wish to compromise.

B

We have the option of removing from the application submission the existing proposal of the western single dormer window, retaining the roof extension over the bathroom flat roof and the link structure to the landing space roof extension with a flat roof - as we understand from our conversation that you actually have no issues architecturally with this part of the application.

Then under Permitted Development we could change the western dormer into a 3m wide flat roofed 'box dormer' occupying not more than 50% of the 6m wide roof plane positioned 300mm from any edge of the roof - this takes us back to the Pre App submission.



C

Is an outline proposal of a Permitted Development [PD] quick sketch scheme, to give the same amount of accommodation for the applicant.

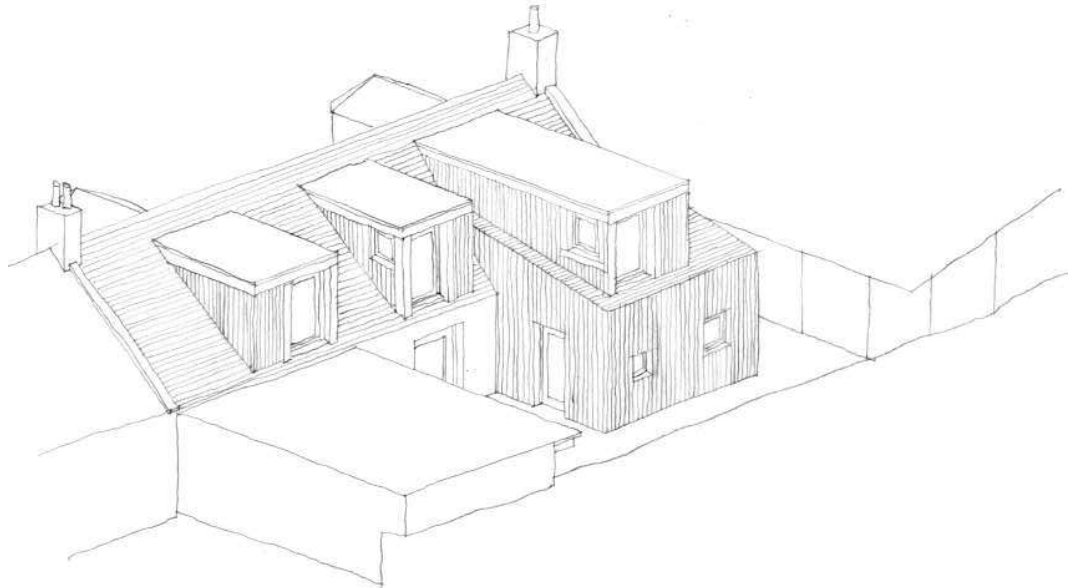
We could introduce a slate pitched roof over the flat bathroom roof with an eaves below 3m and a connection to the main roof no higher than 4m, giving a pitch of 20°.

We could then over 50% of the 12.6m roof width introduce a combined dormer window frontage of 6.3m positioned 300mm from any edge of the roof pitch.

A dormer window within PD is described by mygov.scot in the 2019 'Works that can be carried out through permitted development' as:

"A dormer is an extension, usually with a window, that sticks out of a sloping roof and gives you a bit more headroom"

With this in mind, we can introduce box dormers over any part of the roof pitch [the south pitch is 15m away from the rear/south boundary], the isometric diagram below illustrates the scope that satisfies the same internal space. There is no prescriptive constraint to a dormer window form other than the dimensioned position on the roof pitch, we show below how the PD rules shape a potential response:



isometric view of PD box dormer option

This option totally runs against the current Local Plan and DP1, though we have indicated that the applicant is minded as a 'back-stop' to explore this option to its full extent with a more overtly modernist scheme.

The options illustrate architecturally that the current submission creates a proposal that has strong merit, it is a good addition to the host property and the neighbourhood - whilst actually hardly seen in any context - so any subjective fears that the submission causes harm is unwarranted.

Maybe NMD should have shown some of these 3D images as part of the submission, to help officers understand the complimentary style and nature of the proposal.

We'd judge that with the extra context we have provided with these images and the options open to the applicant, that the submission proposal still remains the best option and we trust that officers would now feel able to support the application.

We are still instructed with a potential refusal of the application to go to appeal, though following your tacit comment that there is doubt if the 'new' review panel is able to make a proper judgement at review, in the circumstances we may request a committee hearing for the application, which would then allow us to seek an appeal through a Regulator. Maybe this is a discussion between us, if you are still minded not to support the application.

Thank you for your assistance with this matter.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Nick Midgley', with a stylized flourish at the end.

Nick Midgley

NMD

cc Claire Lambert

----- Original Message -----

From: Scott Sliter <scott.sliter@portgordon-ct.org>

To: "fiona.olsen@moray.gov.uk" <fiona.olsen@moray.gov.uk>

Date: 29/08/2022 14:43 BST

Subject: 22/01066/APP 35 Gordon Street, Portgordon AB56 5QR

Dear Ms Olsen

I feel compelled to reach out to you to present a concern that I have in relation to challenges that a new and welcomed resident, Claire Lambert, is experiencing in progressing her intention to alter her residence on Gordon Street in Portgordon.

As a founding Director and Chairperson of the Portgordon Community Trust, Ms Lambert shared with me her confusion over challenges that you and your office have presented to her in response to her submitted 'planning application'.

I made the effort to review all the documents that create Ms Lambert's submission; I feel strongly that Ms Lambert's hopes to enhance her home as outlined in her planning submission, is nothing less than a thoughtful design that positively contributes toward the regeneration of a Portgordon house that had been empty for years. I find and have latterly learned, others also find that the design is sympathetic, is in-keeping and in relation to the concept of modest alterations. Importantly, adding a modest extension will only improve the quality of the village environment through enhancing property. Further, my own personal perception of the alteration plan as I understand it to be is that Ms Lambert has dedicated care, commitment and resource to a design that promotes an architecturally holistic approach to design that is both highly sensitive to the host structure and to the village. I have been a diligent and committed member of the Portgordon community working with others to improve the over-all appeal of our village. I feel that by not supporting the designs Ms Lambert is pursuing is in turn, not acknowledging that architecture is an embodiment of societal evolution and requires in my opinion, designs that reflect a society that is both living and evolving. Although I am what one may refer to as a 'traditionalist' in aspects of some approaches to design I perceive and view the proposed elevations as empathetic and complimentary to both the principle, host structure and to 'family life' in 2022 and beyond. I think to state differently is overtly prescriptive and not acknowledging societal changes.

I have seen throughout my years in Portgordon, home extensions that some in the village have viewed as highly contentious, street facing and neither complimentary to or in scale with the host dwelling. Two recent examples are at addresses on Station Road and Gordon Street in Portgordon. What Ms Lambert is proposing is neither contentious, street facing or out of scale with the host structure.

The Portgordon Community Trust and its predecessor, the Portgordon Community Harbour Group have worked tirelessly to help Portgordon improve as a village and better its appeal whilst being deemed viable and attractive to new families hoping to invest of themselves in our community, its appearance and the quality of its houses. Ms Lambert is such a resident and her proposed alterations not only flatter her house but lend to the over all improved perceptions of Portgordon.

I hope that you will view Ms Lambert's plans with the same enthusiasm and appreciation that I do and that she and Portgordon can depend on your support toward the progression of her planning submission as she has submitted it.

Respectfully,

Scott Sliter

Chairperson
Portgordon Community Trust Ltd
Portgordon, Scotland AB56-5QT
Land Line 01542-839857
Mobile 07854 057526



MORAY LOCAL REVIEW BODY

16 FEBRUARY 2023

SUMMARY OF INFORMATION FOR CASE No LR285

Planning Application 22/00327/APP – Change of use of amenity land to garden ground at Rockside, 8 Jubilee Terrace, Findochty, Buckie

Ward 3 - Buckie

Planning permission was refused under the Statutory Scheme of Delegation by the Appointed Officer on 26 September 2022 on the grounds that:

The proposal would be contrary to policies EP9, EP3, EP6 and DP1 of the Moray Local Development Plan 2020 for the following reasons:

1. This proposed change of use would result in the loss of a portion of distinctive grassland, which acts as an attractive transition between the built up area of the village and the beach beyond and also acts as a useful amenity area and as such its loss would have an adverse impact on the amenity, character and appearance of the conservation area in which it lies and the qualities of the wider Special Landscape Area.
2. The proposed site straddles the settlement boundary, with the majority of the site lying out with the settlement boundary, where policy EP6 precludes any development immediately out with the settlement boundary and in this instance, given the adverse impacts on the character and amenity of the area which would result from the development, there is not considered to be any material planning considerations which would merit departing from policy.

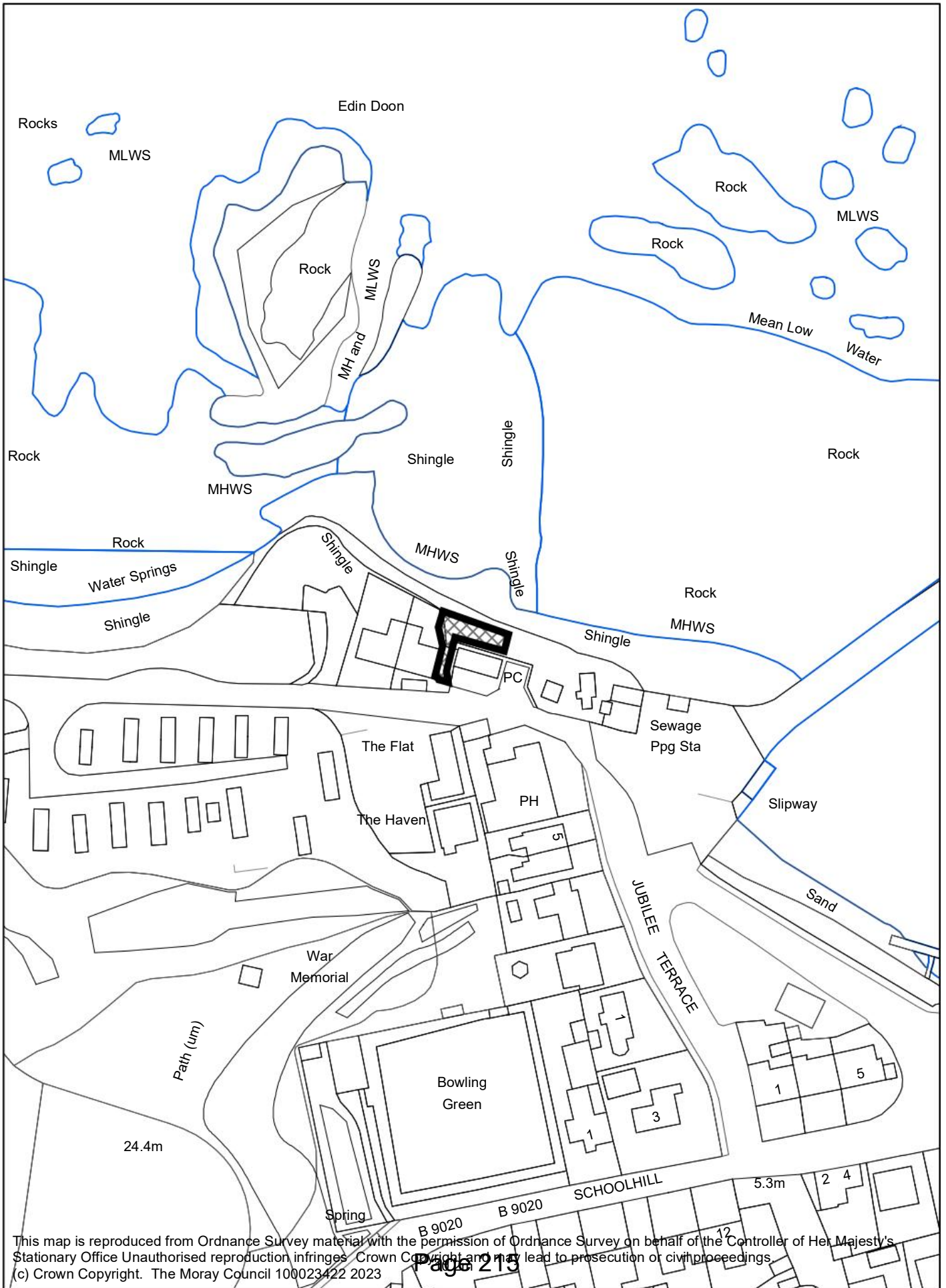
Documents considered or prepared by the Appointed Officer in respect of the above planning application are attached as **Appendix 1**.

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 : 22/00327/APP





APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100540448-001

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.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Change of Use of amenity land to garden ground at Jubilee Terrace, Findochty, Buckie

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

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:	Grant and Geoghegan Ltd.		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Neil	Building Name:	Grant Lodge
Last Name: *	Grant	Building Number:	
Telephone Number: *	07769744332	Address 1 (Street): *	Birnie
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	ELGIN
Fax Number:		Country: *	Scotland
		Postcode: *	IV30 8SW
Email Address: *	neil@ggmail.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	per grant and geoghegan
First Name: *	John	Building Number:	
Last Name: *	Gardiner	Address 1 (Street): *	Grant Lodge
Company/Organisation		Address 2:	Birnie
Telephone Number: *		Town/City: *	ELGIN
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	IV30 8SW
Fax Number:			
Email Address: *	neil@ggmail.co.uk		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Ground at Jubilee Terrace, Findochty

Northing

867982

Easting

345954

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

113.12

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Amenity land

Access and Parking

Are you proposing a new 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 propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements 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 a 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, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

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.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Existing

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

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: Neil Grant

On behalf of: Mr John Gardiner

Date: 03/03/2022

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

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) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.


Declaration Name: Mr Neil Grant


Declaration Date: 02/03/2022


Payment Details

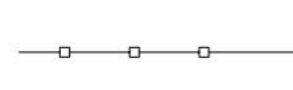
Cheque: X, X

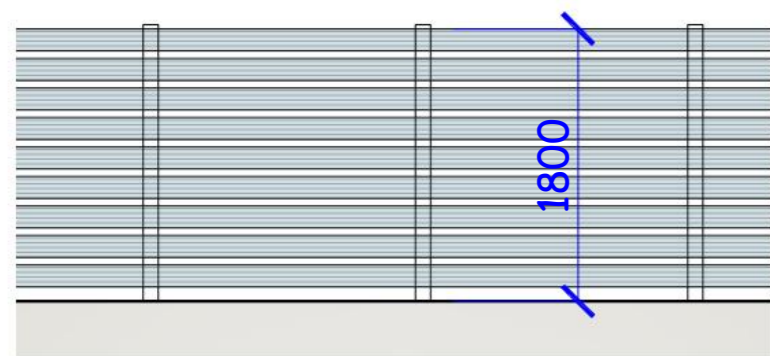
Created: 03/03/2022 09:53

 indicates area of extended pathway, finish to match existing

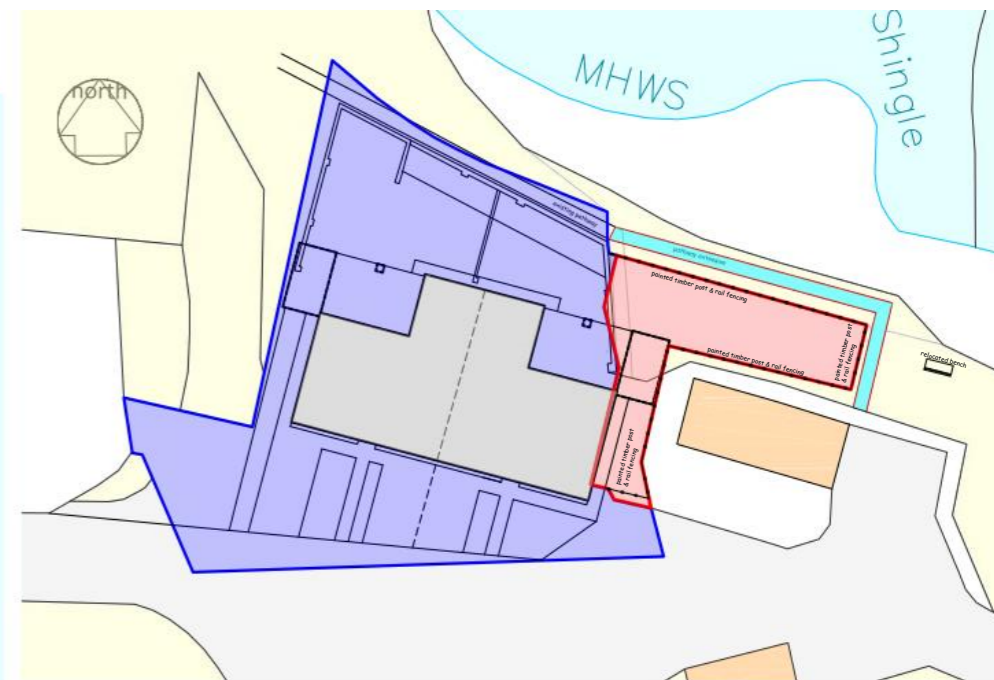
 indicates area of land currently owned by applicant

 indicates additional land purchased by applicant for which permission is sought

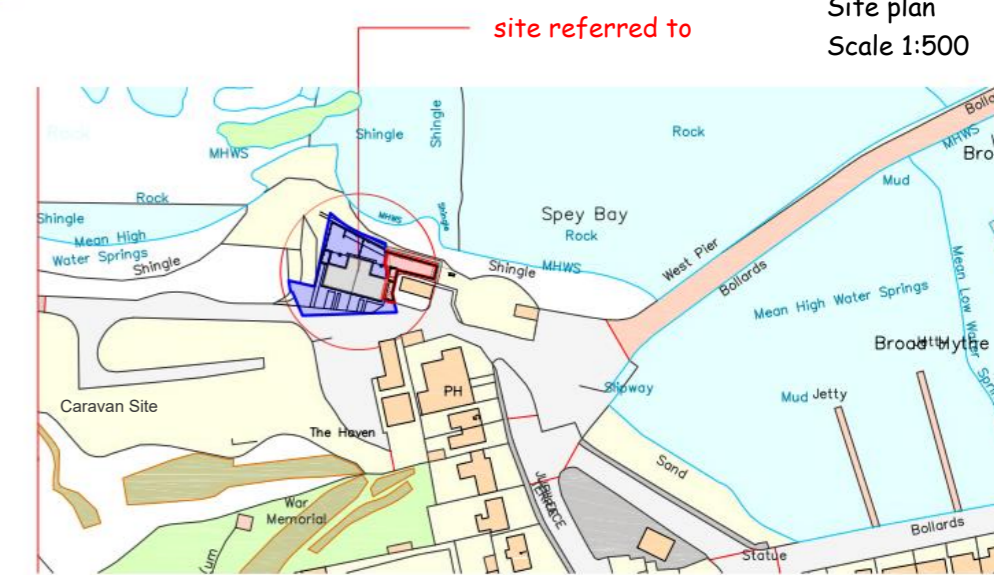
 indicates new post and rail fencing to 1.8m maximum height.



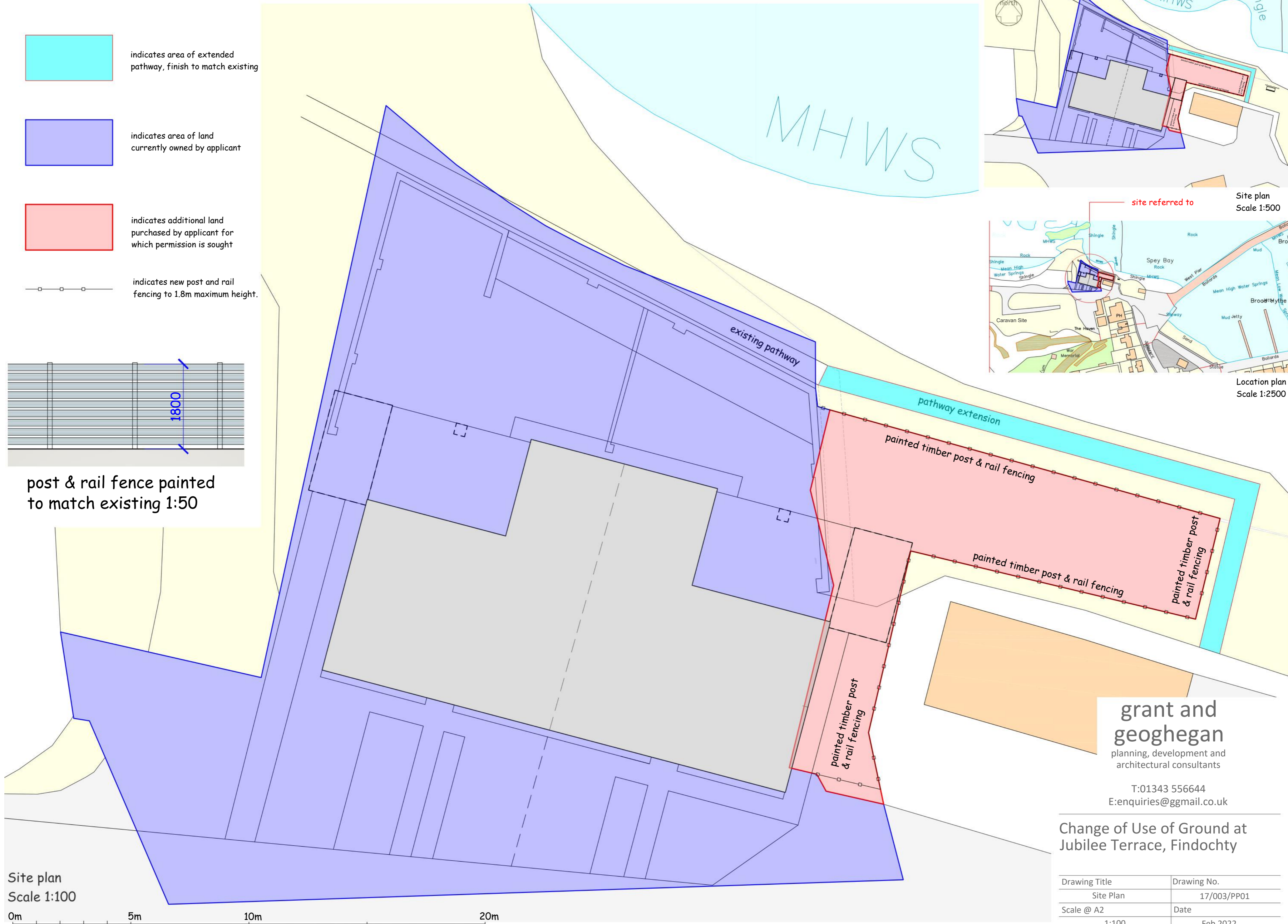
post & rail fence painted to match existing 1:50



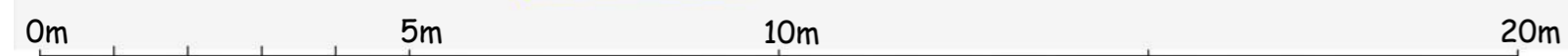
Site plan
Scale 1:500



Location plan
Scale 1:2500



Site plan
Scale 1:100





grant and geoghegan
planning, development and architectural consultants


T:01343 556644
E:enquiries@gmail.co.uk

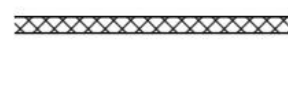
Change of Use of Ground at Jubilee Terrace, Findochty

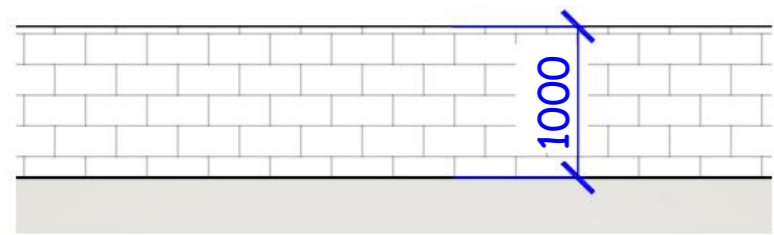
Drawing Title	Drawing No.
Site Plan	17/003/PP01
Scale @ A2	Date
1:100	Feb 2022

 indicates area of extended pathway, finish to match existing

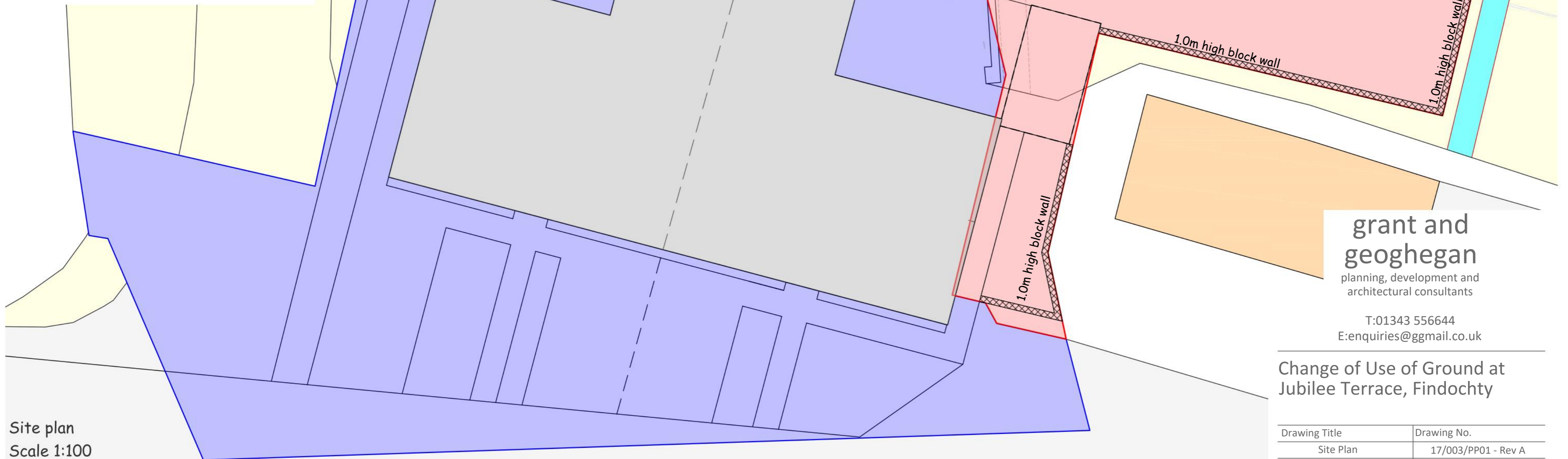
 indicates area of land currently owned by applicant

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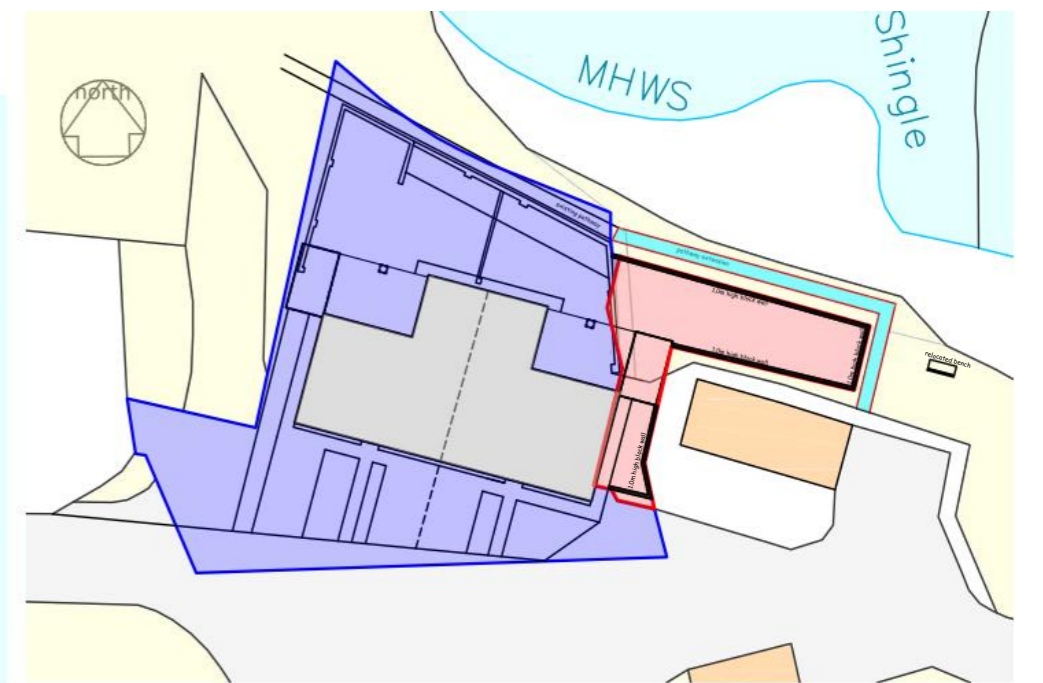
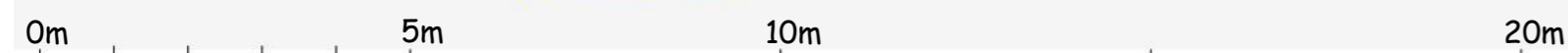
 indicates new blockwork wall to 1.0m maximum height.



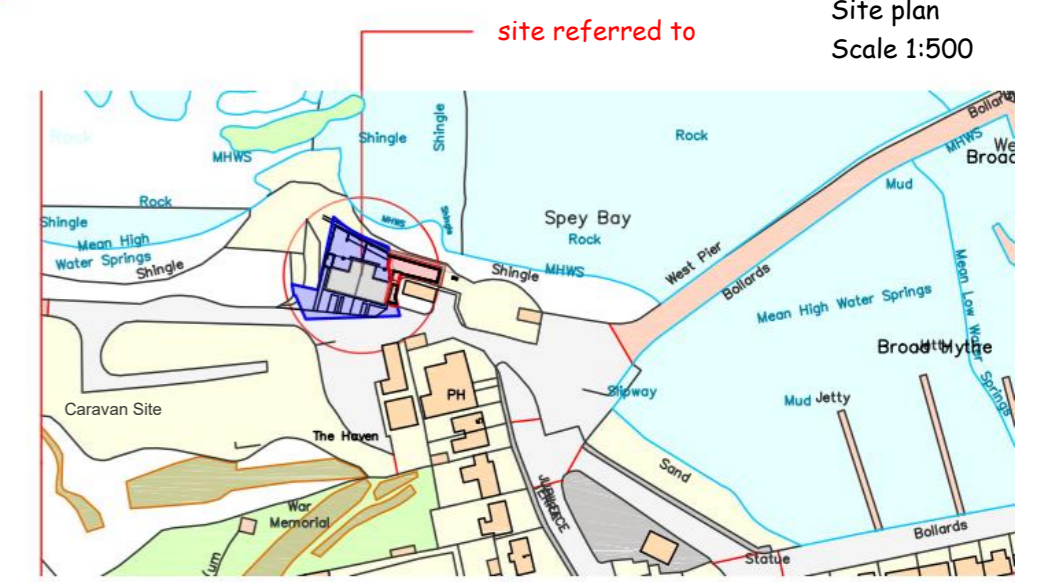
1.0m height block wall to match existing 1:50



Site plan
Scale 1:100



Site plan
Scale 1:500



Location plan
Scale 1:2500

grant and geoghegan
planning, development and architectural consultants

T:01343 556644
E:enquiries@gmail.co.uk

Change of Use of Ground at Jubilee Terrace, Findochty

Drawing Title	Drawing No.
Site Plan	17/003/PP01 - Rev A
Scale @ A2	Date
1:100	Feb 2022

Consultee Comments for Planning Application 22/00327/APP

Application Summary

Application Number: 22/00327/APP

Address: Rockside 8 Jubilee Terrace Findochty Buckie Moray AB56 4QA

Proposal: Change of Use of amenity land to garden ground at

Case Officer: Iain T Drummond

Consultee Details

Name: Mr CL Consultations

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

Email: Not Available

On Behalf Of: Contaminated Land

Comments

Approved unconditionally from Adrian Muscutt (23/3/22).

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	29th March 2022
Planning Authority Reference	22/00327/APP
Nature of Proposal (Description)	Change of Use of amenity land to garden ground at
Site	Rockside 8 Jubilee Terrace Findochty Buckie Moray AB56 4QA
Site Postcode	N/A
Site Gazetteer UPRN	000133072693
Proposal Location Easting	345985
Proposal Location Northing	867970
Area of application site (M²)	113
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=R87KS6BGLS000
Previous Application	21/01372/DCG
Date of Consultation	15th March 2022
Is this a re-consultation of an existing application?	No
Applicant Name	Mr John Gardiner
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Grant And Geoghegan Limited
Agent Organisation Name	
Agent Address	Grant Lodge Birnie Elgin Moray IV30 8SW
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@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: Estates, Central Services

Planning Application Ref. No: 22/00327/APP

**Change of Use of amenity land to garden ground at Rockside 8 Jubilee Terrace Findochty
Buckie for Mr John Gardiner**

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 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 | X |
| (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

Application is in relation to Garden Ground disposal of Council ground, currently being handled by Estates. As such, Estates have no objection to this proposal.

Further information required to consider the application

Contact: Cameron Queen

email address: Cameron.queen@moray.gov.uk

Consultee: Estates

Date.....15/03/2022.....

Phone No 07922436400.....

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.

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management
Planning Application Ref. No: 22/00327/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: James Ross Date 18/05/2022
email address: James.ross@moray.gov.uk Phone No
Consultee: The Moray Council, Flood Risk Management

Consultation Request Notification – Strategic Planning & Development

Planning Authority Name	Moray Council
Response Date	29th March 2022
Planning Authority Reference	22/00327/APP
Nature of Proposal (Description)	Change of Use of amenity land to garden ground at
Site	Rockside 8 Jubilee Terrace Findochty Buckie Moray AB56 4QA
Site Postcode	N/A
Site Gazetteer UPRN	000133072693
Proposal Location Easting	345985
Proposal Location Northing	867970
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Additional Comments	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=R87KS6BGLS000
Previous Application	21/01372/DCG
Date of Consultation	15th March 2022
Is this a re-consultation of an existing application?	No
Applicant Name	Mr John Gardiner
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Grant And Geoghegan Limited
Agent Organisation Name	
Agent Address	Grant Lodge Birnie Elgin Moray IV30 8SW
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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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:-

PLEASE COMPLETE AND RETURN WITHIN 48 HOURS
to consultation.planning@moray.gov.uk

MORAY COUNCIL PLANNING CONSULTATION RESPONSE

From: Strategic Planning & Development

Planning Application Ref. No: 22/00327/APP

Change of Use of amenity land to garden ground at Rockside, 8 Jubilee Terrace, Findochty, Buckie for Mr John Gardiner

Ward: 03_17 Buckie

DETERMINATION - DEPARTURE FROM DEVELOPMENT PLAN *(For Structure/Local Plan Comment)*

		Page No	Policy No(s)	Yes	No
1	Departure from Moray Local Development Plan 2020		PP3 <i>Infrastructure and Services</i>		X
			DP1 <i>Development Principles</i>		X
			EP3 <i>Special Landscape Areas and Landscape Character</i>	X	
			EP6 <i>Settlement Boundaries</i>	X	
			EP9 <i>Conservation Areas</i>		X
2	Further Discussion Required				

REASONING FOR THIS DECISION:

Policy PP3 *Infrastructure & Services*

Policy PP3 seeks to ensure development is planned and co-ordinated with infrastructure to enable places to function properly and are adequately serviced.

The northern boundary of the site is defined by The Moray Coastal Trail, which includes a path that passes through the western part of the site and connecting thereon to the public toilets. The development proposes to reroute the path around the northern and eastern boundaries of the site, maintaining a pathed access from the north to the toilet block. The proposal will therefore have no detrimental impact on existing public access rights, in compliance with Policy PP3

Policy DP1 *Development Principles*

Policy DP1 sets out detailed criteria to ensure that proposals meet siting, design and servicing requirements, provide sustainable drainage arrangements and avoid any adverse effects on environmental interests.

The proposal seeks to convert an area of amenity ground into garden ground. The proposal is of an appropriate scale and character to the surrounding area. To reflect the sensitivities of the proposed site, the boundaries of the site will be defined by post & rail fencing to replicate the adjacent properties. The proposal therefore complies with DP1.

Policy EP3 *Special Landscape Areas and Landscape Character*

The proposed site is located wholly within Portgordon to Cullen Coast Special Landscape Area (SLA). Policy EP3 aims to protect landscapes from inappropriate development. Proposals must not prejudice the special qualities of the designated area, avoid adverse effects on the landscape and visual qualities and adopt the highest standards of design in accordance with Policy DP1 and other relevant policies.

As the majority of the proposal is outwith the settlement boundary of Findochty, the development is considered against the use criteria for rural areas as set out in Policy EP3 (i) (a). The proposal is not for any of the acceptable uses and therefore is a departure from Policy EP3.

The proposed use is however consistent with immediately adjacent properties, whose garden grounds are also outwith the settlement boundary. The development proposes to be bounded by post & rail fencing which reflects existing boundary treatments in the area. On the basis that the character of the proposal reflects the surrounding area and the development is located behind existing buildings and therefore sensitively sited and integrated into the landscape, the proposal is considered an acceptable departure from Policy EP3.

Policy EP6 *Settlement Boundaries*

The proposed site is largely immediately outwith the settlement boundary of Findochty. Policy EP6 seeks to guide development to identified settlements and rural groupings, preventing ribbon development and maintaining a clear distinction between the built-up area and the countryside. As the proposed site is not a designated LONG site, the development is contrary to Policy EP6.

For the reasons set out in Policy EP3 above, the proposal is considered an acceptable departure from Policy EP6.

Policy EP9 *Conservation Area*

The site is located within Findochty Conservation Area. Policy EP9 requires all development within a conservation area to preserve and enhance the established traditional character or appearance of the area.

The siting and proposed boundary treatments will not adversely affect the character and appearance of the conservation area and therefore complies with Policy EP9.

Conclusion

The development site is largely immediately outwith the settlement boundary of Findhochty and falls wholly within the Portgordon to Cullen Coast SLA, where the proposed use is not in compliance with policy. The proposal is therefore contrary to Policies EP3 and EP6.

However, the character of the proposal reflects the surrounding area which consists of a mix of amenity ground and garden ground. On the basis that the character of the proposal reflects the surrounding area and the development is located behind existing buildings and therefore sensitively sited and integrated into the landscape, the proposal is considered an acceptable departure from Policy EP3 and EP6.

The siting and proposed finishes will not adversely affect the character and appearance of Findhochty Conservation Area.

Contact: Darren Westmacott

Email Address: Darren.Westmacott@moray.gov.uk

Consultee: Strategic Planning & Development

Date: 03/05/2022

Phone No: N/A

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.

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Moray Access Manager

Planning Application Ref. No: 22/00327/APP

Change of Use of amenity land to garden ground at Rockside 8 Jubilee Terrace Findochty Buckie for Mr John Gardiner

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 |

 |
| (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: Ian M Douglas

Date15/03/2022.....

email address:ian.douglas@moray.gov.uk

.....
Phone **No**
7049.....

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	29th March 2022
Planning Authority Reference	22/00327/APP
Nature of Proposal (Description)	Change of Use of amenity land to garden ground at
Site	Rockside 8 Jubilee Terrace Findochty Buckie Moray AB56 4QA
Site Postcode	N/A
Site Gazetteer UPRN	000133072693
Proposal Location Easting	345985
Proposal Location Northing	867970
Area of application site (M²)	113
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=R87KS6BGLS000
Previous Application	21/01372/DCG
Date of Consultation	15th March 2022
Is this a re-consultation of an existing application?	No
Applicant Name	Mr John Gardiner
Applicant Organisation Name	
Applicant Address	Per Agent
Agent Name	Grant And Geoghegan Limited
Agent Organisation Name	
Agent Address	Grant Lodge Birnie Elgin Moray IV30 8SW
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Iain T Drummond
Case Officer Phone number	01343 563607
Case Officer email address	iain.drummond@moray.gov.uk
PA Response To	consultation.planning@moray.gov.uk

NOTE:

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

comment to make.

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

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

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

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

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 22/00327/APP

**Change of Use of amenity land to garden ground at Rockside 8 Jubilee Terrace Findochty
Buckie for Mr John Gardiner**

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

Please

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

Transportation has no objections to the proposed change of use.

Further comment(s) to be passed to applicant

The developer should note that the site is located beyond the extents of the Public Road.

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

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

Contact: AG

Date 22 March 2022

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

Consultee: TRANSPORTATION

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://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.

REPORT OF HANDLING

Ref No:	22/00327/APP	Officer:	Iain T Drummond
Proposal Description/ Address	Change of Use of amenity land to garden ground at Rockside 8 Jubilee Terrace Findochty Buckie		
Date:	23.09.2022	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
Strategic Planning And Development	03/05/22	Offered advice in relation to development plan policy
Moray Access Manager	15/03/22	No objections
Contaminated Land	25/03/22	No objections
Estates, Central Services	15/03/22	No objections
Transportation Manager	22/03/22	No objections
Moray Flood Risk Management	18/05/22	No objections

DEVELOPMENT PLAN POLICY		
Policies	Dep	Any Comments (or refer to Observations below)
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	
EP3 Special Landscape Areas	Y	
EP6 Settlement Boundaries	Y	
EP9 Conservation Areas	Y	

REPRESENTATIONS		
Representations Received		NO
Total number of representations received		
Names/Addresses of parties submitting representations		
Summary and Assessment of main issues raised by representations		
Issue:		

OBSERVATIONS – ASSESSMENT OF PROPOSAL

The Proposal

This application seeks planning permission for change of use of public open space to form private garden ground on land adjacent to Rockside, 8 Jubilee Terrace, Findochty.

The proposal also involved the erection of a 1m high block wall to enclose the garden space and provision of a footpath round the site to extend the existing informal footpath which runs through the site.

The site presently forms part of the grassy foreshore at Findochty, between the village and the beach. The applicant's house bounds the site to the west, with the public toilets to the south, remainder of open grassy area to the west and beach to the north.

The site lies within the Findochty conservation area, however, only a small proportion of the site lies within the Findochty settlement boundary (as defined by the 2020 Moray Local Development Plan (MLDP)), with the remainder lying immediately outwith the settlement. The site also lies within the Special Landscape Area again as defined by the MLDP 2020.

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 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

Principle, siting and design (EP9, EP3, EP6 and DP1)

Policies EP9, EP3 and DP1, require all new development to preserve and enhance the established character and appearance of the conservation area, to ensure that new development does not adversely affect the quality and experience of the Special Landscape Area and ensure proposals do not result in an adverse impact on the amenity of the surrounding area.

Policy EP6 also precludes any development immediately out with the settlement boundary, with the defined settlement boundary representing the limit to which any settlement can expand during the MLDP period.

In this case the site forms part of what is a well kept area of grass foreshore, which acts as a useful amenity space and transition between the village and the beach. Whilst it is accepted that the area of grass, which is the subject of this application, is hidden from many viewpoints by the public toilet, which lies immediately to the south, from wider viewpoints this portion of grassland is visible to the east and contributes to the character and setting of the foreshore of the Findochty conservation area.

At approx. 550sqm, this existing grassed area of open space is relatively small, however, it offers an attractive and useful area of amenity space, where people could sit and have picnics on the grass whilst also enjoying the beach. The proposal would result in the loss of approx. 110sqm of this grass area and although this is a relatively small area of land, it constitutes almost one fifth of the overall grass area and as such will inevitably result in a loss of useful public open space and have a detrimental impact on this area of Findochty, which acts as an attraction for tourist and offers valuable local amenity. Although the site lies behind the public toilets, which could be considered to detract from the value of the area, the toilet building offers a good source of shelter in this instance and views from behind the toilets across the beach are valued, which is demonstrated by the presence of the existing public bench to the rear of the toilet block building.

Whilst the applicants have amended to the proposals to show a 1m high boundary wall rather than a 2m high boundary fence, enclosing the area and using it for domestic garden purposes will result in the loss of an attractive area of public open space to the detriment of this area of Findochty.

In addition to the above, the proposed site straddles the settlement boundary, with the majority of the site lying out with the settlement boundary. Policy EP6 precludes any development immediately out with the settlement boundary and in this instance, given the adverse impacts outlined above, there is not considered to be any material planning considerations which would merit departing from policy EP6.

Conclusion

Overall for the reasons outlined above this proposed change of use is considered to have an adverse impact on the character and appearance of the conservation area in which it lies and the wider qualities of the Special Landscape Area. The proposal would also represent an unwarranted development immediately out with the settlement boundary and for these reasons the proposal, does not comply with MLDP policies EP9, EP3, EP6 and DP1.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
21/01372/DCG	Disposal of Council ground at Rockside 8 Jubilee Terrace Findochty Buckie Moray		
	Decision		Date Of Decision

ADVERT

Advert Fee paid?	Yes	
Local Newspaper	Reason for Advert	Date of expiry
Banffshire Advertiser and Herald	Planning application affecting LB/CA No Premises	11/04/22
PINS	Planning application affecting LB/CA No Premises	11/04/22

DEVELOPER CONTRIBUTIONS (PGU)

Status	None sought
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DOCUMENTS, ASSESSMENTS etc. *

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

Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

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

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



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

REFUSAL OF PLANNING PERMISSION

**[Buckie]
Application for Planning Permission**

TO

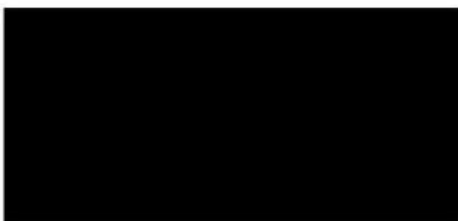


With reference to your application for planning permission under the above mentioned Act, the Council in exercise of their powers under the said Act, have decided to **REFUSE** your application for the following development:-

Change of Use of amenity land to garden ground at Rockside 8 Jubilee Terrace Findochty Buckie

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

Date of Notice: **26 September 2022**



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 proposal would be contrary to policies EP9, EP3, EP6 and DP1 of the Moray Local Development Plan 2020 for the following reasons:

1. This proposed change of use would result in the loss of a portion of distinctive grassland, which acts as an attractive transition between the built up area of the village and the beach beyond and also acts as a useful amenity area and as such its loss would have an adverse impact on the amenity, character and appearance of the conservation area in which it lies and the qualities of the wider Special Landscape Area.
2. The proposed site straddles the settlement boundary, with the majority of the site lying out with the settlement boundary, where policy EP6 precludes any development immediately out with the settlement boundary and in this instance, given the adverse impacts on the character and amenity of the area which would result from the development, there is not considered to be any material planning considerations which would merit departing from policy.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
17/003/PP01		Elevations site and location plan
17/003/PP01 A		Site 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

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND 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 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

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.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s) Name: Mr J Gardiner

Agent (if any)

Address:

Name: Grant & Geoghegan

Postcode

Address: Grant Lodge, Birnie, Elgin

Postcode: IV30 8SW

Contact Telephone 1

Contact Telephone 1: 01343 556644

Contact Telephone 2

Contact Telephone 2:

Fax No

Fax No

E-mail*

E-mail: neil@gmail.co.uk

Mark this box to confirm all contact should be through this representative: X

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No
X

Planning authority

Moray Council

Planning authority's application reference number

22/00327/APP

Site address

Rockside 8 Jubilee Terrace Findochty Buckie Moray AB56 4QA

Description of proposed development

Change of Use of amenity land to garden ground

Date of application

04/03/2022

Date of decision (if any)

26/09/2022

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

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. 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)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

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.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, 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 are necessary:

Site inspection

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

- | | Yes | No |
|--|-----|--------------------------|
| 1. Can the site be viewed entirely from public land? | X | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | X | <input type="checkbox"/> |

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

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.

Grounds of Appeal stated in separate document.

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 new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

N/A

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 and intend to rely on in support of your review.

We understand the refused plans will form part of the appeal papers which Member's will be able to draw on. No further information is required in this instance.

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 Council Office, High Street, Elgin until such time as the review is determined. It is also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm 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 requiring 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 [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

grant & geoghegan ltd.

Chartered Planning Development and Architectural Consultants

Unit 4 Westerton Road Business Centre
4 Westerton Road South
Keith AB55 5FH

T: 01343 556644

E: enquiries@ggmail.co.uk

Grounds of Appeal

Rockside, 8 Jubilee terrace, Findochty, Buckie

Issue Date:

22nd December 2022

Executive Summary

These grounds for review relate to the modest extension of an existing residential curtilage at Rockside, 8 Jubilee Terrace, Findochty. It is the appellants position that: -

- The site is not subject to specific protection under Policy EP5 Open Space in respect of its contribution to the overall resource.
- It is a logical extension to an existing, domestic curtilage.
- When the quantity, quality, community value, accessibility and use of this land is considered in respect of the aims and objectives of open space provision, it is clear the land has no significant functional value.
- The close relationship of the land to the host property and the sensitive design of the proposals is such that is not considered to have a significantly detrimental impact on the overall character of the conservation area, the surrounding landscape or the integrity of the settlement boundary.
- There have been no objections to the proposals from local residents.

Through the submission of these Grounds of Appeal, the appellants seek to demonstrate that insufficient weight was placed on the above in the decision-making process.

In this context, it is respectfully requested that the Local Review Body reconsider the decision to refuse planning permission.

CONTENTS

1.0. Introduction

2.0. The Proposal

3.0. Reason for Refusal

4.0. Grounds of Appeal

5.0. Conclusion

1.0 Introduction

These grounds for review of a decision to refuse planning permission for a change of use of amenity land to garden ground at Rockside, 8 Jubilee Terrace, Findochty are submitted under section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended). This notice of review has been lodged within the prescribed 3-month period from the refusal of permission dated the 26th of September 2022.

This appeal statement responds to the updated reasons for refusal and addresses the proposal in relation to Development Plan Policies and relevant material planning considerations as required by Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2.0 The Proposal

The development proposal involves the change of use of a small area of grassy foreshore (depicted in red below) to garden ground and the erection of a 1m high wall around the proposed site boundary.

The proposals have been designed to respect the open appearance of the site as much as possible. To this end, the proposed boundary treatment would be a wall constructed to a height of 1 metre and finished to match the existing 1-metre-high wall which bounds the host property.

The proposed development also includes the diversion of an existing informal footpath to a more suitable point of connection into the existing path/ road network of Findochty, to the other side of the public convenience building, a short distance to the east (shown in cyan below).

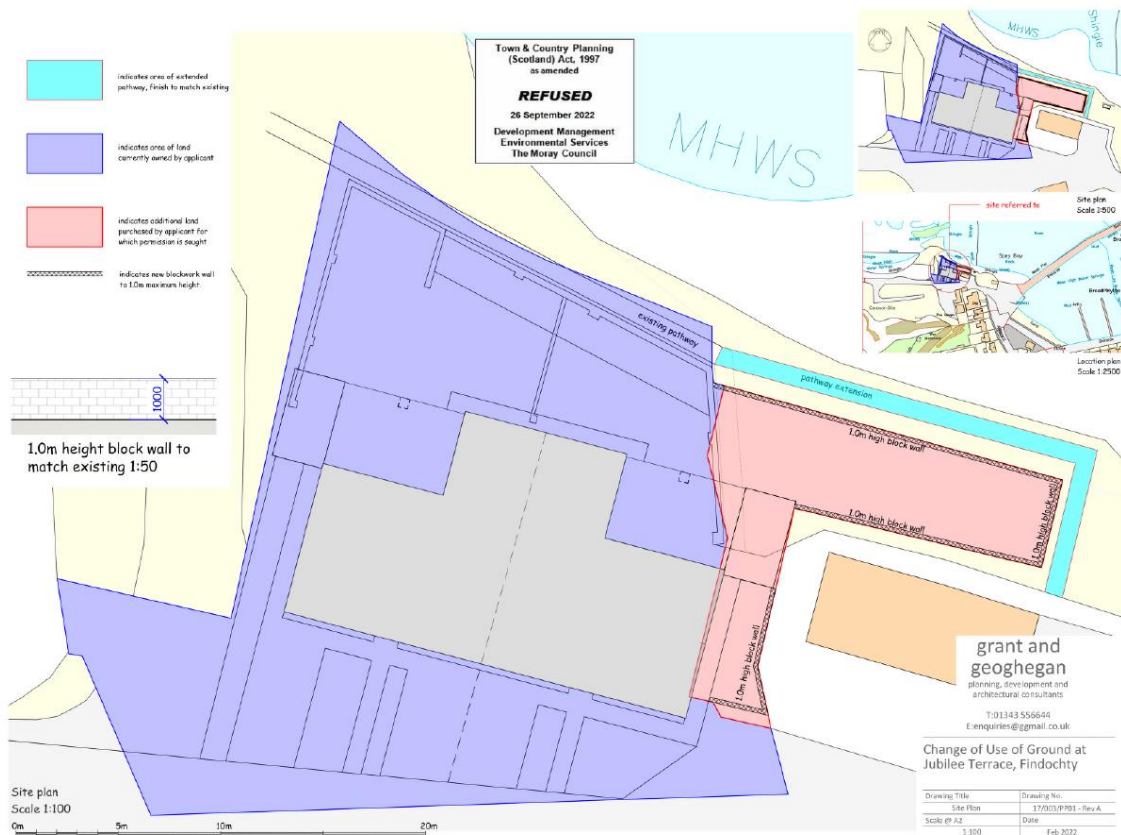


Fig: 1 - Site Layout Plan, refused by the Moray Council on the 26th of September 2022 under reference 22/00327/APP

3.0 Reasons for Refusal

The reasons for refusal state that: -

'The proposal would be contrary to policies EP9, EP3, EP6 and DP1 of the Moray Local Development Plan 2020 for the following reasons:

- 1. This proposed change of use would result in the loss of a portion of distinctive grassland, which acts as an attractive transition between the built-up area of the village and the beach beyond and also acts as a useful amenity area and as such its loss would have an adverse impact on the amenity, character and appearance of the conservation area in which it lies and the qualities of the wider Special Landscape Area.*
- 2. The proposed site straddles the settlement boundary, with the majority of the site lying out with the settlement boundary, where policy EP6 precludes any development immediately out with the settlement boundary and in this instance, given the adverse impacts on the character and amenity of the area which would result from the development, there is not considered to be any material planning considerations which would merit departing from policy.'*

4.0 Grounds of Appeal

The first reason for refusal describes the area as *'distinctive grassland, which acts as an attractive transition between the built-up area of the village and the beach beyond and also acts as a useful amenity area'*. On this basis, the appointed Officer concludes that *'it's loss would have an adverse impact on the amenity, character and appearance of the conservation area....and the qualities of the wider landscape area'*.

The main issue in terms of the assessment of the proposed scheme is not necessarily the appearance of the wall or the use of the land as garden ground (which is a relatively inoffensive form of development in this context), but rather the potential impact that such a proposal would have in terms of altering the use, function and appearance of the land in its current form.

An attempt has therefore been made to assess the significance of the proposed land in terms of its value as a community resource and its contribution to the visual appearance of its locality and the wider area to establish the potential impact of the proposed development on the community and the character of the area as a whole.

Members will note that the residential area in this part of Findochty is well connected to and served by a variety of formal and informal open spaces and areas in the form of public parks, playspace and sports areas, a considerable portion of which are located within a 250-metre radius of the development site. These areas are covered by an ENV4 (Sports Areas) and ENV 6 (Natural/ Semi-Natural Greenspace) designation, which are both protected in guidance contained within parent policy EP5 Open Space. In assessing the principle of development, it is important to note that the subject site and its immediate surrounds are not covered by any specific protection through this policy.

When assessing the proposed site in association with the existing network of informal and formal public open space specifically, it is apparent that the subject site is not inextricably linked to this network. The land appears isolated in this context as a result of its physical and visual disconnection with existing designated open space provision.

The disconnection of the land from designated open space diminishes its value as a useable, functional and accessible resource in terms of promoting opportunities for formal and informal recreation and physical activity as well as its contribution towards nature conservation and environmental enhancement. It should be

noted that the approval of this application would not affect the function of the Coastal Trail in any way nor does it preclude the use of the remaining resource in its immediate surrounds as informal open space or preclude access to nearby open space provision.

Moreover, given the significant provision of public open space within close proximity to the site and the accessibility of these areas from Jubilee Terrace and the Coastal Trail, it is questionable how much value and emphasis is placed on the proposed site as a community resource for informal purposes. With this in mind, it is reasonable to suggest that the intrinsic value of the site is mainly in the form of its visual merits and aesthetic quality.

Whilst the visual appearance is much improved since the host property was built, due in part to the appellants programme of maintenance, the contribution the land makes to the overall character and appearance of the area is questionable. Such is the location of the land and its association with the surrounding area that it is not considered fundamental to the overall character of the street or the visual/ landscape characteristics of the wider area, emphasised by the sites position at the end of a residential street, behind a public convenience, on the approach to the caravan park.

Taking into account the quantity, quality, community value, accessibility and use of existing open space it is considered that the land has no significant functional value. Furthermore, the form and relationship of the land in association with the existing street scene along Jubilee Terrace is such that is not considered to have a significantly detrimental impact on the overall character of the conservation area.

In respect of the second reason for refusal, the appointed officer correctly points out that the proposed site straddles the settlement boundary. However, the same is also true of a large portion of the curtilage of the host building, as shown in fig. 2 below.

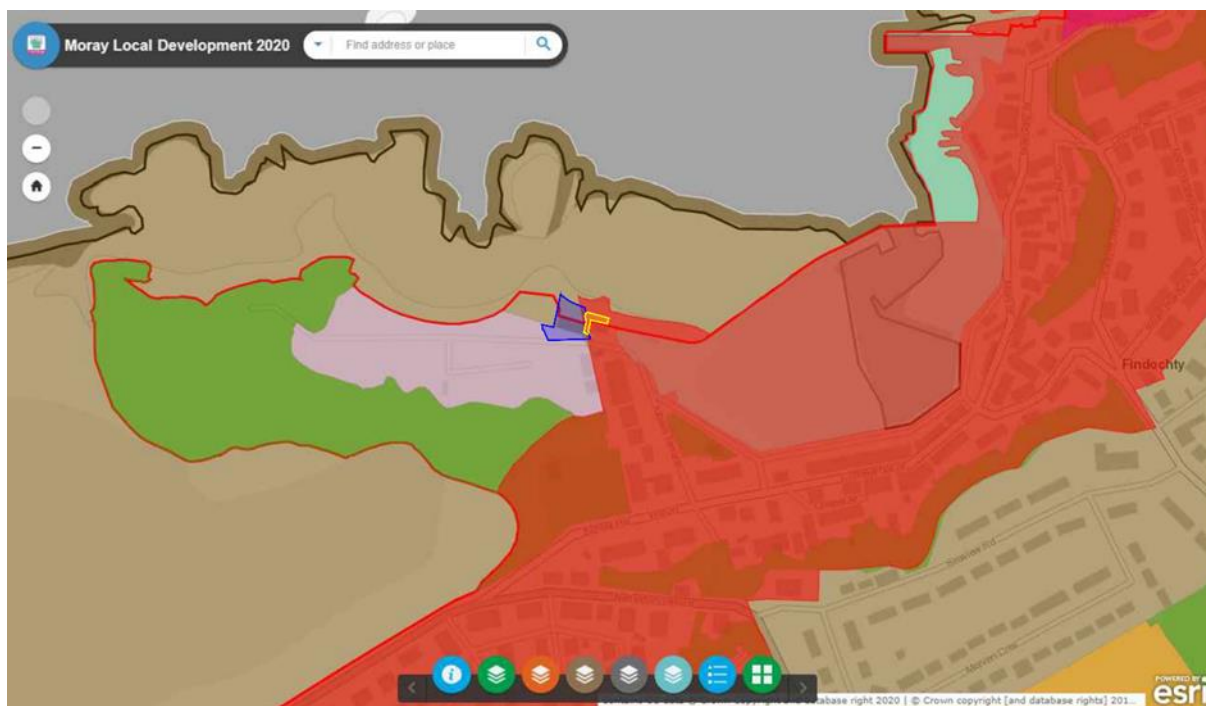
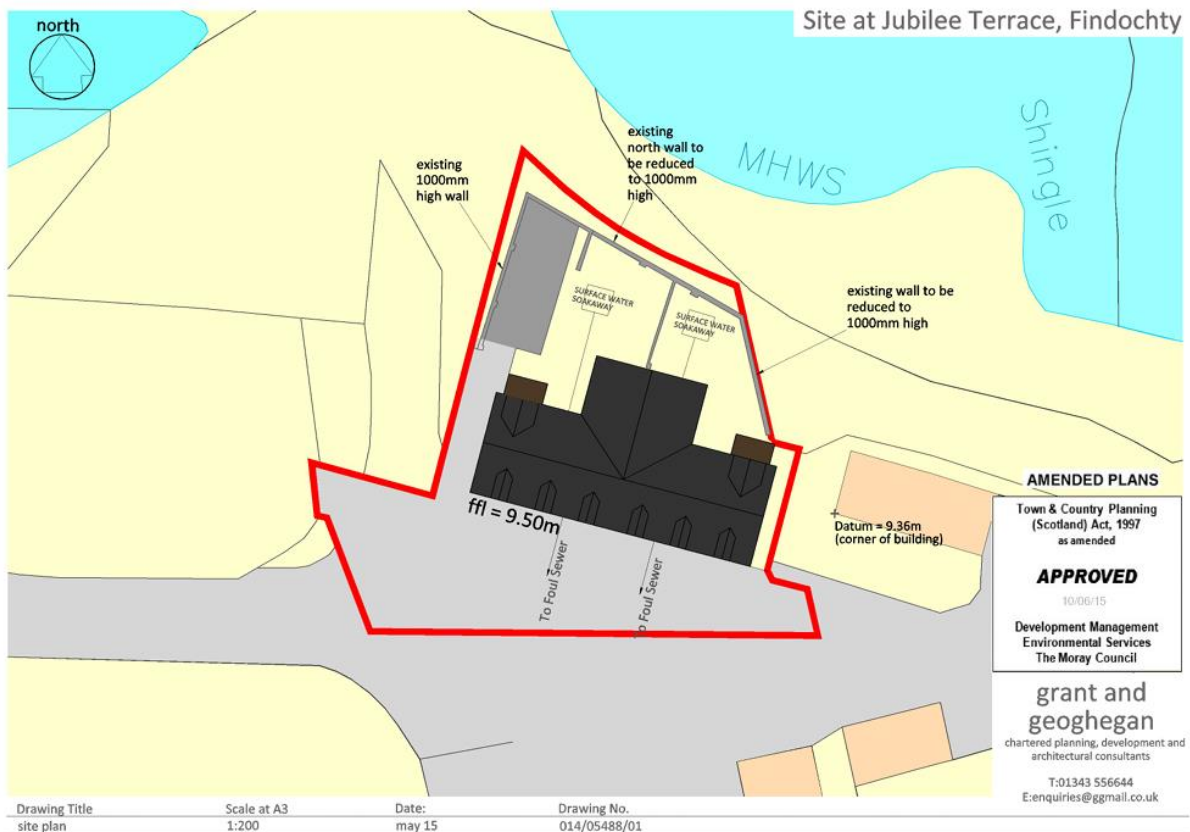


Fig. 2 - Appellants current curtilage (blue), appeal site (yellow), settlement boundary (solid red line), conservation area (red shade), designated green space (green) and special landscape area (brown).

The subjects originally gained the grant of planning permission under reference 12/01286/APP for the formation of two first floor flats over the (at that time) existing lockup garages before gaining the grant of planning permission under reference 15/00697/APP for the erection of 2 semi-detached dwellings.



Site Plan approved as part of 15/00697/APP with identical boundary to the appeal subjects

The appellants propose that during the plan making process of the MLDP 2020 that the settlement boundary of Findochty was not accurately updated to reflect the extent of an existing, approved domestic curtilage. In this context, the appellants would respectfully propose to Members that the extent of the settlement is blurred in this location, a fact emphasised by a portion of the conservation area also extending out with the settlement boundary for no apparent reason. On this basis, we would contend policy EP6 should carry limited weight in the planning balance.

5.0 Conclusion

The Planning Act requires planning applications to be determined in accordance with the Development Plan unless there are “material considerations” to justify doing otherwise.

In this case, when all matter are considered in the round, the appellants would contend that:-

- the proposals do not have a significant impact on open space provision in this part of Findochty, such as to warrant refusal of the planning application;
- do not significantly impact on people’s enjoyment of the Coastal Trail, and;
- due to the scale and location of the proposals, do not have a significantly detrimental impact on the special qualities of the conservation area, the special landscape area or upon the integrity of the settlement boundary.

The appellants respectfully submit that the above constitutes significant material weight in favour of the proposals, sufficient to attract a recommendation of approval. For these reasons, it is respectfully requested that the Local Review Body reconsider the decision to refuse the proposed development and grant planning permission.

