



MORAY LOCAL REVIEW BODY

17 AUGUST 2023

SUMMARY OF INFORMATION FOR CASE No LR290

Ward 7 – Elgin City South

Planning Application 22/01849/APP – Erect free standing car port at 32 Muirfield Road, Elgin

Planning permission in principle was refused under the Statutory Scheme of Delegation by the Appointed Officer on 8 March 2023 on the grounds that:

The proposed car port does not comply with the Moray Local Development Plan Policy DP1 - Development Principles and National Planning Framework 4 Policy 16 - Quality Homes because it would sit forward of the principle elevation of a mid-terrace house in an area where there are no buildings/structures that sit to the front of houses. The proposal therefore would appear out of place and be detrimental to the established character of the surrounding area. It would also set a precedent for further similar development.

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

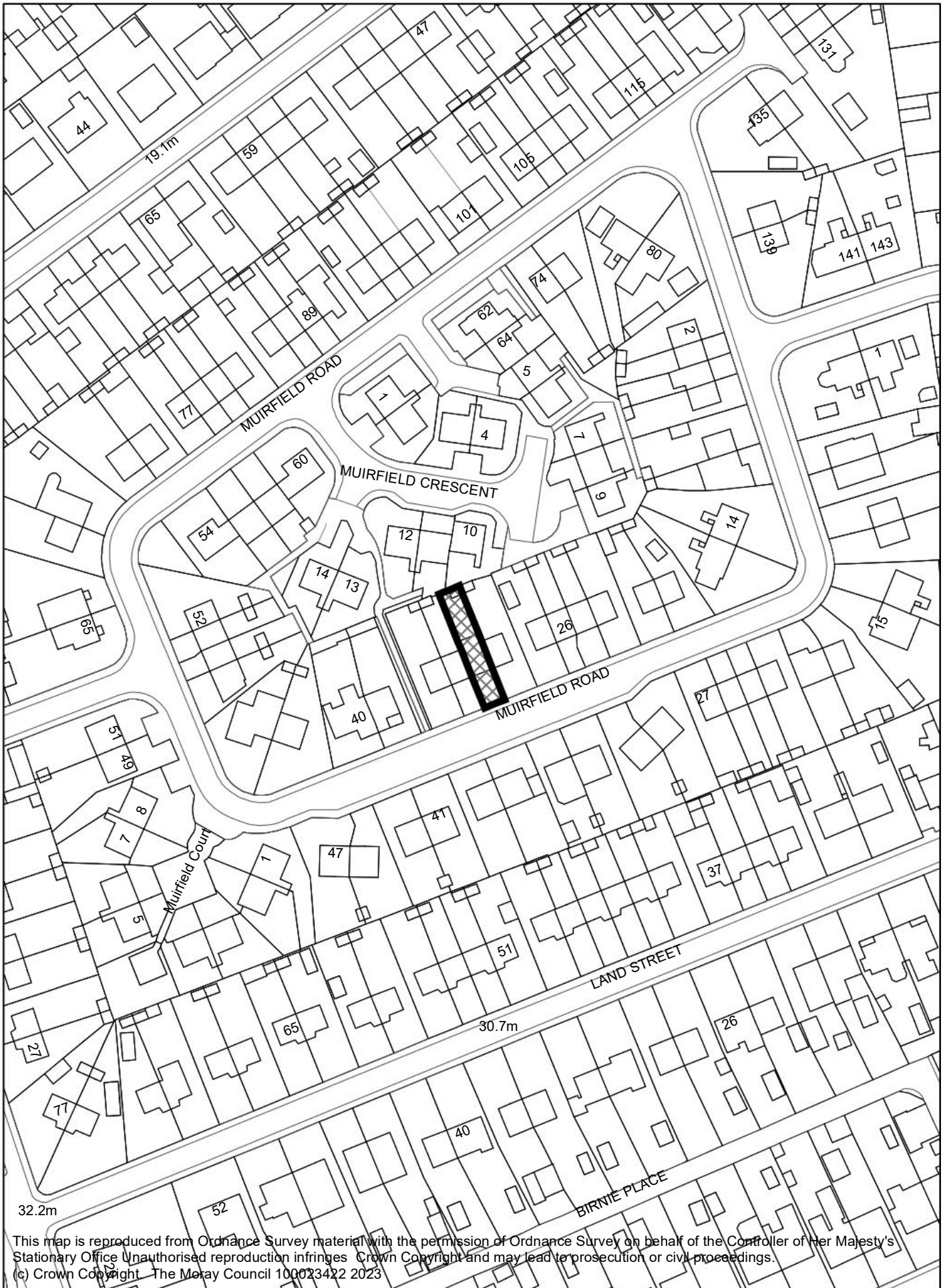
The Notice of the Review, Grounds for Review and any supporting documents submitted by the Applicant are attached as **Appendix 2**.

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

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



**Location plan for Planning Application Reference Number :
22/01849/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 100609913-001

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)

Erect free standing car port

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:	Plans Plus		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Colin	Building Name:	Plans Plus Offices
Last Name: *	Keir	Building Number:	
Telephone Number: *	01343 842635	Address 1 (Street): *	Main Street
Extension Number:		Address 2:	Urquhart
Mobile Number:		Town/City: *	By Elgin
Fax Number:		Country: *	Moray
		Postcode: *	IV30 8LG
Email Address: *	ctkplans@aol.com		

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:	
First Name: *	Graham	Building Number:	32
Last Name: *	Calder	Address 1 (Street): *	Muirfield Road
Company/Organisation		Address 2:	New Elgin
Telephone Number: *		Town/City: *	Elgin
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	IV30 6DE
Fax Number:			
Email Address: *	ctkplans@aol.com		

Site Address Details

Planning Authority:

Moray Council

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

Address 1:

32 MUIRFIELD ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ELGIN

Post Code:

IV30 6DE

Please identify/describe the location of the site or sites

Northing

861384

Easting

321839

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Colin Keir

On behalf of: Mr Graham Calder

Date: 08/12/2022

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

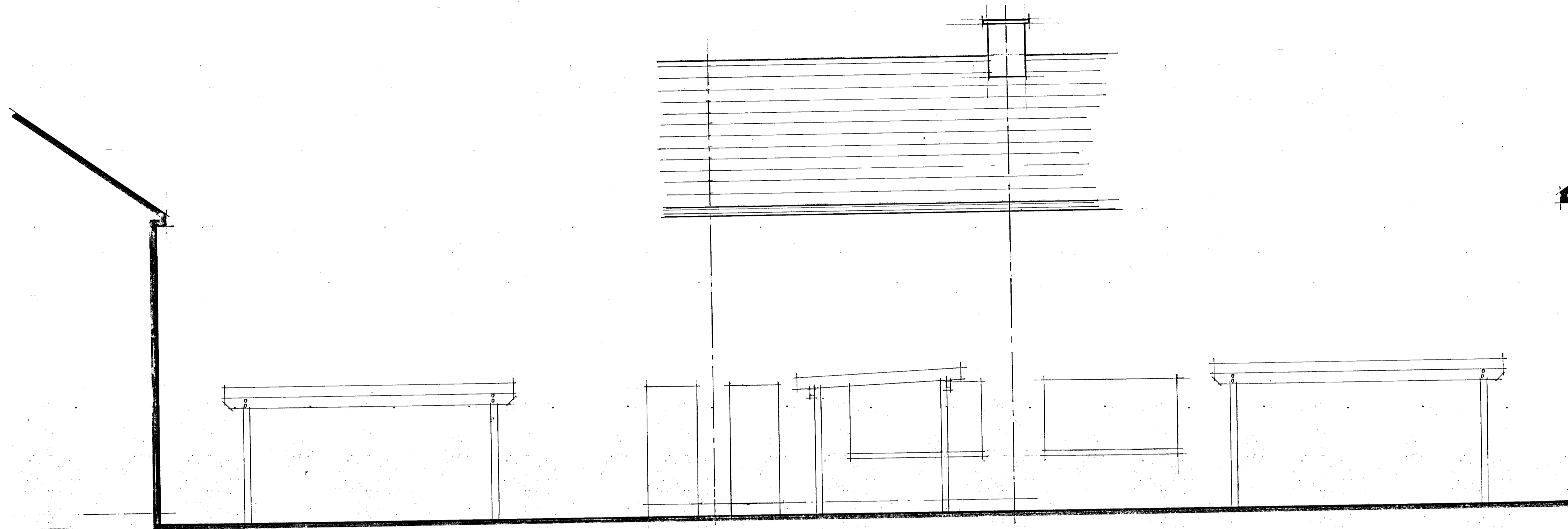
You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

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 Colin Keir

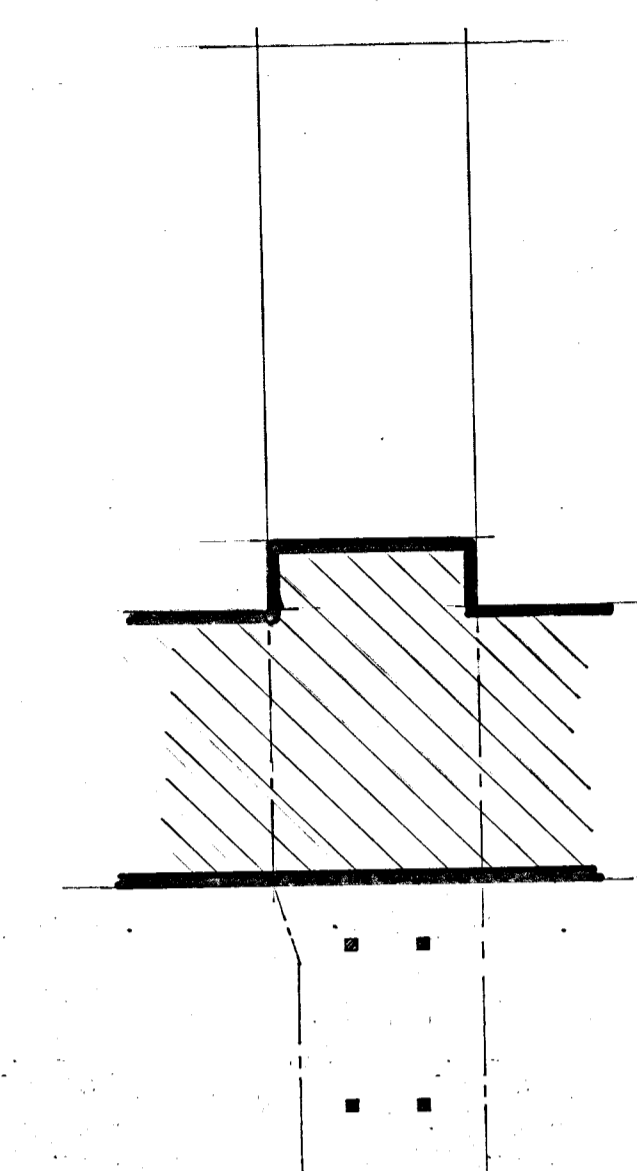
Declaration Date: 08/12/2022



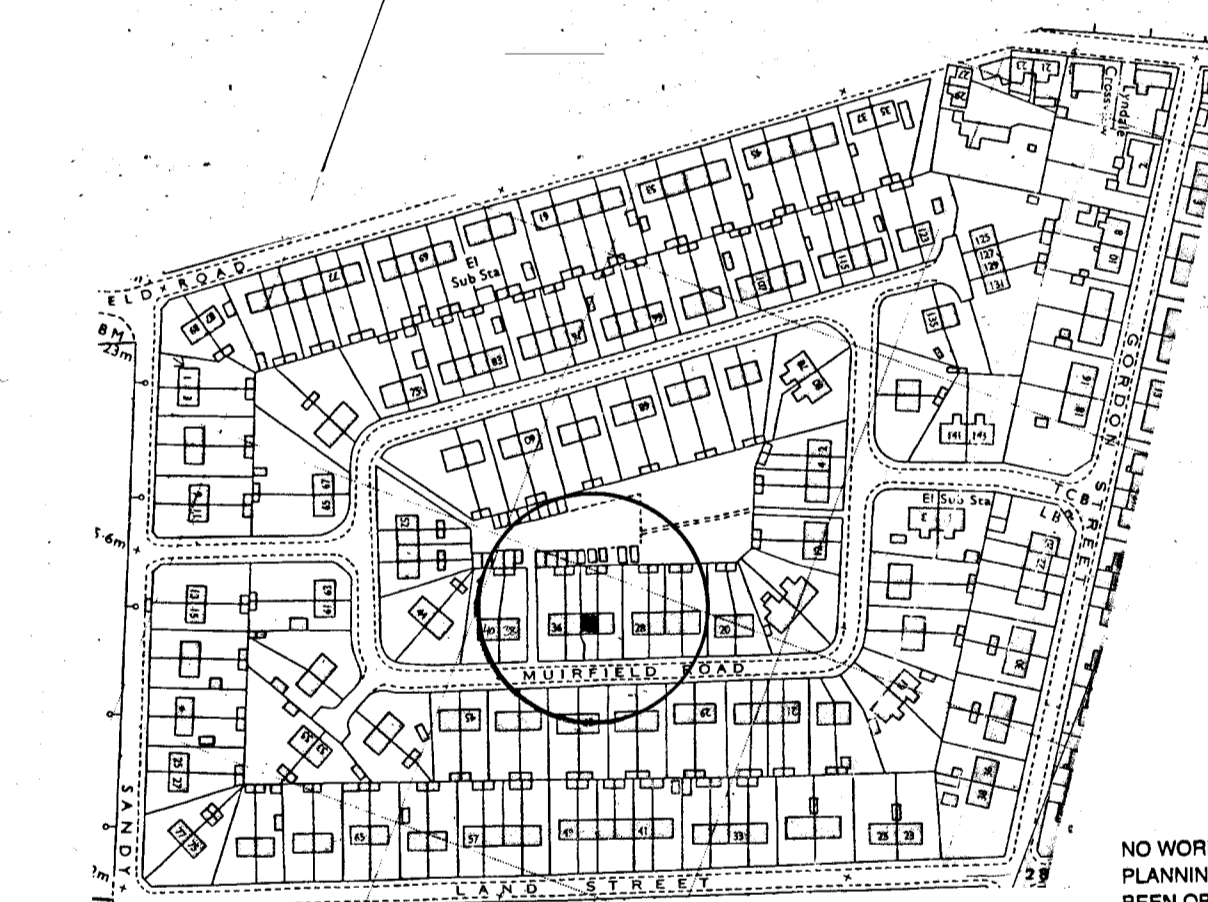
Side elevation 1-50

Front elevation 1-50

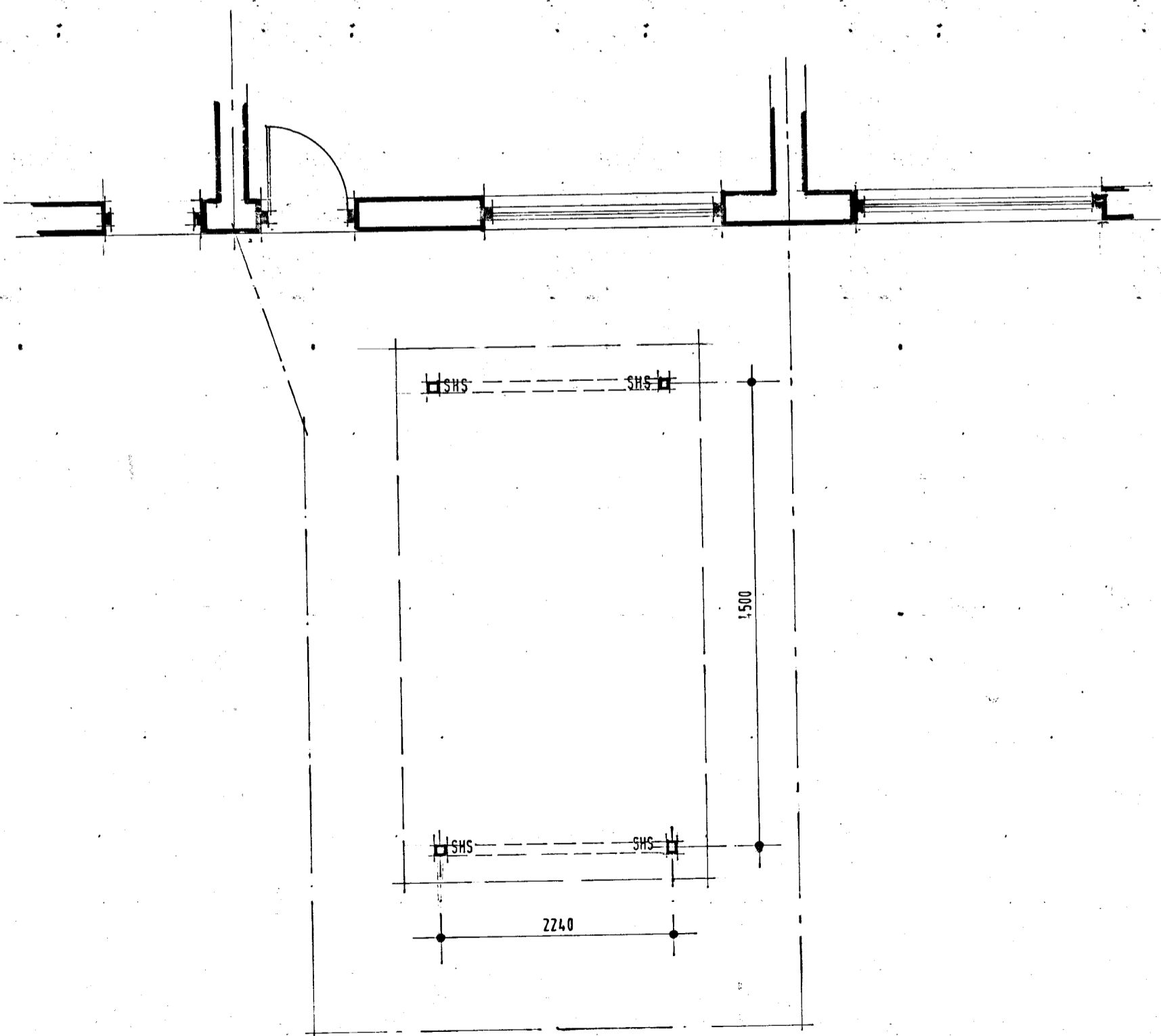
Side elevation 1-50



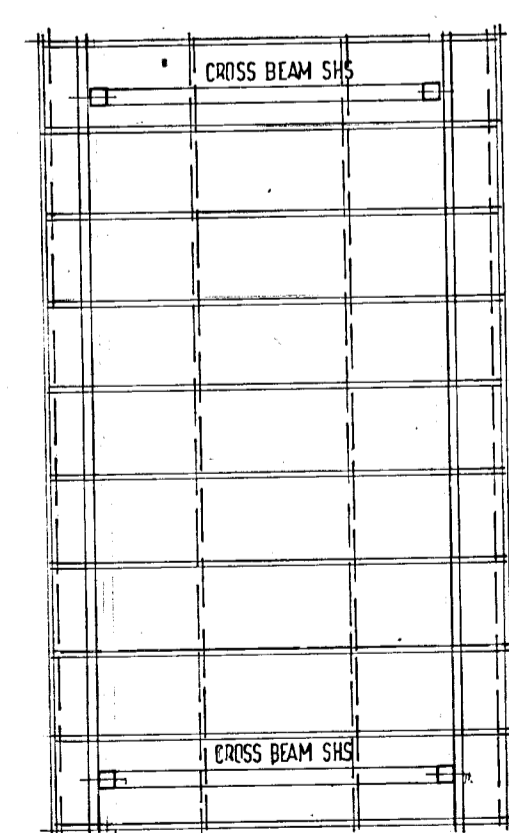
Site plan 1-200



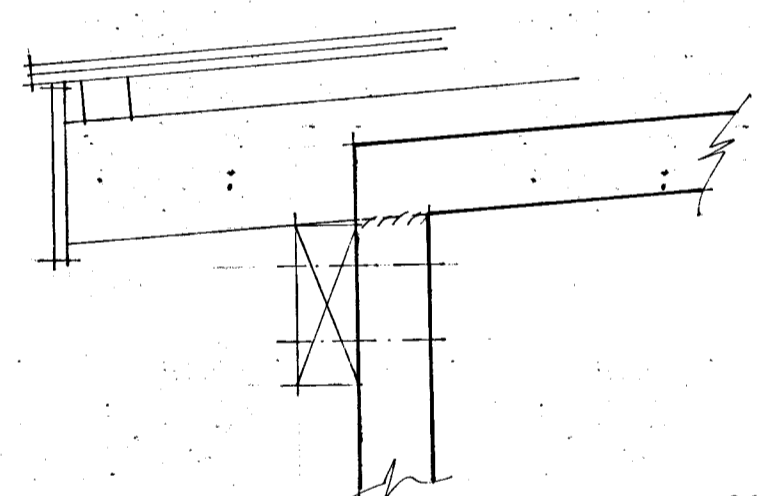
Location plan 1-2500



Floor plan 1-50



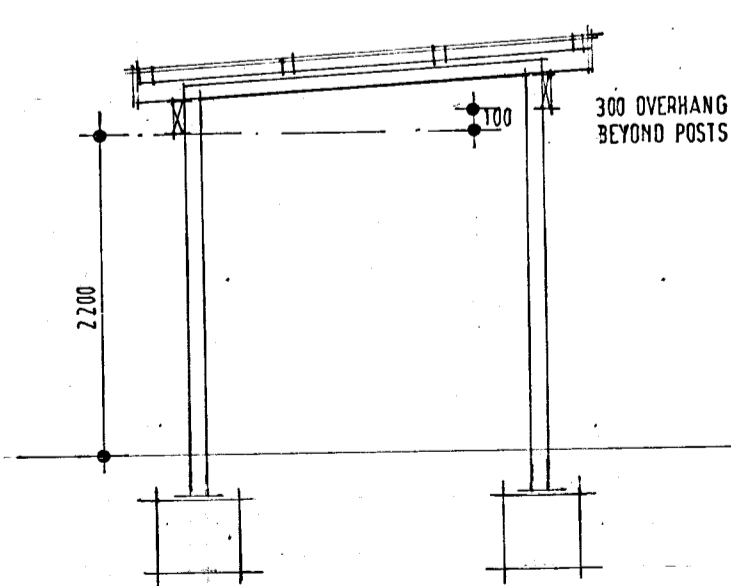
Roof plan 1-50



Polycarbonate roof sheeting on 50x50mm tww purlins at 1.0m c/c on 147x45mm tww joists at max 600mm c/c supported on 220x75mm C24 timber joists bolted to SHS uprights

Car port roof supported on 100x100x5mm SHS metal posts with metal base plates bolted onto 500x500x500mm concrete pad foundations. SHS crossbars incorporated between uprights at front and rear as lateral brace.

ROOF JOISTS FIXED TO TIMBER BEAMS WITH M.S GAL TRUSS CLIPS AT EACH END OF EVERY JOIST



Cross section 1-50

NO WORKS TO COMMENCE ON SITE UNTIL THE RELEVANT PLANNING, BUILDING WARRANT OR GRANT APPROVAL HAS BEEN OBTAINED.

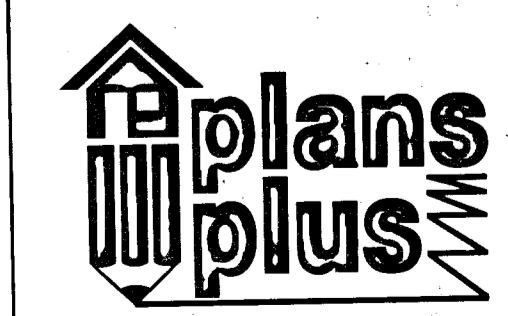
CONTRACTORS WILL HAVE DEEMED TO HAVE VISITED THE SITE TO FAMILIARIZE THEMSELVES WITH THE PROJECT PRIOR TO SUBMITTING ANY ESTIMATE FOR BUILDING WORKS.

CROWN COPYRIGHT. ALL RIGHTS RESERVED. LICENSE NUMBER 100041145

ANY DEVIATIONS TO THE APPROVED PLANS TO BE REPORTED TO THIS OFFICE. CONTRACTORS TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING BUILDING WORKS. GIVEN DIMENSIONS ONLY TO BE USED. DO NOT SCALE PLANS.

ANY ROOF TRUSS TYING INTO AN EXISTING ROOF TO BE CHECKED ON SITE BY CONTRACTOR TO ENSURE HEIGHTS MEET CORRECTLY.

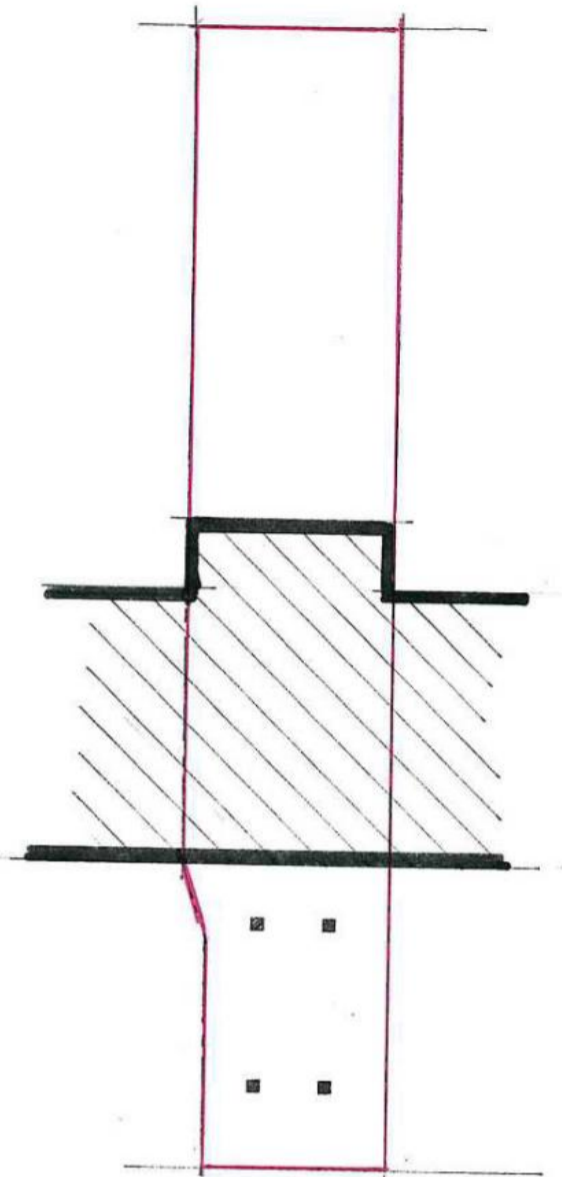
CLIENT Mr G Calder	SCALE 1:50	DRAWN BY IR	DATE July 2022
PROJECT Proposed car port at 32 Muirfield Road New Elgin,			PROJECT No. 22-04



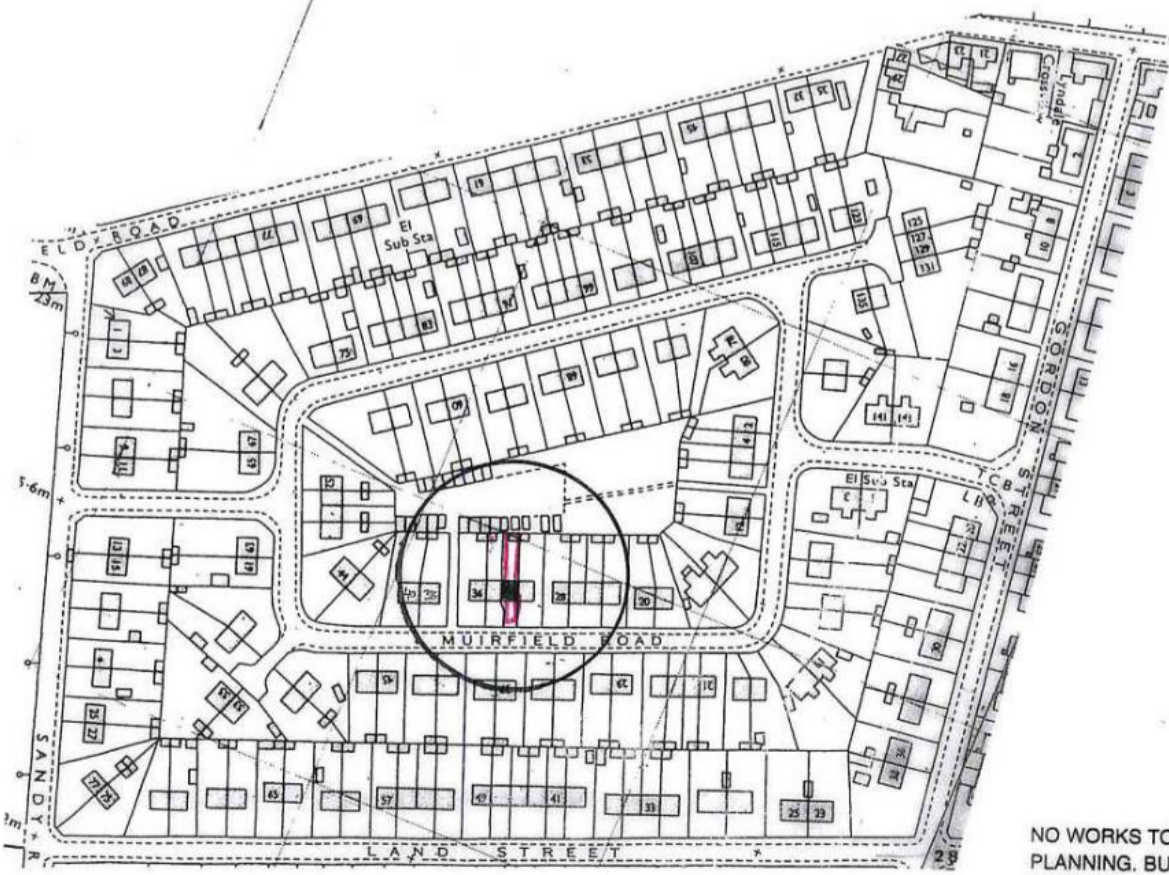
ARCHITECTURAL DESIGN CONSULTANTS

TELEPHONE No. 01343 842635
MOBILE No. 07766 315501
EMAIL: ctkplans@aol.com
WEB: www.plans-plus.co.uk
PARTNERS: COLIN & CATRIONA KEIR

MAIN STREET OFFICES: URQUHART, BY ELGIN, IV30 8LG



Site plan 1~200



Location plan 1~2500

NO WORKS TO COMMENCE ON SITE UNTIL THE RELEVANT PLANNING, BUILDING WARRANT OR GRANT APPROVAL HAS BEEN OBTAINED.

CONTRACTORS WILL HAVE DEEMED TO HAVE VISITED THE SITE TO FAMILIARIZE THEMSELVES WITH THE PROJECT PRIOR TO SUBMITTING ANY ESTIMATE FOR BUILDING WORKS.

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Consultee Comments for Planning Application 22/01849/APP

Application Summary

Application Number: 22/01849/APP

Address: 32 Muirfield Road Elgin Moray IV30 6DE

Proposal: Erect free standing car port

Case Officer: Dominic Batty

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

by Adrian Muscutt EHO

**MORAY COUNCIL
PLANNING CONSULTATION RESPONSE**

From: The Moray Council, Flood Risk Management
Planning Application Ref. No:
22/01849/APP

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

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

Reason(s) for objection

Conditions(s)

Further comments(s) to be passed to applicant

Further information required to consider the application

Contact: Natalie Dunton

Date: 16/12/2022

email address: Natalie.dunton@moray.gov.uk

Phone No

Consultee: The Moray Council, Flood Risk Management

Consultation Request Notification

Planning Authority Name	Moray Council
Response Date	28th December 2022
Planning Authority Reference	22/01849/APP
Nature of Proposal (Description)	Erect free standing car port
Site	32 Muirfield Road Elgin Moray IV30 6DE
Site Postcode	N/A
Site Gazetteer UPRN	000133028838
Proposal Location Easting	321839
Proposal Location Northing	861384
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=RMM3HTBGKF000
Previous Application	
Date of Consultation	14th December 2022
Is this a re-consultation of an existing application?	No
Applicant Name	Mr Graham Calder
Applicant Organisation Name	
Applicant Address	32 Muirfield Road Elgin Moray IV30 6DE
Agent Name	Plans Plus
Agent Organisation Name	Plans Plus
Agent Address	Main Street URQUHART By Elgin Moray IV30 8LG
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Dominic Batty
Case Officer Phone number	
Case Officer email address	dominic.batty@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: 22/01849/APP

Erect free standing car port 32 Muirfield Road Elgin Moray IV30 6DE for Mr Graham Calder

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

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

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.

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

Date: 21.12.2022

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

REPORT OF HANDLING

Ref No:	22/01849/APP	Officer:	Dominic Batty
Proposal Description/ Address	Erect free standing car port 32 Muirfield Road Elgin Moray IV30 6DE		
Date:	07.03.2023	Typist Initials:	LMC

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Contaminated Land	15/12/22	No objections
Transportation Manager	21/12/22	No objections with advisory comments for applicant
Moray Flood Risk Management	16/12/22	No objections

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
PP3 Infrastructure and Services	N	
DP1 Development Principles	Y	
EP12 Management and Enhancement Water	N	
NPF1 - Tackling the Climate	N	

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

Legislation

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

The main planning issues are considered below:

Site

The site is located at 32 Muirfield Road, Elgin. The dwellinghouse on the site is a middle terrace with neighbouring properties to both sides and the rear. The site is bound by a public road to the south-east.

Proposal

This application seeks planning permission to erect a free standing car port to the front of the house. The proposed car port would measure approximately 3m x 5.3m and 2.7m in height to the roof ridge. The roof would be mono-pitched. The roofing would be polycarbonate sheeting and the posts would be metal.

Policy Assessment

Siting and Design (DP1, NPF4-16)

Moray Local Development Plan 2020 (MLDP2020) Policy DP1 Development Principles requires the scale, density, and character of development to be appropriate to the surrounding area, be integrated into the surrounding area, conserve and enhance the natural and built environment, and not adversely impact upon neighbouring properties in terms of privacy, daylight, or overbearing loss of amenity. The policy also states a preference for pitched roofs over flat roofs.

NPF4 Policy 16 Quality Homes requires householder development proposals to not have a detrimental impact on the character or environmental quality of the home or surrounding area in terms of size, design, and materials and to not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing, or overlooking.

The proposed car port would be the only standalone/freestanding structure to the front of the building line of the surrounding residential area, which is typified by terraces of houses. There are other car ports present in the surrounding area but these use a lean-to style at the side of their respective house. There are no other structures, be it car-ports, garages or sheds to the front of houses in the surrounding area. As a result, the proposed car port would be out of place, disrupting this established pattern of development. Granting of consent would also set a precedence for further similar development that would be detrimental to the character of the surrounding area. The proposal is therefore not in compliance with Policy DP1 or NPF4 Policy 16 in terms of its appropriateness to the surrounding area.

The nature of the use of the proposed development means that it would not cause a loss of privacy levels for the neighbouring properties. The proposed development would be located in the front curtilage of the site so there would be no overshadowing of the rear garden space. Following the '45° approach' set out in the Moray Local Development Plan 2020 Planning Policy Guidance, there is no anticipated unreasonable loss of daylight into the neighbouring windows on the front elevation. On this basis, the proposed development complies with the MLDP2020 Policy DP1 and NPF4 Policy 16 in terms of the impact on the amenity levels of neighbouring properties.

To summarise, the proposed development is not in compliance with the MLDP2020 Policy DP1 Development Principles and NPF4 Policy 16 Quality Homes in terms of siting and design due to its lack of appropriateness to the surrounding area.

Drainage (DP1, EP12, NPF4-22)

The proposed development would be under 25sqm therefore it is not required to be accompanied by a drainage statement. The site is not located in an area at risk of flooding so there is no general constraint to development under Policy EP12 or NPF4 Policy 22(a). Moray Flood Risk Management were consulted as part of this development and provided no objections. On this basis, the proposed development is in compliance with the MLDP2020 Policies DP1 Development Principles and EP12 Management and Enhancement of the Water Environment and NPF4 Policy 22 Flood Risk.

Recommendation

Refuse.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description		
	Decision		Date Of Decision

ADVERT

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

DEVELOPER CONTRIBUTIONS (PGU)

Status	None sought
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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

**[Elgin City South]
Application for Planning Permission**

TO



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

Erect free standing car port 32 Muirfield Road Elgin Moray IV30 6DE

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

Date of Notice: **8 March 2023**



HEAD OF ECONOMIC GROWTH AND DEVELOPMENT

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

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

The proposed car port does not comply with the Moray Local Development Plan Policy DP1 - Development Principles and National Planning Framework 4 Policy 16 - Quality Homes because it would sit forward of the principle elevation of a mid-terrace house in an area where there are no buildings/structures that sit to the front of houses. The proposal therefore would appear out of place and be detrimental to the established character of the surrounding area. It would also set a precedent for further similar development.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
22~04		Elevations
		Site and location 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.

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ONLINE REFERENCE 100609913-004

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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:	Plans Plus		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Colin	Building Name:	Plans Plus Offices
Last Name: *	Keir	Building Number:	
Telephone Number: *	01343 842635	Address 1 (Street): *	Main Street
Extension Number:		Address 2:	Urquhart
Mobile Number:		Town/City: *	By Elgin
Fax Number:		Country: *	Moray
		Postcode: *	IV30 8LG
Email Address: *	ctkplans@aol.com		

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="Mr"/>	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="Graham"/>	Building Number:	<input type="text" value="32"/>
Last Name: *	<input type="text" value="Calder"/>	Address 1 (Street): *	<input type="text" value="Muirfield Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="New Elgin"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Elgin"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="IV30 6DE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="ctkplans@aol.com"/>		

Site Address Details

Planning Authority:

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

Address 1:	<input type="text" value="32 MUIRFIELD ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ELGIN"/>
Post Code:	<input type="text" value="IV30 6DE"/>

Please identify/describe the location of the site or sites

Northing

Easting

Description of Proposal

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

Erect free standing car port.

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.

This was a planning application to erect a car port to protect the applicant's car from a daily bombardment of seagull poo damaging his car. From the drawings you will see how light a structure is proposed with 4 No 100mm dia poles (4 inches wide) to support a roof structure made of clear glass. It was intimated to us initially that the structure would block light from the adjoining properties (30 and 34 Muirfield Road) yet neither objected to the proposal. See additional sheet.

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)

11 photographs of houses in Muirfield Road that already have extensions that sit forward of the principal elevation. Supporting statement. Copy of plans. Copy of refusal notice.

Application Details

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

22/01849/APP

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

09/12/2022

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

08/03/2023

Review Procedure

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

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

Yes No

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)

It is important to demonstrate that such a light structure would not impinge on any neighbour's light or privacy. It would also allow the review board an opportunity to see all the other properties who already have development well in front of the principal building and as such have set a precedent.

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Colin Keir

Declaration Date: 01/06/2023



design consultants

Phone: 01343 842635
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Mobile: 07766 315501
Email: ctkplans@aol.com
Web: <http://members.aol.com/ctkplans>

Main Street, Urquhart, Elgin, Moray, IV30 8LG

**ERECT NEW FREE STANDING CAR PORT AT 32 MUIRFIELD ROAD NEW
ELGIN MORAY IV30 6DE**

PLANNING REFERENCE NUMBER 22/01849/APP

REVIEW.

This application was made to the Moray Council on the 9th of December 2022 and a refusal decision was determined on the 8th of March 2023. The reason for refusal was given as **“The proposed car port does not comply with the Moray Local Plan Policy DP1-Development principals and National Planning Framework 4 Policy 16-Quality Homes because it would sit forward of the principal elevation of a mid terrace house in an area where there are no buildings/structures that sit to the front of houses. The proposal therefore would appear out of place and be detrimental to the established character of the surrounding area. It would set a precedent for further similar developments”**.

Response point 1.

We firmly believe that the National Planning Framework 4 Policies were not in place at the time of the application and therefore should not be considered.

Response point 2.

It states that the proposal would sit forward of the principal elevation of the main house. If this is the case then what this policy is actually saying is that there is no development of any kind in front of anyones house in Moray? The 11 photographs which we have submitted is evidence that Moray Council does allow development in front of peoples house and all of these photographs are taken in Muirfield Road. The most recent approval (directly across the road from the Appeal site) under reference number 23/00247/APP has a construction forward from the principal elevation of the main house. Number 35 Muirfield Road. We are unable to ascertain how far out this construction extends out to as the plans are not available on the council web site for some reason.



Response point 3

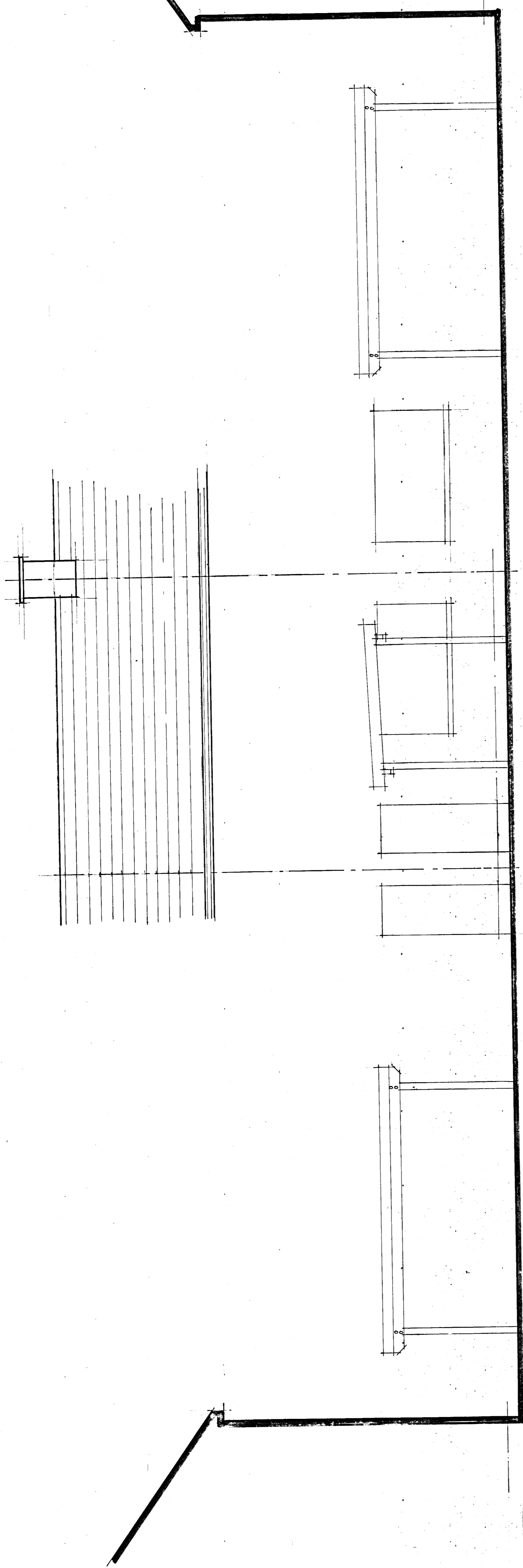
The council state that this would be an undesirable precedent that would be set. The light structure with just 4 poles and a clear roof will have no impact on the properties either side of the application site. This is not a solid construction especially when compared to the extensions shown in the photographic evidence provided. These extension clearly demonstrate that extensions beyond the front line of the principal elevation are acceptable to Moray Council. A consent to extend out the front of the house has been approved as recently as the 31st March 2023. Almost 4 weeks after a refusal of the applicant's proposal. Reference number 23/00247/APP.

The photographs provided are clear evidence that consents have and still are being granted approvals to extend out the front of houses in Muirfield Road. The Appeal site faces due south and therefore has little or no impact on adjacent properties. The canopy is to provide cover for the applicant's car which is covered in seagull poo every day of the week.

There was no option offered to attach the canopy to the house which could have been done to avoid the canopy being isolated. The applicant is still prepared to do this if this provided a solution to the seagull problem.

We have clearly demonstrated that extensions to the front of houses in Muirfield Road is considered acceptable to Moray Council. Examples of extensions are shown on the photographs and directly across the road a new extension has just been granted AFTER our client's refusal decision.

We have provided a map of the Muirfield Road area identifying houses which have build out the front of the main elevation and to show where number 35 is in relation to the appeal site where a consent was granted on 31st March 2023. The map identifies the properties which we believe have set a precedent by the council and this is the character of the area. Irrespective of this being a terraced house, the structure is so light it has little or no impact on adjacent properties. We would respectfully ask that you allow for consistency in decision making and grant the applicant a consent for this canopy protection.

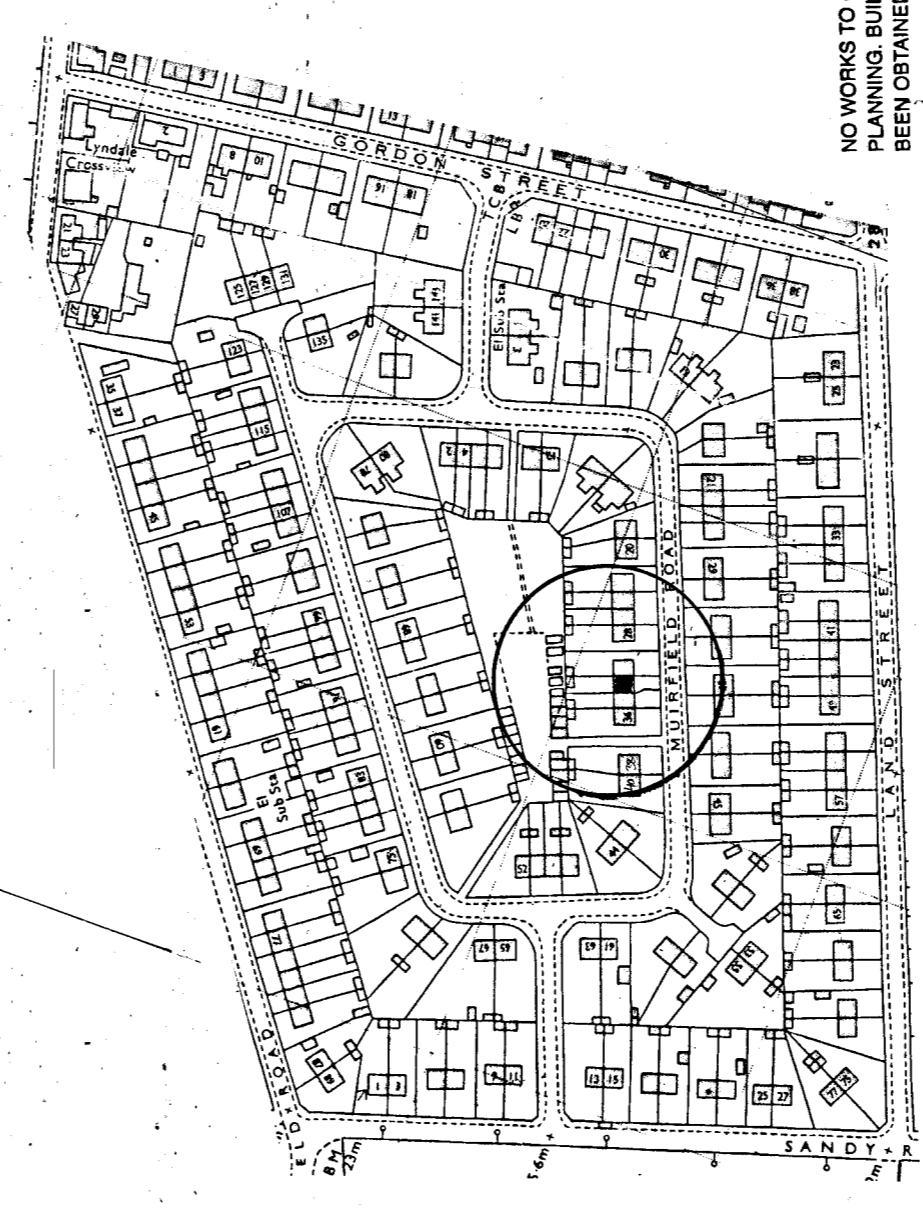


Site plan 1:200

Side elevation 1:50

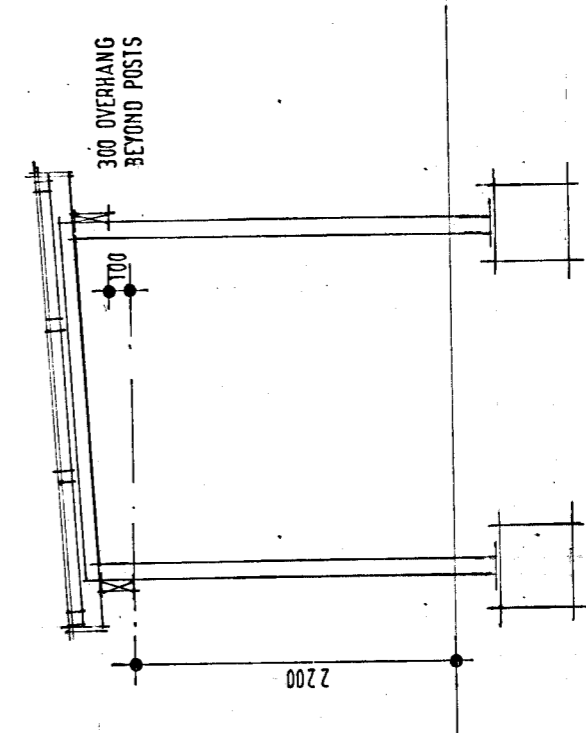
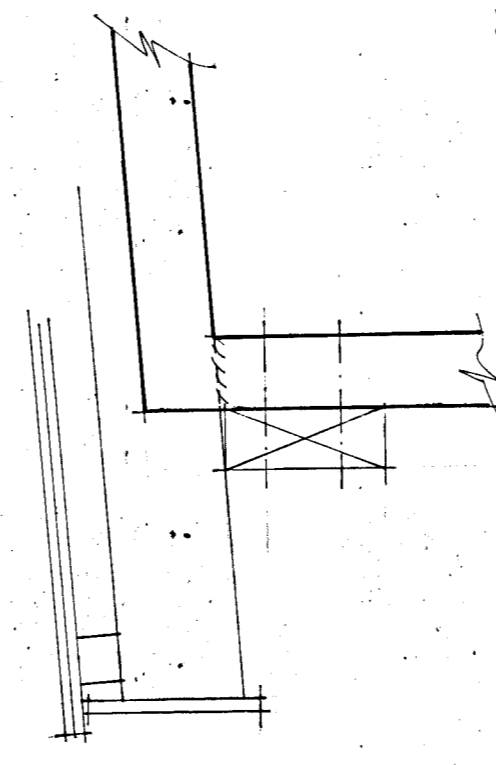
Front elevation 1:50

Side elevation 1:50

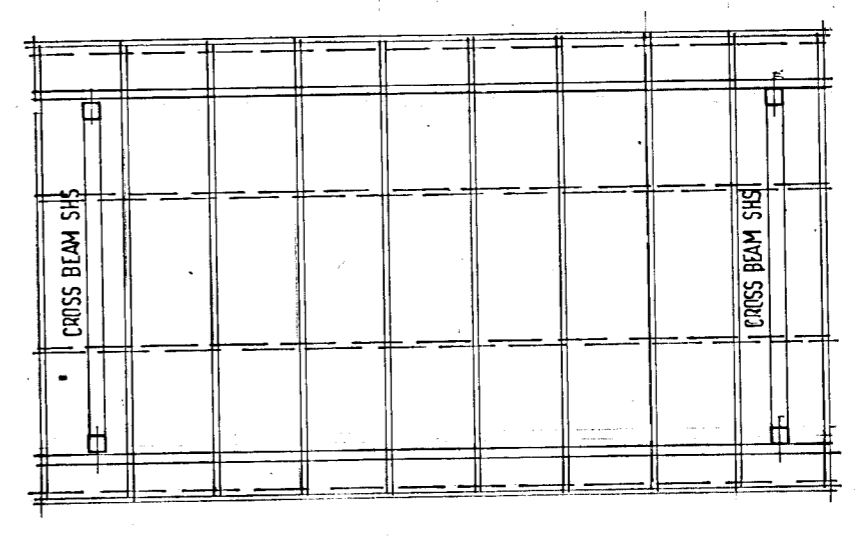


Location plan 1:250

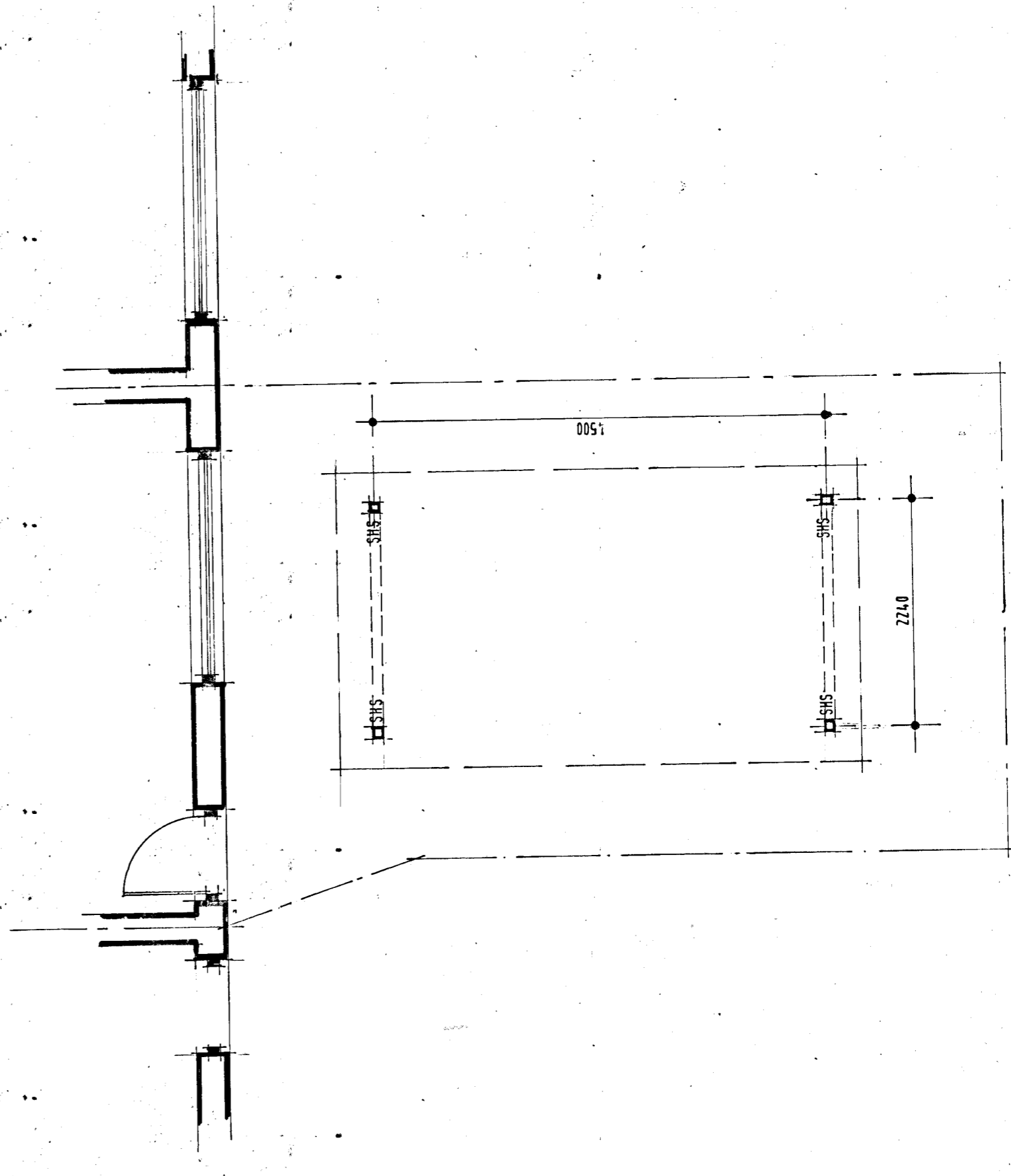
Polycarbonate roof sheeting on 50x50mm baw purfins at 1.0m c/c on 100x50mm SHS joists at 2.0m c/c. Timber joists bolted to SHS uprights.
 Car port roof supported on 100x100x5mm SHS metal posts with metal base plates bolted onto 500x500x500mm concrete pad foundations. SHS crossbars incorporated between uprights at front and rear as lateral brace.



Cross section 1:50



Roof plan 1:50



Floor plan 1:50

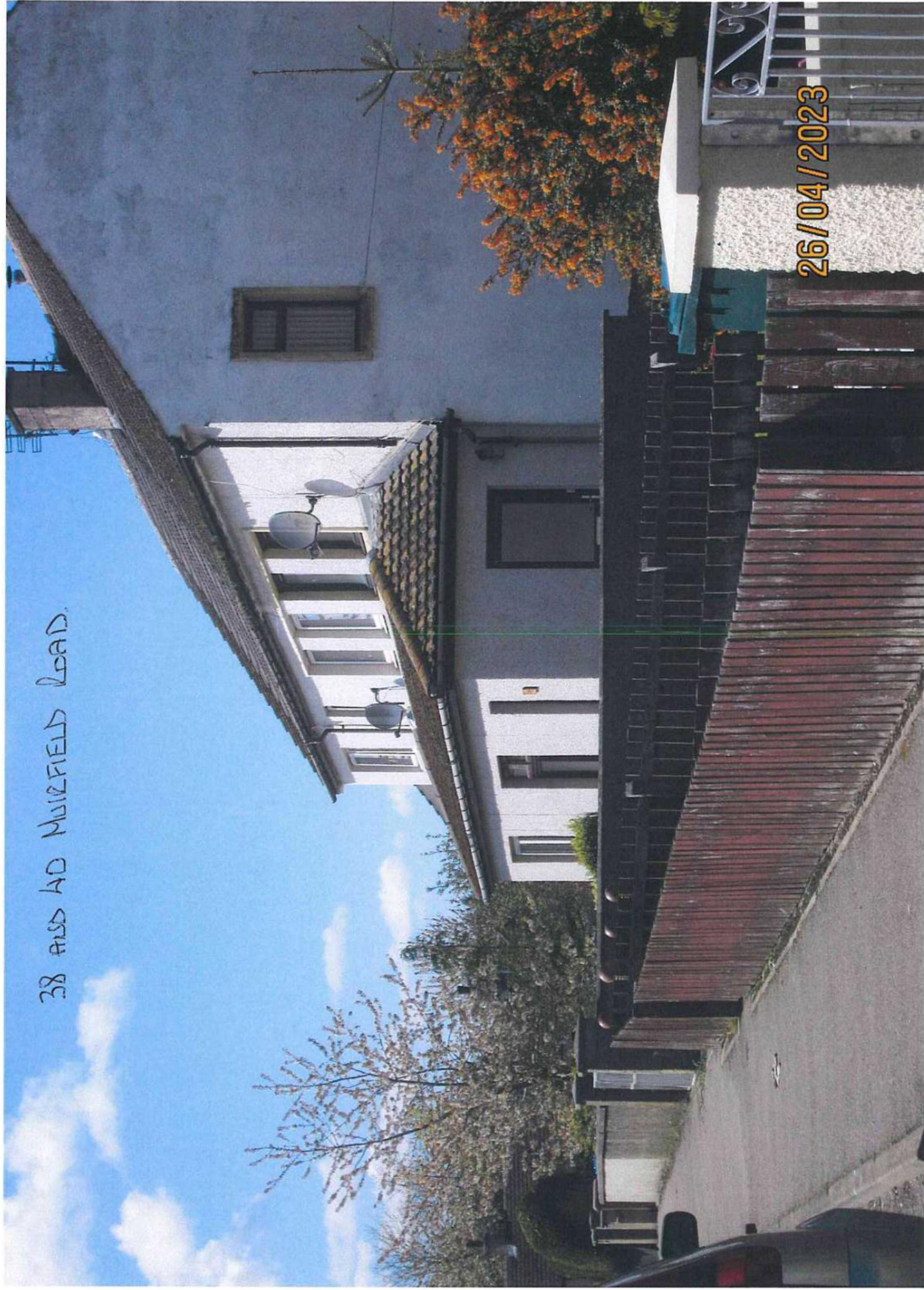
NO WORKS TO COMMENCE ON SITE UNTIL THE RELEVANT PLANNING, BUILDING WARRANT OR GRANT APPROVAL HAS BEEN OBTAINED.
 CONTRACTORS WILL BE REQUIRED TO HAVE VISITED THE SITE TO FAMILIARIZE THEMSELVES WITH THE PROJECT PRIOR TO SUBMITTING ANY ESTIMATE FOR BUILDING WORKS.
 CROWN COPYRIGHT. ALL RIGHTS RESERVED.
 LICENSE NUMBER 100041145
 ANY DEVIATIONS TO THE APPROVED PLANS TO BE REPORTED TO THIS CHECKER. ALL DIMENSIONS ON SITE MUST BE CHECKED AGAINST THE DIMENSIONS GIVEN IN THESE PLANS PRIOR TO COMMENCING BUILDING WORKS. GIVEN DIMENSIONS ONLY TO BE USED.
 DO NOT SCALE PLANS.
 ANY ROOF TRUSS TYING INTO AN EXISTING ROOF TO BE CHECKED ON SITE BY CONTRACTOR TO ENSURE HEIGHTS MEET CORRECTLY.

CLIENT	Mr G Calder	SCALE	1:50	DRAWN BY	IR	DATE	July 2022
PROJECT	Proposed car port at 32 Muirfield Road New Elgin,					PROJECT No.	22-04

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 PARTNERS: COLIN & CATRIONA KEIR
 MAIN STREET OFFICES: URQUHART, BY ELGIN, IV30 8LG

38 AUSD AD MUIRFIELDS ROAD.

26/04/2023



12 MUSKIEB ROAD

26/04/2023



17 NORWICH ROAD

26/04/2023



38 AND 40 HUNFIELD ROAD WIRFIELD ROAD



26/04/2023



2320 44 MULFIELD

44 MULFIELD ROAD

26/04/2023



44 WINDFIELD ROAD
26/04/2023

65 AND 67 HILLSFIELD ROAD

26/04/2023



91 WINDFIELD ROAD



26/04/2023

119 MUSFIELD ROAD



26/04/2023





121 HOLLIFIELD ROAD

26/04/2023

121 MULFIELD ROAD

9 MULFIELD

26/04/2023

