MORAY LOCAL REVIEW BODY

28 MARCH 2019

SUMMARY OF INFORMATION FOR CASE No LR218

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

Ward 5 – Heldon & Laich

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

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

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

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

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

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

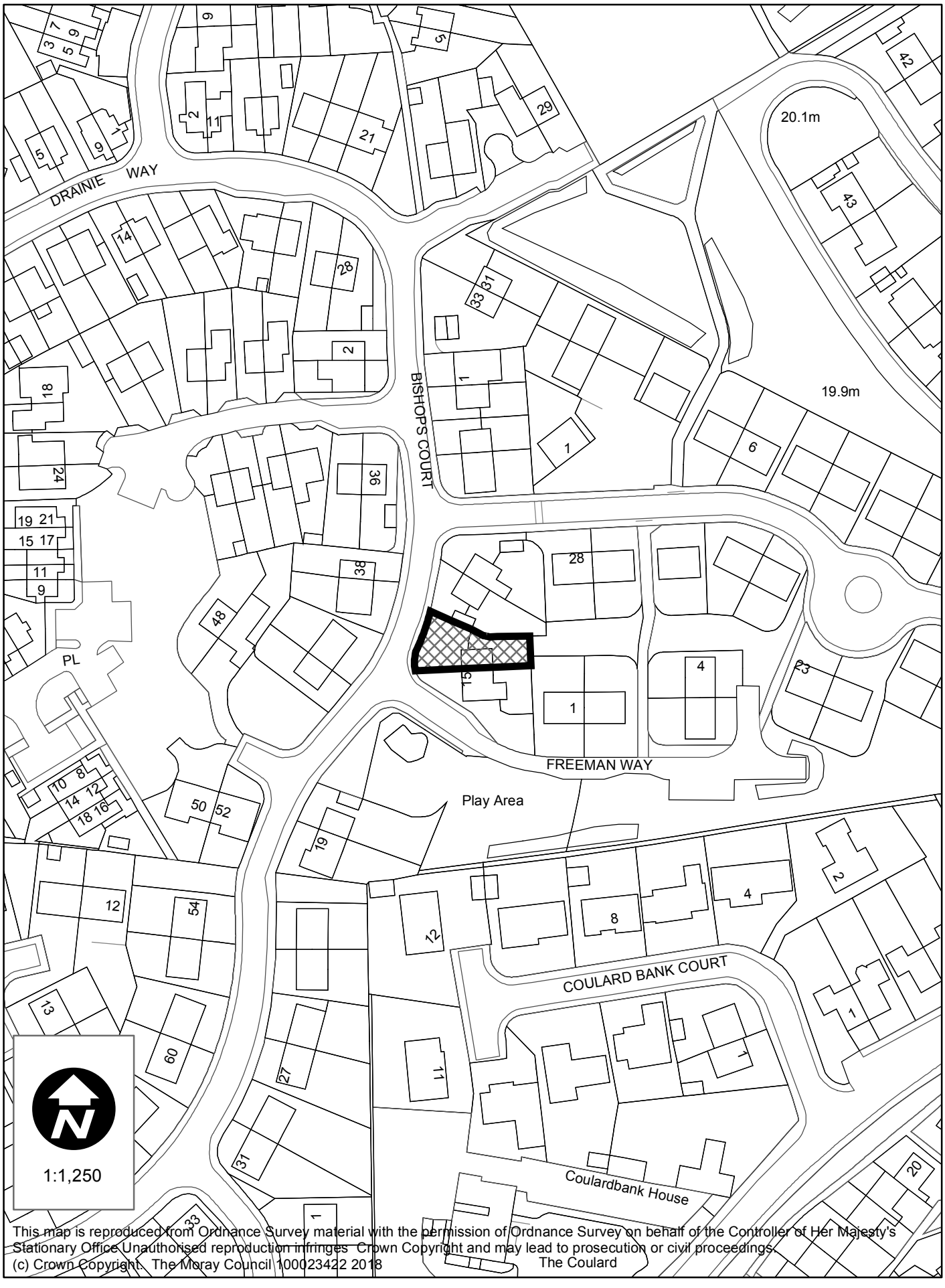
At the meeting of the Moray Local Review Body (MLRB) on 29 January 2019, the MLRB deferred consideration of Case LR218 to request further information from Development Management in respect of the sunlight/daylight assessment that was undertaken by the Appointed Officer at the time of determination, that was not included in the paperwork submitted by Development Management.

The Moray Local Review Body's request for further information from Development Management and subsequent response is attached as **Appendix 3**.

The Applicant's response to Development Management's further information is attached as **Appendix 4**.

Location plan for Planning Application Reference Number:

18/01207/APP



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APPENDIX 1

DOCUMENTS CONSIDERED OR PREPARED BY THE APPOINTED OFFICER

18/01207/APP

10 SEP 2018

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

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

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

1. Applicant's Details

Title	Mr & Ms
Forename	Arron & Claire
Surname	Field & Millar
Company Name	
Building No./Name	13
Address Line 1	Bishops Court
Address Line 2	
Town/City	Lossiemouth
Postcode	IV31 6TL
Telephone	
Mobile	[redacted]
Fax	
Email	[redacted]

2. Agent's Details (if any)

Ref No.	
Forename	
Surname	
Company Name	
Building No./Name	
Address Line 1	
Address Line 2	
Town/City	
Postcode	
Telephone	
Mobile	
Fax	
Email	

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

13 Bishops Court
Lossiemouth
IV31 6TL

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

4. Describe the Proposed Works

Please describe accurately the work proposed:

erect extension

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

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

Date started: Date completed:

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

5. Pre-Application Discussion

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

If yes, please provide details about the advice below:

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

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

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

Name: Date: Ref No.:

6. Trees

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

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

7. Changes to Vehicle Access and Parking

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

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

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

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

How many vehicle parking spaces (garaging and open parking) currently Exist on the application site? 3

How many vehicle parking spaces (garaging and open parking) do you propose on the site? (i.e. the total of existing and any new spaces or reduced number of spaces) 3

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

8. Planning Service Employee/Elected Member Interest

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

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

If you have answered yes please provide details:

DECLARATION

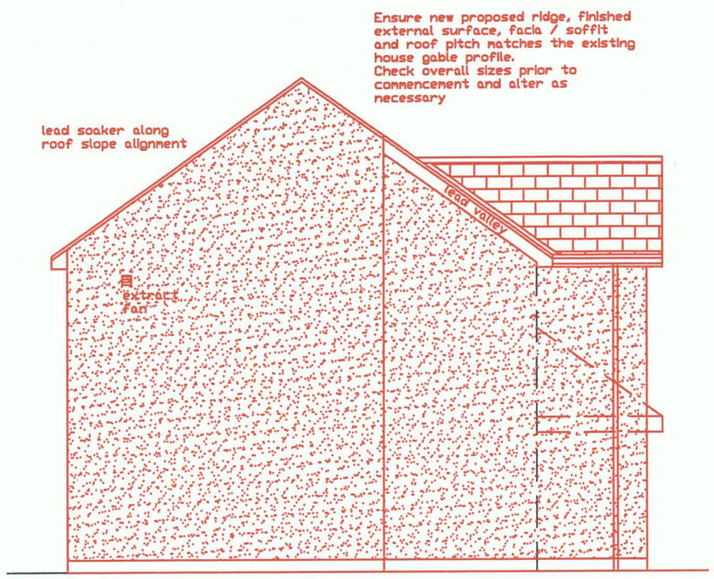
I, the applicant / agent certify that this is an application for planning permission and that accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

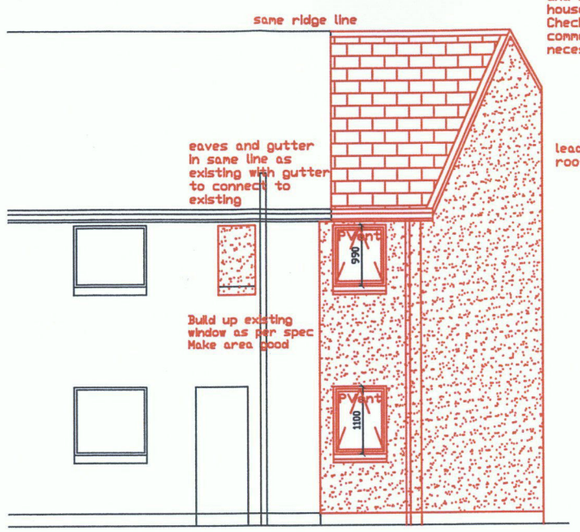
I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed ☒

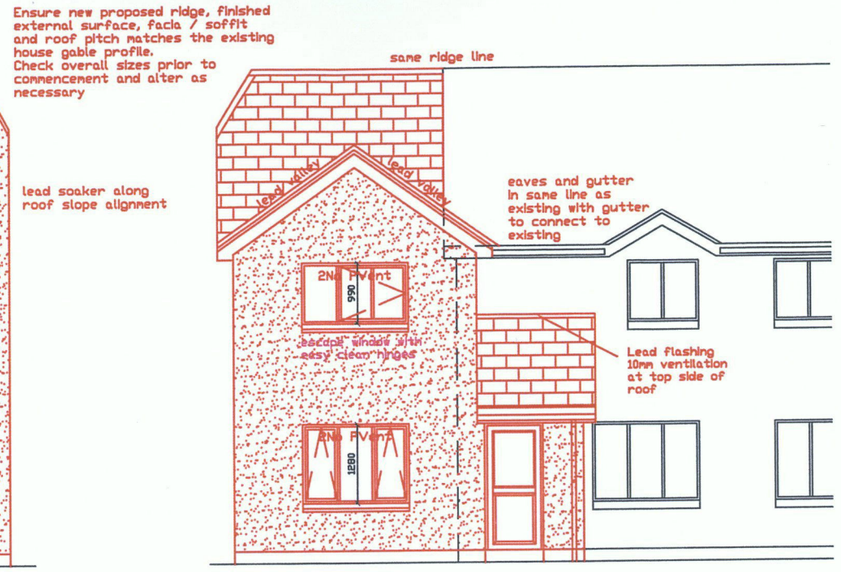
I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes ☐ No ☒ N/A ☐

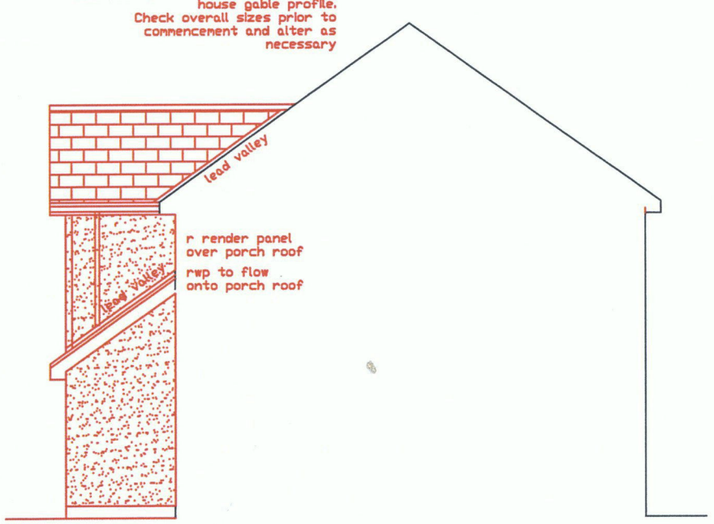
Signature: [redacted] Name: Claire Millar Date: 8/09/18

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









TO BE READ IN CONJUNCTION WITH ENGINEER DETAILS & RECOMMENDATIONS

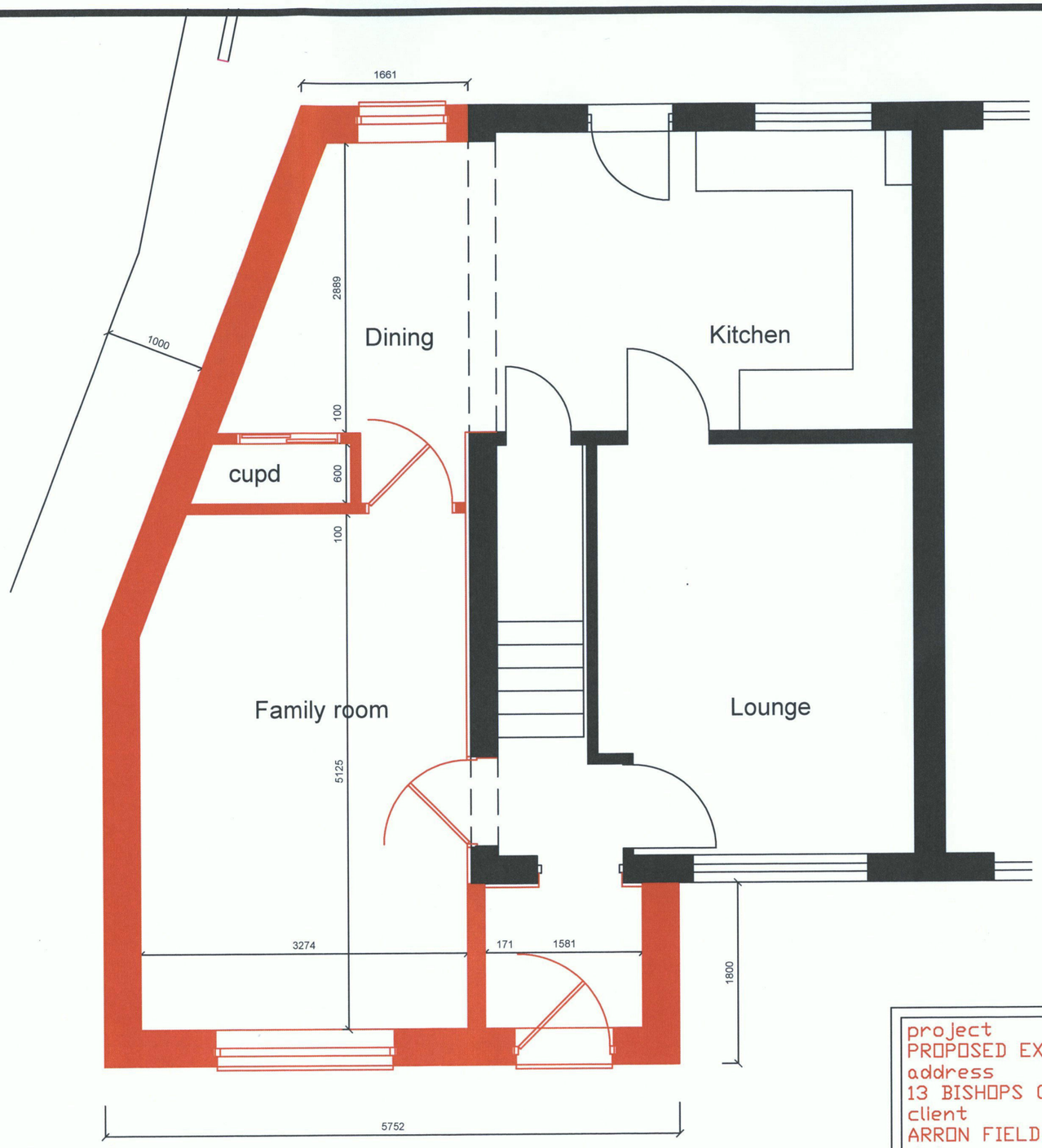
ELEVATIONS
scale 1:100

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

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

DRAWING NO 2

10 SEP 2018



GROUND FLOOR PLAN
scale 1:50

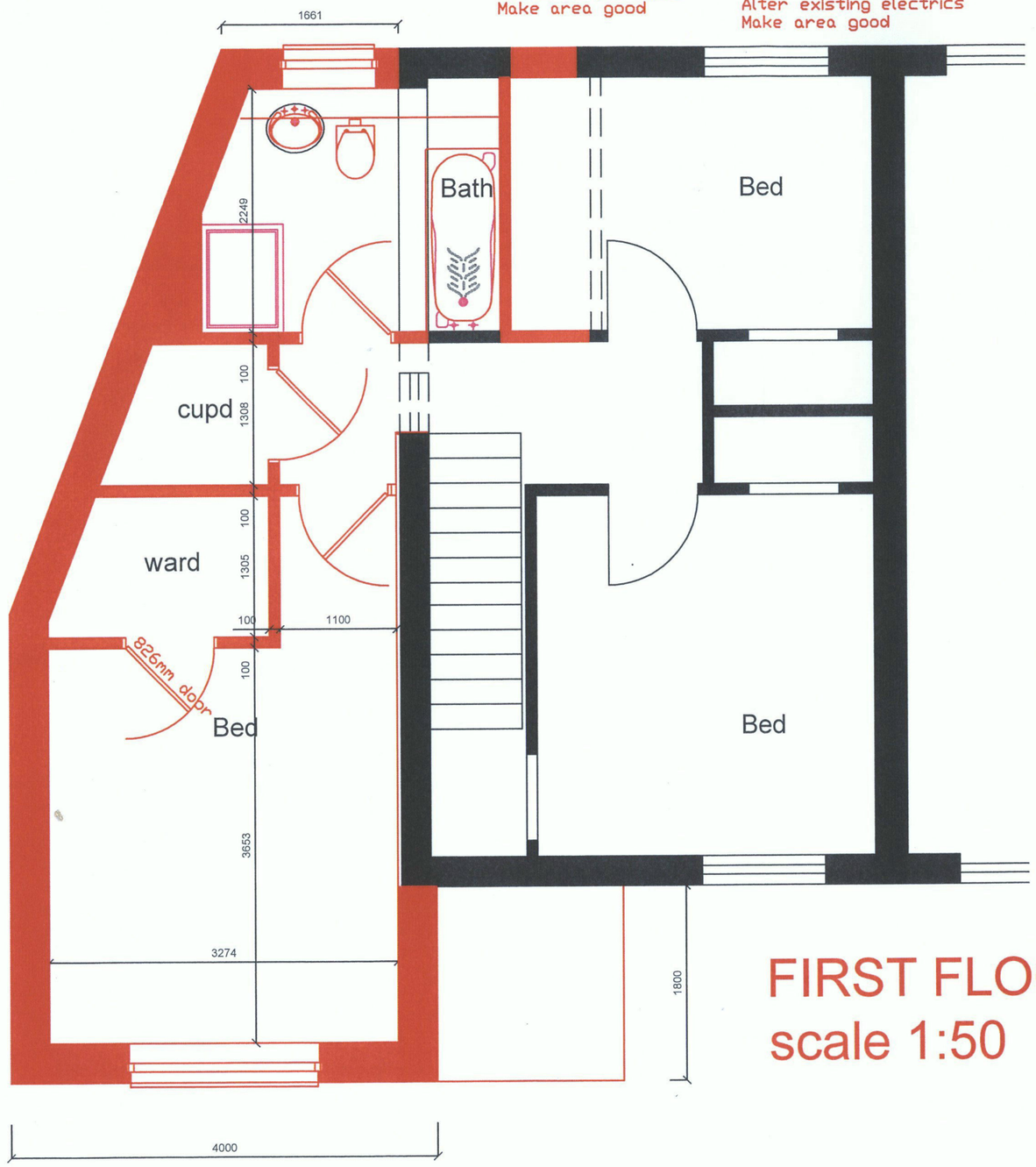
project
PROPOSED EXTENSION
address
13 BISHOPS COURT, LOSSIEMOUTH
client
ARRON FIELD & CLAIRE MILLAR
date
SEPT 2018

1 0 SEP 2018

DRAWING NO 3

Build up existing
window as per spec
Make area good

remove existing partition
to enlarge bedroom
Alter existing electrics
Make area good

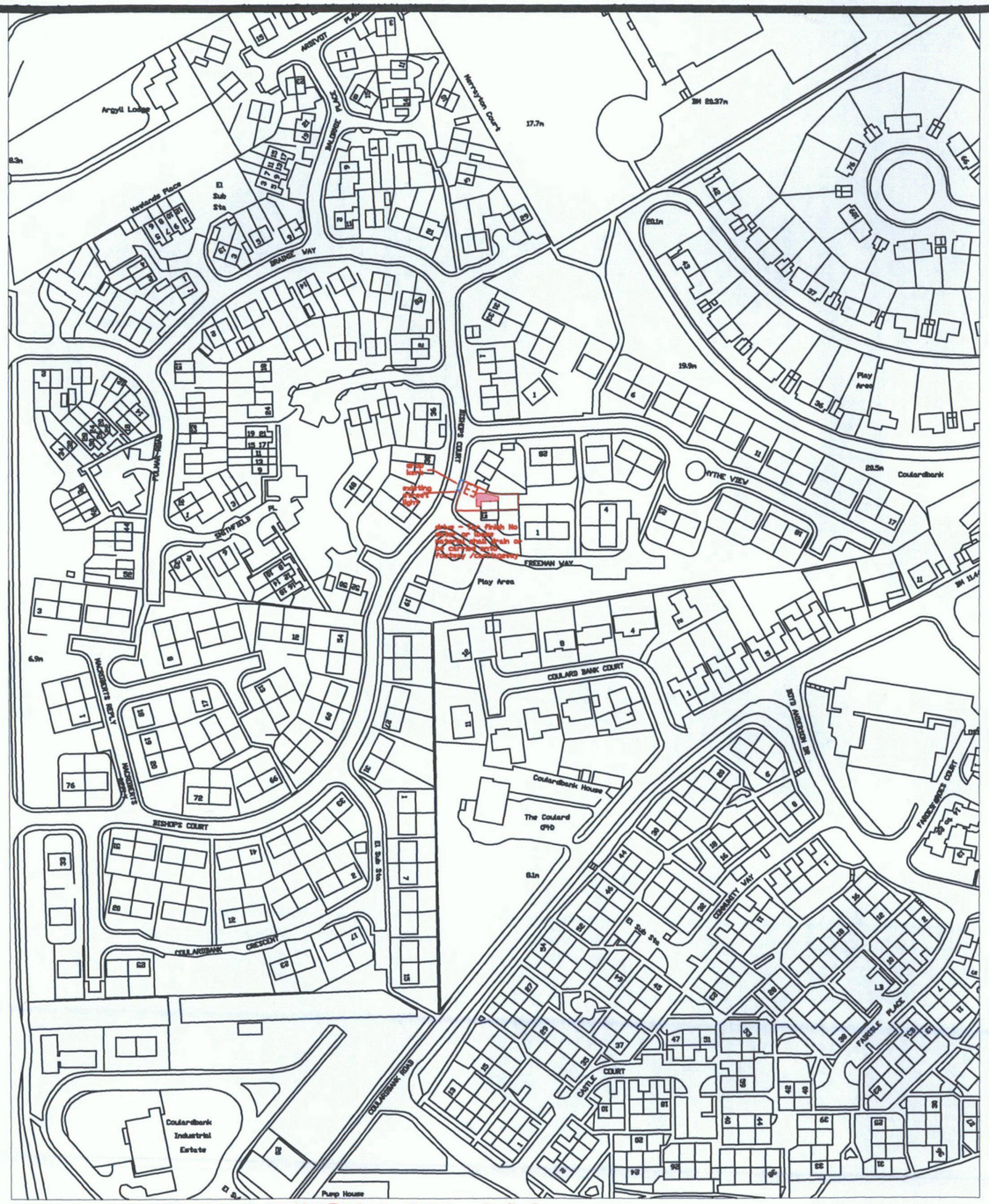


FIRST FLOOR PLAN
scale 1:50

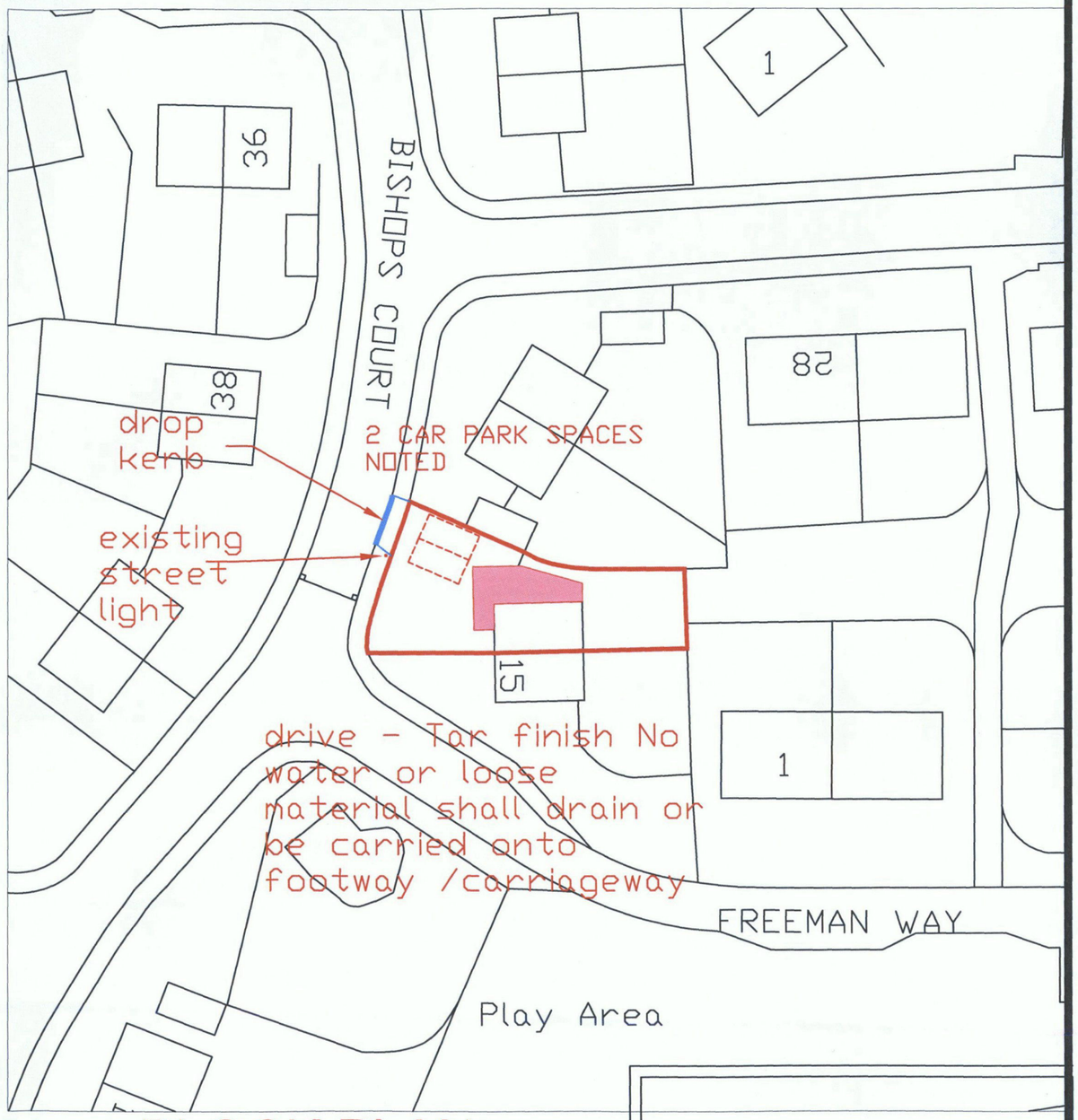
project
PROPOSED EXTENSION
address
13 BISHOPS COURT, LOSSIEMOUTH
client
ARRON FIELD & CLAIRE MILLAR
date
SEPT 2018

10 SEP 2018

DRAWING NO 4



LOCATION PLAN
scale 1:2500



BLOCK PLAN
scale 1:500

22/10/18 PLANNING NOTES ADDED REV A

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

23 OCT 2018
18/01207/APP.

Consultation Request Notification

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Contaminated Land

Planning Application Ref. No: 18/01207/APP
Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL for Mr Arron Field And Ms Claire Millar

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

		Please x
(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	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	❑

Reason(s) for objection

Condition(s)

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Adrian Muscutt **Date……20/9/18……..**
email address: **Phone No ……..**
Consultee:

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.

Consultation Request Notification

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

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Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Aberdeenshire Council Archaeology Service

Planning Application Ref. No: 18/01207/APP
Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL for Mr Arron Field And Ms Claire Millar

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

		Please x
(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	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	❑

Reason(s) for objection
None

Condition(s)
None

Further comment(s) to be passed to applicant

Further information required to consider the application

Contact: Claire Herbert **Date…24/09/2018……..**
email address: **Phone No …01467 537717**
archaeology@aberdeenshire.gov.uk
Consultee: Archaeology service

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.

Consultation Request Notification

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 18/01207/APP
Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL for Mr Arron Field And Ms Claire Millar

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

		Please
(a)	I OBJECT to the application for the reason(s) as stated below	❑
(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	**x**
(d)	Further information is required in order to consider the application as set out below	❑

Condition(s)

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

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

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

Reason: To ensure acceptable infrastructure at the development access

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

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

Further comment(s) to be passed to applicant

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

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

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

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

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

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

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

Contact: DA/AG **Date 24 October 2018**
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.

Consultation Request Notification

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

Please respond using the attached form:-

MORAY COUNCIL

PLANNING CONSULTATION RESPONSE

From: Transportation Manager

Planning Application Ref. No: 18/01207/APP
Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL for Mr Arron Field And Ms Claire Millar

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

		Please
(a)	I OBJECT to the application for the reason(s) as stated below	❑
(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	**x**

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

Further information required to consider the application

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

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

Contact: DA/AG **Date 02 October 2018**
email address: transport.develop@moray.gov.uk
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.

Comments for Planning Application 18/01207/APP

Application Summary

Application Number: 18/01207/APP
Address: 13 Bishops Court Lossiemouth Moray IV31 6TL
Proposal: Erect extension at
Case Officer: Amanda Cruickshank

Customer Details

Name: [redacted]
Address: [redacted]

Comment Details

Commenter Type: Neighbour
Stance: Customer made comments in support of the Planning Application
Comment Reasons:
Comment:No comment

REPORT OF HANDLING

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

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

CONSULTATIONS

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

DEVELOPMENT PLAN POLICY

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

REPRESENTATIONS

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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

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

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

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

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

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

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

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

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

Siting, Design and Amenity
(MDLP policies: H4: House Alterations, IMP1: Developer Requirements)
The application falls to be assessed against Policy H4 and IMP1 of the MLDP.

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

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

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

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

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

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

T2: Provision of Access and T5: Parking Standards
Following consultation the Transportation Section raised initial concerns regarding the provision of the southern-most parking space shown on the submitted drawing which appeared to conflict with the position of the speed table and existing road gully. Due to the presence of the speed table there also appeared to be no scope to relocate the road gully or to provide an acceptable drop kerb arrangement to provide access to the parking space. An existing street lighting column would also require to be relocated. In order to address these points the applicant duly submitted an updated drawing showing parking (minimum 2 no. spaces) located such that access to the parking does not affect the adjacent speed table or road gully, and showing the position of the existing adjacent street lighting column and road gully along with the extents of the proposed extended drop kerb arrangement.

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

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

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

The application is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT
None

HISTORY				
Reference No.	**Description**			
	Decision		**Date Of Decision**	

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

DEVELOPER CONTRIBUTIONS (PGU)	
Status	**N/A**

DOCUMENTS, ASSESSMENTS etc. * ** Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name: Supporting Statement Main Issues:		

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

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

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

REFUSAL OF PLANNING PERMISSION

[Heldon And Laich]
Application for Planning Permission

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

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

Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL

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

Date of Notice: **8 November 2018**

Pp [redacted]

HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

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

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

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

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

APPENDIX 2

NOTICE OF REVIEW, GROUNDS FOR REVIEW & SUPPORTING DOCUMENTS

07 DEC 2018

NOTICE OF REVIEW

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

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

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

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

3. Application Details

Planning authority: Moray Council

Planning authority's application reference number: 18/01207/APP

Site address:

13 Bishops Court
Lossiemouth
IV31 6TL

Description of proposed development:

erect extension

Date of application 10/09/18 Date of decision (if any) 08/11/18

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

4. Nature of Application

Application for planning permission (including householder application) ☒

Application for planning permission in principle ☐

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

Application for approval of matters specified in conditions ☐

5. Reasons for seeking review

Refusal of application by appointed officer ☒

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

Conditions imposed on consent by appointed officer ☐

6. Review procedure

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

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

Further written submissions ☐
One or more hearing sessions ☐
Site inspection ☒
Assessment of review documents only, with no further procedure ☐

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

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

7. Site inspection

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

Can the site be viewed entirely from public land? ☒
Is it possible for the site to be accessed safely, and without barriers to entry? ☒

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

8. Statement

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

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

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

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

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

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

9. List of Documents and Evidence

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

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

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

10. Checklist

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

Full completion of all parts of this form ☑

Statement of your reasons for requesting a review ☑

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

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

DECLARATION

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

Signature: [redacted] Name: Claire Millar Date: 05/12/18

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

LOCAL REVIEW BODY STATEMENT OF CASE TO SUPPORT

PLANNING APPLICATION TO ERECT EXTENSION AT 13 BISHOPS COURT, LOSSIEMOUTH

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

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

DATE. **05 DECEMBER 2018**

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3.0	PLANNING REVIEW CONSIDERATION	PAGE 6
4.0	CONCLUSION	PAGE 11

APPENDIX

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

1.0 INTRODUCTION

1.1 This Local Review Statement of Case has been prepared to support a recently refused detailed Planning Application, proposing an extension to the front and side of the appellant's property.

1.2 The planning application was registered on 10th September 2018 and was refused on 08th November 2018 under delegated powers (Decision Notice – Appendix 1). This Review has been prepared and lodged within the statutory 3 months period from the date of the decision notice.

1.3 The application was refused for the reason below and after due consideration, the appellant has decided to seek a Review of the decision by the Council Review Body and the following Statement of Case and attached appendix constitutes the appellant's submission

"The proposal is contrary to Moray Local Development Plan 2015 policies IMP1 & H4 for the following reasons:-
The proposed two storey side extension of the form and size submitted, positioned immediately to the south of neighbouring housing (in this case 11 Bishops Court) would represent an inappropriate form of development for this location which would be detrimental to the amenity of neighbouring occupiers.
The proposed extension would cause an unacceptable loss of daylight and sunlight, and an increased sense of enclosure/overbearing impact to the garden of this adjacent property, by reason its bulk, height and close proximity to the site (side) boundary. It would therefore cause a material loss of residential amenity, contrary to policies IMP1 and H4"

2.0 THE APPLICATION SITE & PROPOSAL

2.1 The existing residential property is the part of a semi-detached within the main spine road adjacent to corner junction leading to cul-de-sac. This arrangement is repeated numerous times around this locale.

2.2 Properties in this area are predominantly two storey houses with a large percentage with extensions of some form or another. The appellant is seeking to replace their grassed side garden area with a the relatively small extension to the living room.

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



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

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



2.3 The proposal will include a pitched tile roof to complement the existing roof of the house and the walls will be finished in a matching render and, as such, the finishes are considered to be acceptable in terms of Moray Development Plan Policy H4.

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

2.5 We have also discussed the proposed extension with **our neighbour at No 11 Bishops Court and they are very supportive** of our application and cannot see why there is a perceived issue with daylighting. Having stayed in the property he is fully aware of the actual movement of the sun during the months of the year, rather than an analysis and does not agree with the Council position. He has provided a **letter of support** and this is attached within Appendix 5.

3.0 PLANNING REVIEW CONSIDERATION

3.1 The Report of handling (document 02) indicates that the appointed Officers primary concern relates to the fact that this would cause an unacceptable loss of daylighting and sunlight and cause an increased sense of enclosure/overbearing impact.

3.2 In terms of the Council review, there is no specific analysis or policy and it seems the appointed officer perception of what is unacceptable daylightlighting or not

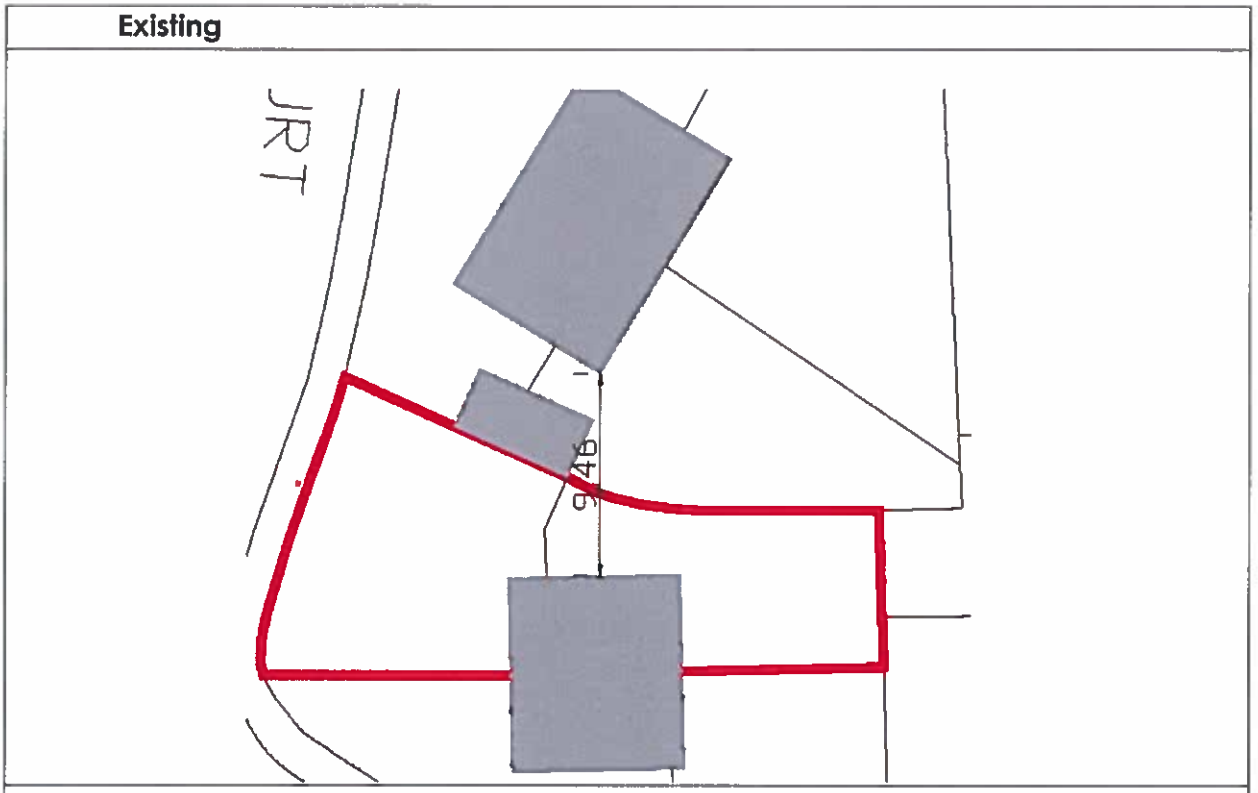
3.3 The Report of handling (document 02) notes inappropriate form of development for this location.

3.4 When you review the existing property in terms of light towards no 11 Bishops Court with the sun rising to the East is unaffected by the current house and remotely when it moves West ward due to the garage.

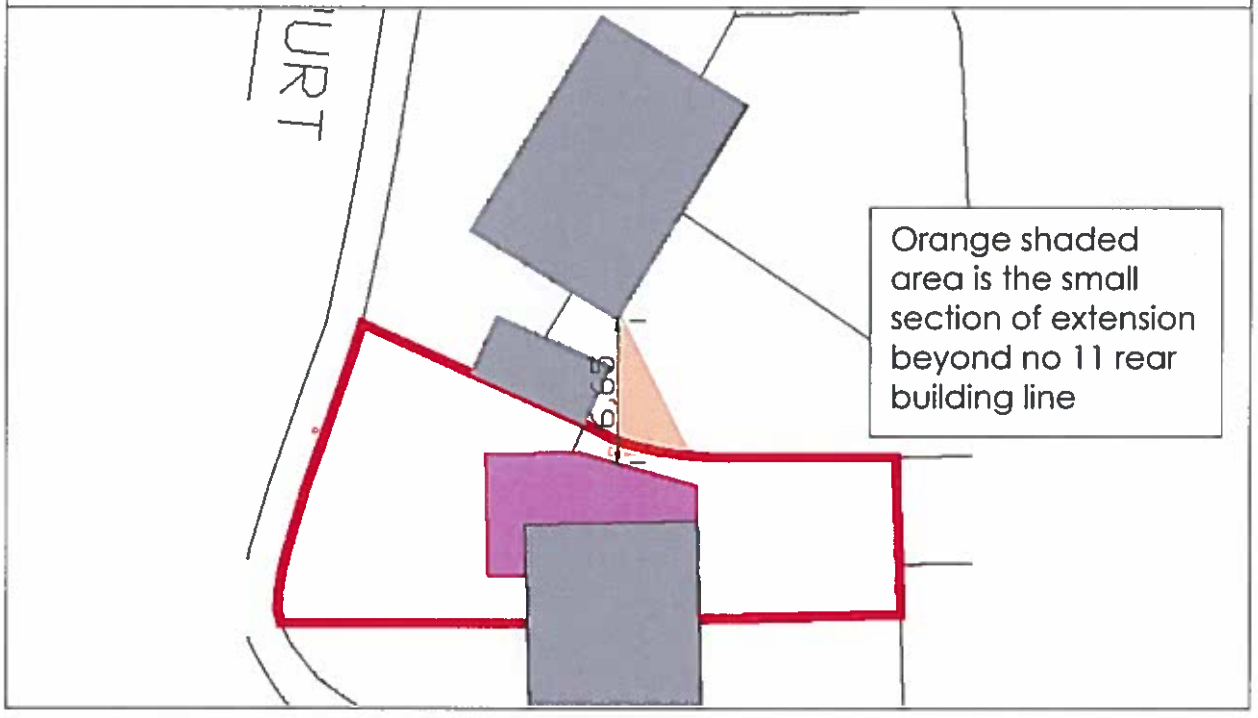
With the proposed extension the property moves slightly closer to the boundary. It you take a direct line this makes the property approx. 6.65m from the new gable. Again the sun from the East is not affected and in our opinion the gable extension does not inflight any greater concerns to no 11 that occurs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

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

Existing



Proposed



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

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



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



3.6 All these extensions are adjacent to the boundary with the adjoining properties **The main point to these noted approved extensions is that they are in the same location and extend out to the rear which would provide a greater issue with the sun and have all been approved by the Planning Authority**
Therefore, we assert that this development would be no more intrusive and/or dominant in its urban setting than the ones noted which have been acceptable

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

3.8 If this application had been part of the original development proposals, would this have been a concern to this particular plot. Our opinion is that approval would still have been granted and therefore, what is this difference being undertaken at a different timeframe.

3.9 This extension will not unduly harm the character of the area and or create an intrusive development and very much blend into the design and architectural concept of the existing house.

5.0 CONCULSION

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

APPENDIX 1 – COUNCIL DECISION NOTE

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

REFUSAL OF PLANNING PERMISSION

[Heldon And Laich]
Application for Planning Permission

TO [redacted]

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

Erect extension at 13 Bishops Court Lossiemouth Moray IV31 6TL

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

Date of Notice: **8 November 2018**

[redacted]

HEAD OF DEVELOPMENT SERVICES
Environmental Services Department
Moray Council
Council Office
High Street
ELGIN
Moray IV30 1BX

Ref: 18/01207/APP

IMPORTANT
YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW

SCHEDULE OF REASON(S) FOR REFUSAL

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

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

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

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

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

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

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

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

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APPENDIX 2 – REPORT OF HANDLING

REPORT OF HANDLING

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

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

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

DEVELOPMENT PLAN POLICY		
Policies	**Dep**	**Any Comments (or refer to Observations below)**
IMP1: Developer Requirements	Y	
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T2: Provision of Access		
T5: Parking Standards		
BE1: Sch Monuments and Nat Designations		

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

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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

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

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

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

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

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

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

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

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

Siting, Design and Amenity
(MDLP policies: H4: House Alterations, IMP1: Developer Requirements)
The application falls to be assessed against Policy H4 and IMP1 of the MLDP.

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

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

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

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

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

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

T2: Provision of Access and T5: Parking Standards
Following consultation the Transportation Section raised initial concerns regarding the provision of the southern-most parking space shown on the submitted drawing which appeared to conflict with the position of the speed table and existing road gully. Due to the presence of the speed table there also appeared to be no scope to relocate the road gully or to provide an acceptable drop kerb arrangement to provide access to the parking space. An existing street lighting column would also require to be relocated. In order to address these points the applicant duly submitted an updated drawing showing parking (minimum 2 no. spaces) located such that access to the parking does not affect the adjacent speed table or road gully, and showing the position of the existing adjacent street lighting column and road gully along with the extents of the proposed extended drop kerb arrangement.

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

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

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

The application is recommended for refusal.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT
None

HISTORY				
Reference No.	**Description**			
	Decision		**Date Of Decision**	

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

DEVELOPER CONTRIBUTIONS (PGU)	
Status	**N/A**

DOCUMENTS, ASSESSMENTS etc. * * *Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc*		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name: Supporting Statement Main Issues:		

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

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

APPENDIX 3– PLANNING SUPPORTING STATEMENT

SUPPORTING STATEMENT

PLANNING APPLICATION TO ERECT EXTENSION AT 13 BISHOPS COURT, LOSSIEMOUTH

APPLICANT	**MR A FIELD & MS C MILLAR**
COUNCIL PLANNING REF.	**18/01207/APP**
DATE.	**16 NOVEMBER 2018**

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

1.0 INTRODUCTION

1.1 This supporting Statement has been prepared to supplement the Planning application as submitted 10th September 2018 proposing an extension to our property.

1.2 The Planning officer has noted that "*a sun-on ground assessment and the results indicate that due to the form, height and siting of the extension, the development would result in unacceptable overshadowing and significant loss of light (natural light or sunlight) to the neighbouring property which does not comply with Policies IMP1: Developer Requirements and H4: House Alterations*"

1.3 This further continues and states " as presented, the proposed development would be refused due to the significant effect on your neighbours amenity"

1.4 Planning polices noted below

Planning Policy H4

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

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

Planning Policy IMP1

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

a) the scale, density and character must be appropriate to the surrounding area

b) The development must be integrated into the surrounding landscape

c) road, cycling, footpath and public transport must be provided at a level appropriate to the development. Core paths: long distance footpaths: national cycle routes must not be adversely affected

d) acceptable water and drainage provisions must be made, including the use of sustainable urban drainage system (SUDS) for dealing with surface water

e) where of an appropriate scale, developments should demonstrate how they will incorporate renewable energy systems, and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria

f) make provisions for additional areas of open space within development

g) details of arrangements for the long term maintenance of landscape areas and amenity open spaces must be provided along with Planning applications

h) Conservation and where possible enhancement of natural and built environmental resources must be achieved, including details of any impact arising from the disturbance of carbon rich soil

i) avoid areas at risk of flooding, and where necessary carry out flood management measurers

j) Address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures

k) address and sufficiently mitigate any contamination land issues

l) Does not sterilise significant workable reserves of minerals or prime quality agricultural land

m) Make arrangements for waste management

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

1.7 No further report has been provided to quantify the assumed concern in terms of daylighting and there is no policy contained with the Guidance on how this has been established and what equates to substantial overshading that would warrant recommendation for refusal.

1.8 No formal objection has been submitted from no 11 Bishop Court in relation to this planning application.

1.9 Design (H4 & IMP1)

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

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

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

2.0 THE APPLICATION SITE

2.1 The existing residential property is part of a semi-detached within the main spine road adjacent to corner junction leading to cul-de-sac. This arrangement is repeated numerous times around this locale.

2.4 In this instance our domestic property is a 2 bed property. Access to the ground floor is taken from the front door through the Lounge which acts as a corridor to the Kitchen to the rear. The Kitchen is compact and very little room for a dining area. On the first floor, the second bedroom being extremely small.

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

2.6 The property has extensive space to the side and rear for potential alteration, like many other properties within the area

2.7 Properties in this area are all 2 storey houses, which looking at the planning portal of how many applications have been undertaken during the lifetime of this development, would certainly be in a high percentage of houses.

2.8 The proposal will include a pitched tile roof to complement the existing roof of the house and the walls will be finished in a matching render and, as such, the finishes are considered to be acceptable in terms of Moray Development Plan Policy H4.

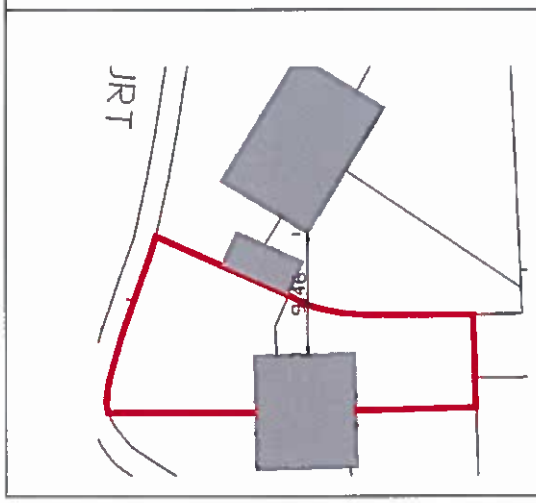
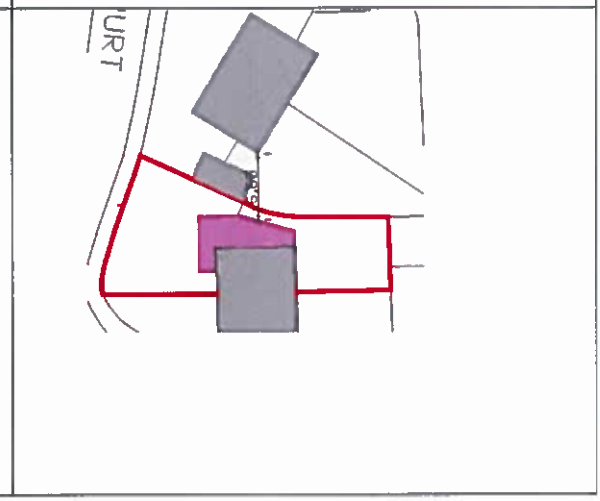
2.9 The extension has been designed to ensure that no windows will look onto the adjoining property (11 Bishops Court), thereby ensuring no privacy and/or amenity issues are created as a result of the development. Instead all glazing will look out to the front or into the site. Therefore, the proposal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

3.0 PLANNING REVIEW CONSIDERATION

3.1 We, understand that this should not be the primary reason for refusing a domestic planning application, as the Scottish Government has clearly outlined that householders should have more flexibility in adapting their homes for their own use.

3.2 When you review the existing property in terms of light towards no 11 Bishops Court with the sun rising to the East is unaffected by the current house and remotely when it moves West ward due to the garage.

With the proposed extension the property moves slightly closer to the boundary. It you take a direct line this makes the property approx. 6.65m from the new gable. Again the sun from the East is not affected and in our opinion the gable extension does not inflight any greater concerns to no 11 that occurs currently, remembering that there is an existing garage. The rear gable alignment to the boundary previously was 3m and is now 1.4 which only moves the new building some 1.6m closer which will not adversely affect the adjacent property.
75% of the extension is beyond No 11 rear elevation building line, so only a small percentage projects beyond. In fact it is only 3.7m and the roof profiling is moving away to the South and again does not adversely affect the adjacent property.

Existing	Proposed
	

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

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



- 1 Bishops Court, Lossiemouth



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



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



3.4 All these extensions are adjacent to the boundary with the adjoining properties **The main point to these noted approved extensions is that they are in the same location and extend out to the rear which would provide a greater issue with the sun and have all been approved by the Planning Authority**
Therefore, we assert that his development would be no more intrusive and/or dominant in its urban setting than the ones noted which have been acceptable

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

3.6 If this application had been part of the original development proposals, would this have been a concern to this particular plot Our opinion is that approval would still have been granted and therefore, what is this difference being undertaken at a different timeframe.

3.7 This extension will not unduly harm the character of the area and or create an intrusive development.

3.8 New housing development, which have been approved in areas of Elgin have houses with gable ends to other properties and these have the same projections of our application

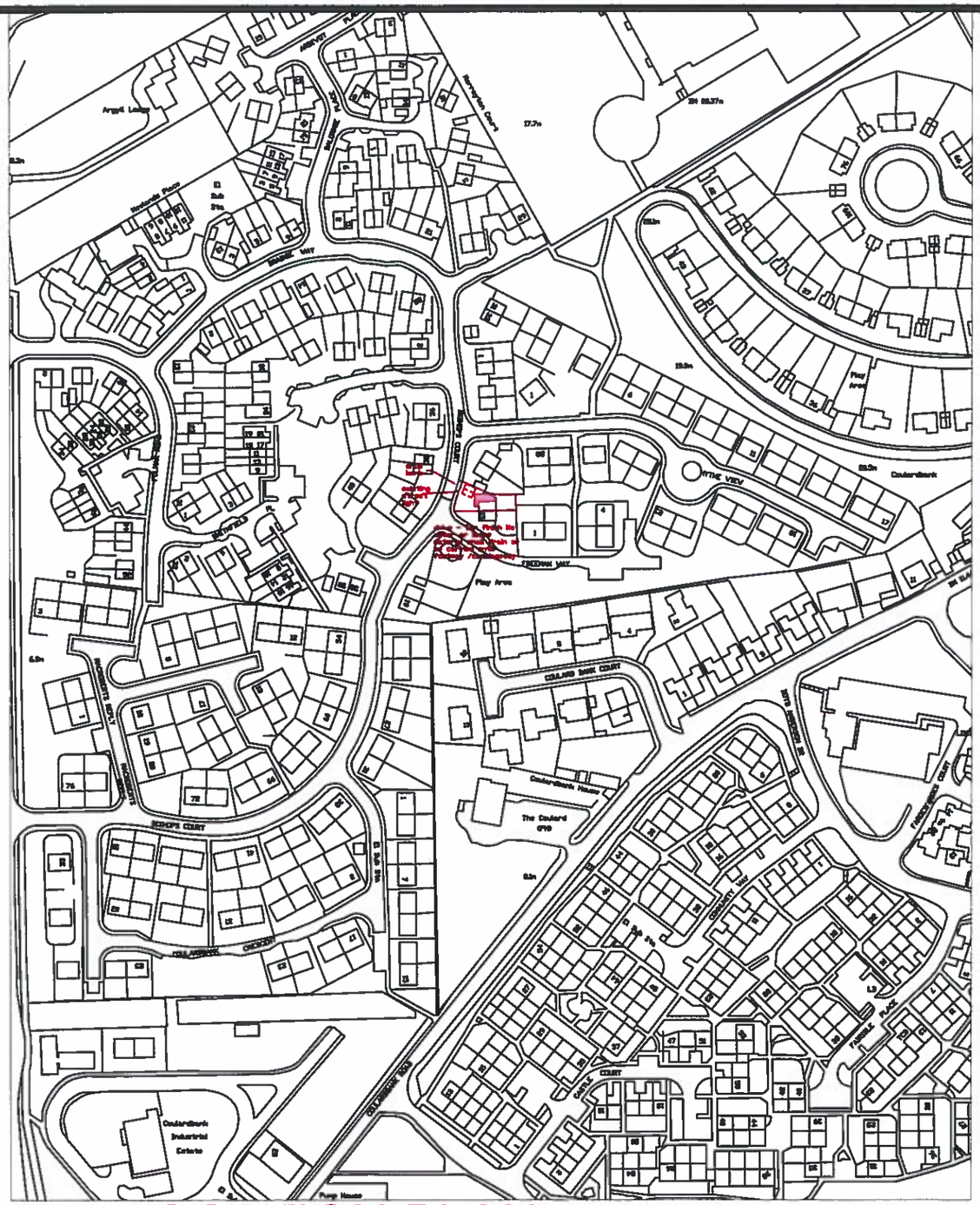


3.9 Therefore we see no difference in our proposal than other similar approved extensions either as an extension of part of an original scheme.

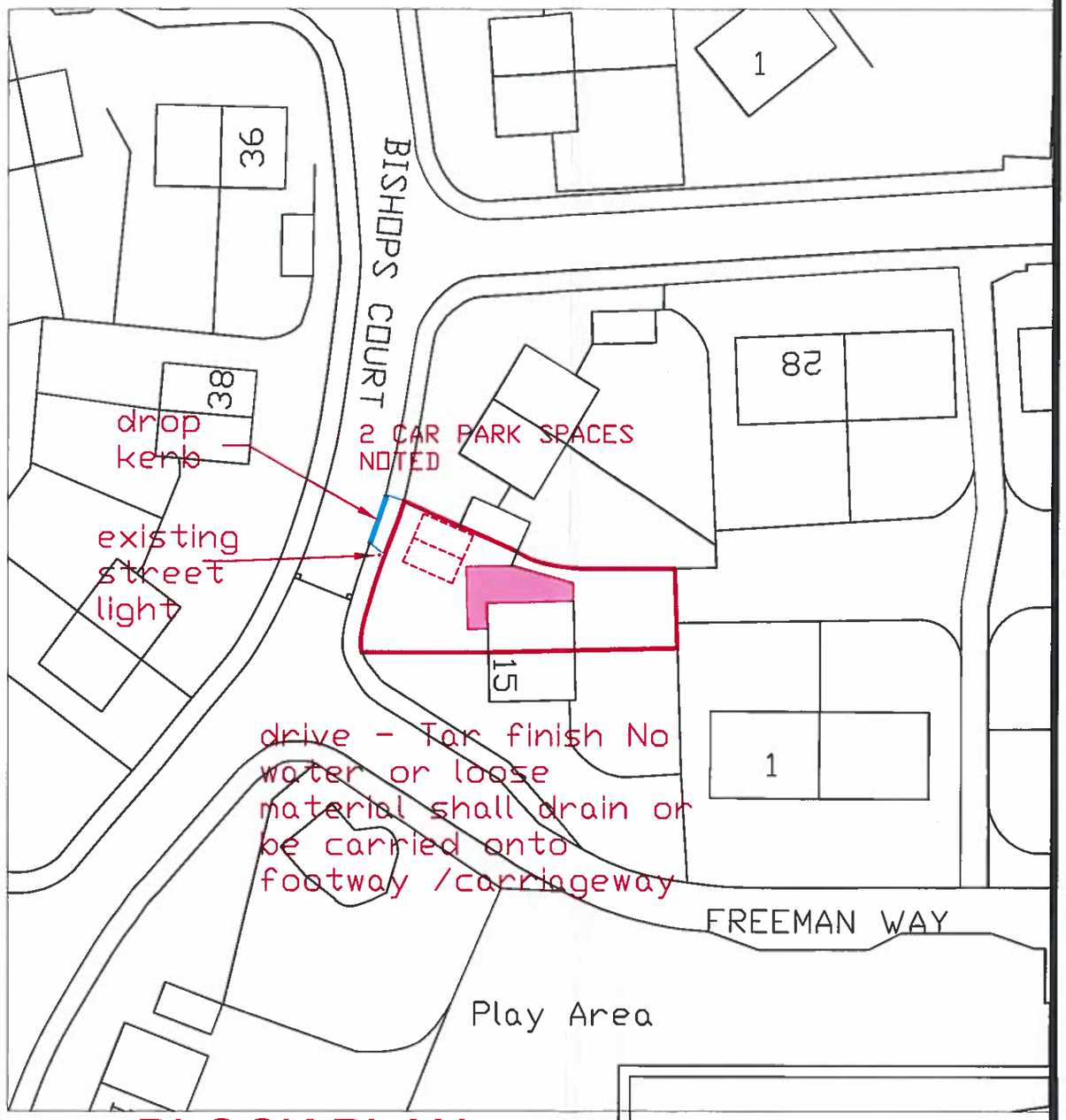
4.0 CONCULSION

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

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



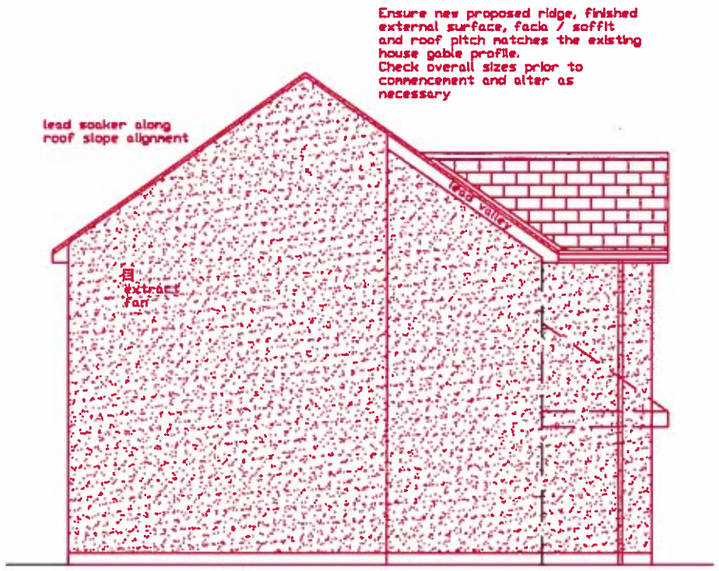
LOCATION PLAN
scale 1:2500

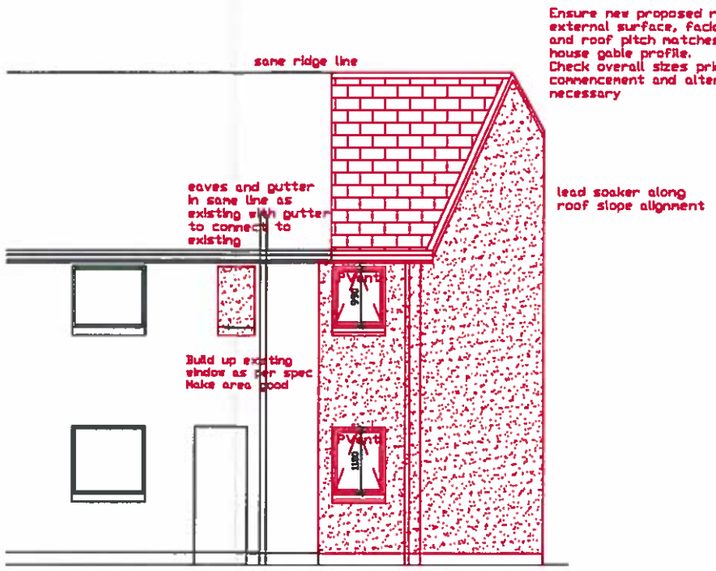


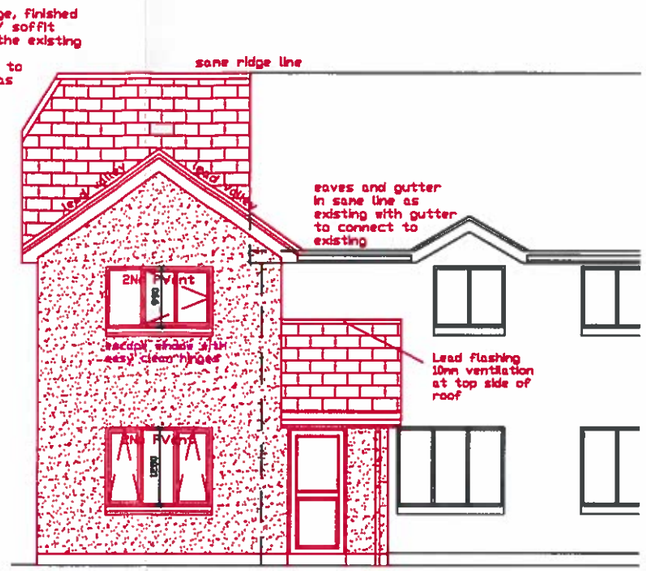
BLOCK PLAN
scale 1:500

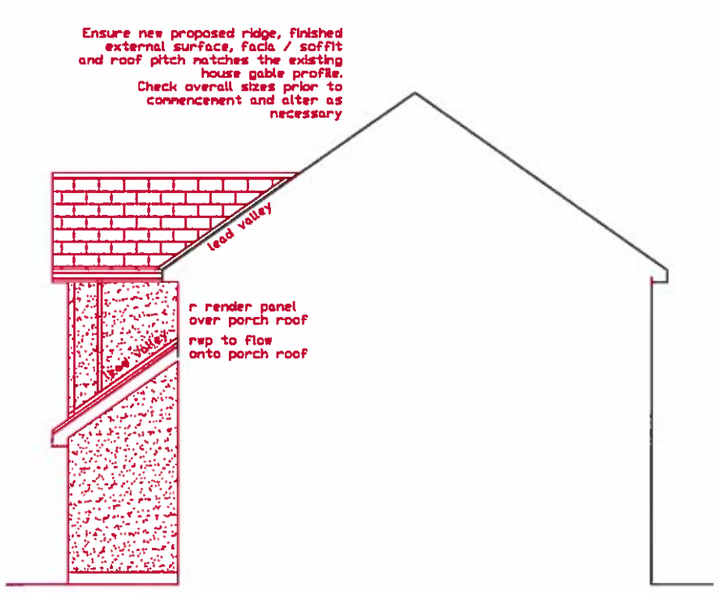
22/10/18 PLANNING NOTES ADDED REV A

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









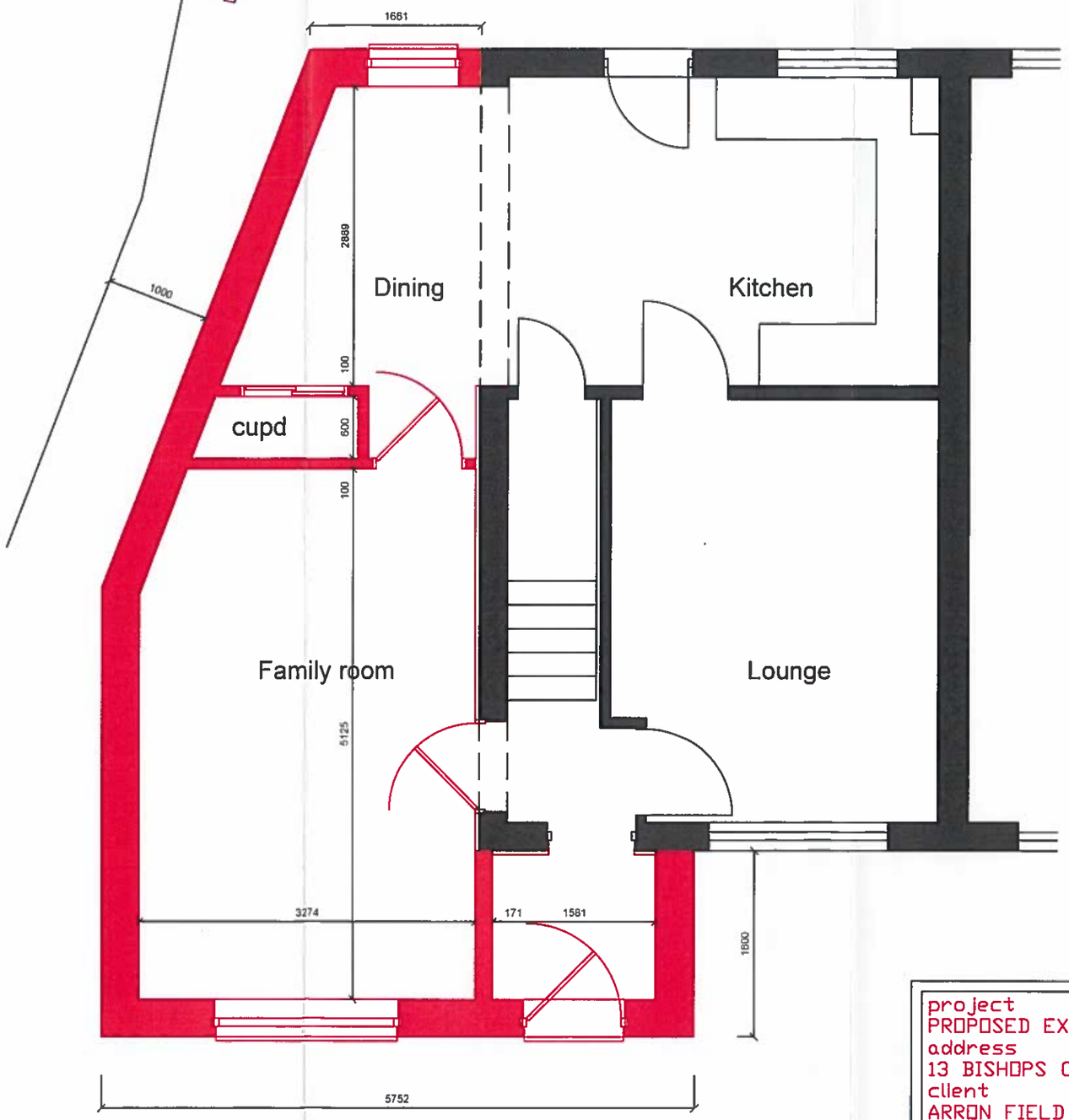
TO BE READ IN CONJUNCTION WITH ENGINEER DETAILS & RECOMMENDATIONS

ELEVATIONS
scale 1:100

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

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

DRAWING NO 2



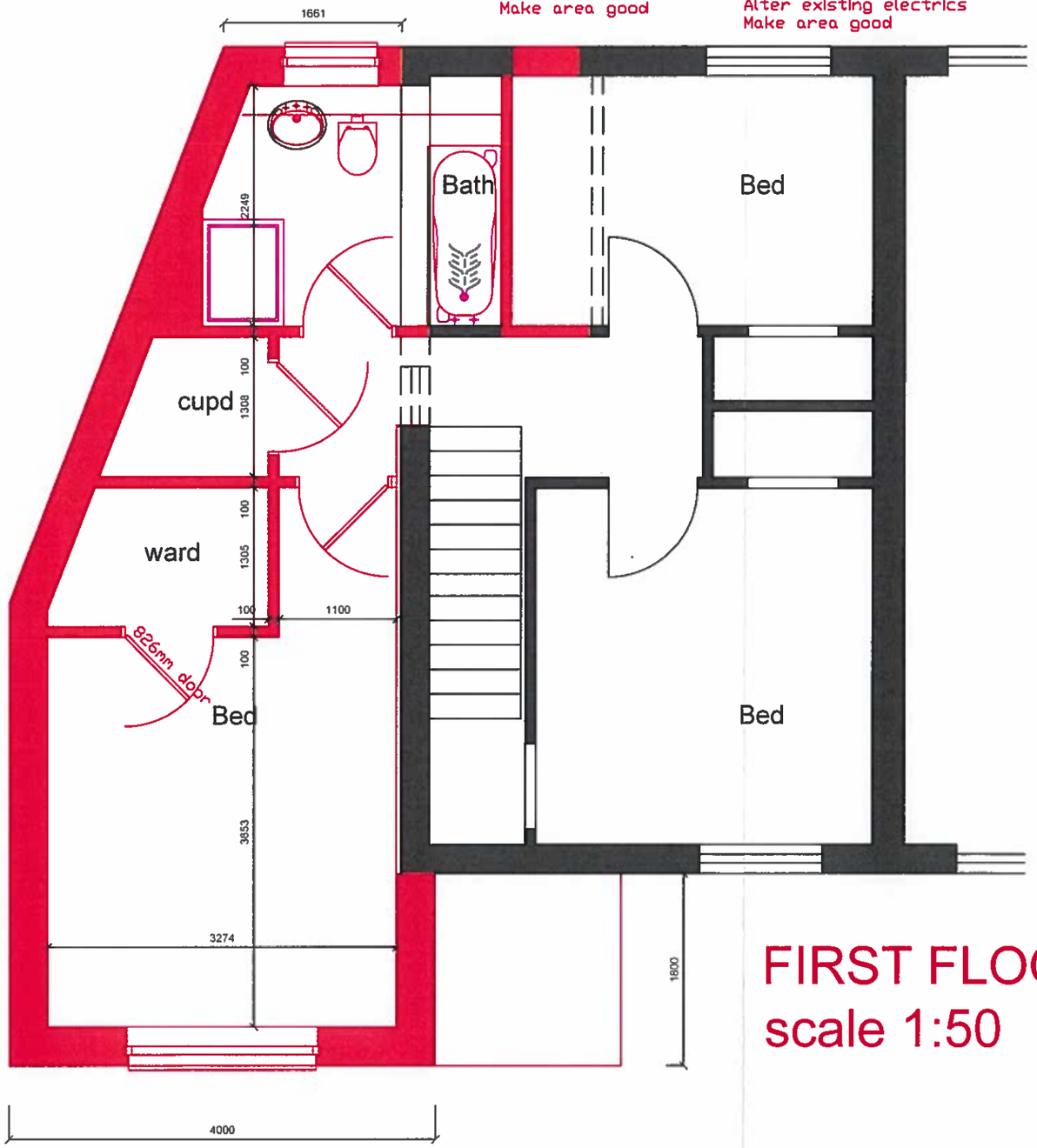
GROUND FLOOR PLAN
scale 1:50

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

DRAWING NO 3

Build up existing
window as per spec
Make area good

remove existing partition
to enlarge bedroom
Alter existing electrics
Make area good



FIRST FLOOR PLAN
scale 1:50

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

DRAWING NO 4

APPENDIX 5 – NO 11 BISHOPS COURT LETTER OF SUPPORT

REF. 18/01207/APP

Dear Sir/Madam,

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

Kind Regards

[redacted]

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

APPENDIX 3

RESPONSE TO REQUEST FOR FURTHER INFORMATION

Notice of Review: Planning application 18/01207/APP - Erect extension at 13 Bishops Court, Lossiemouth.

Request for further information – daylight/sunlight assessment.

The information below sets out the daylight/sunlight assessment that was undertaken in this case which informed consideration of the proposal against policies H4 House Alterations and Extensions and IMP1 Developer Requirements of the Moray Local Development Plan 2015. These policies require domestic extensions to relate satisfactorily to the appearance of the parent property and surrounding area in terms of design, form and materials and to be designed to minimise the loss of daylight and excessive overshadowing (loss of sunlight) of neighbouring properties.

Factors which affect the amount of loss of daylight and sunlight are the height and form of the proposed extension, distance to boundary, size of plot and orientation. The proposal would be a substantial side/front extension, which would sit directly south of a neighbouring adjoining property (11 Bishops Court). The size and dimensions of the extension, and site and surroundings are described within the report of handling.

Relevant guidance can be found in the Building Research Establishment's (BRE) guide 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice'. This contains guidelines and methods for assessing daylight and sunlight impacts.

The BRE sunlight-on-ground indicator (equinox, 21 March) enables a measurable hour by hour sun path analysis to be undertaken showing how sunlight moves through the affected garden for both before and after situations. Using this method confirmed that the proposed extension would prevent sunlight from reaching parts of the neighbour's garden (11 Bishop's Court) during the afternoon for additional periods of between of 1 and 1½ hours (depending on the location). This is over and above existing overshadowing impacts from the existing applicant's house (and neighbour's own house and garage). Any further loss of sunlight on this basis would be unacceptable in amenity terms. Figures of hours affected are marked on the annotated site plan which has been re-created for ease of reference that was used as part of the assessment at the time of determination (see Appendix A).

Based on the above findings it was considered that the proposed two storey side extension of the form and size submitted, positioned immediately to the south of neighbouring housing would represent an inappropriate form of development for this location which would be detrimental to the amenity of neighbouring occupiers.

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

APPENDIX A

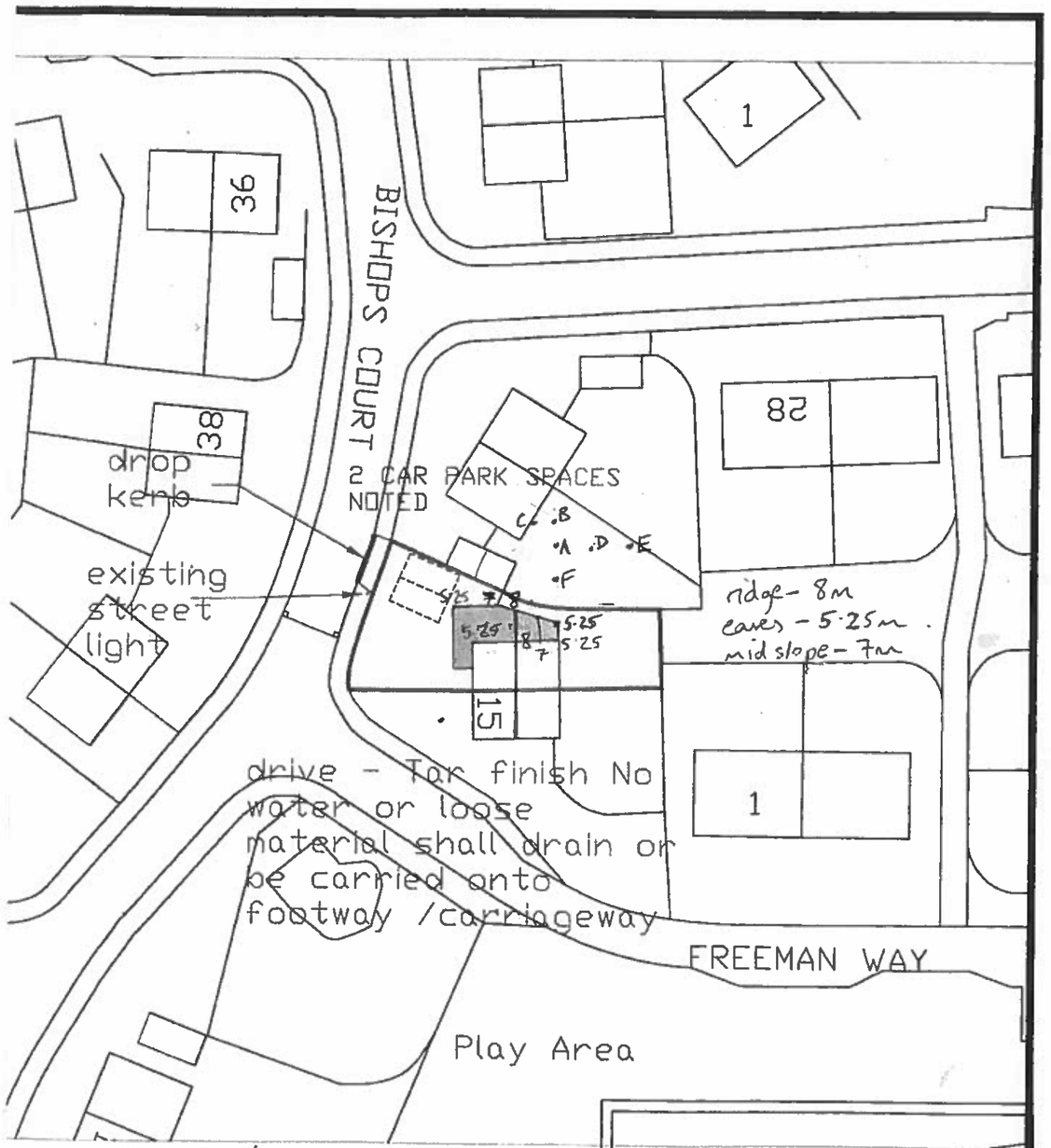
SUNLIGHT-ON-GROUND INDICATOR.
(HOURS OF NO SUN LIGHT)
PROPOSED EXTENSION (AFTER)

A 1200 - 1500 hrs
B 1300 - 1430 hrs
C 1130 - 1300 hrs
D 1300 - 1630 hrs
E 1415 - 1645 hrs
F. 1200 - 1630 hrs

EXISTING HOUSE. (BEFORE)

A 1230 - 1400 hrs
B 1500 - 1700 hrs - (NEIGHBOUR'S GARAGE)
C 1130 - 1300 hrs
D 1330 - 1530 hrs
E 1430 - 1530 hrs
F 1200 - 1530 hrs

APPENDIX A.



23 OCT 2018
18/01207/APP

APPENDIX 4

APPLICANT'S RESPONSE TO FURTHER REPRESENTATIONS

6th March 2019

- 8 MAR 2019

Moray Council

Legal & Democratic Services

High Street

Elgin

For the attention of Lissa Rowan – Committee Services Officer

13 Bishops Court, Lossiemouth

Planning reference 18/01207/APP

Notice of Review

Further to our recent letter dated 21st February 2019, we hereby provide a further supporting statement in terms of the receipt of the additional assessment from Development Management.

We hope you find the above in order

Regards

Claire Millar

LOCAL REVIEW BODY STATEMENT OF CASE TO SUPPORT OVERSHADOWING REVIEW NOTE

PLANNING APPLICATION TO ERECT EXTENSION AT 13 BISHOPS COURT, LOSSIEMOUTH

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

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

DATE. **06 MARCH 2019**

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2.0	ANALYSIS	PAGE 6
3.0	CONCLUSION	PAGE 12

1.1 This additional Local Review Statement of Case has been prepared to support a recently refused detailed Planning Application, proposing an extension to the front and side of the appellant's property and now forms part of the Local Review Body.

1.2 We believe the planning officer left the Council on the 8th November 2018, so we are slightly surprised that this assessment has been formulated, as when we requested a copy we were advised that "it's not something we record as such so I can't provide you with specifics"

From: Amanda Cruickshank <Amanda.Cruickshank@moray.gov.uk>
Sent: 02 November 2018 11:21
To: 'Claire Millar'
Subject: RE: Planning Application 18/01207/APP - 13 Bishops Court, Lossiemouth

Hi Claire

Sorry - it's not something we record as such so I can't provide you with specifics.

Amanda

From: Claire Millar
Sent: 02 November 2018 11:11 AM
To: Amanda Cruickshank
Subject: Re: Planning Application 18/01207/APP - 13 Bishops Court, Lossiemouth

Hi there Amanda,

Is is possible to get a copy of the Sun on Ground assessment please, to review with our architect?

Kind Regards

Claire Millar

1.3 *We will prove without doubt that we have no material impact and compliant under the relevant policies that the adjacent neighbours garden receives the required hours of daylighting.*

1.4 *The enclosed note indicates that the relevant guidance is the BRE guide 'Site Layout Planning for Daylight and sunlight – A Guide to Good Practice'*
The relevant policy notes:-

> The availability of sunlight should be checked for all open spaces where it will be required. This would normally include: gardens (usually the main back garden of a house), parks and playing fields, children's playground....

The BRE Guide recommends that for a garden or amenity to appear adequately sunlight throughout the year, at least half of it should receive at least two hours of sunlight on 21 March (Spring Equinox). For this date the shadow range calculation is carried out at hourly intervals throughout the day from 7:00 a.m. to 5:00 p.m.

The methodology to assess the sunlight impact of the space is as follows:-

Test 1: % of area which receives sun: The path of the sun is tracked and it is compared with the presence of the abstractions within the analysed site. Sunlight provision is considered adequate if at least 50% of the amenity space receives two hours of sunlight on 21 March.

Test 2: comparison method: this analysis tests if the amenity space receives at least 80% of sunlight of its former value. If this is the case the BRE guidance states that the loss of sunlight is negligible.

1.5 From the enclosure from the officer, there is insufficient evidence under what they have undertaken to the relevant guidance to assess this under this Good practice.

- No indication that if there is at least 50% of the amenity space receives 2 hours of sunlight
- No reference if the amenity space receives at least 80% of sunlight of its former value.

1.6 ***What is extremely important in their calculations which indicates after the proposed extension there is at least 2 hours of sunlight.***

Therefore shows compliance with the BRE guidance

2.1 To enable this to be quantified we have undertaken our own review of the daylight/sunlight assessment. As normally a desk top exercise is made of assumptions and process rather than what is actually on the ground and physical.



Diagram A

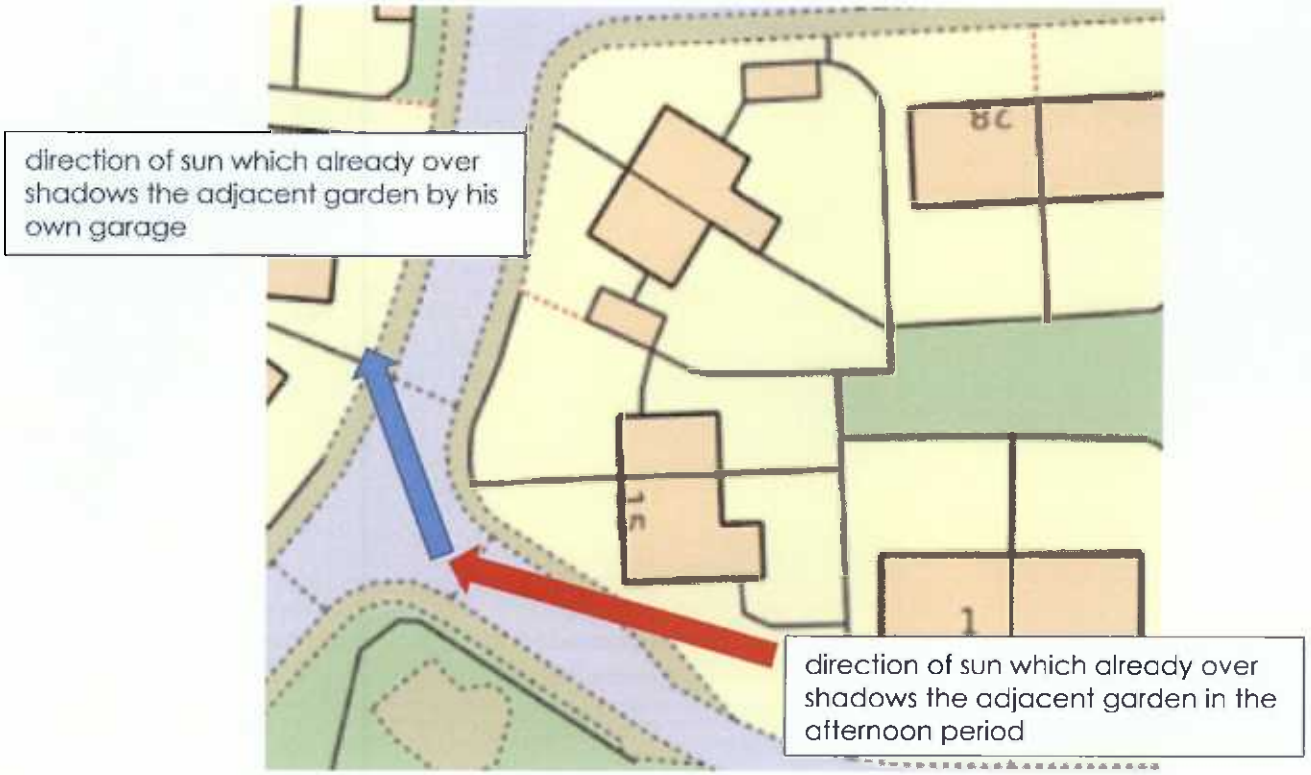


Diagram B

2.4 The sun commences from our rear garden side so there is no overshadowing in the morning.

Under the guidance the Sunlight provision is considered adequate if at least 50% of the amenity space receives two hours

Therefore under the Council policy we are fully in compliance

2.5 To help the Local Review Body to ascertain what this looks in reality, we have undertaken some photos, to show this aspect.



This photo shows the overshadowing of our existing property into our neighbours property at 12 midday

At least 50% of the amenity space receives two hours in compliance with guidance

Extension will have no greater affect due to the orientation of the sun and our extension location which is away from the rear garden and complies with Test 2



This photo shows the overshadowing of our existing property into our neighbours property at 1pm

At least 50% of the amenity space receives two hours in compliance with guidance

Extension will have no greater affect due to the orientation of the sun and our extension location which is away from the rear garden and complies with Test 2.



This photo shows the overshadowing of our existing property into our neighbours property at 2pm

At least 50% of the amenity space receives two hours in compliance with guidance to the rear section of their garden



This photo shows the overshadowing of our existing property into our neighbours property at 5pm

The complete garden is covered, therefore extension will have no greater affect.

3.0 CONCLUSION

3.1 In terms of the Council review, this proves without any debate that our extension complies with the BRE guidance.

3.2 Analysis undertaken by ourselves, proves that we are fully compliant with the BRE guidance in that he garden still receives at least 2 hours of sunlight and that there is still 80% *of sunlight of its former value*