

16/01599/APP

17 OCT 2016

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="Mr & Mrs"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="Robert"/>	Forename	<input type="text"/>
Surname	<input type="text" value="Shand"/>	Surname	<input type="text"/>
Company Name	<input type="text"/>	Company Name	<input type="text"/>
Building No./Name	<input type="text"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text"/>	Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text"/>	Town/City	<input type="text"/>
Postcode	<input type="text"/>	Postcode	<input type="text"/>
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	<input type="text"/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text"/>	Email	<input type="text"/>
3. Address or Location of Proposed Development (please include postcode)			
10 Church Street Findhorn IV36 3YR			
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 sun lounge (revised design)			
Have the works already been started or completed Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, please state date of completion, or if not completed, the start date:			
Date started:	<input type="text"/>	Date completed:	<input type="text"/>

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

5. Pre-Application Discussion

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

If yes, please provide details about the advice below:

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

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

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

Name: Date: Ref No.:

6. Trees

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

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

7. Changes to Vehicle Access and Parking

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

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

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

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

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

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

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

8. Planning Service Employee/Elected Member Interest

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

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

If you have answered yes please provide details:

DECLARATION

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

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

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

Signature:

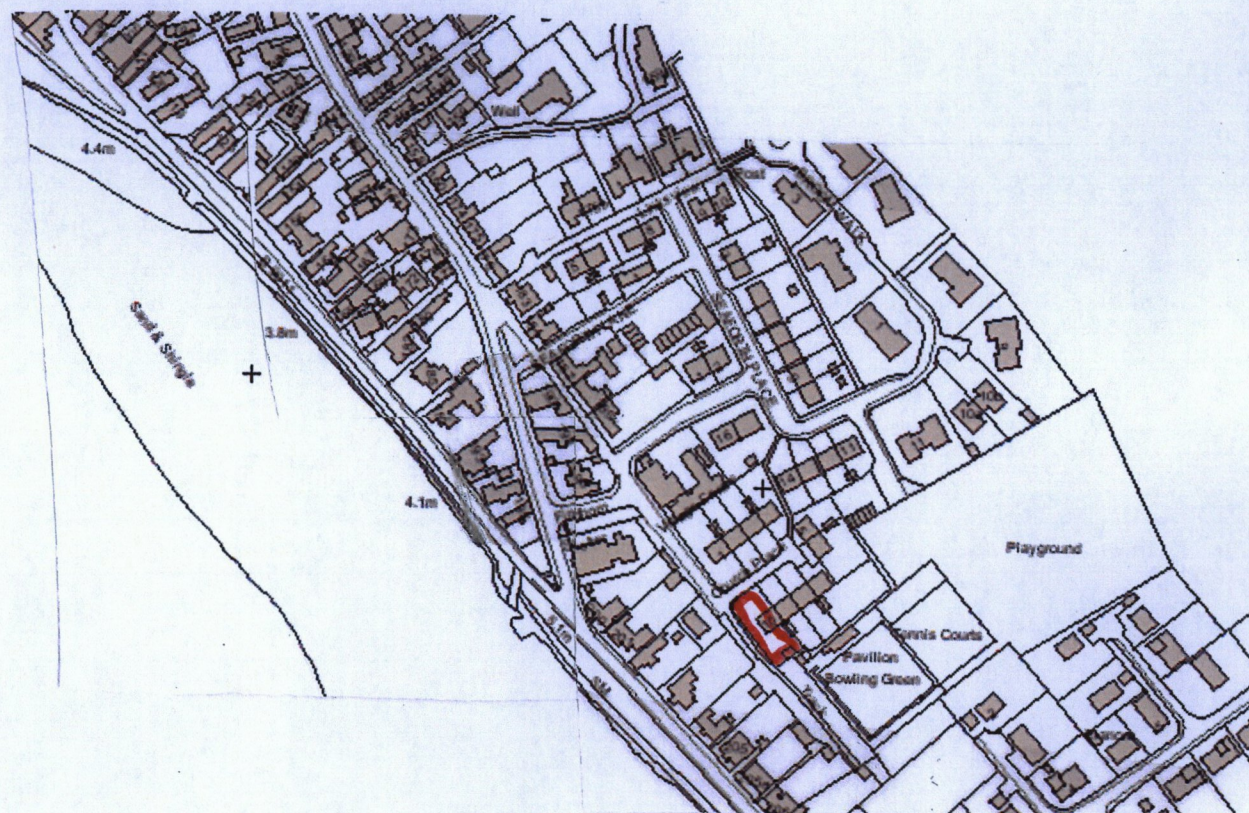
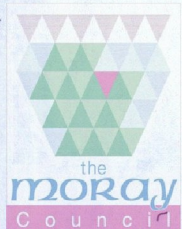
Name:

R. SHAN

Date:

17/10/16

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.



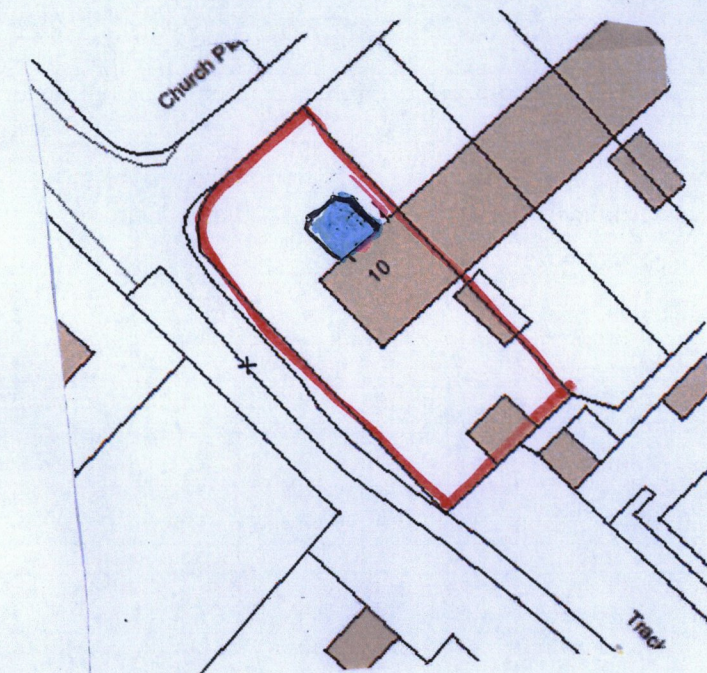
LOCATION PLAN

scale 1:2500

Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

06 December 2016
Development Management
Environmental Services
The Moray Council



BLOCK PLAN

scale 1:500

17 OCT 2016

16/01599/APP

project
PROPOSED EXTENSION
address
10 CHURCH PLACE, FINDHORN
client
MR & MRS R SHAND
date
MAR 2016
scale
1:50

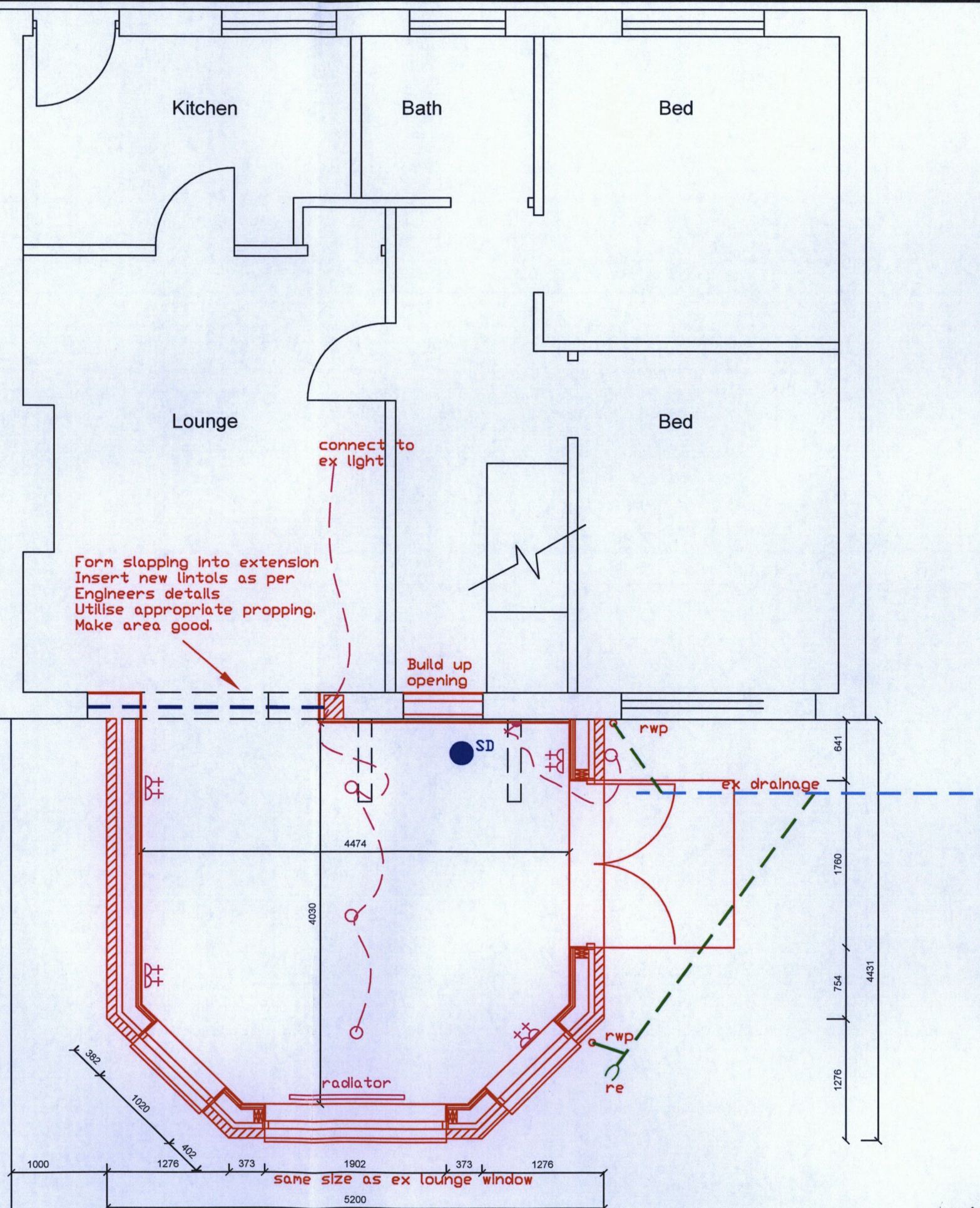
GROUND FLOOR PLAN scale 1:50

Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

06 December 2016

Development Management
Environmental Services
The Moray Council



11/10/16 design altered rev A

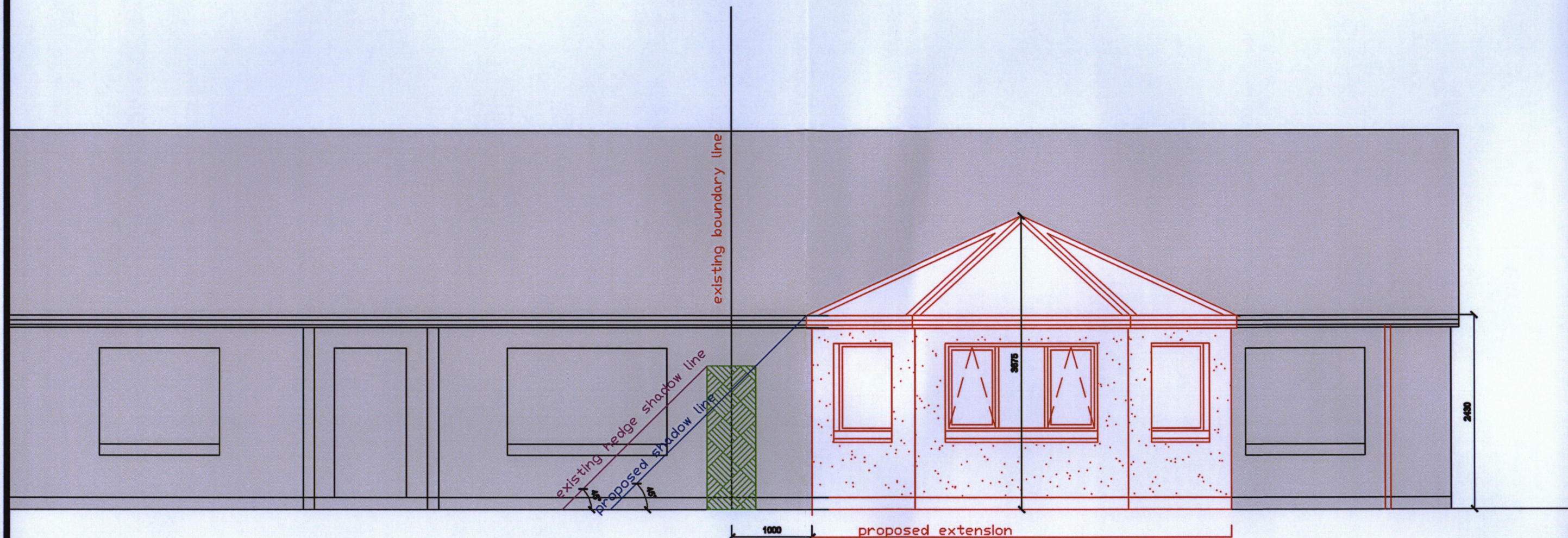
project
PROPOSED EXTENSION
address
10 CHURCH PLACE, FINDHORN
client
MR & MRS R SHAND
date
OCT 2016

scale
1:50

17 OCT 2016

16/01599/APP

AMENDED PLANS



ELEVATIONS
scale 1:50

Town & Country Planning
(Scotland) Act, 1997
as amended

REFUSED

06 December 2016

Development Management
Environmental Services
The Moray Council

11/10/16 design altered rev A

EXTERNAL FINISHES
CONCRETE ROOF TILES TO MATCH EXISTING
ROUGHCAST TO MATCH EXISTING

project
PROPOSED EXTENSION
address
10 CHURCH PLACE, FINDHORN
client
MR & MRS R SHAND
date
OCT 2016

RECEIVED
24 NOV 2016

16/01/2017



SUPPORTING STATEMENT

PLANNING APPLICATION TO ERECT EXTENSION AT 10 CHURCH PLACE, FINDHORN

APPLICANT

MR SHAND

**COUNCIL
PLANNING REF.**

16/01599/APP

DATE.

24 NOVEMBER 2016

CONTENTS

1.0	INTRODUCTION	PAGE 3
2.0	THE APPLICATION SITE	PAGE 5
3.0	PLANNING REVIEW CONSIDERATION	PAGE 6
4.0	NOTES UPON REPRESENTATION OF APPLICATION	PAGE 10
5.0	CONCLUSION	PAGE 10

APPENDIX

APPENDIX 1	MINUTES OF LRB MEETINGING DATED 29/9/16
APPENDIX 2	ELEVATION

1.0 INTRODUCTION

- 1.1 This supporting Statement has been prepared to accompany the revised Planning application as submitted 17th October 2016 proposing a lounge extension to the front of the applicant's property.
- 1.2 The revised application has taken into account the minutes of the Local Review Body (LRB) dated 29th September 2016
- 1.3 The initial application was refused for the reason below and after due consideration, the applicant has reviewed and revised the design.

"The proposal is contrary to Policy H4 & IMP1 of the adopted Moray Local Development Plan 2015 where, by reason of the location and design (including size and depth of projection), the extension would be an intrusive form of development which would have an adverse effect upon and detract from the character, amenity and appearance of the existing property and the surrounding area."

- 1.4 Some comments from the LRB meeting indicates some points which requires to be taken into account for this revised application:-

The Chair noted that whilst light was a material consideration, there was no legal requirement for a setback distance from the boundary and any access required would be dealt with through agreement with the neighbour.

Referring to the shadow effect plan shown on page 63 of the report, Councillor Cowie stated that the impact would be far greater on the neighbouring property if the distance was 200mm and not 800mm as shown. In response, the Chair stated his belief that the shadow effect would reach the main diagonal of the window and that, due to the property being north-western facing, it would only receive late evening sunlight in any case.

- 1.5 The initial debate at the LRB was the distance from the boundary being 200mm and the debate surrounded this aspect rather than the design etc.

- 1.6 On the basis of the initial concerns and that noted by the LRB the applicant proposed extension has been moved to 1000mm away from the boundary.
Proposal has changed in shape to remove perceived size of extension and to propose an element of a feature to the extension
Initial sun Lounge had a ridge height of 4000mm and the new proposal has been reduced to 3675mm a reduction of 325mm to help reduce the mass of the extension

2.0 THE APPLICATION SITE & PROPOSAL

- 2.1 The existing residential property is the end terrace of a run of 4no. houses sited within a small cul-de-sac of 10no. Houses at Church Place, Findhorn. This arrangement is repeated a number of times around this locale.
- 2.2 Properties in this area are either single storey houses or with converted attic areas. The front gardens have been put to a variety of uses/finishes; including car parking, ornate gardens and grassed areas. The applicant is seeking to replace their grassed garden area with a the relatively small extension to the living room.
- 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 (8 Church Place), 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 The Initial planning application Appointed Officers primary concern relates to the fact that no other property in this location has built a front extension. The applicant however, 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 This is borne out in the Government fairly recent relaxation of the householder permitted development rights, which have allowed householders to extend their properties without the need for planning regulation, except for a few exceptions, one of which is erecting a front extension hence this application.
- 3.3 In this instance the applicant's domestic property has a relatively small living accommodation, which is sited to the front of the property. This therefore excludes the ability to extend the living space within the rear garden area and, as such, the appellant only has the ability to extend into their front garden.
- 3.4 As noted above, the application was only progressed with a front extension after viewing numerous others around Moray, including the following:

- Manse Rad, Hopeman



- Covesea Road, Lossiemouth



- Main Street, Archiestown



- Moray Avenue, Alves



- 3.5 All these extensions are built hard on the boundary with the adjoining properties, all project a similar distance and all are the only front projecting extension in that particular locale.

The main point to these noted approved extensions is that they are within similar cul de sac neighbourhoods and are exactly that of this proposals.

Therefore, the applicant's asserts that his development would be no more intrusive and/or dominant in its urban setting than the ones noted which have been acceptable

- 3.6 Similar extensions within Findhorn Conservation Area, numerous of which overlooking the bay and are clearly visible from the main thoroughfares around Findhorn.
- 3.7 This extension will not unduly harm the character of the area and or create an intrusive development.
- 3.8 Finally, in terms of the amenity impact on the neighbouring property, the current boundary treatment between the appellant property and neighbouring property is a hedge which extends too over 6 foot (1800mm) in height which will remain as part of this application. The single storey low pitched extension should result in no greater loss of sunlight and/or daylight to the neighbouring property than the current situation which can be reviewed under Appendix 2.

4.0 REPRESENTATION TO APPLICATION

4.1 Comments are made that this *"extension will significantly overshadow and reduce natural and sun reaching the only window for the primary of the property."*

Please refer to points 3.8 and Appendix 2 which clearly indicates that this is completely incorrect statement due to the existing 1800mm high existing hedge which remains & that the extension is now 1000mm from the boundary

4.2 The remaining points are covered within this statement

5.0 CONCLUSION

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

APPENDIX 1 – MINUTES OF LRB MEETING DATED 29/9/16

A request was submitted by the Applicant seeking a review of the decision of the Appointed Officer, in terms of the Scheme of Delegation, to refuse an application to erect an extension at 10 Church Place, Findhorn.

There was submitted a 'Summary of Information' report setting out the reasons for refusal, together with documents considered or prepared by the Appointed Officer in respect of the planning application and the Notice of Review, Grounds for Review and supporting documents submitted by the Applicant.

The Moray Local Review Body (MLRB) agreed that it had sufficient information to determine the request for review.

With regard to the unaccompanied site inspection carried out on 27 September 2016, Mr Henderson, as Planning Adviser to this review, advised that Members of the MLRB were shown the site where the proposed development would take place and provided with a summary of the reasons for refusal and the Applicant's Grounds for Review. The Planning Adviser also advised Members that, within the Applicant's response to further representations, as set out on page 63 of the report, there is a factual inaccuracy in the plan provided that shows the front elevation and the shadow effect. He noted that that the plan shows that the proposed extension as 800mm from the boundary with the adjacent property, however, the elevation and block plan in the original application shows it as being approximately 200mm from the boundary. He advised that, as such, should the MLRB be minded to uphold the review, the original plan on page 8 of the report, showing the property being 200mm from the boundary, will be approved.

The Planning Adviser advised the MLRB that the application had been refused on the grounds that the proposal is contrary to Policy H4: Housing Alterations and Extensions and IMP1: Developer Requirements of the adopted Moray Local Development Plan 2015 where, by reason of the location and design (including size and depth of projection), the extension would be an intrusive form of development which would have an adverse effect upon and detract from the character, amenity and appearance of the existing property and the surrounding area.

Referring to the Applicant's Grounds for Review, the Planning Adviser advised that the Applicant had stated their belief that the proposal matches the existing property with a pitched roof and matching render and has been designed to ensure that no windows will look onto the adjoining property, thereby ensuring that no privacy and/or amenity issues are created as a result of the development. Noting that the Appointed Officer's concerns relate to no other property in the location having a built front extension, the Applicant stated that this should not be a reason for refusing the planning application. They advised that there are numerous example of front extensions around Moray, including ones found in the Findhorn Conservation Area, and given the configuration of the living space within the house, extending into the front garden is the only option.

The Applicant stated that the proposed extension will not harm the character of the area and advised that the current boundary treatment between the property and neighbouring property is a hedge that extends to over 6 foot. They noted that the hedge's replacement with a single storey low pitched extension will result in no greater loss of sunlight.

The Chair queried whether the MLRB could be confident that the 800mm in the plan within the Applicant's response to further representations was an error and not an amendment to the Applicant's plans. The Planning Adviser advised that there was no evidence to suggest the 800mm was anything but an error and that the Applicant had made no reference to any amendments.

Councillor Reid, having had the opportunity to visit the site and consider the Applicant's Grounds for Review, stated that she was of the same opinion as the Appointed Officer and believed that the proposal would have an adverse impact on the neighbouring property and character of the area. Accordingly, she moved that the review be dismissed and the Appointed Officer's decision be upheld to refuse planning permission in respect of Planning Application 16/00492/APP.

The Chair noted that whilst light was a material consideration, there was no legal requirement for a setback distance from the boundary and any access required would be dealt with through agreement with the neighbour.

Referring to the shadow effect plan shown on page 63 of the report, Councillor

Cowie stated that the impact would be far greater on the neighbouring property if the distance was 200mm and not 800mm as shown. In response, the Chair stated his belief that the shadow effect would reach the main diagonal of the window and that, due to the property being north-western facing, it would only receive late evening sunlight in any case.

Councillor Shepherd stated that he was of the same opinion as Councillor Reid and seconded her motion.

The Chair advised that he did not believe there would be any problems with light and that the proposal was in keeping with surrounding properties, therefore complying with Policies H4 and IMP1. Accordingly, he moved that the review be upheld and planning permission be granted in respect of Planning Application 16/00492/APP subject to standard and consultee conditions. This was seconded by Councillor McConachie.

Councillor Cowie stated that he was of the same opinion as Councillors Reid and Shepherd.

In response to comments regarding daylight and sunlight, Mrs Gordon, Planning Officer (Planning & Development) referred the MLRB to the Appointed Officer's Report of Handling, on page 21 of the report, which addressed the impact and how it was considered in the overall planning application.

On the invitation of the Chair to summarise her motion, Councillor Reid stated that she was of the opinion that the proposal was intrusive and not in keeping with the surrounding area.

Summarising his amendment, the Chair advised that this was a difficult case to consider but believed the loss of light was not unacceptable.

On a division, there voted:-

For the Motion (3):- Councillors Reid, Shepherd and Cowie

For the Amendment (2):- Councillors Tuke and McConachie

Abstentions (0)

Noting an error by the Clerk in announcing the outcome of the vote, the Chair confirmed that the motion was carried and the MLRB agreed to dismiss Case LR166 and uphold the Appointed Officer's decision to refuse planning permission in respect

of Planning Application 16/00492/APP.

APPENDIX 2 – ELEVATION SHOWING EXISTING HEDGE / PROPOSED EXTENSION

Consultation Request Notification

Planning Authority Name	The Moray Council
Response Date	2nd November 2016
Planning Authority Reference	16/01599/APP
Nature of Proposal (Description)	Erect a sun lounge (revised design) at
Site	10 Church Place Findhorn Forres Moray IV36 3YR
Site Postcode	N/A
Site Gazetteer UPRN	000133016161
Proposal Location Easting	304225
Proposal Location Northing	864156
Area of application site (Ha)	m²
Additional Comment	
Development Hierarchy Level	LOCAL
Supporting Documentation URL	http://public.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&keyVal=OF71VLBG0CQ00
Previous Application	97/02036/ID 16/00492/APP 95/00328/FUL
Date of Consultation	19th October 2016
Is this a re-consultation of an existing application?	No
Applicant Name	Mr And Mrs R Shand
Applicant Organisation Name	
Applicant Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Agent Name	
Agent Organisation Name	
Agent Address	
Agent Phone Number	
Agent Email Address	N/A
Case Officer	Cathy Archibald
Case Officer Phone number	01343 563101
Case Officer email address	cathy.archibald@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: 16/01599/APP

Erect a sun lounge (revised design) at 10 Church Place Findhorn Forres Moray for Mr And Mrs R Shand

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

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

Contact: Adrian Muscutt

email address: Adrian.muscutt@moray.gov.uk

Consultee: Contaminated Land

Date 19/10/16

Phone No (01343) 563496

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 16/01599/APP

Application Summary

Application Number: 16/01599/APP

Address: 10 Church Place Findhorn Forres Moray IV36 3YR

Proposal: Erect a sun lounge (revised design) at

Case Officer: Cathy Archibald

Customer Details

Name: Mr Peter Hancock

Address: [REDACTED]

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Height of proposed development
- Reduction of natural light
- View affected

Comment: We wish to object to planning approval for the proposed sun lounge at 10 Church Place, Findhorn primarily or the loss of light to our property but also because of the negative effect it will have on Church Place and the precedence it sets.

In detail our reasons for objecting are:

- The proposed extension would significantly overshadow and reduce both the natural and sun light reaching the only window for the primary living area of our property (9 Church Place), namely the combined living/dining room. This room only receives direct sunlight during the late afternoon/early evening and this extension will result in us losing this period of natural brightness solely for the benefit of our neighbours.
- The extension is on the primary elevation of the row of houses and is fronting the road to the property and will extend significantly beyond the line of the front wall and as such we believe this and any precedence it may set will significantly and negatively alter the appearance and aesthetics of Church Place. To date no major alterations have taken place to the primary elevations of property in the Place since being built in the 1950's and we understand that previous planning application/building warrants have not permitted changes to the primary elevations. The precedence approval of this application may set could result in a range of different size extensions on other properties ruining the current appearance of Church Place. Additionally, if approval of this extension lead to No 1 doing the same then Church Place would become more like a courtyard. This reason is supported by the Scottish Governments Guidance on House Holder Permitted Development Rights (Circular 1/2012) which in section 4.16 states that 'The extension cannot be forward of a wall forming part of the principal elevation or side elevation if that elevation is fronting

a road.

- Both our property and a number of the other properties in Church Place would be confronted from the gardens by an approximately 4.5m x 4m wall of roughcast brick and tile which would, in our view, have a significant negative effect on the aesthetics of the place.
- We also believe that this is not a small extension as suggested by the title of a sun lounge but is in fact a significant extension which equates to an increase of approximately one third of the area of the original house making a considerable incursion into the garden area.

REPORT OF HANDLING

Ref No:	16/01599/APP	Officer:	Cathy Archibald
Proposal Description/ Address	Erect a sun lounge (revised design) at 10 Church Place Findhorn Forres Moray		
Date:	02.12.2016	Typist Initials:	LMC

RECOMMENDATION

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

CONSULTATIONS

Consultee	Date Returned	Summary of Response
Contaminated Land	19/10/16	No objections

DEVELOPMENT PLAN POLICY

Policies	Dep	Any Comments (or refer to Observations below)
H4: House Alterations and Extensions	N	Complies
EP9: Contaminated Land	N	Complies
IMP1: Developer Requirements	N	Complies

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 Data Protection Act.		
Summary and Assessment of main issues raised by representations		
Issue: The proposed extension would significantly overshadow and reduce both the natural and sun light reaching the only window for the primary living area of our property, namely the combined living/dining room. The extension is on the primary elevation of the row of houses and is fronting the road to the property and will extend significantly beyond the line of the front wall and as such we believe this and any precedence it may set will significantly and negatively alter the appearance and aesthetics of Church Place. We also believe that this is not a small extension as suggested by the title of a sun lounge but is in fact a significant extension.		

Comments (PO): See Observations below where such matters are addressed. It should be noted that there is no specific right to direct sunlight.

Issue: The Scottish Governments Guidance on House Holder Permitted Development Rights (Circular 1/2012) which in section 4.16 states that 'The extension cannot be forward of a wall forming part of the principal elevation or side elevation if that elevation is fronting a road.'

Comments (PO): "Fronting" is used in a number of classes as a way of restricting permitted development. Whereby a development falls over the class threshold for permitted development a planning application can be submitted for consideration. Each planning application is determined on its own merits: in this case the proposal is unacceptable for reasons as detailed below in observations. Not constituting permitted development is not considered a negative determining factor.

OBSERVATIONS – ASSESSMENT OF PROPOSAL

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

Planning History

Planning permission was previously refused for a sun room (16/00492/APP refers) on the grounds of its location (on front elevation) and where its size will be an intrusive and dominant feature within the streetscape and on the amenity of the neighbouring properties.

The Proposal

The application proposes to erect an extension to the front of the house with the purpose of increasing the size of the existing lounge. The extension measures approx.5.2m by 4.4m; 2.2m to eaves and 4m (to ridgeline of pitched roof). The external material finishes are roughcast walls and concrete roof tiles both to match the existing house.

The development is considered as being contrary to policies H4 and IMP1 of the Moray Local Development Plan based on the following considerations.

Site and Surrounds

The extension will be located in the front garden area of 10 Church Place, Findhorn, a single storey property located on the end of a short row of terraced houses. Other properties nearby are also single storey, none of which have been extended on their front elevations.

Policy Assessment

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

This is an amended design and is of a similar size to the original design; however the extension has a hexagon shape and is further from the shared boundary which would have less of an impact on the amenity of the neighbouring property. Notwithstanding these facts the main issue is the location of the sun room in the front garden of the property which would have an adverse effect upon and detract from the character, amenity and appearance of the existing property and the surrounding area.

It is considered that the proposed extension in terms of its location (on front elevation) and size will be an intrusive and dominant feature within the streetscape. This is because there are no other

extensions on the front elevations of surrounding properties and in terms of its depth, the extension takes up half of the front garden area and would unbalance the symmetry of the cul-de-sac when viewed from its entrance. The proposal, although single storey, has the potential to impact upon the amenity of the two neighbouring properties to the north east, in terms of its orientation and impact on sun and day light considerations. While there is no specific entitlement to direct sunlight, it is reasonable on the front elevation to have an expectation of an open aspect onto the street, especially where in the case of Church Place the properties benefit from relatively large front gardens. The amenity of neighbouring properties front elevations which currently receive limited sunlight when the sun is in the west or north west is a feature of the amenity that would be lost should such an extension go ahead. In terms of daylight being single storey should not result in an unacceptable loss of daylight to the neighbouring properties.

The combination of the location and design of the extension arrangements would detract from and have an adverse effect upon the character, amenity and appearance of the existing property and the surrounding area. As such, the proposals would be unacceptable and contrary to policies IMP1 and H4.

Conclusion

The proposal does not conform to all the relevant policies in the Moray Local Development Plan 2015 as described above and therefore being refused.

OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT

None

HISTORY

Reference No.	Description			
97/02036/ID	Install a satellite dish at 10 Church Place Findhorn Forres Moray IV36 3YR			
	Decision	ID/PE Answered	Date Of Decision	25/11/97
16/00492/APP	Erect extension at 10 Church Place Findhorn Forres Moray IV36 3YR			
	Decision	Refuse	Date Of Decision	25/05/16
95/00328/FUL	Erect garage at 10 Church Place Findhorn Forres Moray IV36 3YR			
	Decision	Permitted	Date Of Decision	19/05/95
92/00329/FUL	Erect wooden garage 10 Church Place Findhorn Forres Moray IV36 3YR			
	Decision	Permitted	Date Of Decision	21/05/92

ADVERT

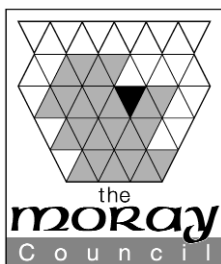
Advert Fee paid?	N/A		
Local Newspaper	Reason for Advert	Date of expiry	

DEVELOPER CONTRIBUTIONS (PGU)		
Status	N/A	

DOCUMENTS, ASSESSMENTS etc. * <i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?		NO
Summary of main issues raised in each statement/assessment/report		
Document Name:		
Main Issues:		

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

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



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

REFUSAL OF PLANNING PERMISSION

**[Forres]
Application for Planning Permission**

TO Mr And Mrs R Shand

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[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 a sun lounge (revised design) at 10 Church Place Findhorn Forres Moray

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

Date of Notice: **6 December 2016**

[REDACTED]

HEAD OF DEVELOPMENT SERVICES

Environmental Services Department
The 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, the Moray Council has REFUSED this proposal. The Council's reason(s) for this decision are as follows: -

The proposal is contrary to Policy H4 and IMP1 of the adopted Moray Local Plan 2015 where, by reason of the location and design (including size and depth of projection), the extension would be an intrusive form of development which would have an adverse effect upon and detract from the character, amenity and appearance of the existing property and the surrounding area.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT

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

Reference	Version	Title
		Site and location plan
		Elevations
		Ground floor 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, The 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.scot/eplanningClient

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.