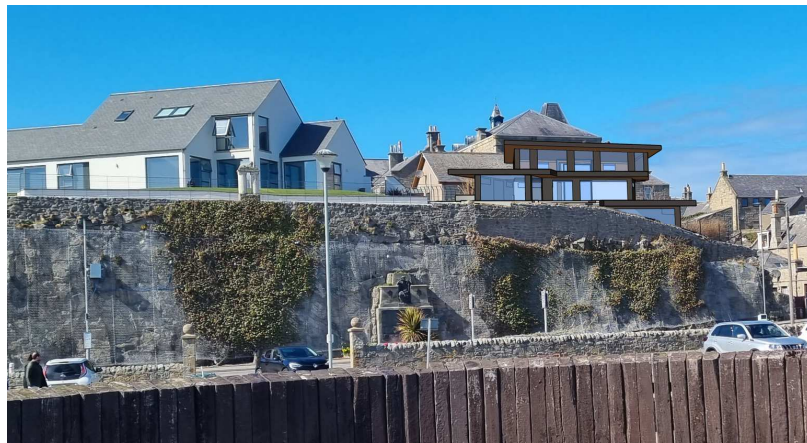


LOCAL REVIEW BODY APPEAL

STATEMENT OF CASE

Demolish Existing House & Erect New House
at 3 Town Hall Lane, Lossiemouth



April 2022

Our Reference:	210046.STENNETT
Local Authority:	Moray Council
Planning Application Ref:	21/01277/APP
Application Proposal:	Demolish Existing House & Erect New House
Site Address:	3 Town Hall Lane, Lossiemouth, IV31 6DF
Appellants:	Mr & Mrs Stennett
Date Application Validated:	31 st August 2021
Council Decision Notice Date:	Friday 4 th March 2022
Reason for Refusal:1	<p><i>“The proposal is contrary to the provisions of the Moray Local Development Plan 2020 because:</i></p> <p><i>a) The large split level contemporary design proposed on this elevated prominent cliff top location would have an excessive over dominant impact on the site and its surrounds. The overall design, form, appearance and finish of the dwelling would be at odds with the more traditional existing established character at this locality resulting in a design which is out of character and incongruous to the site and its surrounds. The proposal therefore fails to reflect the traditional settlement character as required by Policy EP3 (i) b) and DP1 (i)</i></p>
Reason for Refusal:2	<p><i>a) The design moves the footprint of the dwelling closer to the existing houses to the north therefore taking account of the extensive glazing and large outdoor terrace/ balcony areas the design is also considered to result in unacceptable overlooking and privacy impacts for these existing neighbouring residential properties to the north of the site. The proposal therefore also fails to comply with the amenity considerations set out in policy DP1 (i) part (e).</i></p>

<p>Application Drawings & Supporting Documents:</p>	<ul style="list-style-type: none"> • CMD Doc 001 – Moray Council Refusal Documents • CMD Doc 002 – Case Officer Handling Report • CMD Doc 003 – 210046.STENNET.06SV Survey drawing • CMD Doc 004 – 210046.STENNET.03PP A Lower Ground floor plan • CMD Doc 005 – 210046.STENNET.04PP A Ground floor plan & 3d • CMD Doc 006 – 210046.STENNET.05PP A First floor plan & Elevations
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PLANNING APPEAL - STATEMENT OF CASE – DEMOLISH EXISTING HOUSE & ERECT NEW HOUSE
AT 3 TOWN HALL LANE, LOSSIEMOUTH

1. Introduction

- 1.1. The following Statement of Case, submitted by **CM Design, Town Planning & Architectural Consultants**, has been prepared to support a Local Review Board submission relating to -

Demolish an existing dwelling house which has been discovered to require extensive remedial structural works and to replace it with a more modern home that honours its unique location and setting.

- 1.2. Lossiemouth is currently enjoying significant attention as its seafront enjoys a rejuvenation with the arrival of the replacement bridge to the East beach.
- 1.3. This case offers the Review Board an opportunity to welcome a significantly interesting house design **and investment** to the seafront in Lossiemouth and in an area of cliff top that deserves such attention.
- 1.4. The proposed design is deliberately contemporary and intended to be a departure from Local Plan Policy on the grounds of being “innovative” and to replace the existing 70’s style bungalow that currently occupies the site. There have been **no objections** to this application from neighbours or any other party.
- 1.5. The Planning Case officer agrees that the existing streetscape (see pic below) is **uniquely mixed** and without any cohesive housing style. Given the gargantuan nature of the imposing Town Hall building which overlooks the existing house and dominates the cliff view, the site is considered to deserve some allowances in terms of amenity and design.



- 1.6. This case represents a rare opportunity to introduce an innovative, brave and striking design to the Moray architectural landscape and to which there have been no objections.
- 1.7. This case involves a long history of redevelopment proposals which actually secured planning consent and building warrant approval in 2020. However, following the discovery of questionable foundations to the existing house, it was decided that demolition was the only option.
- 1.8. The various merits and shortcoming of the site deserve some courage in terms of design and this case involves a client with the required courage and a house design that will celebrate Lossiemouth’s unique and diverse architectural style for generations to come.
- 1.9. The appellant appeals to the members of the Review Board to consider this case under its own unique circumstances and to consider how a departure from Policy in this case would benefit the site, the town and its architectural reputation of diversity and innovation.

2. Background

- 2.1. The house to be demolished is a 70's style bungalow which is already at odds with the mixed nature of housing nearby.



- 2.2. Whilst it does enjoy a slate roof, the mixed palette of rosewood pvc windows, roughcast and Fyffestone cladding and shallow roof pitch would render the house style to be already considered “modern” but not in a way that celebrates any particular design flare.
- 2.3. The existing bungalow is completely overwhelmed and overshadowed by the existing mass of the Town Hall and its attached bio-mass plant (see pics below)



- 2.4. The lack of architectural merit and the shadow of the Town Hall building is more than augmented by the outstanding view the site offers over the East Beach and beyond – see pic below.



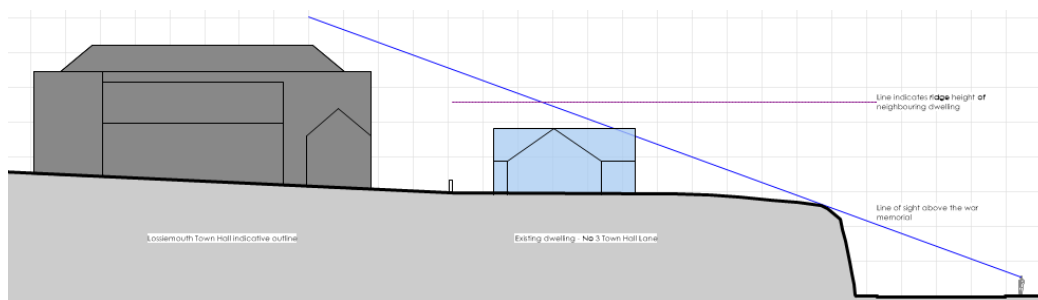
2.5. Having already secured permission for a wholesale redevelopment of the existing house (Application 19/01505APP refers) it was discovered that the existing foundations to the house were not satisfactory and the cost of remedial works were found not to be commensurate with the value of the existing house.

2.6. In exploring the potential of replacing the house the following principals were established -

- The design needed to take the fullest advantage of the views to the east to compensate for the poor entrance elevation to the West and also remove existing overlooking windows to the north
- The discreet streetscape at Town Hall lane allowed for a brave design that could not be seen from almost any roadway apart from the few private users of the lane.
- The high cliff top position provided screening of any proposal to road users and pedestrians unless standing further away at the breakwater or out at sea.
- The design needed to accommodate the significant sloping site in several directions and the historical access to the street below by an existing arrangements of steps cut through the cliff edge. (see adjacent pic of existing steps from Pitgaveny Street)

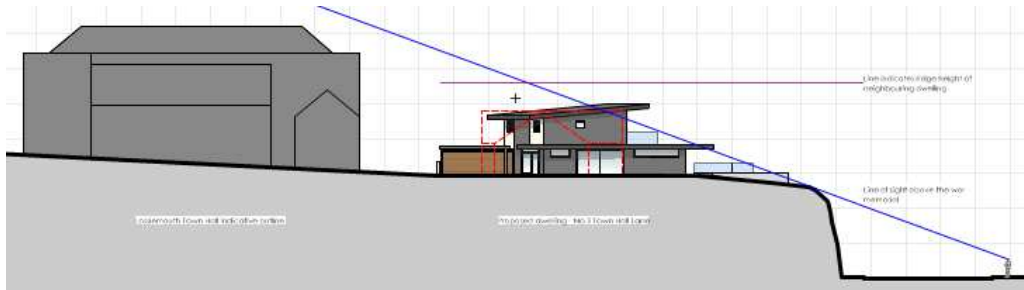


2.7. The picture below demonstrates the profile of the **existing house** and its relationship with the Town Hall building and the limited field of view of the house to those on Pitgaveny Street below.

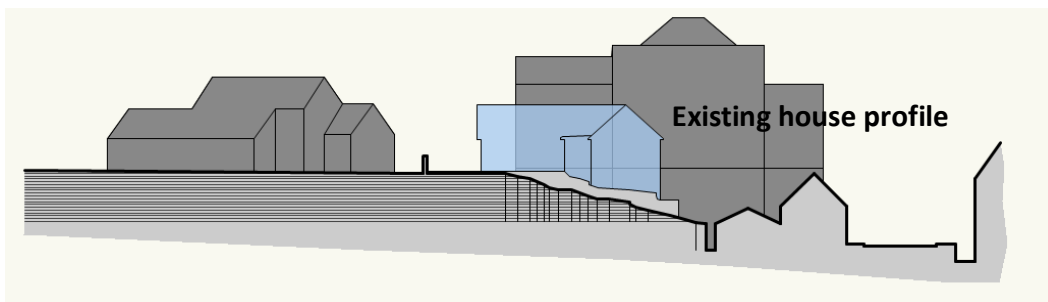


The replacement house is deliberately positioned further away from the Town Hall building to offer slightly more amenity to the entrance elevation and has been stepped down with the slope of the site to minimise the view of the new property from the street below .

- 2.8. The picture below demonstrates the profile of the **new house** and its relationship with the Town Hall building (and existing house profile shown red) and the continued limited field of view of the house to those on Pitgaveny Street below.



- 2.9. The picture below also demonstrates the relationship of the **existing house** with neighbouring houses that flank the site along the cliff top and the scale of the Town Hall building to the rear..



- 2.10. Interestingly, the new house at No 5 Town Hall Lane was also a replacement house (approved in 2015) and arguably presents a significantly more dominant impact upon the clifftop than the appellant's design will represent.

Previous house replaced



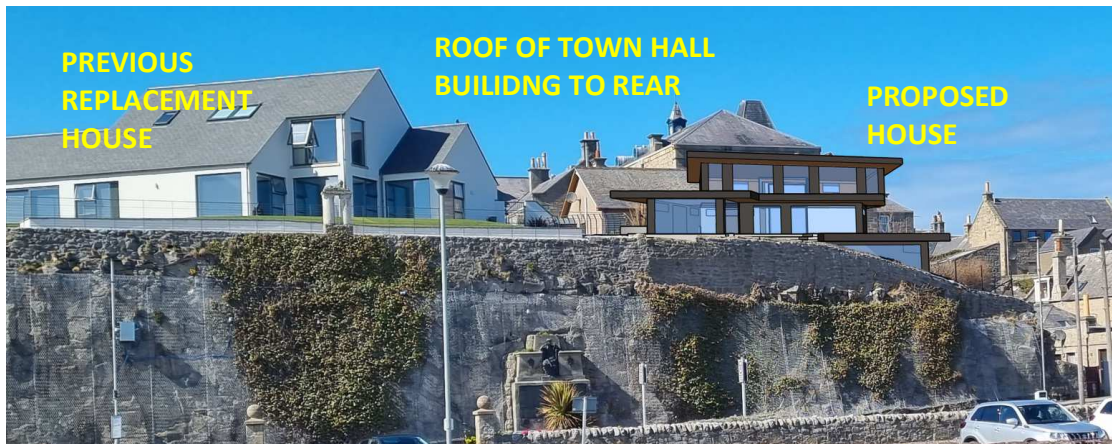
- 2.11. The existing house gable is always visible from certainly areas nearby and clearly similar portions of the new design will be equally as visible but it is argued that the new elements will bring something of worth to the streetscape and something attractive for sightseers and visitors.

- 2.12. The pictures below show the scale of redevelopment and replacement house at No5 Town Hall Lane and how this proposal relates well to the existing house profile as the cliff top location, merges into Hill Street.

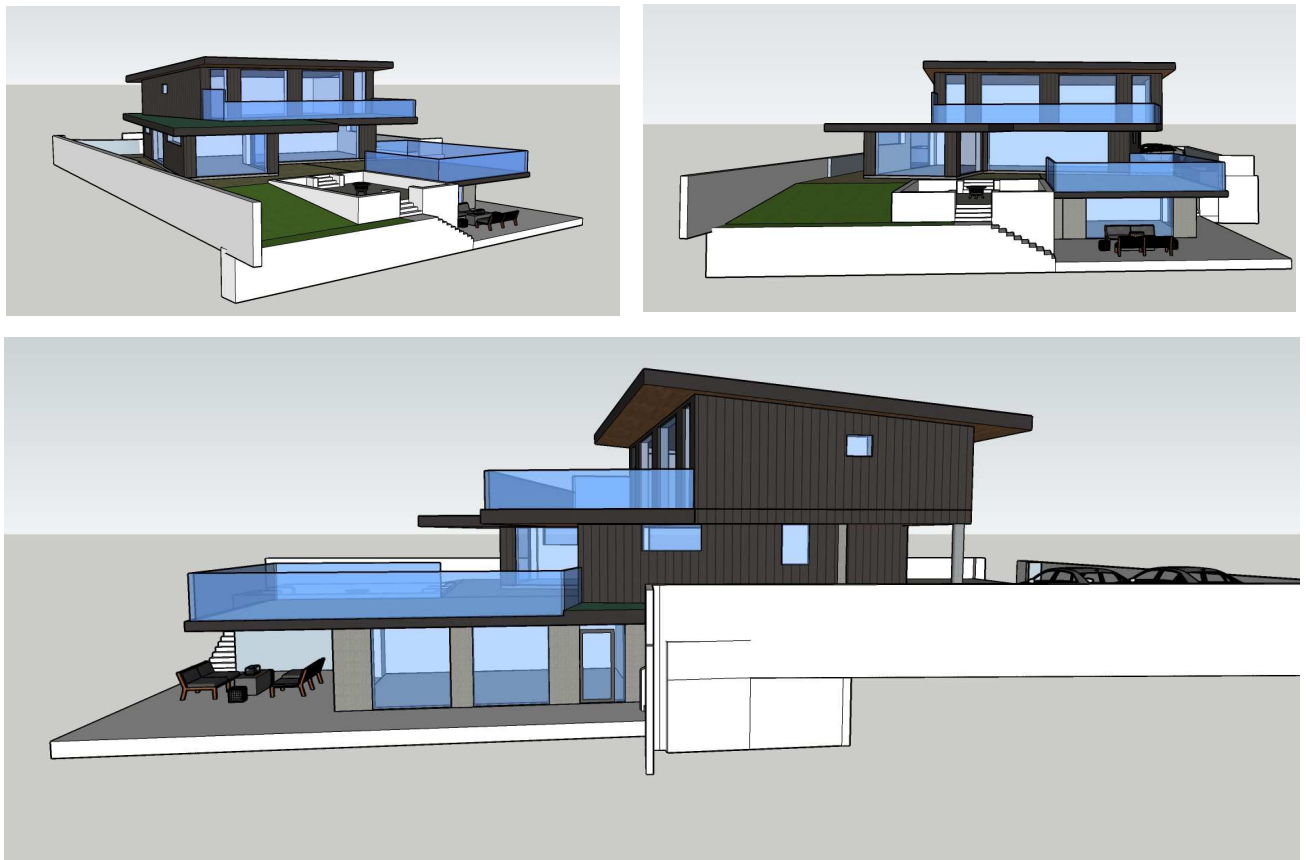


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- 2.13. The picture below shows an example of how the new house design will integrate with the landscape and how it is suitably flanked by large properties and particularly the Town Hall building to the rear



- 2.14. The following 3D images assist to understand how the design uses the landform on site, creates more adequate parking to the entrance, avoids windows to the north and accommodates the overbearing and overshadowing nature of the Town Hall building.



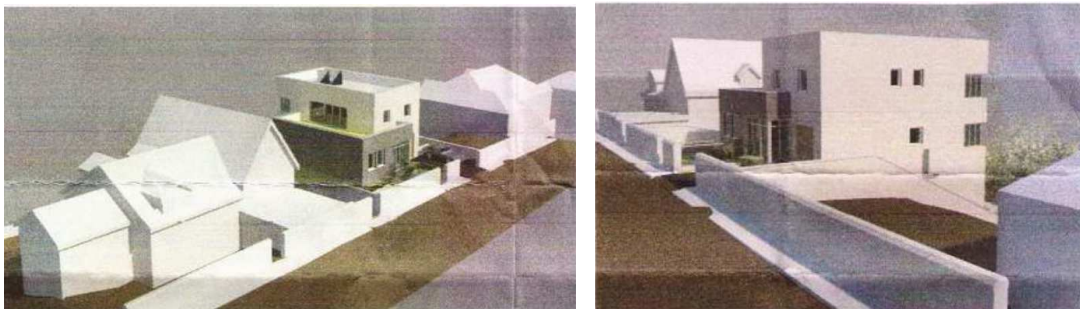
PLANNING APPEAL - STATEMENT OF CASE – DEMOLISH EXISTING HOUSE & ERECT NEW HOUSE
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3. Statement of Case

- 3.1. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications to be determined in accordance with the Development Plan unless **material considerations** indicate otherwise
- 3.2. The Development of this house design was carried out with **considerable consultation** with the Planning Case Officer who was generally supportive of the innovative approach and several design changes were implemented to mitigate initial concerns regarding building height, proximity to boundaries, drainage issues and parking issues.
- 3.3. Several design solutions were agreed with the Planning Case Officer to enable the proposal to be **found acceptable in terms of Planning Policy P1 – Siting & Design** and the current design has been approved by the Transportation Team in terms of parking and access.
- 3.4. It is important to note that there were **NO OBJECTIONS** to this application from neighbours or any other party.
- 3.5. It is understood that the principal and only resistance to this application is brought about by the principles of **Policy EP3** and the new **Local Development Plan Policy DP1** which was introduced in June 2021 and which now requires interpretation and implementation by Planning Case officers under very differing circumstances across the county.
- 3.6. The appellant believes that there are **material considerations** that would **allow a departure** from the principles of Policies EP3 and DP1 or at least a differing interpretation of the principles of these policies that could support this case.
- 3.7. The material considerations are discussed in more detail in Section 4
- 3.8. It is worth reminding Board members that the need for the demolition of the original house was brought about by the discovery of poor foundation support under the existing house and in the midst of an already approved scheme of redevelopment of that house.
- 3.9. The appellants have been on a very long journey to reach this point having purchased the property in good faith in 2018 and having secured approval for redevelopment in 2020 and only then to find that it wasn't feasible to do so on structural grounds.
- 3.10. The appellant appeals to the members of the Review Board to consider this case under its own unique circumstances and to consider how a departure from Policy in this case would benefit the site, the town and its architectural reputation of diversity and innovation.

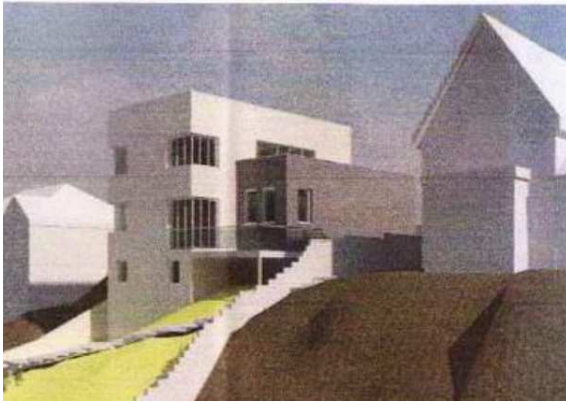
4. Policy Compliance/Reasons for Refusal

- 4.1. **The current 2020 Moray Local Development** “drives the right development to the right place” and aims to grow and diversify a sustainable economy.
- 4.2. Whilst it might be said that rising house prices have always been a problem throughout the nation, it can also be said that the value of homes in Moray have not risen in line with the rise in labour and materials cost and in line with our neighbouring counties of Aberdeenshire and Highland.
- 4.3. This has left the county in an unwelcomed position where architectural innovation is limited by budget and eventual re-sale value.
- 4.4. House designs in Moray are currently argued to be somewhat homogenous and lacking in diversity, scale and imagination.
- 4.5. This application represents a welcome investment in brave and innovative architecture that prepares this particular house site for the **difficult energy scenarios** that face us all.
- 4.6. The **existing** house **is not** energy efficient, is not structurally sound and any replacement deserves the grace to be allowed to explore the challenging contours of the site and streetscape AND the fullest advantage of the outstanding view.
- 4.7. This proposal will be an exemplar of energy efficiency and responds to the sites significant shortcomings by taking the fullest advantage of the view.
- 4.8. There are other examples of where similar design innovation has been welcomed in Lossiemouth albeit under the terms of the previous Local Development Plan.
- 4.9. The following APPROVED application in 2010 (Planning Ref 10/00513/APP refers) on Stotfield Road was particularly resisted by neighbours with numerous objections being lodged. This design was welcomed as a result of its innovative approach.



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- 4.10. It is interesting to note that in respect of the terraced balconies on this Stotfield Road approval, the Case Officer commented – *“taking into account the distances, heights, nature of the adjoining outlook and the type of outside activity that might reasonably be expected from the use of the terrace and roof areas it is considered that on balance a material impact on neighbouring residential amenity should not arise..”*



4.11. This same argument would apply in the appellant’s case, where garden ground has been replaced with roof top terracing.

4.12. With regard to the architectural style of this innovative design, the Planning Case Officer also commented – *“The design of the house is of a strikingly modernist cubilinear form. Despite it’s initial impression of novelty, the design is of a well balanced form with well defined separate elements...”*

- 4.13. The appellant would contend that this Appeal Case represents many of the same merits that saw approval of the Stotfield Road application and in particular, the balanced form on the sloping site and the well-defined elements.
- 4.14. A further example of innovative design being welcomed in Moray is detailed below and relates to a new house presently under construction in Hopeman and in the heart of a traditional area of the village.



- 4.15. The nature of the application here and the mixed tenure of surrounding housing saw this application be supported by the Case Officer who commented – *“Taking all of the above into account the proposed design constitutes a very bold statement, however when taking into account the scale, design, material finish and siting of the house as discussed, on balance the proposed design if considered to be acceptable”*
- 4.16. Only the terms of **Policy DP1** hinders support of this application by the Case Officer who, having brought the design before the wider Planning Team, was found to be unable to support the application due to current interpretations of this new policy locally.

4.17. The detail of the reasons for refusal are examined in detail as follows.

4.17.1 “The large split level contemporary design proposed in this elevated prominent cliff top location would have an excessive over dominant impact on the site and its surrounds”

Response - The stepped form and mono-pitch roof solution to this proposal **actually integrates** the house into the landscape more effectively than the new neighbouring property and the gargantuan profile of the Town Hall to the rear offers a substantial backdrop that limits any cliff top visual impact.



It is interesting to note how the roof of the Town Hall building actually blends with the flat roof form of the proposals and provides an inference of being “at one” with the large building to the rear.

14.7.2 “The overall design, form, appearance and finish of the dwelling would be at odds with the more traditional existing established character at this locality resulting in a design which is out of character and incongruous to the site and its surrounds”

Response – Notwithstanding the very mixed tenure of buildings on site, such as the flat roof former shop on corner of Pitgaveny Street/Hill Street and the large dominant Town Hall building Town Hall Lane, there are already a mixture of finishes and characteristics and particularly in relation to the existing house to be demolished.



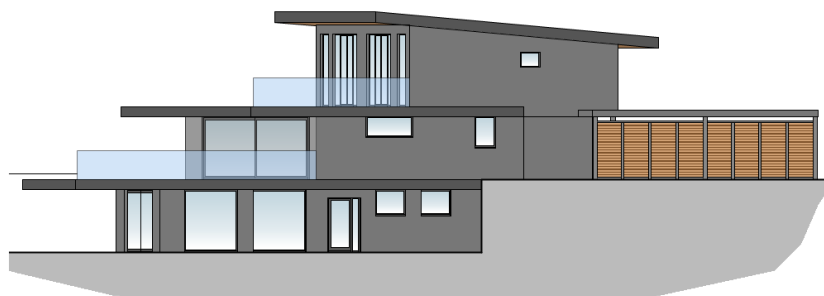
Material considerations exist which allow consideration for a departure to this aspect of Policy DP1 and EP3 – as follows.

- The existing house style and character is at odds with the perception of traditional setting.
- The proposed design ethos is deliberately contemporary and intended to be a departure from Policy in this regard.
- The proposals offer a sense of contrast that enhances the recognisable character of neighbouring houses rather than attempting any “pastiche”, as can be seen elsewhere in the town.
- The streetscape at this particular location is uniquely disparate. Whilst agreed to be generally traditional there are examples of 1980’s approvals that are incongruous with the setting and the site levels help to break up any sense of settlement pattern or house style.
- The outstanding view across the Moray Firth at this particular location **demand**s that a more contemporary approach to design be considered and the appellant has chosen not to attempt a “homage” to the past and a design that seeks to introduce more modern glazed elements.
- There are several examples of existing and already approved contemporary house designs in and around Lossiemouth. The following pics summarise several of these examples.

14.7.3 *“The design moves the footprint of the dwelling close to the existing houses to the north therefore taking account of the extensive glazing and large outdoor terrace/balcony areas the design is also considered to result in unacceptable overlooking and privacy impacts for the existing neighbouring residential properties to the north of the site – Policy DP1 (i) part e”*

Response – There are **no proposed windows on the north flank** that would allow any degree of overlooking to neighbouring properties.

The main accessible storey offers **LESS** potential for overlooking than the existing living room gable window does at present.



The above drawing shows windows on the basement storey, sliding doors in the distance across the terrace and utility/high level windows that do not impact upon privacy to neighbouring properties.

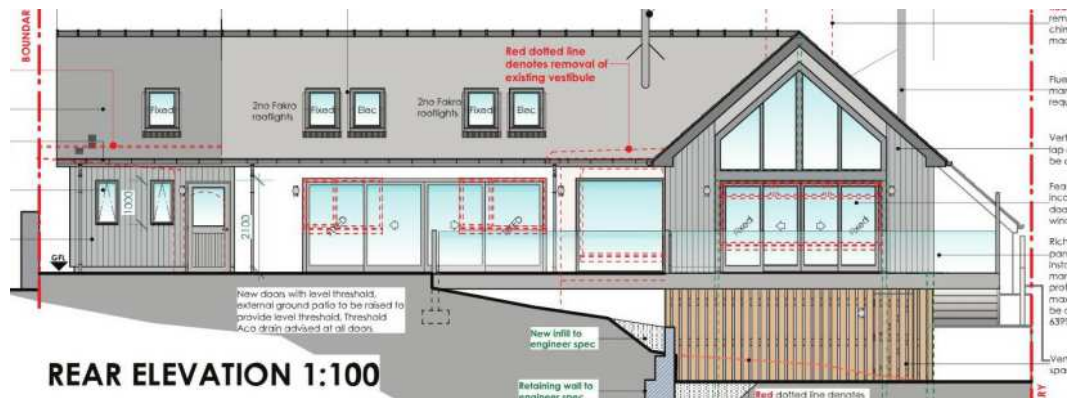
The pictures below show the **current** view from the **existing** dining room and kitchen in the existing house. Not only will this kind of field of view be removed in the new proposals, this picture also shows the limited nature of immediately neighbouring windows and the significant distance to others on the other side of Hill Street.



It is clear from these pictures and the proposal drawings that privacy issues will be significantly **IMPROVED** by these proposals by removing these windows and views.

In terms of any impact on privacy from the proposed roof terraces, it is worth pointing out that the previous approval for redevelopment of the existing house enjoyed consent for a large balcony/patio that would have actually been closer to properties to the North than the proposed roof terraces in this case.

The picture immediately below shows the previously approved refurbishment of the existing house **and the approved balcony**.



The appellant would welcome any suspensive condition that might limit any perceived loss of privacy within the proposals by way of high-level screening or fenestration detailing.

The two pictures above show the new house footprint in blue and the existing house and balcony proposals in pink and demonstrating how the new house footprint has been rotated to avoid any degree of overlooking to other properties from within the new house.



It is clear to see that the new orientation is more sympathetic to properties to the north and also allows for more compliant parking arrangements.

Interestingly, there are very limited rear gardens, amenity spaces or windows to the properties on Hill Street.

The pictures below shows the garden ground immediately to the north and the various windows in the distance that **will no longer be seen from the new proposals**.

Notwithstanding how far away neighbouring windows are, this proposal further reduces any perceived loss of privacy and impact upon neighbouring houses from this site.

Notwithstanding how far away neighbouring windows are, this proposal further reduces any perceived loss of privacy and impact upon neighbour houses from this site.



15 Conclusion

15.7 This Statement of case has established the following:

- That there are **material considerations** that might allow for a departure from Policy or an interpretation of Policy that is supportive
- That the proposed house design is **innovative and appropriate** to the contrasting levels of the site, the streetscape and surrounding house styles.
- That there are **no objections** to this development from neighbours.
- This development offers an opportunity welcome a **brave architectural design** to Lossiemouth and further enhancing and diversifying its diversity and quality rather than simply compromising with a modern pastiche or homage to the past.
- The imagery contained within this Appeal Statement demonstrates how the proposals will be integrated into the slope of the site and how commensurate any impact upon the landscape would be.
- This Appeal Statement also demonstrates the context of the large Town Hall building directly behind the proposals and the backdrop it creates to negate any perceived cliff-top impact from these proposals.

5.2 In summary, this application represents a long journey for the appellants, in attempting to realise the worth of their original house purchase in Lossiemouth having discovered that the foundations were not sound.

5.3 Their courage to commission a design of interest that works with the very difficult contours of the site and reflects upon its very private location in the shadow of the Town Hall building, should be rewarded and welcomed at a time when such economic unsurety abounds.

5.4 This house design if supported by the Review Board would welcome a positive contribution to the townscape at a time when positivity and courage is required and would assist to clarify how Policies like DP1 can be adapted or departed when necessary.

The appellant respectfully requests that detail of this case be fully considered and the Appeal to approve this application be upheld.