



# design consultants

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

**PLANNING REFERENCE NUMBER 22/01849/APP**

**REVIEW.**

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

Response point 1.

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

Response point 2.

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



### Response point 3

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

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

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

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

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