



The Moray Council Council Office High Street Elgin IV30 1BX Tel: 0300 1234561 Email: development.control@moray.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100614284-002

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Description of Proposal

Please describe accurately the work proposed: \* (Max 500 characters)

Internal Alteration & Extension: erection of an extension to the existing box dormer to the front, new box dormer to the rear, and small boot room extension on Ground floor. New roof to existing conservatory

Has the work already been started and/ or completed? \*

No  Yes - Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="CM Design"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Craig"/>	Building Name:	<input type="text" value="St Brendans"/>
Last Name: *	<input type="text" value="Mackay"/>	Building Number:	<input type="text" value="69"/>
Telephone Number: *	<input type="text" value="01343540020"/>	Address 1 (Street): *	<input type="text" value="South Guildry Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Elgin"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="IV30 1QN"/>
Email Address: *	<input type="text" value="office@cmdesign.biz"/>		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Susie"/>	Building Number:	<input type="text" value="9"/>
Last Name: *	<input type="text" value="Brennan"/>	Address 1 (Street): *	<input type="text" value="Pitgaveny Street"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Lossiemouth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="IV31 6NS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:

Moray Council

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

Address 1:

9 PITGAVENY STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

LOSSIEMOUTH

Post Code:

IV31 6NS

Please identify/describe the location of the site or sites

Northing

870931

Easting

323823

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Trees

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

Yes  No

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

## Access and Parking

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

Yes  No

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

## Planning Service Employee/Elected Member Interest

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

Yes  No

## Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? \*  Yes  No

Is any of the land part of an agricultural holding? \*  Yes  No

## Certificate Required

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

Certificate A

## Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Craig Mackay

On behalf of: Ms Susie Brennan

Date: 19/01/2023

Please tick here to certify this Certificate. \*



## Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates?. \*  Yes  No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? \*  Yes  No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? \*  Yes  No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? \*. This should have a north point and be drawn to an identified scale.  Yes  No
- e) Have you provided a certificate of ownership? \*  Yes  No
- f) Have you provided the fee payable under the Fees Regulations? \*  Yes  No
- g) Have you provided any other plans as necessary? \*  Yes  No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). \*

You can attach these electronic documents later in the process.

Existing and Proposed elevations.

Existing and proposed floor plans.

Cross sections.

Site layout plan/Block plans (including access).

Roof plan.

Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding.  Yes  No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. \*  Yes  No

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

## Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Craig Mackay

Declaration Date: 26/01/2023

## Payment Details

Online payment: 744656

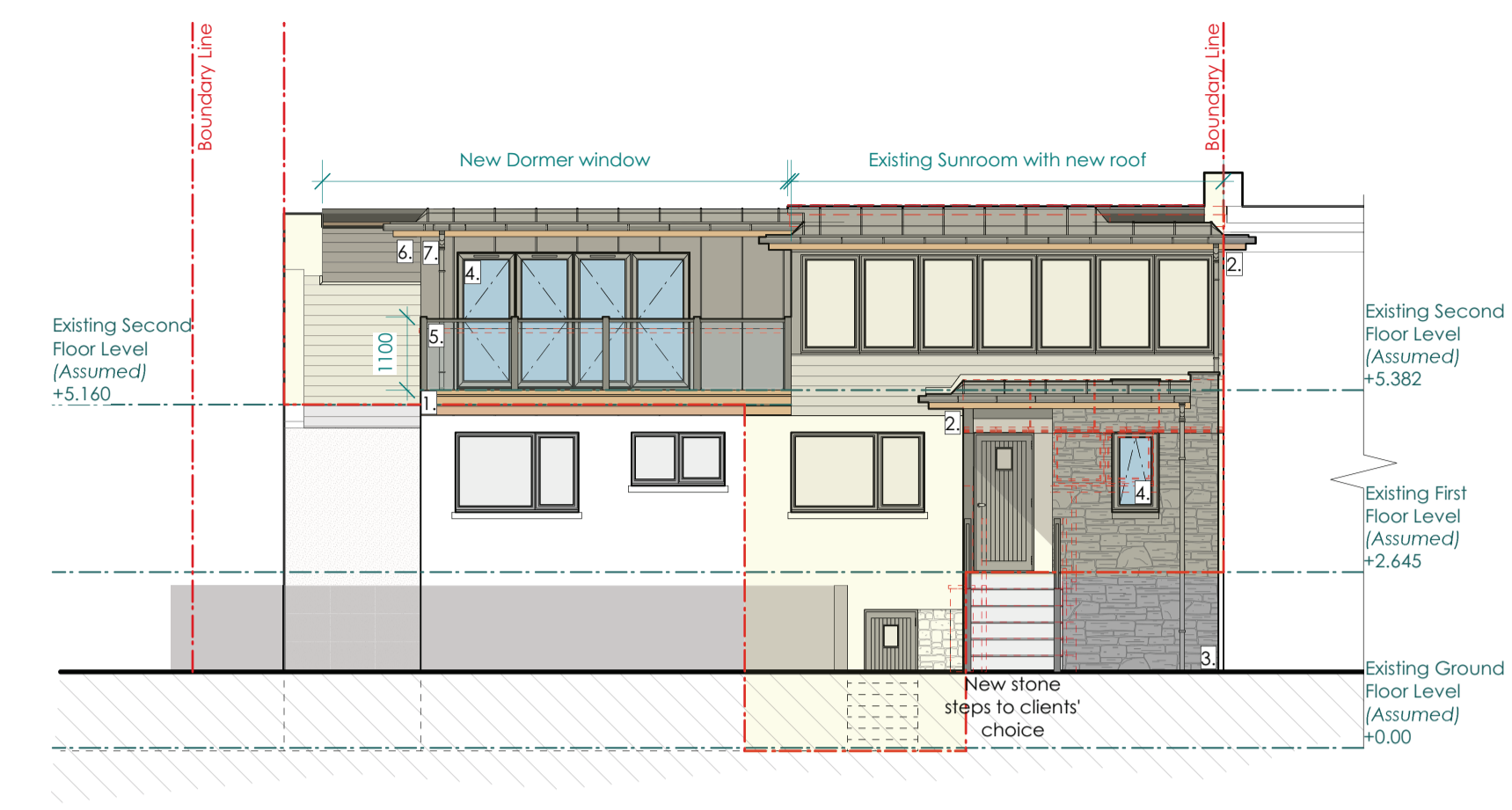
Payment date: 26/01/2023 13:40:31

Created: 26/01/2023 13:40

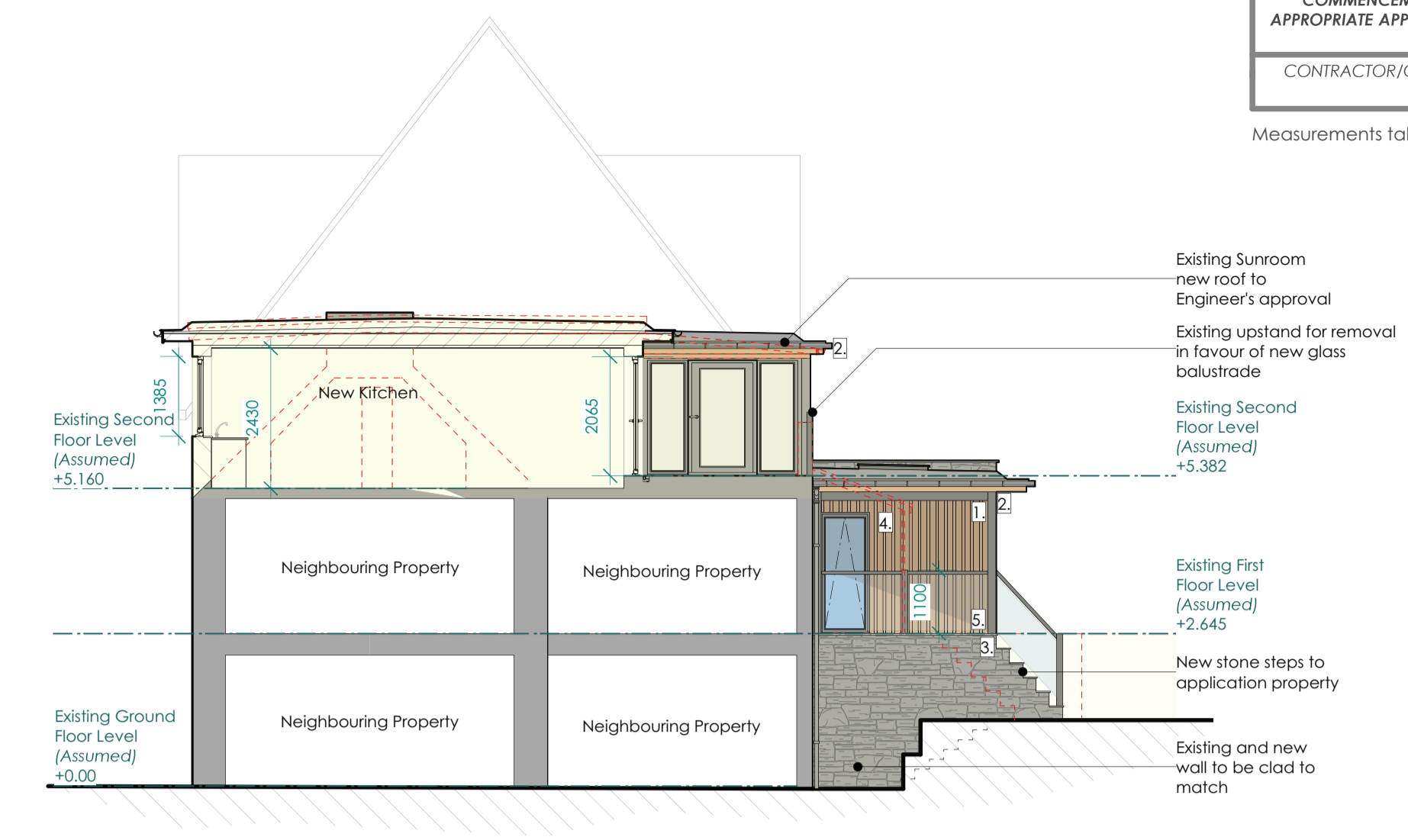
DO NOT SCALE OFF DRAWINGS. ALL SIZES ARE TO BE CHECKED CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORKS/ORDERING OF MATERIALS. NO WORK TO COMMENCE BEFORE APPROPRIATE APPROVALS ARE GRANTED CONTRACTORS RESPONSIBILITY TO ENSURE POSSESSION OF APPROVED DRAWINGS  
 CONTRACTOR/CLIENT TO ENSURE THAT ONLY THE APPROVED BUILDING WARRANT DRAWINGS ARE USED FOR CONSTRUCTION  
 Measurements taken from Martin Archibald drawing No. 5:2005:1.5:2005:2a, 5:2005:3a



Proposed Front Elevation  
 Scale: 1:100  
 Elevation not surveyed

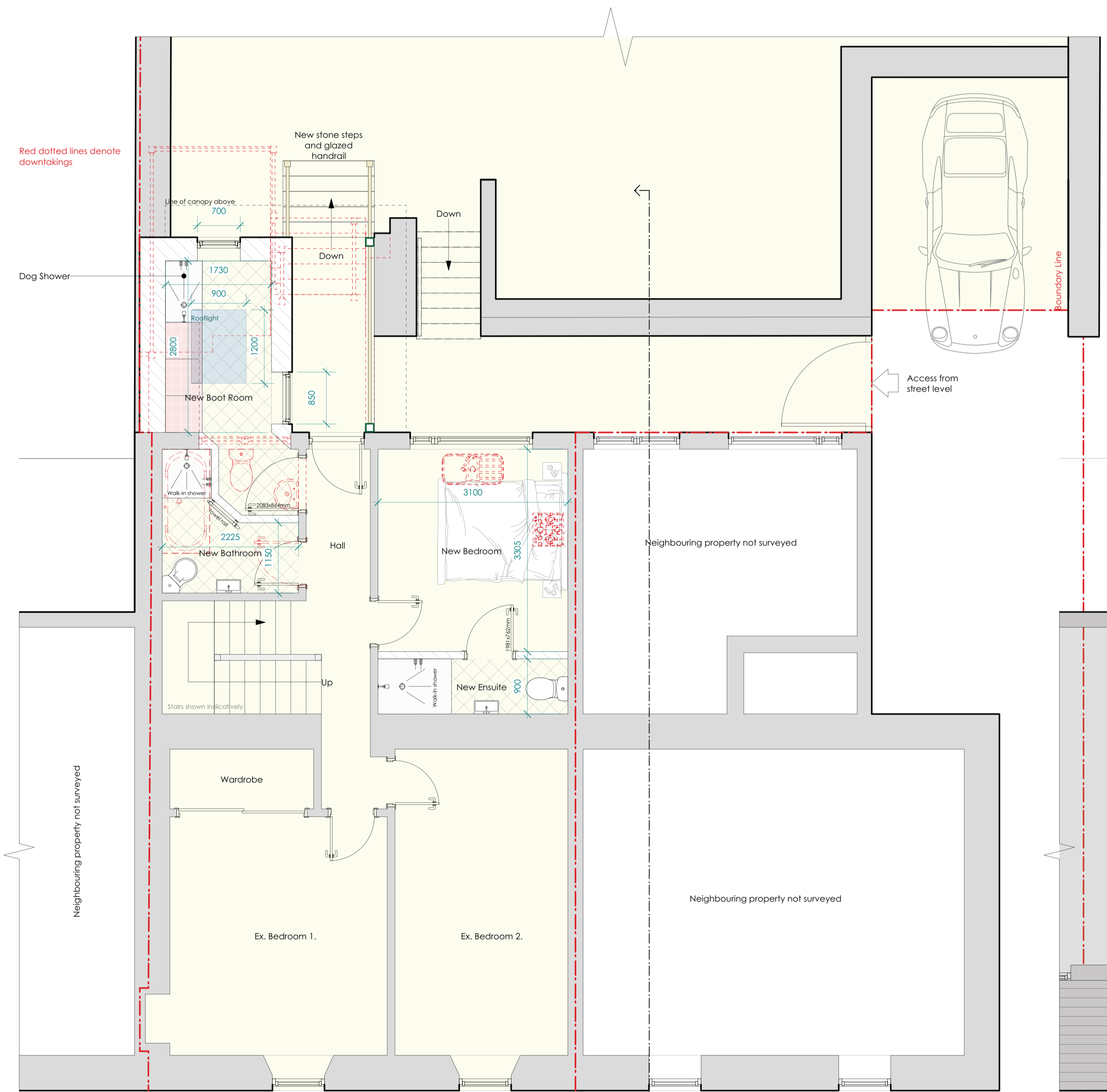


Proposed Rear Elevation  
 Scale: 1:100  
 Elevation not surveyed

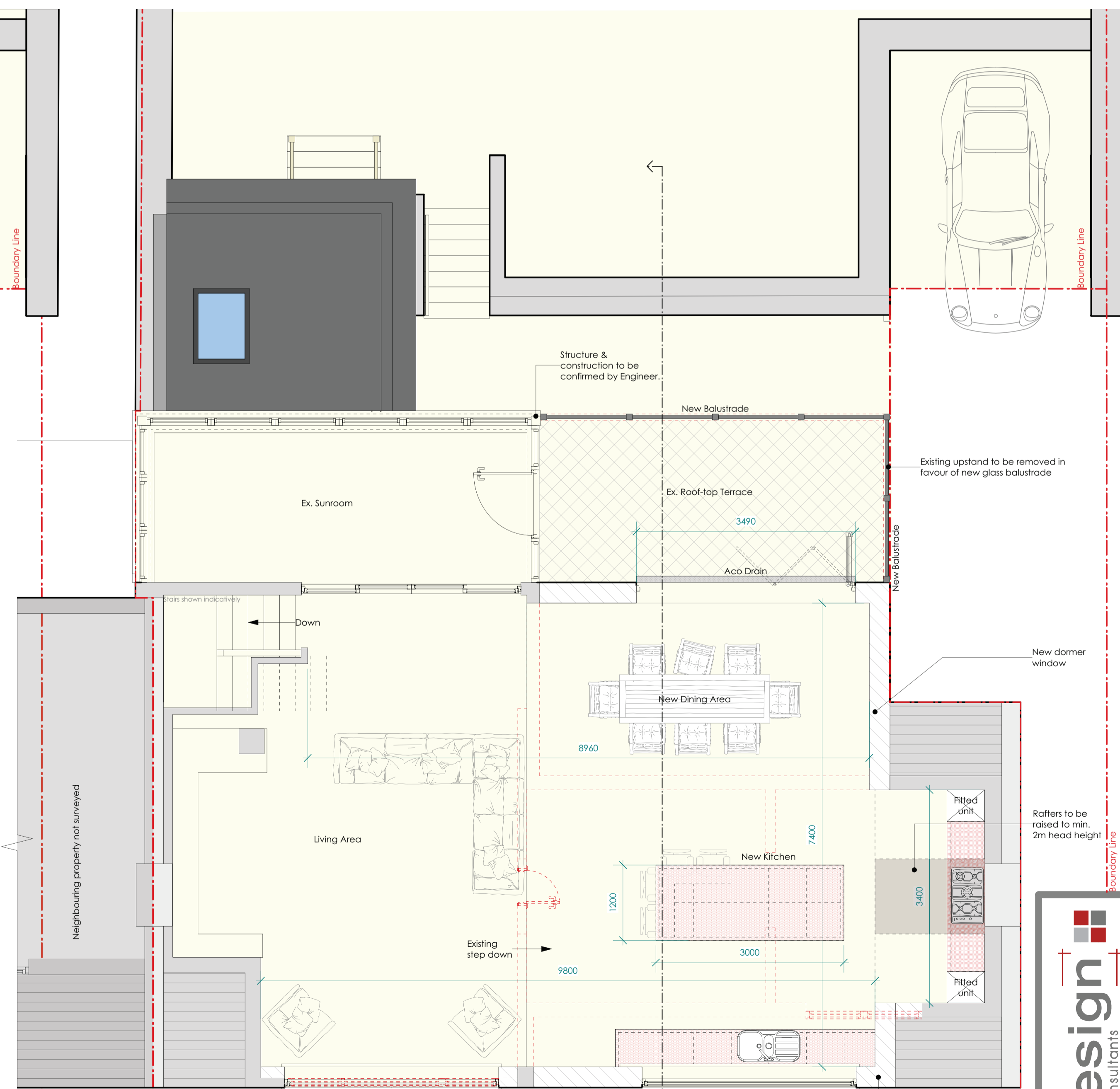


Proposed Side Elevation  
 Scale: 1:100  
 Elevation not surveyed

1. New timber cladding to clients' choice
2. New standing seam zinc flat roof
3. New Fernhill clad wall
4. New UPVC windows and doors to clients' choice
5. New Glazed balustrade to Engineer's approval
6. New dormer flat roof
7. New Zinc clad half

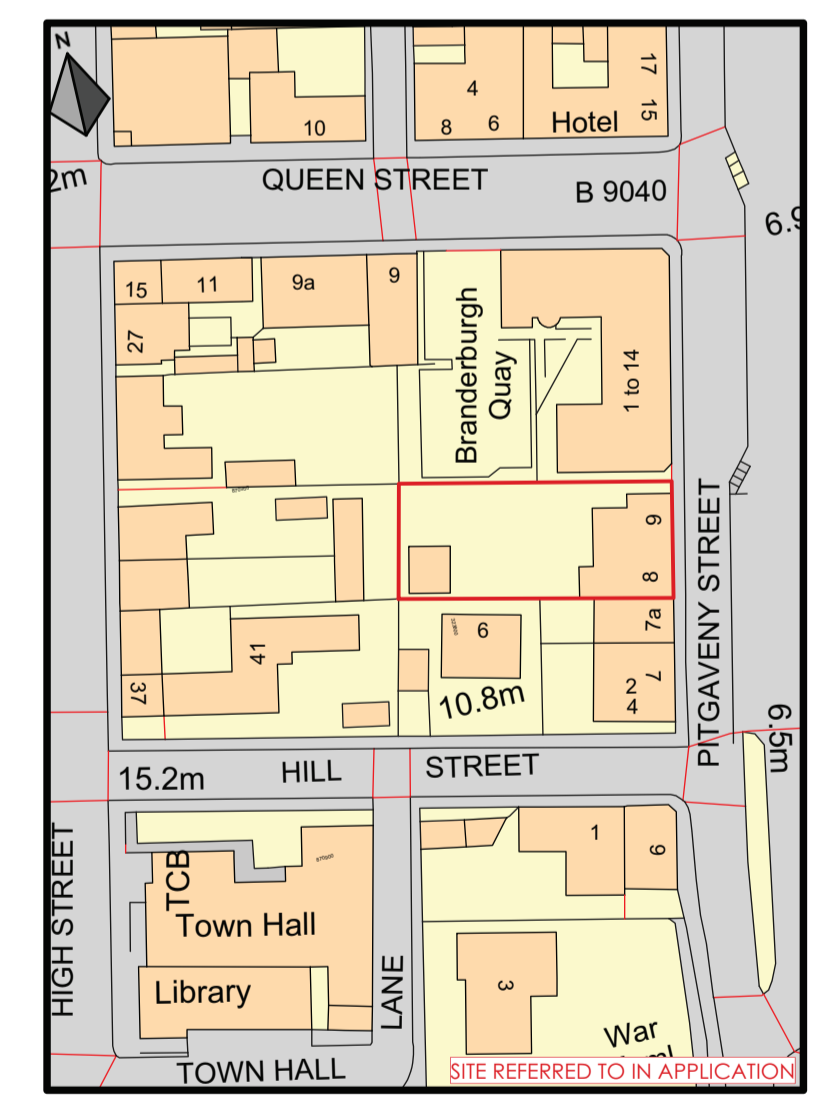


Proposed First Floor Plan  
 Scale: 1:50  
 Approx 62.5m<sup>2</sup>



Proposed Second Floor Plan  
 Scale: 1:50  
 Approx 98m<sup>2</sup>

Key to Ownership  
 Area under applicant's ownership  
 Area others' ownership



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 architectural consultants

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**Ms. S Brennan**  
 9 PITGAVENY STREET, LOSSIEMOUTH, MORAY, IV31 6NS

**PLANNING PROPOSALS**  
 SURVEY DRAWING

Date: 03.11.22  
 Amendments: Finish Amendments  
 Rev: A

Drawn By: M,D  
 Date: 26.09.22  
 Checked By:  
 Date:

**220104.BRENNAN.03PP A**





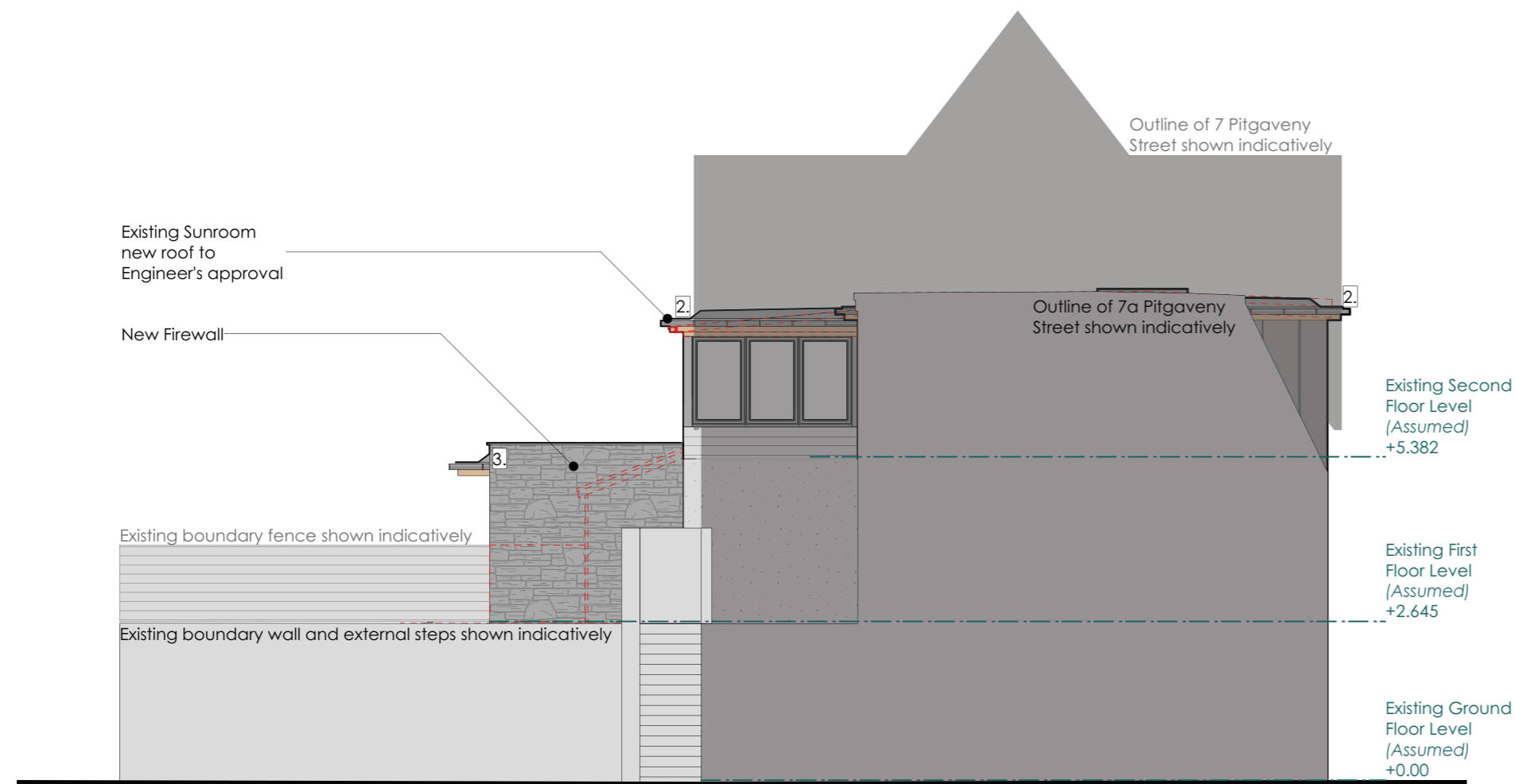


Proposed North Elevation  
Scale: 1:100  
Elevation not surveyed


1. New timber cladding to clients' choice
2. New standing seam zinc flat roof
3. New Fernhill clad wall
4. New UPVC windows and doors to clients' choice
5. New Glazed balustrade to Engineer's approval
6. New dormer flat roof
7. New Zinc clad halfit

Key to Ownership

- Area under applicant's ownership
- Area others' ownership



Proposed South Elevation  
Scale: 1:100  
Elevation not surveyed



Office: Architectural Ltd Registered in Scotland No. 272943

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Ms. S Brennan

9 PITGAVENY STREET, LOSSIEMOUTH, MORAY, IV31 6NS

PLANNING PROPOSALS

FLOOR PLANS, ELEVATIONS & SECTION

Date:	Amendments:	Rev:
16.03.23	Elevation Amendment	A
22.03.23	Elevation Amendment	B

Drawn By:	Date:	Checked By:	Date:
M.D	26.09.22		

220104.BRENNAN.04PP B

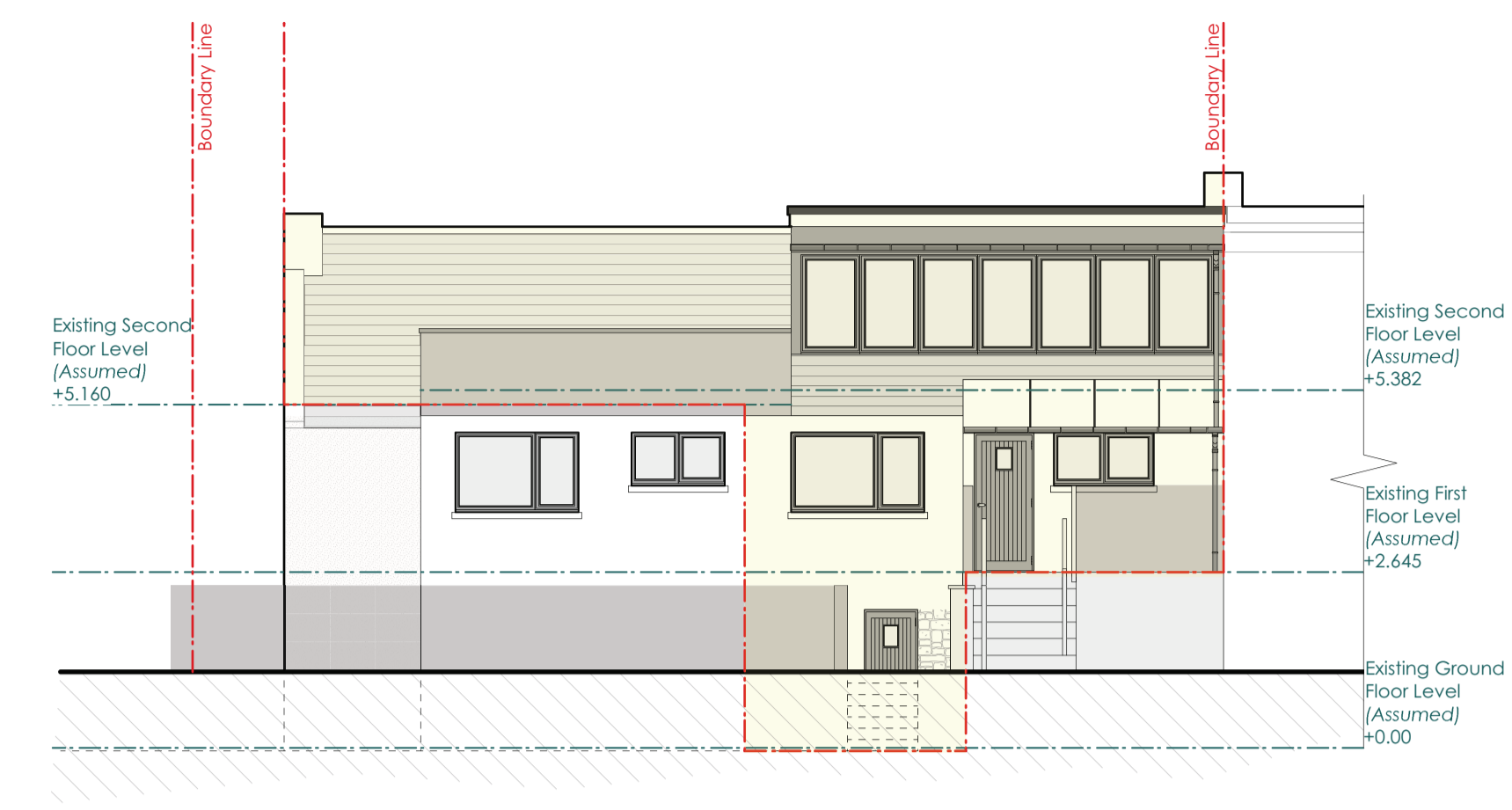


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 Measurements taken from Martin Archibald drawing No. 5:2005:1.5:2005:2a, 5:2005:3a

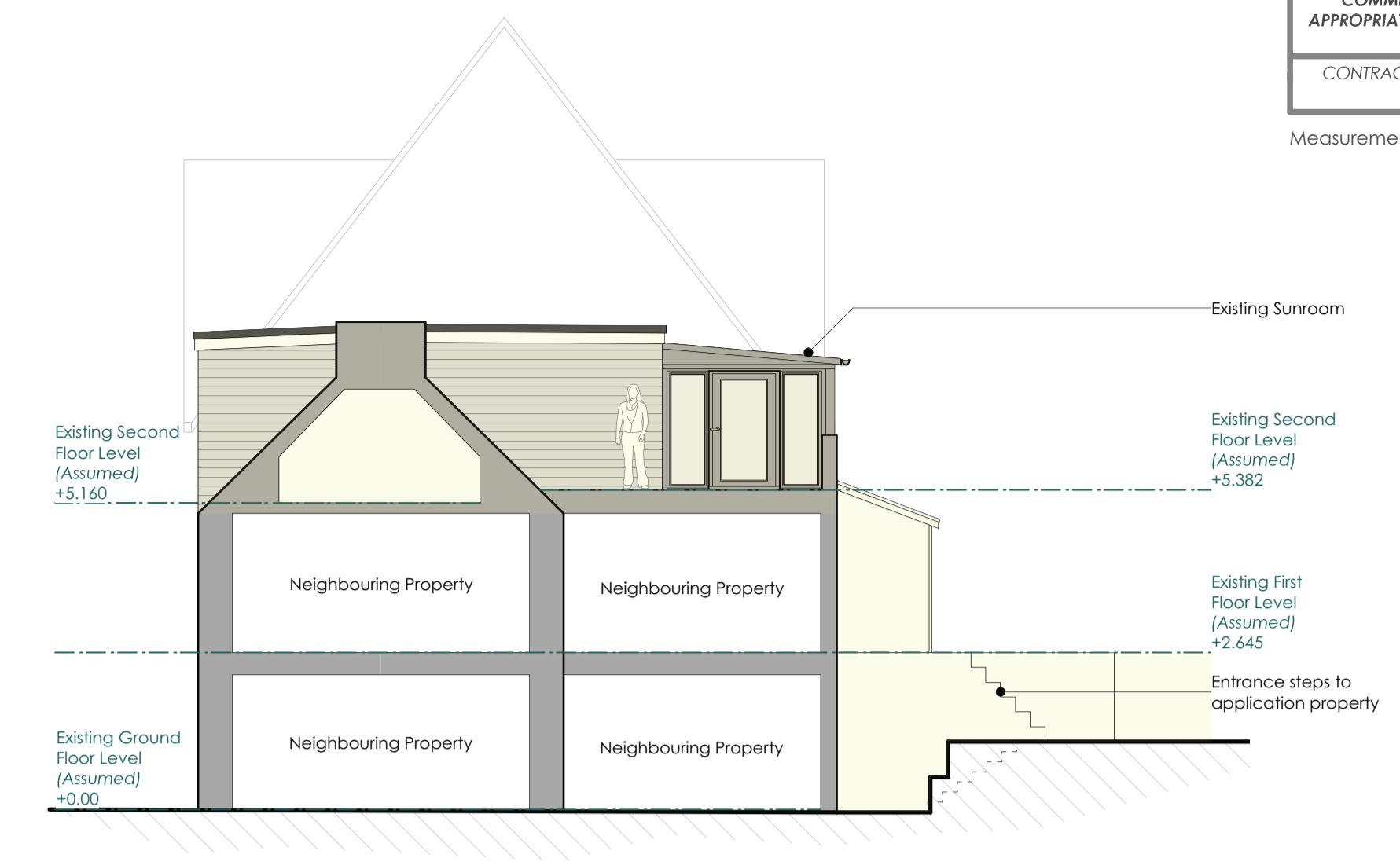
Area under applicant's ownership



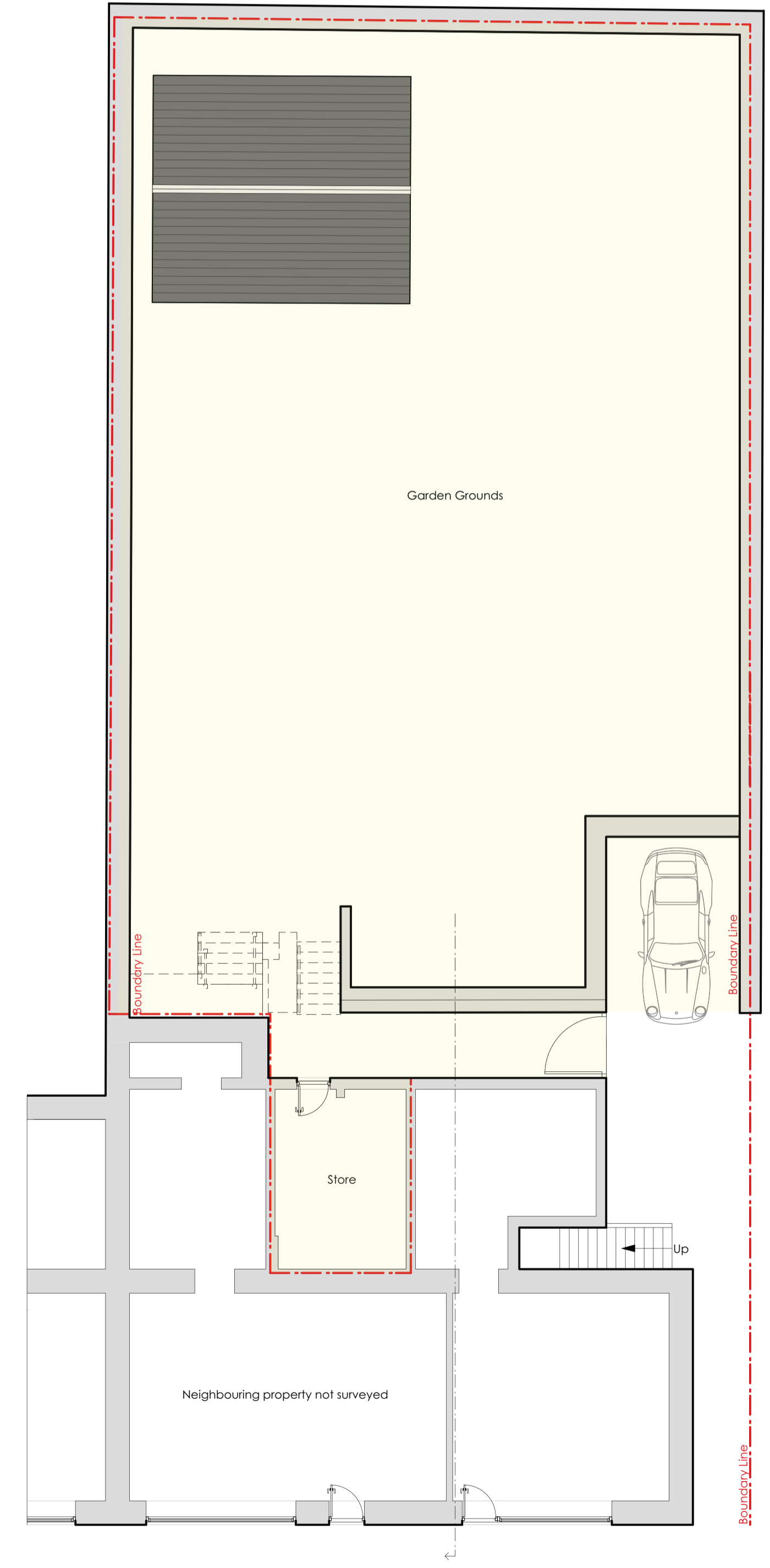
Existing Front Elevation  
 Scale: 1:100  
 Elevation not surveyed



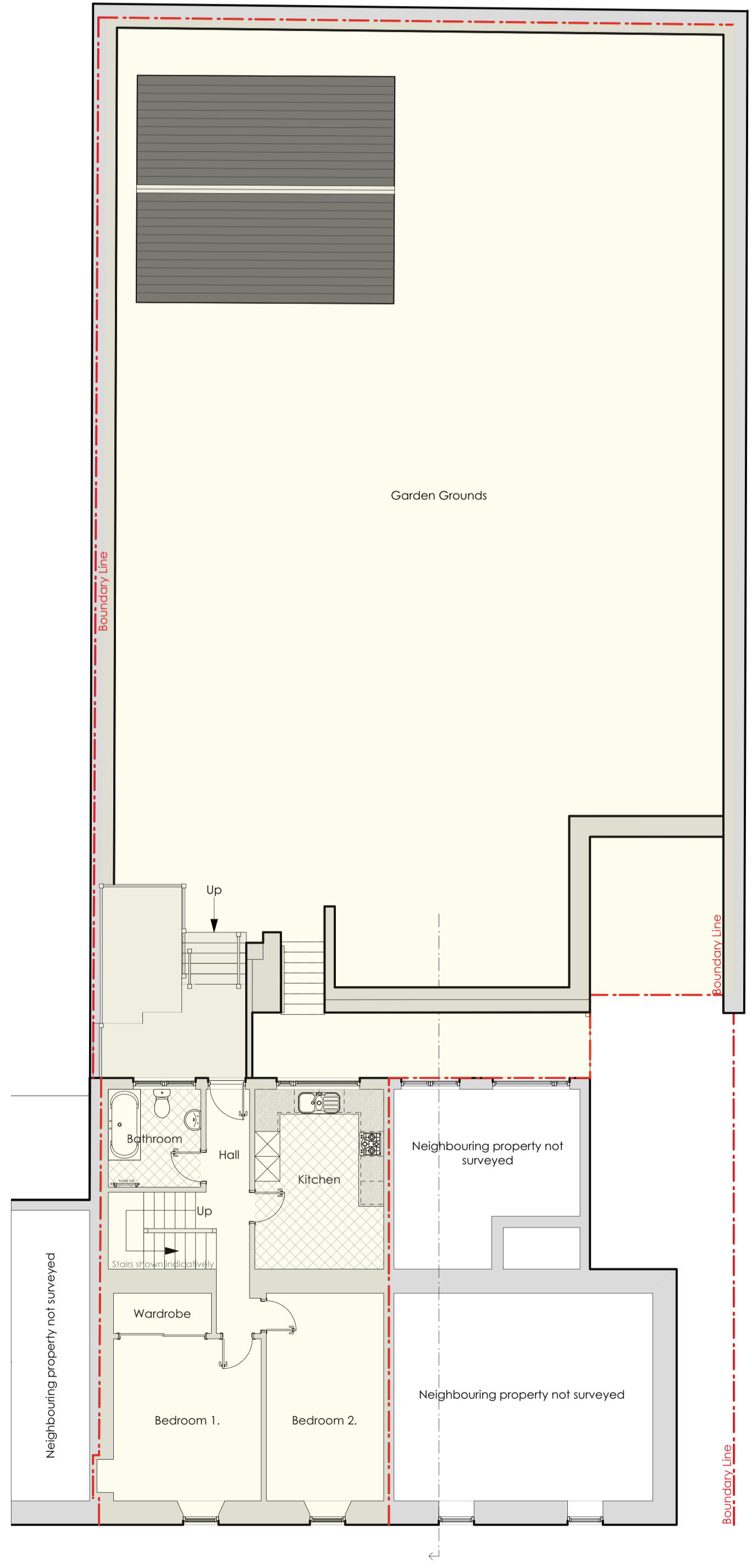
Existing Rear Elevation  
 Scale: 1:100  
 Elevation not surveyed



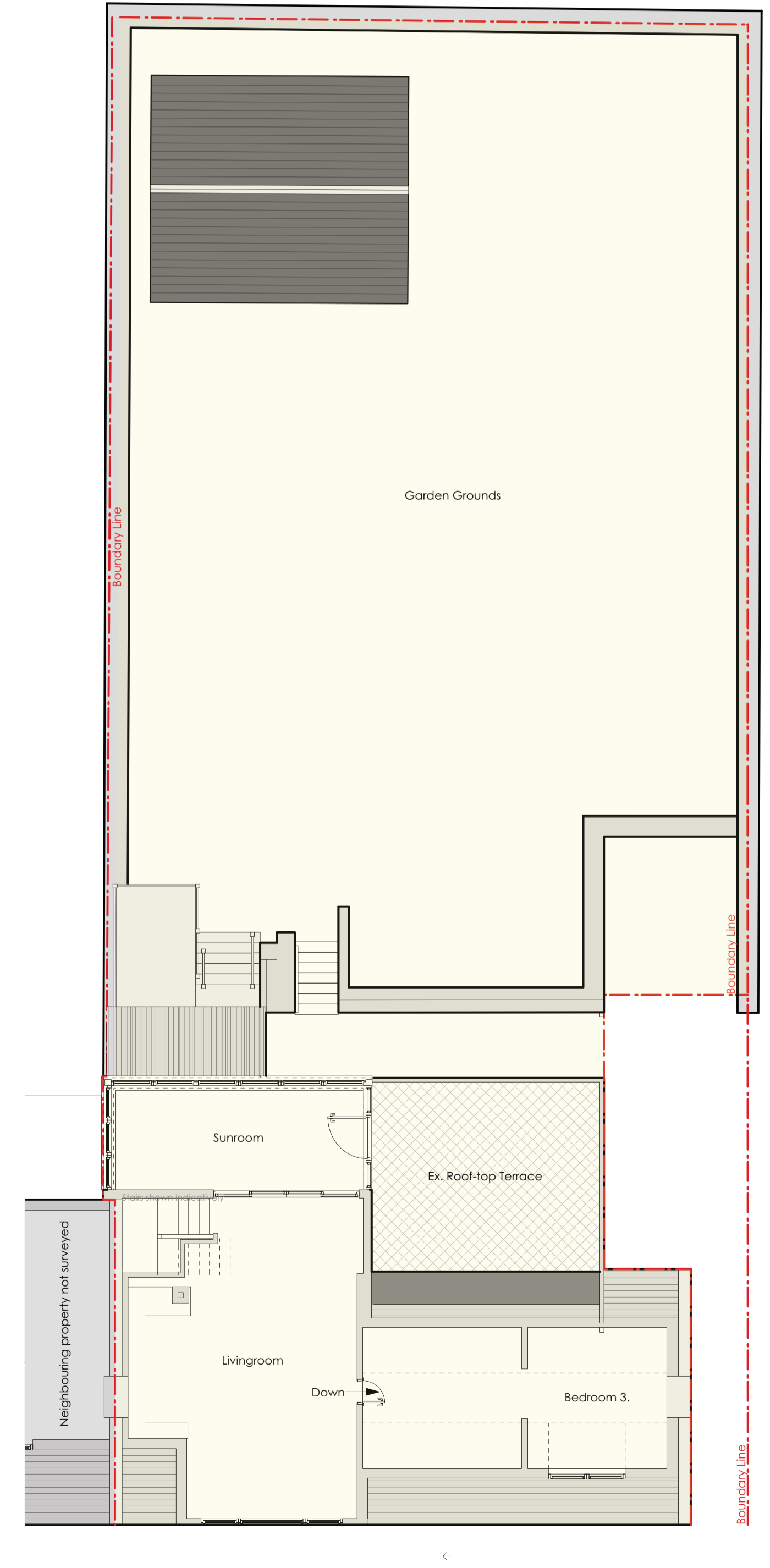
Existing Side Elevation  
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 Elevation not surveyed



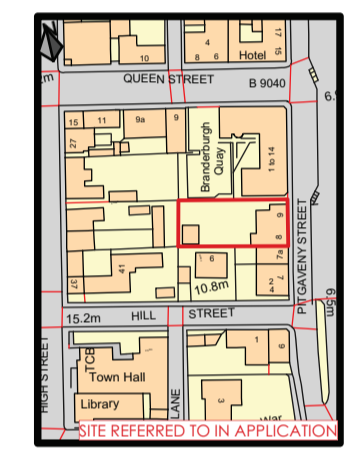
Existing Ground Floor Plan  
 Scale: 1:100  
 Floorplan not surveyed



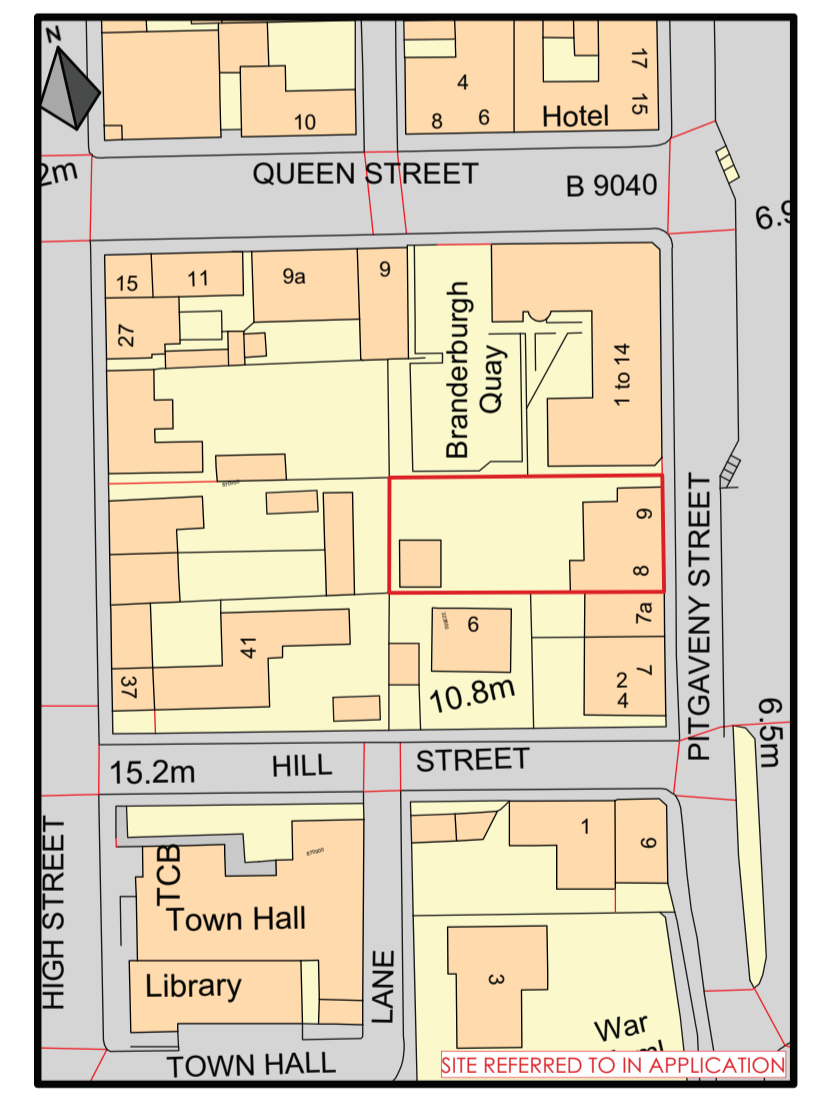
Existing First Floor Plan  
 Scale: 1:100  
 Floorplan not surveyed  
 Approx: 57.5m²



Existing Second Floor Plan  
 Scale: 1:100  
 Floorplan not surveyed  
 Approx: 76.5m²



Location Plan  
 Scale: 1:2500



Location Plan  
 Scale: 1:1000

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**Ms. S Brennan**

9 PITGAVENNY STREET, LOSSIEMOUTH, MORAY, IV31 6NS

**PLANNING PROPOSALS**  
 SURVEY DRAWING

Date: Amendments: Rev:

Drawn By: M.D Date: 01.09.22 Checked By: Date:

**220104.BRENNAN.01SV A**





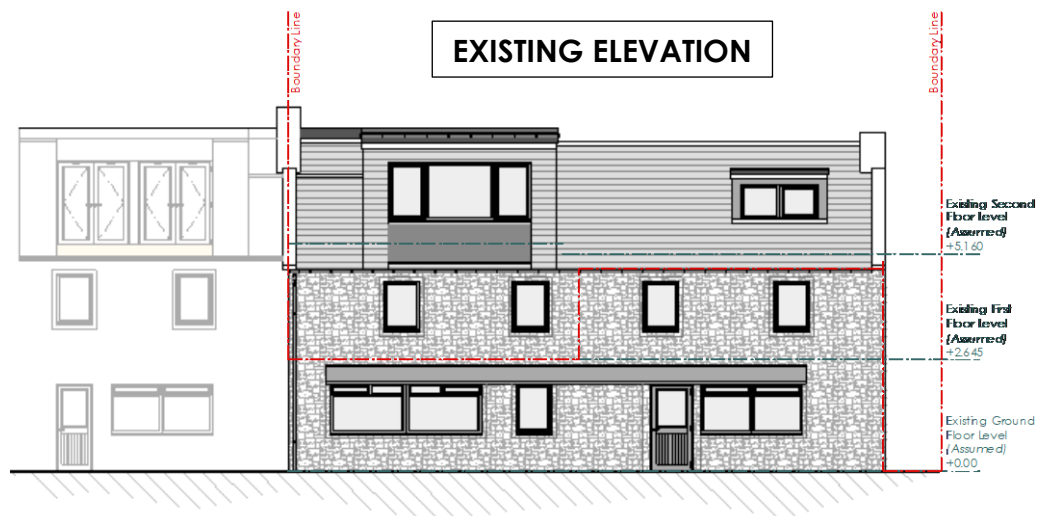
Our Ref: 220104.BRENNAN.PP

## DESIGN STATEMENT

Alteration & Extension to  
9 Pitgaveny Street, Lossiemouth, IV31 6NS

### 1.0 Introduction.

1.1 This **Design Statement** has been prepared by **CM Design, Town Planning and Architectural Consultants** in pursuit of detailed Planning Consent to extend the existing dormer arrangement, revise the internal layout and add a small extension to the rear of 9 Pitgaveny Street, Lossiemouth.



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1.2 This proposal seeks to enhance and expand the existing first floor box dormer by extending it and by doing so, present a more cohesive 3<sup>rd</sup> floor, and a more balanced elevation.

1.3 Neighbouring properties already host a mixture of box dormer interventions that allow context for this proposal (See pic at 2.7)

**2.0 Site**

2.1 The property is located overlooking The Moray Firth and is surrounded mainly by dwelling houses and flats of varying design.

2.2 The topography of the site gently slopes up from east to west and the property sits on Pitgaveny Street, Lossiemouth with outstanding views towards the Moray Firth to the front.

2.3 The existing property occupies part of the first floor and the entire second floor of the property, as shown in DWG 220104.BRENNAN.01SV (A) with access provided from the rear.

2.4 The existing property provides accommodation over two storeys, with a store below on the ground floor.

2.5 The original property has been altered and extended at various historical points with two dormers of differing sizes to the front and a conservatory to the rear.

2.6 The ad-hoc alterations of the property have resulted in a poorly laid out floorplan that under-utilises the available space and fails to take advantage of the views over the Firth.

2.7 Most of the surrounding homes on Pitgaveny Street and Clifton Road employ dormer windows, though it is more usual for there to be only one style of dormer per property, as per the images below:



2 Clifton Road



6 Clifton Road

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2.8 The applicant property currently hosts two very different and less than practical dormer window styles.

2.9 The surrounding dwellings range from single storey to two and a half storey dwellings, oriented facing towards Pitgaveny Street. The external materials of the dwellings are predominantly sandstone with slate roofs. Many of the windows appear to have been replaced with uPVC windows.

2.10 The property has a garden to the rear and an off-street parking space.

### 3.0 Design Principals

3.1 **Layout** - Historic ad-hoc alterations have resulted in accommodation that is poorly laid out and limited in utility. This is further exacerbated by insufficient head-height in the rooms leading off the Lounge, which are almost unusable.



The current arrangement presents the Kitchen on the first floor, whilst all other living areas (including the only currently feasible dining area) are on the second floor. This is not conducive to comfortable, or safe living.

The proposals seek to extend the existing dormer to consolidate differing floor levels and improve the ad-hoc layout. The extended dormer will provide a more cohesive layout internally and more balanced front elevation. The consolidated scheme would be achieved by:

- Rearranging the internal layout on the second floor to provide open plan living, kitchen and dining all on one floor,
- The addition of new doors and a small dormer to the rear existing roof terrace.
- Replacement of the existing conservatory roof to provide better insulation performance.
- Reconfiguration of the first floor layout is to give an additional Ensuite
- New Boot Room in a small extension to the rear.

3.2 **Landscaping** - There are no proposals to alter the existing landscaping surrounding the property.

3.3 **Scale & Mix** - The picture below shows the varying heights and scales of the surrounding dwellings. The applicant seeks to extend the existing dormer to reflect the scale and proportions of the neighbouring property south of the proposal and the previously included examples. This allows the proposal to make better use of the second floor, while improving the character of the street.

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PLANNINGCONSULTANCY

ARCHITECTURALDESIGN

PROJECTMANAGEMENT

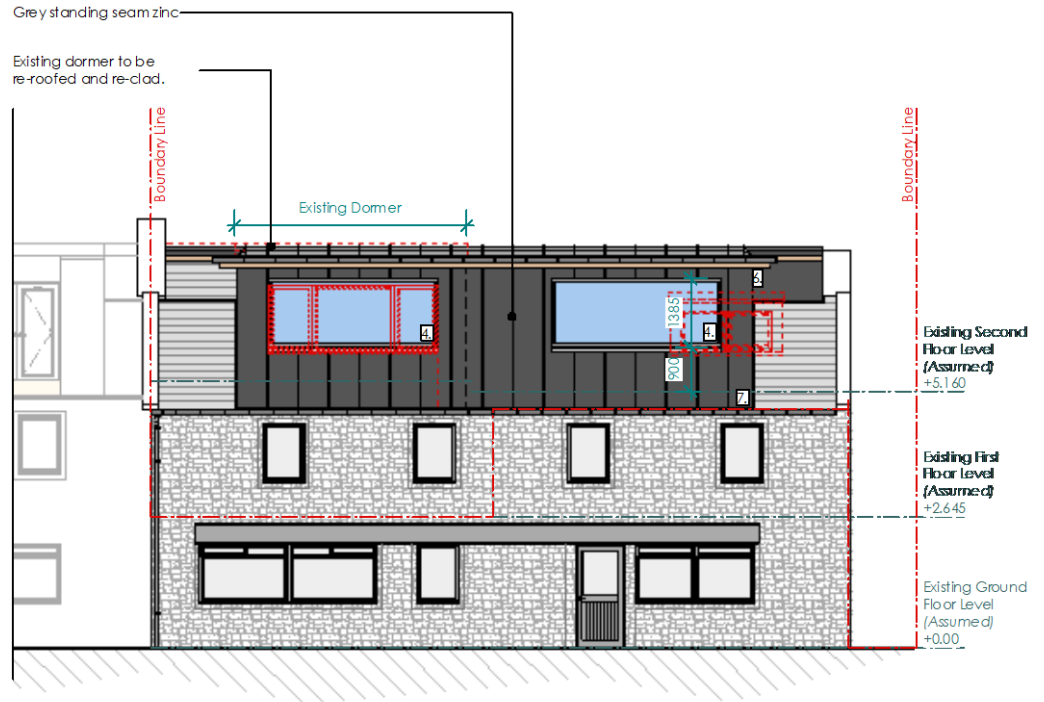
RENEWABLECONSULTANCY



3.4 **Appearance** - The proposals seek to balance the existing front elevation by extending the existing dormer symmetrically on the front elevation. The altered dormer would be reclad in standing seam zinc to unify the structure, and present something of architectural merit. New UPVC windows seek to replicate the proportions seen in other dormers on Pitgaveny Street/Clifton Road, and provide views over the Moray Firth. The proposed new standing seam zinc dormer roof will provide the opportunity to upgrade the insulation, and therefore the energy performance of the home.

To the rear, the replacement of the existing dormer and conservatory rooves to match that of the proposed rear extension seek to unify the rear elevation, whilst again upgrading the energy performance of the home. The use of timber cladding and Fernhill stone to the rear, seek to integrate the new extension into the natural landscape of the garden.





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**4.0 Conclusion**

4.1 This application presents an interesting, sympathetic, and useful extension that provides the opportunity to bring the front elevation more in-line with other homes on the street, rectify the issues caused by previous ad hoc alteration and upgrade energy performance. The proposed alterations guarantee the property's flexibility and longevity of use for modern living. We respectfully request this application be given positive consideration.



## DRAINAGE STATEMENT

Alteration to

9 Pitgaveny Street, Lossiemouth, IV31 6NS

Ref: 220104

### INTRODUCTION:

This Drainage Statement has been prepared by CM Design Architectural & Planning Consultants in response to recent changes in Moray Council Policy, which seek to steer development away from areas at risk of flooding and to ensure that any new development does not impact upon flooding issues in Moray.

Scottish Planning Policy (SPP) requires Planning Authorities to take into account Flood risk when considering new development. This Drainage Statement confirms there to be no flood risk issues on the application site whatsoever.

This statement has been prepared in line with the Supplementary Guidance produced by Moray Council dated Feb 2019.

### SITE DESCRIPTON:

The proposal site contains an established house that is served by mains drainage on Pitgaveny Street to the East.

The SEPA Flood Maps have been consulted which indicate that there is **no risk of flooding**.

A basic site level survey has also been carried out demonstrating how the site slopes West to East on well-draining grounds.

The proposed development is to erect a new dormer window and alterations to the Existing house. The extension is less than 25m<sup>2</sup> and therefore no additional soakaway will be required

### SITE CONDITIONS:

The site is believed to have good infiltration rates based on a walkover survey and previous planning approvals. There have been no excavation or percolation tests carried out at this stage.

The house is surrounded by existing dwellings in which drainage measures have been implemented without difficulty.

### DRAINAGE DESIGN:

All foul water and storm water arrangements are both dealt with robustly at the Building Warrant stage of any development.

As the proposed extension is less than 25m<sup>2</sup>, a new soakaway will not be required, and the house already has connection to the mains sewerage system.



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#### Devon Office

The Generator Quay House  
The Gallery, Kings Wharf  
Exeter  
EX2 4AN

t 01392 345566

Friday 2<sup>nd</sup> April 2021

We trust this Drainage Statement alleviates any flooding concerns in the meantime

Sincerely yours,

**MIRIAM DUNCAN**

ARCHITECTURAL TECHNICIAN

**MIRIAM@CMDESIGN.BIZ**



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**t** 01343 612305

**Devon Office**

The Generator Quay House  
The Gallery, Kings Wharf  
Exeter  
EX2 4AN

**t** 01392 345566

PLANNINGCONSULTANCY

ARCHITECTURALDESIGN

PROJECTMANAGEMENT

RENEWABLECONSULTANCY





## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	13th February 2023
<b>Planning Authority Reference</b>	23/00132/APP
<b>Nature of Proposal (Description)</b>	Alter and extend dwellinghouse at
<b>Site</b>	9 Pitgaveny Street Lossiemouth Moray IV31 6NS
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133003885
<b>Proposal Location Easting</b>	323823
<b>Proposal Location Northing</b>	870931
<b>Area of application site (M<sup>2</sup>)</b>	
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=RP4U5HBGLDH00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=RP4U5HBGLDH00</a>
<b>Previous Application</b>	06/02122/FUL 05/00585/FUL
<b>Date of Consultation</b>	30th January 2023
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Ms Susie Brennan
<b>Applicant Organisation Name</b>	
<b>Applicant Address</b>	9 Pitgaveny Street Lossiemouth Moray IV31 6NS
<b>Agent Name</b>	C M Design
<b>Agent Organisation Name</b>	
<b>Agent Address</b>	St Brendans 69 South Guildry Street Elgin Moray IV30 1QN
<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Fiona Olsen
<b>Case Officer Phone number</b>	01343 563189
<b>Case Officer email address</b>	fiona.olsen@moray.gov.uk
<b>PA Response To</b>	consultation.planning@moray.gov.uk

**NOTE:**

If you do not respond by the response date, it will be assumed that you have no comment to make.

The statutory period allowed for a consultation response is 14 days. Due to scheduling pressures if a definitive response is not received within 21 days this may well cause the two month determination period to be exceeded.

Data Protection - Moray Council is the data controller for this process. Information collected about you on this form will be used to process your Planning Application, and the Council has a duty to process your information fairly. Information we hold must be accurate, up to date, is kept only for as long as is necessary and is otherwise shared only where we are legally obliged to do so. You have a legal right to obtain details of the information that we hold about you.

For full terms please visit [http://www.moray.gov.uk/moray\\_standard/page\\_121513.html](http://www.moray.gov.uk/moray_standard/page_121513.html)

For full Data Protection policy, information and rights please see [http://www.moray.gov.uk/moray\\_standard/page\\_119859.html](http://www.moray.gov.uk/moray_standard/page_119859.html)

You can contact our Data Protection Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633 for more information.

Please respond using the attached form:-

**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Aberdeenshire Council Archaeology Service

**Planning Application Ref. No: 23/00132/APP**

**Alter and extend dwellinghouse at 9 Pitgaveny Street Lossiemouth Moray IV31 6NS for Ms Susie Brennan**

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

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

**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**  
**email address:**  
[archaeology@aberdeenshire.gov.uk](mailto:archaeology@aberdeenshire.gov.uk)  
**Consultee: Archaeology service**

**Date...07/02/2023.....**  
**Phone No .....01467537717**

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



# **Consultee Comments for Planning Application 23/00132/APP**

## **Application Summary**

Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

## **Consultee Details**

Name: Mr EH Consultations

Address: Environmental Health, Council Offices, High Street Elgin, Moray IV30 1BX

Email: Not Available

On Behalf Of: Environmental Health C12

## **Comments**

Approved unconditionally by Tim Betts (03.02.2023)



**MORAY COUNCIL  
PLANNING CONSULTATION RESPONSE**

**From:** The Moray Council, Flood Risk Management  
**Planning Application Ref. No:** 23/00132/APP

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

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

Contact: Stefania Brady Date 30/01/2023  
email address: Stefania.brady@moray.gov.uk Phone No

**Consultee:** The Moray Council, Flood Risk Management





## Consultation Request Notification

<b>Planning Authority Name</b>	Moray Council
<b>Response Date</b>	13th February 2023
<b>Planning Authority Reference</b>	23/00132/APP
<b>Nature of Proposal (Description)</b>	Alter and extend dwellinghouse at
<b>Site</b>	9 Pitgaveny Street Lossiemouth Moray IV31 6NS
<b>Site Postcode</b>	N/A
<b>Site Gazetteer UPRN</b>	000133003885
<b>Proposal Location Easting</b>	323823
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<b>Area of application site (M<sup>2</sup>)</b>	
<b>Additional Comment</b>	
<b>Development Hierarchy Level</b>	LOCAL
<b>Supporting Documentation URL</b>	<a href="https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=RP4U5HBGLDH00">https://publicaccess.moray.gov.uk/eplanning/centralDistribution.do?caseType=Application&amp;keyVal=RP4U5HBGLDH00</a>
<b>Previous Application</b>	06/02122/FUL 05/00585/FUL
<b>Date of Consultation</b>	30th January 2023
<b>Is this a re-consultation of an existing application?</b>	No
<b>Applicant Name</b>	Ms Susie Brennan
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<b>Agent Organisation Name</b>	
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<b>Agent Phone Number</b>	
<b>Agent Email Address</b>	N/A
<b>Case Officer</b>	Fiona Olsen
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<b>PA Response To</b>	consultation.planning@moray.gov.uk

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Please respond using the attached form:-

**MORAY COUNCIL**

**PLANNING CONSULTATION RESPONSE**

**From:** Transportation Manager

**Planning Application Ref. No: 23/00132/APP**

**Alter and extend dwellinghouse at 9 Pitgaveny Street Lossiemouth Moray IV31 6NS for Ms Susie Brennan**

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

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

*This proposal is for alterations and extension to an existing property which does not trigger the requirement to provide additional parking. No alterations are proposed to the existing access and the existing parking is unaffected by the proposed extension. Transportation therefore has no objections to the proposal.*

**Further comment(s) to be passed to applicant**

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

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

**Contact: AG**

**email address: [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk)**

**Consultee: TRANSPORTATION**

**Date 03 February 2023**

**Return response to**

**[consultation.planning@moray.gov.uk](mailto:consultation.planning@moray.gov.uk)**

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# Comments for Planning Application 23/00132/APP

## Application Summary

Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

## Customer Details



## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

# Comments for Planning Application 23/00132/APP

## Application Summary

Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Height of proposed development
- Over-development of site
- Poor design
- Precedent

Comment:As a regular visitor to Lossiemouth and being cognisant of the area being one of an ever reducing number of relatively unspoilt areas of natural beauty in the UK, I think this proposal is too extreme and not in keeping with the area aesthetic.

I would personally classify it as over development and likely to impinge of the quality of life of local residents and visitors alike.

# Comments for Planning Application 23/00132/APP

## Application Summary

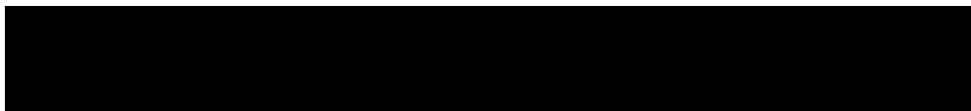
Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Height of proposed development
- Inadequate plans
- Inappropriate materials/finishes
- Over-development of site
- Poor design
- Precedent

Comment: This building is a traditional building on the seafront.

Scale, size, height, material is out of keeping for the local area. Box dormer deviates from the local plan.

A serious danger of setting precedent along the seafront.



Received by email  
FAO Development Management and Building Standards Manager

Hello,

As per the advice in the Neighbour Notification that I received by post, I am emailing you to register my objections to planning application 23/00132/APP, which includes roof changes, and modifications and augmentations to the front-facing dormer windows to 9 Pitgaveny Street, Lossiemouth, IV31 6NS. I have also submitted my objections online.

#### Objection 1: Inadequate Plans

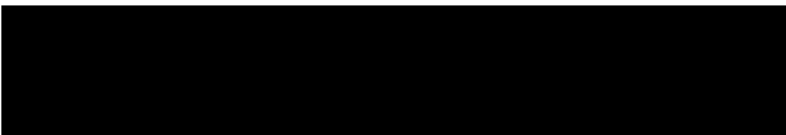
The new plans do not include specific information on the routing of rainwater goods from the new roof into a drain; there is only a generic drainage statement. As the owner of an adjacent property, I would like to know where the run-off from the roof would be, so that I can be satisfied as to the full impact on my property of any modifications, and be sure that they would have no adverse effect on the drainage to the rear of my property when there is heavy rain.

#### Objection 2: Contrary to Local Development Plan

The above planning application has been advertised in The Northern Scot because the application does not accord with DP1 of the Moray Council Local Development Plan. Having referred to the plan at <http://www.moray.gov.uk/downloads/file134782.pdf>, I feel that the proposed changes to the front dormer windows, particularly the enlargement of the right window to become a large box dormer, are not in keeping with the character of the adjacent properties.

DP1(i) Design criterion a) of the Local Development Plan states that when considering development proposals, the “scale, density and character must be appropriate to the surrounding area and create a sense of place”. Additionally, according to DP1 (i) Design criterion g), box dormer windows are not acceptable. The changes and augmentations to the front windows of the property, which is highly visible from the seafront, would therefore play a part in eroding the distinctive appearance of Lossiemouth. The town’s character and sense of place are cherished by local residents and are key attractions for tourists to the area; therefore, I feel that it would be detrimental, and also possibly unwise from the town’s economic perspective, to permit changes that contribute to a gradual disappearance of Lossiemouth’s unique character.

Regards,



23 February 2023

Mrs Fiona Olsen  
By email only

23/00132/APP | Alter and extend dwellinghouse at 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

I am in receipt of the neighbour notification for the above application and submit this objection as the owner of 26years of the property immediately below the proposed building works.

Initially, I wish to note my disappointment at the way the applicant has progressed this project, whilst I understand it was not legally binding, they did promise that they would discuss any proposals to alter their property with me prior to progressing. Regrettably, this was never done and now I feel I have no option but to submit this letter raising my objections against this development as detailed below:

1. Submission & Plans

The submitted drawing fails to show the entrance to my property, this omission is considered material in this case as it leads the decision maker to fail to understand the impact the development will have on my property and the peaceful enjoyment of my house. As such, my property should be clearly shown on the submission to ensure the development is fully and properly assessed.

The application form notes that the site contains no trees and the plans also shown no trees within the red line boundary, both of which are incorrect, as there is several trees within the applicants rear garden. The location and proximity of these trees should be established as they might impinge on the ability to construction the rear extension.

2. Design & Streetscape

Following discussion with the Planning Officer, I understand that the application has been advertised as a departure from the Council Local Development Plan on the grounds of design, I concur with this completely.

Whilst it is accepted that the existing property has a number of 'box dormer' windows within the roof-slope, NPF4 Policy 14 (Design, quality and place) makes it clear that all proposals are required to '...be designed to improve the quality of an area whether in urban or rural locations and regardless of scale...' And where they are '...poorly designed, detrimental to the amenity of the surrounding area...[they]...will not be supported.'

The Council's own Moray Local Development Plan notes in Policy DP1 (i) g) that '...box dormers are not acceptable...' and at Policy DP1 (i) d) that development proposals must demonstrate how it will '...enhance the built environment...'

The proposed design goes against these adopted policies and instead seeks to further erode the traditional character of the area, by arguing in the supporting statement that '...Most of the surrounding homes on Pitgaveny Street and Clifton Road employ dormer windows...' (2.7), this statement is justified by just two examples of very long established box dormers from differing locations along Clifton Road.

The established streetscape along Pitgaveny Street at the application site, is however fundamentally different and one which is viewed as a complete streetscape from several long-distance vistas around Lossiemouth (See Streetscape Photographs Below), including from Station Park (opposite the application site). This park area hosts the annual Seafest and is an area undergoing enhancements to improve the tourist offering. Therefore due to this prominence, the Council has ensured that modern developments in close proximity adopt a traditional dormer design, as demonstrated by the modern apartment block adjoining the northern boundary of the site, and as shown in the photographs below.



Additionally, this adjacent build, has been designed to respect the traditional vertical window emphasis found across Lossiemouth, maintains the traditional symmetry of building design and utilises natural slate. Whereas the applicant's proposal abandons all these traditions and proposes something completely at odds with the location and built heritage, this includes the proposed use zinc cladding. All resulting in a proposal which delivers a very unpleasing form of development and one that neither enhances the built environment nor improves the quality of the existing building or area.

For these reasons, the design is considered to have such a damaging impact on the design integrity of the building and wider urban landscape it is considered wholly unacceptable and should be refused in accordance with the aforementioned planning policies. Thus also ensuring that an undesirable precedent is not set for other similar proposals in this location.

### 3. Privacy

As noted in Section 1, my sole access and outdoor space for my property is via the external steps off the communal access to the side (as demonstrated in the photograph below), this access is directly below the roof terrace. The current arrangement with the timber panel (again as shown in the photograph below) offers me a degree of privacy and amenity when accessing and exiting my property.

Unfortunately, the proposal to remove this panel and replace with glass balustrade, whilst concurrently intensifying the use of the flat roof terrace will result in a significant loss to my current amenity and privacy and that of surrounding properties. This loss is judged to be excessive and should be strongly resisted.



### 4. Construction

Whilst I understand the actual construction process is generally not a material planning consideration, given the unusual property sub-division it is important to appreciate the likely difficulties developing the roof-space of this property will bring.

My entire apartment is directly below the main body of building works (the proposed kitchen and dining area) and it's my understanding that such extensive work will have an unacceptable impact on the enjoyment of my property due to noise, disturbance and dust during the construction phase and then the ongoing noise and disturbance from its use based on the property intensification.

Moreover, it is likely the existing building will need upgrading to support the additional construction weight of the development, including the reinforcement of my ceiling joists and the lintels over the windows in my (and possible the ground floor) property/ies. At this stage I do not consent to this intrusive work to my private house and/or the impact on my rights to enjoy my right to peaceful enjoyment of my dwellinghouse (UN Human Right).

This is likely to have a direct impact on the design and method of construction, which in turn is likely to affect the overall design of the scheme and therefore in this case needs to be fully considered as part of the planning process.

I trust these points will be duly considered as part of the application process and please do not hesitate to contact me, if you wish to discuss any of the above in more detail.

Yours sincerely,

[Redacted signature]



# Comments for Planning Application 23/00132/APP

## Application Summary

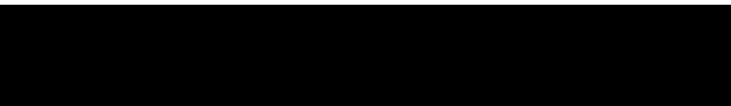
Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Height of proposed development
- Inappropriate materials/finishes
- Over-development of site
- Poor design
- Precedent
- View affected

Comment: I look forward to my frequent trips to Lossiemouth not only for the opportunity to catch up with my friends, but also for the peace, tranquillity and beauty of the area. I am very upset to find out that an ill-considered planning application had been submitted for 9 Pitgaveny Street. The proposed design is not in keeping with the scale, character, or appearance of the area. The development (or should I say overdevelopment) is particularly ill-considered with its zinc clad exterior which is out of keeping with the strong historic character of this neighbourhood and will spoil the views for both visitors and residents. I sincerely hope that Moray Council will see sense and refuse this application.

# Comments for Planning Application 23/00132/APP

## Application Summary

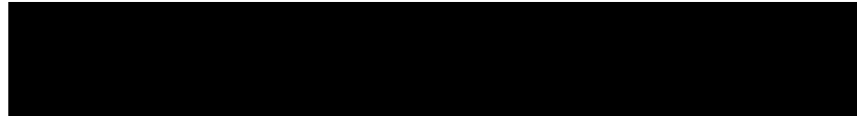
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## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Contrary to Local Plan
- Height of proposed development
- Over-development of site
- Poor design
- Precedent

Comment: I am a frequent visitor to Lossiemouth. What attracts me back is the historic feeling of the town and that the building landscape along the sea front still mostly retains its original built features.

if this development is allowed to proceed it sets a precedent for other buildings to be converted into larger properties and will spoil the look and feel of the characterful sea front street.

The new box dormer to the front is large and imposing on a 19th century building and will change the character of the building completely. I believe this is contrary to the local plan.

# Comments for Planning Application 23/00132/APP

## Application Summary

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Comment:I often stay at a holiday let located in the building associated with the plans. I am concerned these plans will change a traditional building into something that will not fit in with the surroundings using the materials planned. The scale of the design does not fit the surrounding area.

I really enjoy staying in an old seafront town and its traditional buildings are very much part of the charm and appeal of Lossiemouth.



# Comments for Planning Application 23/00132/APP

## Application Summary

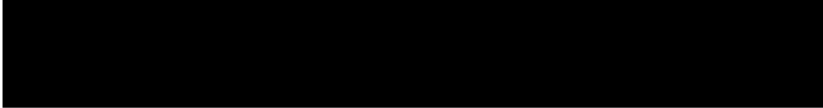
Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Height of proposed development
- Precedent

Comment: I would like the planning department to carefully consider if the proposed development fits in suitably to surrounding properties.

# Comments for Planning Application 23/00132/APP

## Application Summary

Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Inadequate plans
- Inappropriate materials/finishes

Comment: The main issue is the box dormer (against local plan), inappropriate materials and design for a traditional home but PRECEDENT for the historic seafront - totally out of character for the seafront area.

Please keep Lossiemouth heritage

# Comments for Planning Application 23/00132/APP

## Application Summary

Application Number: 23/00132/APP

Address: 9 Pitgaveny Street Lossiemouth Moray IV31 6NS

Proposal: Alter and extend dwellinghouse at

Case Officer: Fiona Olsen

## Customer Details



## Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Affecting natural environment
- Contrary to Local Plan
- Height of proposed development
- Precedent

Comment: The plans deviate from the Local Plan due to design of the seafront. It would significantly change the look of the original building (circa 140-180 years old) and would ruin the look of the seafront which is not what tourists want to see. This proposed building development would forever change the look of the Lossiemouth sea front, a sea front that has been a popular tourist attraction for many, many years.

## REPORT OF HANDLING

<b>Ref No:</b>	23/00132/APP	<b>Officer:</b>	Fiona Olsen
<b>Proposal Description/ Address</b>	Alter and extend dwellinghouse at 9 Pitgaveny Street Lossiemouth Moray IV31 6NS		
<b>Date:</b>	14.04.2023	<b>Typist Initials:</b>	LMC

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

<b>CONSULTATIONS</b>		
<b>Consultee</b>	<b>Date Returned</b>	<b>Summary of Response</b>
Environmental Health Manager	07/02/23	No Objections
Transportation Manager	03/02/23	No Objections subject to informatives
Moray Flood Risk Management	30/01/23	No Objections
Aberdeenshire Council Archaeology Service	07/02/23	No Objections

<b>DEVELOPMENT PLAN POLICY</b>		
<b>Policies</b>	<b>Dep</b>	<b>Any Comments (or refer to Observations below)</b>
NPF1 - Tackling the Climate	N	Complies
NPF2 - Climate mitigation and adaptation	N	Complies
NPF3 - Biodiversity	N	Complies
NPF4 - Natural Places		See below
NPF7 - Historic assets and places	N	Complies
NPF13 - Sustainable transport	N	Complies
NPF14 - Design, quality and place		See below
NPF16 - Quality homes		See below
NPF22 - Flood risk	N	Complies
PP1 Placemaking	N	Complies
PP2 Sustainable Economic Growth	N	Complies
PP3 Infrastructure and Services	N	Complies

DP1 Development Principles		See below
EP2 Biodiversity	N	Complies
EP3 Special Landscape Areas		See below
EP8 Historic Environment	N	Complies
EP12 Management and Enhancement Water	N	Complies
EP13 Foul Drainage	N	Complies
EP14 Pollution Contamination Hazards	N	Complies

## REPRESENTATIONS

Representations Received

YES

Total number of representations received: 11 (10 Objections and 1 Support)

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:** Comments received in support of application.

**Comments (PO):** These are noted.

**Issue:** Design is not in keeping with surrounding area.

**Comments (PO):** This is noted and forms part of the basis for the reasons for refusal.

**Issue:** Zinc cladding is out of keeping with character of building.

**Comments (PO):** Whilst zinc is a modern material, it is commonly used on traditional buildings and here would be deemed acceptable against a natural slate roof. The application will however be refused as it would fail to comply with MLDP2020 Policies DP1, EP3 and NPF4 Policies 4, 14 and 16.

**Issue:** Design would erode unique character of Lossiemouth.

**Comments (PO):** Again, this is noted and forms part of the basis for the reasons for refusal.

**Issue:** Design would set a precedent for other buildings along seafront.

**Comments (PO):** Each planning application must be considered on its own individual merits, in relation to planning policy. In this case the application will be refused as it does not comply with the design requirements of MLDP 2020 Policies DP1, EP3 and NPF4 Policies 4, 14 and 16.

**Issue:** Proposal is overdevelopment of site.

**Comments (PO):** Again, this is noted and forms part of the basis for the reasons for refusal.

**Issue:** Box dormer would not comply with local plan policy.

**Comments (PO):** This is correct. Policy DP1 (g) states that box dormers are not acceptable.

**Issue:** Plans do not include route of rainwater drain which could have adverse effect on neighbouring drains.

**Comments (PO):** As the increase in roof area is less than 25sqm no formal drainage statement was required to be submitted however it is confirmed that all surface and foul water will be directed to the existing combined sewer, as per the existing drainage arrangements.

**Issue:** Plans do not show all openings on northern elevation.

**Comments (PO):** Additional and amended plans have been submitted which now show all openings on each elevation.

**Issue:** Proposals were not discussed with neighbours prior to submission.

**Comments (PO):** This is a private matter between the parties and there is no requirement in planning terms for a developer to engage with neighbours on a proposal of this scale.

**Issue:** Application form states no trees on site however trees are present.

**Comments (PO):** Although there are existing trees in the rear garden, these are not expected to be impacted by the proposed development and it was not required to seek a tree survey on this occasion.

**Issue:** Loss of privacy/Overlooking from balcony.

**Comments (PO):** The balcony is an existing arrangement and the proposed application only seeks to add a dormer which will provide additional access onto the balcony (in addition to the existing access from the rear sunroom). An existing timber balustrade is proposed to be removed and a glass balustrade installed. The balcony faces onto the applicant's existing garden ground to the rear and to the side, a private access path. Whilst the balcony is an existing arrangement, a condition would be recommended to be added to any final consent, should the application be approved, requiring the balustrade to be fitted with opaque glass. Overall therefore, subject to compliance with a condition, the proposals would not be expected to give rise to any loss of privacy or overlooking to neighbours, beyond the level currently experienced.

**Issue:** Loss of light/solar gain to neighbouring properties.

**Comments (PO):** The extended box dormer on the front elevation would not protrude beyond the eaves of the existing roof, and whilst the new rear box dormer would, this would be above an existing two storey extension which faces onto the blank wall of a neighbouring property (separated by an existing driveway) and would not be expected to give rise to an unacceptable loss of light or overshadowing to neighbours.

**Issue:** Construction works will have unacceptable impact on neighbours (including noise and dust).

**Comments (PO):** A certain level of disruption is anticipated from any construction works however these would be short-term and constrained to the construction period only.

**Issue:** Existing building will require structural upgrading to support weight of development.

**Comments (PO):** This is not a planning matter and would be considered at building warrant stage.

**Issue:** Relocating existing kitchen to above another property would result in increased noise/vibration on neighbour.

**Comments (PO):** The intensification of use of certain rooms within a property cannot be controlled and again this is not a material planning consideration.

**Issue:** No access Statement/assumed levels/landscape statement/fire containment plan, acoustic plan or discussion of six mile coastal margin has been provided.

**Comments (PO):** No alteration to the existing access or site levels is proposed and as this is a householder development for box dormers and a new extension only, the aforementioned do not required to be submitted.

**Issue:** No internal flood protection has been shown.

**Comments (PO):** This is a proposal which seeks to alter the second and third floors of an existing building only. As less than 25sqm of additional roof area is proposed no formal drainage statement is required to be submitted however it is confirmed that all surface and foul water will be directed to the existing combined sewer, as per the existing drainage arrangements.

## OBSERVATIONS – ASSESSMENT OF PROPOSAL

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

The main planning issues are considered below:

### Proposal

The application seeks planning permission to alter and extend an existing dwellinghouse.

To the front an existing box dormer is proposed to be extended northwards, following the same shape and ridge height of the existing box dormer on this elevation. A single opening is proposed to the front of the dormer and externally the both the existing and proposed box dormer is to be finished in zinc (to the dormer roof and external walls).

To the rear it is proposed to form an additional box dormer, which would sit alongside an existing second floor sunroom extension. The rear box dormer will contain two sets of patio doors, opening out onto the existing roof-top terrace. An existing timber balustrade surrounding the terrace is proposed to be removed and the balcony fitted with a new glass balustrade to the north and west. A new flat roof is also proposed over the existing rear second floor sunroom, again to be finished again in zinc. Finally at the rear, an existing first floor extension will be removed and replaced with a bootroom extension, with a stepped external access to the rear garden and this extension will be finished in timber cladding with a flat roof over.

### Site

The site is located at 9 Pitgaveny Street, Lossiemouth. The property occupies part of the first floor and the entirety of the second floor of an existing traditional building which faces onto Lossiemouth Seafront.

The property contains two box dormers on the front elevation and an existing sunroom extension on the rear elevation.

There are neighbouring properties below and to the north, west and south of the site. The site is bound by the public road to the east.

The building is located within the historic settlement of Lossiemouth which is identified on the Historic Environment Record (HER) as a site of archaeological interest.

The site is also located within the MLDP 2020 designated Burghead to Lossiemouth Coast Special Landscape Area.

### **Policy Assessment**

#### **Siting and Design (MLDP 2020 Policy DP1, EP3 and NPF4 Policies 4, 14, 16)**

Policy DP1 requires that the scale, density and character of all development be appropriate to the surrounding area, be integrated into the surrounding landscape and not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity. Policy DP1 also states that pitched roofs are preferred to flat roofs and that box dormers are not acceptable.

NPF4 Policy 14 requires development proposals to be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Furthermore, NPF4 Policy 14(c) states that proposals which are poorly designed, detrimental to the amenity of the surrounding area, or inconsistent with the six qualities of successful places (Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable) will not be supported.

NPF4 Policy 16 states that householder development proposals will be supported where they do not have a detrimental impact on the character or environmental quality of the home and surrounding area in terms of size, design and materials and do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

The proposed design seeks to extend an existing box dormer to the front of the property and construct a new box dormer to the rear. There are two existing box dormers on the front elevation of the building, the southernmost dormer considerably larger and bulkier than the northernmost. The proposed extended box dormer on the front would follow the same shape and ridge height as the existing, southernmost box dormer (the larger dormer) and would occupy more than half of the front roofplane whilst also extending from ridge height to eaves height on the existing building. As outlined, Policy DP1(g) states that box dormers are not acceptable. The agent has submitted a design statement which provides examples of existing box dormers on neighbouring properties, however it is noted that these examples are historical, and would not be permitted under the current MLDP2020. Whilst it is accepted that there are two existing box dormers on the front elevation of the existing property, these are again historical and would not comply with policy DP1. The currently proposed design (including both the extended front box dormer and new rear box dormer) would not only be incompatible with MLDP 2020 Policy DP1(g) which precludes box dormers in all circumstances, but would also be considered to be of a poor design which is incongruous with the character and scale of the existing property and surrounding area due to the unnecessary bulk and box-like appearance which the box dormers would introduce. This is particularly the case, given that the application site is a traditional property in a prominent area at the seafront in Lossiemouth.

The proposals would also be considered overdevelopment of the existing front and rear roofplanes as the box dormer extension to the front and new box dormer to the rear would result in almost the entirety of both roofplanes being developed. This is again considered out of keeping with the scale and character of the existing building, and if allowed, would be considered overdevelopment. As such the application will be refused as it does not comply with MLDP 2020 Policies DP1, EP3 and NPF4 Policies 4, 14 and 16.

With regard to the external finishes, the dormers are proposed to be finished in zinc to the external walls and flat roof over. Zinc is a commonly used material on traditional buildings which would be considered appropriate against the existing natural slate roof. The material finishes of the dormers are therefore considered acceptable, however this would not override the aforementioned objections with regard to design, scale and character and the application will be refused.



Additional alterations are proposed to the existing building and these include removing an existing timber balustrade surrounding the existing rear roof terrace and replacing with a new glass balustrade to the north and west. A new flat roof is also proposed over the existing rear second floor sunroom, again to be finished in zinc. Finally at the rear, an existing first floor extension will be removed and replaced with a bootroom extension, with a stepped external access to the rear garden and this extension will be finished in timber cladding with a flat roof over. Although policy DP1 states that pitched roofs are preferred to flat roofs, the proposals here are located to the rear and either replace an existing flat roof, or are sufficiently small in scale to be deemed acceptable in this location. Therefore these elements of the design would be considered to comply with policies DP1 and NPF4 Policies 14 and 16.

In terms of any adverse amenity impacts, the proposed dormer on the front would face onto the public road below and thereafter existing Old Station Park and Promenade at the seafront. To the rear, the proposed new box dormer would face onto the applicant's existing garden ground and neighbouring properties beyond. An existing roof terrace would be accessed via the patio doors proposed within the new rear box dormer, with a new glass balustrade to be installed to the north and west edges. If the application were to be approved, a condition would be required to be added to the final consent requiring the balustrade to be fitted with opaque glass. As a result, subject to compliance with a condition, the proposed alterations would not be considered to give rise to any unacceptable loss of privacy or overlooking to neighbours, beyond that already experienced. In terms of any loss of light or overshadowing, the extended box dormer on the front elevation would not protrude beyond the eaves of the existing roof, and whilst the new rear box dormer would, this would be above an existing two storey extension which faces onto the blank wall of a neighbouring property (separated by an existing driveway) and would not be expected to give rise to an unacceptable loss of light or overshadowing to neighbours. Therefore, these aspects would be considered to comply with policy DP1.

#### **Special Landscape Areas (EP3, NPF4 Policy 4)**

Policy EP3 refers to Special Landscape Areas and requires that development proposals within SLAs so not prejudice the special qualities of the designated area as set out in the Moray local Landscape Designation Review and adopt the highest standards of design in accordance with policy DP1.

NPF4 Policy 4(d) states that development proposals that affect a site designated as a local nature conservation site or landscape area within the LDP will only be supported where:

- i.) Development will not have significant adverse effects on the integrity of the area or the qualities for which is has been identified; or
- ii.) Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

The Moray Local Landscape Review Designation Review for the Burghead to Lossiemouth SLA specifically states that development should be of the highest quality and of a scale and style that reflects buildings within the original core of the settlement. In this case, the site is located within the centre of Lossiemouth, facing onto the historical Old Station Park and Promenade and as such is highly visible from many public viewing points on the seafront. Whilst there is an existing box-dormer arrangement here, this would not be permissible under current policy and the proposal to extend an existing box dormer on the front and construct a new box dormer on the rear would be considered to detrimentally affect the historical character of Lossiemouth and as such the application will be refused as the proposal would not be considered to comply with MLDP policy EP3 and NPF4 Policy 4.

#### **Drainage (DP1, EP12, EP14, NPF4 Policy 22)**

The site is not within any areas identified to be at risk of flooding. A Drainage Statement has been provided which outlines that any additional surface water will be directed to the existing combine sewer, as will any foul water. Moray Flood Risk Management have been consulted and have raised no objections therefore the drainage proposals would comply with policy DP1.

### **Climate Change, Biodiversity and Soils (NPF4 Policies 1, 2, 3 and 5)**

The proposal is a small scale householder development only which will result in minimal impact in terms of climate change and soil disturbance. It is not necessary to seek formal biodiversity enhancement on a householder proposal of this scale and therefore the proposal is deemed to comply with NPF4 Policies 1, 2, 3 and 5.

### **Protected Species (EP1, NPF4 Policy 4)**

As bats are a European Protected Species, the impact of the proposal on the species must be considered prior to determining the application and in line with the current Habitat Regulations 1994 as amended. If the application were to be approved an informative should be added to any final consent reminding the developer of their duties should any evidence of bats be uncovered during construction works and this would ensure compliance with policy EP1 and NPF4 Policy 4.

### **Archaeology (EP8, NPF4 Policy 7)**

As outlined, an area of archaeological interest lies over the site relating to the historic settlement of Lossiemouth. The Council's archaeologist has been consulted and has raised no objections. As a result the proposal would comply with policy EP8 and NPF4 Policy 7.

### **Parking and Access (DP1, NPF4 Policy 13)**

The site is currently accessed via the public road to the east of the site and parking is via on-street parking again to the east. No alterations to either of these are proposed and the Moray Council Transportation Section has been consulted and has raised no objections, subject to a series of informatives to be added to any final consent, should the application be approved. This ensure compliance with the Transportation requirements of policy DP1 and NPF4 Policy 13.

### **Conclusion**

The proposals are unacceptable in terms of policy DP1(g) which precludes box dormers. Furthermore, the dormers are of a poor design which is incongruous with the character and scale of the existing property and surrounding area due to the unnecessary bulk and box-like appearance which the box dormers would introduce. The dormers would also be considered overdevelopment of the existing front and rear roofplanes and as such would fail to comply with MDLP2020 Policy DP1 and NPF4 Policies 14 and 16.

The Moray Local Landscape Review Designation Review for the Burghead to Lossiemouth SLA specifically states that development should be of the highest quality and of a scale and style that reflects buildings within the original core of the settlement. It is noted that proposed extended box dormer and new rear box dormer would have a detrimental impact on the character of the wider SLA and is therefore not considered to comply with MLDP 2020 policy EP3 and NPF4 Policy 4.

As such the application will be refused as it would not comply with MLDP2020 Polices DP1 and EP3 and NPF4 Policies 4, 14, and 16.

### **OTHER MATERIAL CONSIDERATIONS TAKEN INTO ACCOUNT**

None

<b>HISTORY</b>			
<b>Reference No.</b>	<b>Description</b>		
06/02122/FUL	Proposed alterations extension and associated works at 9 Pitgaveny Street Lossiemouth Moray IV31 6NS		
	<b>Decision</b>	Permitted	<b>Date Of Decision</b> 07/12/06
	Proposed alterations extension and associated works at 9 Pitgaveny Street		

05/00585/FUL	Lossiemouth Moray IV31 6NS		
	<b>Decision</b>	Refuse	<b>Date Of Decision</b>

<b>ADVERT</b>		
<b>Advert Fee paid?</b>	Yes	
<b>Local Newspaper</b>	<b>Reason for Advert</b>	<b>Date of expiry</b>
Northern Scot	Departure from development plan	02/03/23
PINS	Departure from development plan	02/03/23

<b>DEVELOPER CONTRIBUTIONS (PGU)</b>	
<b>Status</b>	N/A

<b>DOCUMENTS, ASSESSMENTS etc. *</b>		
<i>* Includes Environmental Statement, Appropriate Assessment, Design Statement, Design and Access Statement, RIA, TA, NIA, FRA etc</i>		
Supporting information submitted with application?	YES	
Summary of main issues raised in each statement/assessment/report		
Document Name:	Design Statement (dated 17/01/2023)	
Main Issues:	Outlines details of existing property and gives details of neighbouring properties which employ dormer windows. Seeks to provide justification for design due to poor internal layout, insufficient head-height and through seeking to balance the front elevation through extension of the dormer.	
Document Name:	Drainage Statement (dated 01/04/2021)	
Main Issues:	Outlines that development will create less than 25sqm of new roof space and therefore no formal drainage statement is required. All surface and foul water will be directed to the existing combined sewer.	

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

<b>DIRECTION(S) MADE BY SCOTTISH MINISTERS</b> (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)			



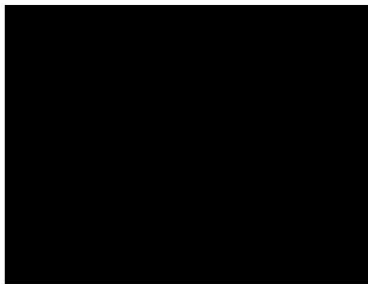


**MORAY COUNCIL  
TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997,  
as amended**

**REFUSAL OF PLANNING PERMISSION**

**[Heldon And Laich]  
Application for Planning Permission**

TO



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:-

**Alter and extend dwellinghouse at 9 Pitgaveny Street Lossiemouth Moray IV31 6NS**

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

Date of Notice: **17 April 2023**



**HEAD OF ECONOMIC GROWTH AND DEVELOPMENT**

Economy, Environment and Finance

Moray Council

Council Office

High Street

ELGIN

Moray

IV30 1BX

**IMPORTANT**

**YOUR ATTENTION IS DRAWN TO THE REASONS and NOTES BELOW**

**SCHEDULE OF REASON(S) FOR REFUSAL**

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

The proposed extended box dormer to the front and new box dormer to the rear of the existing dwelling are contrary to the Moray Local Development Plan (2020) and National Planning Framework 4 for the following reasons:

1. The proposals are unacceptable in terms of policy DP1(g) which precludes box dormers. Furthermore, the dormers are of a poor design which is incongruous with the character and scale of the existing property and surrounding area due to the unnecessary bulk and box-like appearance which the box dormers would introduce. The dormers would also be considered overdevelopment of the existing front and rear roofplanes and as such would fail to comply with MDLP2020 Policy DP1 and NPF4 Policies 14 and 16.
2. The Moray Local Landscape Review Designation Review for the Burghead to Lossiemouth SLA specifically states that development should be of the highest quality and of a scale and style that reflects buildings within the original core of the settlement. It is noted that proposed extended box dormer and new rear box dormer would have a detrimental impact on the character of the wider SLA and is therefore not considered to comply with MLDP 2020 policy EP3 and NPF4 Policy 4.

**LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT**

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

<b>Reference</b>	<b>Version</b>	<b>Title</b>
220104.BRENNAN.03PP	A	Proposed elevations floor plan site and location plan
220104.BRENNAN.04PP	B	Proposed side elevation

**DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL,  
AS AGREED WITH APPLICANT (S.32A of 1997 ACT)**

Additional plans submitted to show missing elevation and missing detail from elevation.

**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](http://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.