



LOCAL REVIEW BOARD

STATEMENT OF APPEAL

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

July 2023

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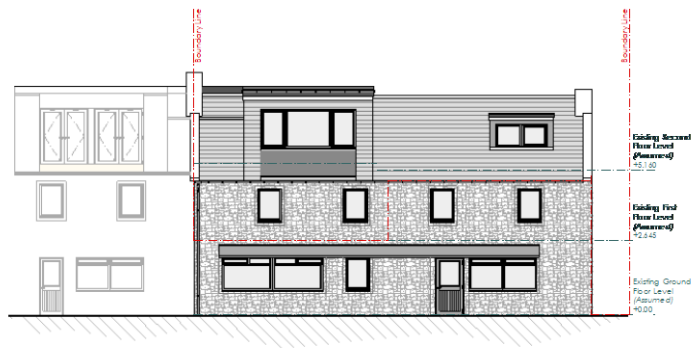
Our Reference:	220104.BRENNAN
Local Authority:	Moray Council
Planning Application Ref:	23/00132/APP
Application Proposal:	Consolidation of two existing mismatched dormers into one box dormer to balance the front elevation; dormer to rear; & and small rear extension containing a boot room.
Site Address:	9 Pitgaveny Street, Lossiemouth
Appellants:	Ms. Brennan
Date Application Validated:	30 th January 2023
Council Decision Notice Date:	17 th April 2023
Reason for Refusal:	<ol style="list-style-type: none"> 1. <i>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 an overdevelopment of the existing front and rear roofplans and as such would fail to comply with MDLP2020 Policy DP1 and NPF4 Policies 14 & 16</i> 2. <i>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 settlement. It is notes that the proposed extended 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.</i>

<p>Application Drawings & Supporting Documents:</p>	<p>DOC001 – CMD Drawing – 220104.BRENNAN.01 SV A DOC001 - CMD Drawing – 220104.BRENNAN.03 PP A DOC002 - CMD Drawing – 220104.BRENNAN.04 B DOC003 – 3D Proposals DOC004 – Decision Notice</p>
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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 a:

Refurbishment of Seafront Apartment to consolidate existing poorly constructed dormer arrangement and enhance the streetscape.



- 1.2. The existing property consists of accommodation over two stories with access via the private garden, to the rear.
- 1.3. The application was refused as it incorporated a box dormer which is not acceptable under the wider LDP. However, a blanket refusal overlooks a unique opportunity to significantly improve an existing, poorly designed, and constructed box dormer arrangement.
- 1.4. Despite the existing property hosting various sizes and styles of dormer, the application for form a new, consolidated dormer arrangement was refused due to current planning policy that resists "box dormer" proposals. This blanket refusal has been applied without consideration of the existing context, and this opportunity has been missed to significantly improve the performance and appearance of the existing arrangement.

2. Development Needs

- 2.1. The existing house layout at No. 9 Pitgavney Street has evolved, over many years, in an ad hoc fashion to give rise to the impractical arrangement of Kitchen, Bedrooms and Bathroom on the lower floor, and Living/Dining Areas with Conservatory on the upper floor. In addition to the useable upper floor rooms there are also two unusable small rooms leading off the main Living area, currently being used for storage as insufficient head-height and daylight prevent any more meaningful use.
- 2.2. Internally, the ad hoc evolution of this property has resulted in an impractical arrangement meaning that the appellant must carry food and drinks from the Kitchen up a flight of stairs to the main Living and Dining areas.
- 2.3. Externally, the ad hoc evolution of this property has also resulted in two mismatched box dormers to the front elevation:



Existing Elevation



Proposed Elevation

- 2.4. The thermal performance of the property is poor, and the existing conservatory, to the rear, is rendered unusable for much of the year due to excessive heat, or cold, season depending:
- 2.5. The appellant seeks to replace the two poorly constructed, non-symmetrical and mismatched box dormers with one, thermally efficient dormer, providing a more balanced elevation and more in keeping with other examples of historic box dormer seen in the wider area.
This consolidated dormer design also brings the two unusable internal rooms into use and brings the internal layout of the house together perfectly.
- 2.6. Significant **material considerations** exist in the context of this application and appeal and can be summarised as follows:
 - Whilst new Box dormers are not acceptable under DP1 (g), these proposals do not seek approval for a new box dormer to a previously undeveloped roof, but instead seek to replaced two poorly constructed mismatched existing box dormers, with one single, more sympathetic dormer.

- The proposals pay attention to the local architectural style and seek to replace the current disjointed arrangement with a single dormer design more widely seen in the surrounding area.
- The proposals provide an opportunity to significantly upgrade both the appearance, and thermal performance of the property representing a significant investment in the property's long-term value, and Moray's requirement for local, good quality housing.
- All proposed works can be undertaken in a self-contained manner, within the appellants property, and need not infringe on any neighbouring properties to the side, or below.
- The proposals present no change to existing overshadowing or overlooking created by the property.

2.7 This Statement of case will not only address the reasons for refusal identified in the rejection notice but will also seek to demonstrate why these particular reasons for refusal could be described as perhaps punitive when considering how much additional utility and amenity the appellant stands to gain, whilst amending the existing elevation to one more appropriate to the local architectural style.

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 As stated earlier in this Statement there are significant **material considerations** to be aware of in this case and are repeated here for the sake of clarity:
- It is important to note that two box dormers are already in situ on the front elevation.
 - The proposals provide an opportunity to replace the two existing box dormers with one single dormer.
 - The proposals provide:
 - I. Improved adherence to the local architecture styles and other examples of historic box dormers in the area.
 - II. Improved thermal performance to the property providing higher quality housing and representing a significant investment in long term value.
 - III. Improved utility, design, quality and place for the appellant
 - IV. Minimal disruption to neighbouring properties and no change to overshadowing or overlooking.
- 3.3 There are many examples of larger existing dormers on Pitgaveny Street and the wider area. These examples are usually one single box dormer as seen below:



2 Clifton Road



6 Clifton Road

Or symmetrical dormers that are balanced on the elevation:



The ad hoc evolution of this property has resulted in an elevation that complies with neither of these local architectural styles. As previously shown, the existing dormers are unbalanced, and mismatched:



- 3.4 During the design process it was found to be unfeasible to provide the desperately needed head height with pitched roof dormers without significantly raising the ridge line. A box dormer replacement regime is the only viable option to provide the much-needed improvements to the home.



Examples of Zinc Clad Dormers

- 3.9 The proposed replacement dormer extrapolates the proportions of the existing, larger dormer and creates no issue with overshadowing, or overlooking.

4 Reasons for Refusal

- 4.1 The handling report suggests that the general refurbishment and alteration proposed are acceptable to the Planning Case handler, however, the dormer proposals are the principal reason for refusal.
- 4.2 Despite the general approval in principle demonstrated in this Statement of case, the current application has been refused on the grounds of **the following issues**.
- 4.3 The appellant requests that this appeal be considered upon the basis of the material matters raised but for the sake of protocol, responds directly to the matters of refusal as follows.

4.4 REASON FOR REFUSAL NO 1 - *Failure to comply with DP1 (g) – no box roof dormers, MDLP 2020 Policy DP1 Overdevelopment.*

- 4.4.1 Policy DP1 applies to all development, taking into account the nature and scale of a proposal and individual circumstances. It is applied to the impact a development will have on: Design; transportation; and Water Environment, Pollution & contamination. This application was refused for the inclusion of a box dormer, which is not acceptable under DP1 Design criteria. There was no objection to Transportation or Environmental impact as a result of the proposals.
- 4.4.2 Whilst it is recognised that proposals for **new** Box Dormers appear contrary to DP1 (g), these particular proposals are unique and present the opportunity to significantly improve the integrity of the **existing** box dormers.
- 4.4.3 The replacement of the two existing box dormers with one single box dormer does not create a risk of precedent for the use of box dormers.
- 4.4.4 The existing two box dormers are already in situ. It seems counter to the objectives of the LDP to lose the opportunity to provide a significantly improved property in terms of architectural merit, compliance with local vernacular and thermal performance in order to retain two unattractive box dormers that are also contrary to DP1 (g), and considerably poorer in design and thermal capabilities.
- 4.4.5 As shown above, there are multiple examples of large single box dormer roofs in the surrounding area. The extrapolation of the scale of the existing dormer has been utilised to provide improved symmetry to the elevation and to bring the dormer arrangement more inline with the local architectural style.
- 4.4.6 In conclusion, there will be a box dormer/s on this roof. These proposals provide Counsellors an opportunity to approve a box dormer that more closely aligns with the wider objectives of the LDP, rather than retain the existing ad hoc arrangement.

4.5 REASON FOR REFUSAL No 2 - Failure to comply with NPF4 Policies 4, 14 & 16.

4.5.1 the National Planning Framework 4. Lays out the Scottish Ministers' policies and proposals for the development and use of land.

Policy 4. – Policy 4. Seeks to control impact on the natural environment and preserve the integrity of the area.

- a) These proposals will not have an unacceptable impact on the natural environment. The scale and type of the proposals have been carefully considered and influenced by the local architectural styles, to reinforce local identity.
- d) (i) These proposals will not have a significant adverse effect on the integrity of the area, or the qualities for which it has been identified.

Policy 14. – Policy 14. Seeks to improve the quality of an area, regardless of scale, and create development that is consistent with the six qualities of successful places: Healthy; Pleasant; Connected; Distinctive; Sustainable; Adaptable.

- a) The proposals have been carefully considered to improve the quality of the existing box dormers, both in architectural merit, thermal performance, and in accordance with the other existing box dormers within the area.
- b) (i) Pleasant: the proposals seek to support natural and built spaces, by upgrading the existing dormer arrangement to one more aligned with the objectives of the LDP.
(ii) Distinctive: the proposals have sought support the local architectural style, by interpreting the prevalent style of existing box dormer whilst referencing the more modern elements of design which are now rejuvenating the Esplanade and wider area, therefore reinforcing the identity of the local area.
(iii) Sustainable: the proposals seek to significantly improve the thermal performance of the home, to mitigate the effects of overheating in summer, and reduce fuel consumption.
(iv) Adaptable: the proposals demonstrate commitment to a significant investment in the long-term value of the property, and wider area.

Policy 16. – Policy 16. Seeks to ensure that proposals bring benefit and do not have a detrimental impact on character, environmental quality, or neighbouring properties.

- g) (i) The proposals do not have a detrimental impact on the character or environmental quality of the home and surrounding area. The scale, design and materials of the proposals have been considered to reinforce the local architectural style, and to improve the thermal performance of the property.
(ii) there is no impact on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

4.6 REASON FOR REFUSAL No 3 - Failure to comply with MDLP2020 EP3

Policy EP3 – Seeks to preserve the special qualities of the designated area, and ensure proposals reflect the traditional settlement character.

Proposals reflect the settlement character in terms of siting and design. The proposed design provides a box dormer arrangement more in-keeping with the prevalent design in the surrounding area.

5 Conclusion

5.1 This Statement of case has established the following:

- **Whilst new Box Dormers are not supported within the Local Development Plan, these proposals provide an opportunity to replace two unsightly, existing dormers with a more sympathetic and thermally efficient arrangement.**
- **The scale of the proposal has been carefully considered to reinforce identity and pays attention to local architectural style of symmetrical box dormer design.**

5.2 The Appellant contends that the current proposals present the only feasible alternative to the existing box dormer design, and allows for significant improvement in utility and thermal performance for the homeowner.

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