

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name Andrew Kelly
 Address "Stargate" Pinefield Crescent Elgin
 Postcode IV30 6HZ
 Contact Telephone 1 [REDACTED]
 Contact Telephone 2 [REDACTED]
 Fax No
 E-mail* [REDACTED]

Agent (if any)

Name
 Address
 Postcode
 Contact Telephone 1
 Contact Telephone 2
 Fax No
 E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

The Moray Council

Planning authority's application reference number

10/01569

Site address

"Stargate" Pinefield Crescent Elgin IV30 6HZ

Description of proposed development

Extension to existing house

Date of application

15th February 2011

Date of decision (if any)

26th November 2010

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

That the extension conflicts with the character of the existing house. And that the development will set an undesirable precedent for similar types of extensions to properties in the surrounding locality.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

The reasons given for planning refusal were:

1. The proposed extension significantly conflicts with the character of the existing house in terms of scale, proportions and design. As such the resulting development would have a significant adverse visual impact on the appearance of the existing house.
2. The erection of the development within this location will set an undesirable precedent for similar types of extension to properties in the surrounding area

On point 1:

We had a few meetings with a member of the planning department to make sure they were happy with the plans. We were asked to amend the extension proposal and reduce the ridge height of the extension to match the existing roof height, and one of the front roof windows, as they were not deemed to be in keeping with the existing building. We got our architect to amend the original drawings with these changes in mind and we submitted the new plans with all the changes as directed by the planning officer back to the council. When we gave the plans to the planning officer we were led to believe that these changes were suffice to enable the planning permission. We had no further communications from the planning officer and we would not have known the out come if it had not been for a chance encounter in the council buildings with the planning officer who told us that the planning application had been refused. She told us that she would look into why we had not received the letter. It turned out that the letter should have been sent out but due to short staffing in the department it was overlooked had not sent out to us until about 3 weeks after the refusal date of the 26th of November. If we had have know about the likely hood of the refusal we would have been more than happy to discuss further with the planning officer any changes which would have been necessary to the plans, which we were led to believe they were happy with.

On point 2:

In the immediate vicinity of our house (within 100m) there is one other bungalow, an old hotel, two 1 ½ storey houses, two housing estates each with a different design of 2 storey houses. We are also on the edge of Pinefield industrial estate, which has buildings of different shapes and forms.

Our bungalow is the only one of the two that has the land and space for this type extension as although similar in looks both bungalows have a totally different layout and garden space.

There is no chance of setting an undesirable precedent for similar types of extension to properties in the surrounding area as there are no other houses of our type in the area except our neighbour but as stated above they do not have the ability to replicate the proposed extension.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Location plan (Submitted to council as part of planning application)
 Original Elevations, Sections, Block plan. (Submitted to council as part of planning application)
 Original Elevations, Floor plans, Foundation plan. (Submitted to council as part of planning application)
 Resubmitted Elevations, Sections, Block plan. (Submitted to council as part of planning application)
 Resubmitted Elevations, Floor plans, Foundation plan. (Submitted to council as part of planning application)

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at Council Office, High Street, Elgin until such time as the review is determined. It is also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

A Kelly

Date

15th February 2011