

**Planning (Appeal) Objection**  
**Online Appeal Ref: 000039456-001**  
**Application 11/02022/PPP**  
**(Demolish Flat and erect 4 no residential units)**

**Our Ref: 22-05-12**

**Planning Department**  
**Moray Council**

**22 May 2012**

Dear Sir/Madam,

We write to formally submit objection to the appeal in relation to **Planning Application Ref: 11/02022/PPP** as neighbours of the proposed application.

We believe the appeal has no basis for which consideration could/should be given to overturn the original decision of Moray Council on 29<sup>th</sup> February 2012.

We submit again our original objection papers (appendix 1) and in response to the appeal would add the following information:

1. The original refusal notes one reason due to overdevelopment of the site. We would respectfully submit that the refusal should also be on the basis of flood risk as noted within consultations received from Moray Flood Alleviation and SEAPA.
2. Sect a (1) and a (3) of the applicants appeal addresses loss of privacy. Our original objection remains. Loss of privacy is from a proposed development that directly affects us and our neighbours. The mention of the sale rooms is an irrelevant miss-direction. That application has implications for us for which conditions have been made. It does not affect us in the same manner as four properties directly behind our own property. There would be overlooking

properties from various angles and an increase of cars and people which would indeed affect our privacy. We stand by our position and support the Councils approach.

3. Sect a (2) of the applicants appeal makes what would seem a factual statement that there would be no loss of light. A factual statement in this manner cannot be made as these properties would indeed cause a loss of light, especially from the South of our property and certainly to our neighbours. As this was noted by the Council we again support their views and again reinforce our original objections.
4. Sect a (4) of the applicants appeal makes reference to flooding yet both Moray Flood Alleviation and SEPA have objected to the application on Nationally ratified policy. We do not see how such an issue can be argued against.
5. Sect a (5) of the applicants appeal makes several statements for which compass direction would be called into question. Tytler Streets layout is as noted within our original objection and that of Moray Councils view. We remain concerned that the proposal is overdevelopment of the site as noted by Moray Council in their refusal of this application.
6. Sect a (6) of the applicants appeal refers to a 1.5m separation from our property to the proposed new boundary as being adequate for maintenance. Our property is extremely high which would need either scaffold or high-reach equipment for high level access/maintenance. The use of a ladder would not be possible as 1.5m is not a safe distance in which to rest a ladder at such heights. We are pleased that Moray Council recognises this and we stand by our original objection.
7. Sect a (7) of the applicants appeal makes comment that the proposed development is not over development. We would submit that this argument has already been successfully made by us and recognised by Moray Council in their refusing the application on that basis. We stand by our original arguments and would further add that we disagree with the applicant's statement of "it must be argued". Argued by who; the applicant who does not and will not live there and has little or no concern or in no way would be affected by this proposed development? It certainly does affect us and our neighbours.

8. Sect b (1) of the applicants appeal states that there are no detached dwellings to the North or East of the site. We would suggest again the need of a compass. Detached and semi-detached properties do populate the area and further flatted developments would impact on this area and our own immediate area.
9. Sect b (2) of the applicants appeal is again making reference to the site to argue that it is not over development for which we agree with Moray Council that it is. We feel concerned at the applicants appeal making reference to the site being the “former function suite” as opposed to it being a residential flat/property as described in their application under section 8. We trust that this is not a deliberate attempt to soften the impact of what is being proposed.
10. Sect b (3) of the applicants appeal notes issues with flooding again for which we feel we have made strong reference to.

Based on our original objections (appendix 1) and these concerns directly associated with the applicants appeal; we would ask that the refusal is upheld and that further consideration is given to applying refusal on the basis of flood risk as already noted.

Again, we make clear that a proposal on a significantly lower scale such as a single dwelling may be a consideration which would form a different opinion from us.

Yours sincerely,

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