

**ERECT NEW DWELLING HOUSE IN GROUND ADJACENT TO 76
BRUCELAND ROAD, ELGIN.**

PROJECT NUMBER AND OUR REFERENCE 11-69

**MORAY COUNCIL PLANNING REFERENCE NUMBER
12/00798/APP**

CLIENT/APPELLANT MR KEITH VINCENT.

REVIEW STATEMENT

PROPOSAL.

The proposal is to erect a new dwelling house in the grounds of 76 Bruceland Road, Elgin. Mr Vincent was recently widowed and finds the large garden difficult to maintain. An attempt to sell the house resulted in the same reasons offered for not purchasing the property, which was due to the large amount of garden there is to maintain. This is a speculative venture by the Appellant who finds that due to the recent banking crisis he cannot sell the property nor can he afford to maintain it due to there being little or no interest on his life's savings. Selling off a plot of ground appeared to be the answer.

POLICIES.

The current Moray Council Local Plan Document has a section specifically for sub-division of dwellings which is quite specific as to the requirements needed to satisfy sub-division policies.

POLICY H3 This Policy states **that “new housing within settlement boundaries will be acceptable if; a) it does not adversely impact on the surrounding environment, and b) adequate servicing and infrastructure is available”.**

RESPONSE. Every consideration was given to the positioning of this proposed site. Both neighbours were consulted and the position of the house was set back slightly to allow maximum daylight to the house to the west of No 76. The design of the house was based on the parent dwelling which is a single storey dwelling house with pined roof. In every way, this proposal conforms to Policy H3. All services are next to the proposed plot therefore servicing is not an issue.

POLICY H4. This policy states that “Proposals for sub-division of housing plots in those areas where there is no specific embargo, will be acceptable if the plot sub-division is less than 50% of the original plot; if the plot is not a backland site; and, if the site provided is at least 400 square meters excluding access. The house style must compliment the character of the area as well as the scale and architecture of the parent property”.

RESPONSE. This plot is rectangular in shape and exceeds the 400 square meters required under Policy H4. The plot is far less than the 50% maximum permissible and is not in any shape or form backland development. The design of the new house which is only a suggestion of how the new dwelling could look, is based on the majority of dwellings in that specific locality but especially the parent property and the houses either side of the parent property. Again, in every way this proposal conforms to the Policy H4.

PRECEDENCE. We refer you to Planning Application number 09/00575/OUT approved on 30th June 2009 and also Planning Application number 09/01886/APP approved on 4th December 2009. This is for a sub-division of a house at St Ola on the corner of Pluscarden Road and Fleurs Drive. Consent was granted for this application on an irregular shape of ground barely 9 meters in width. The proposed site has a width of 12.8 meters and is a rectangle in shape. Moray Council have granted approval for this development not 500 meters from our proposed site where the approved site is two thirds the width of the Appeal site and is not a simple rectangle unlike the Appeal site. It is our contention that if the Council can approve a site less than 9 meters in width then 12.8 meters should not be an issue and a precedent has been set.

CONCLUSIONS/SUMMARY. We have clearly demonstrated that the proposals conform in every aspect of Policies H3 and H4 and that the planning officer was incorrect in refusing this application. There is a clear precedent set by Moray Council by allowing an even smaller irregular shaped site approval at St Ola on Pluscarden Road. This fact cannot be ignored.

If Moray Council have a Local Plan Policy document to give guidance to the public and agents then they have a duty to issue consents when a proposal conforms fully with these Policies. Granting consent for a smaller site with irregular boundaries has clearly set a precedent. However, the Appeal site stands up alone in that every part of policies H3 and H4 comply fully