

**Request for Review of Refusal of Planning Application
ref 13/00158/PPP
One and a half storey extension at Southview, The Wyndies, Garmouth
Fochabers**

CONTENTS

Introduction

Summary of Reasons for Review

Analysis of Report of Handling – (observations, assessment of proposal)

Analysis of Reasons for Refusal

Analysis of Policies

Overall Conclusion

Appendices

INTRODUCTION

The argument for requesting a review for this application ref 13/00158/PPP is based on an analysis of

- The officers Report of Handling
- The reasons for Refusal
- The Policies upon which they are based
- The Character of the Garmouth Conservation Area

The issues requiring review are set out in of our analyses and our overall conclusions.

SUMMARY OF REASONS FOR REVIEW

- The Report of Handling is mistaken in many of its observations and interpretations
- The Council has not followed government guidance PAN71 in appraising and defining the character of the conservation area.
- As a result the Council's interpretation of policy BE3 is not soundly based and cannot provide a proper and fair basis upon which to assess whether the proposal preserves or enhances the character of the area
- The Council does not give due weight to the degree of traditional elements incorporated in the design of the extension
- The Council overestimates the visual impact that the extension will make
- The proposal does not contravene policy H5
- The proposed extension does not contravene policy BE3
- The proposed extension does not contravene Policy IMP1
- There are no objections from consultees or neighbours.

ANALYSIS OF REPORT OF HANDLING -OBSERVATIONS – ASSESSMENT OF PROPOSAL

We believe the Report of Handling (see Appendix 4) be mistaken in a number of its observations interpretations and conclusions.

In **Para3** the Report acknowledges that the bulk of the extension approved on Grianan next door to the Review site is generally hidden to public view. This is not entirely true as it can be seen from the bus stop on High Street (Appendix 7 photo 3) and of course it can be seen very clearly from our client’s house. In neither case does Grianan have a detrimental effect on the conservation area.

Our client’s proposed extension will only be glimpsed briefly and partially from the gateway on the Wyndies and will make no more impact than that approved at Grianan. (see photomontage of proposal“ View looking east from The Wyndies,” submitted with planning application also below) This montage has been computer generated using dimensions of the existing property and photographs of the site. We therefore consider the montages to be a reasonably accurate representation rather than an artist’s impression



Grianan

Southview

In **Para 7** the Report refers to the “*sheer bulk,*” of the extension. This will be no greater than the extension on Grianan (Appendix 7 photo2) and will be positioned well off the Wyndies and facing on to the one and a half storey of Grianan. The mass of the proposed extension will therefore be largely out of public view and have little impact on the rest of the Conservation Area.

In **Para 7** the Report refers to the extension looking “*excessively large,*” “*overdominant of the cottage in terms of wallhead and ridge heights*”, having an,” *excessively wide gable,*”and, “*a poor visually weak link,*” between the old and the new. However other than making these assertions the Report does not does not go on to demonstrate why these issues are out of character with or harmful to the Conservation Area. We on the other hand contend that larger gables have been approved and attached to smaller cottages within the Conservation Area and that wallheads and ridges of varying heights

have been mixed in the one building quite acceptably in the Conservation Area (see Appendix 7 photos 1,2,3,4,7,9,10,12)

With regard to the alleged, “ *poor visually weak link*,” we would contend that the link is quite the opposite. The proposed extension is expressed boldly by a merging of the old to the new using traditional detailing in the form of slates, ridges, dormers, skews and a triangular light. The merging of differing wall head heights is found elsewhere in the Conservation Area (Appendix 7 photos 1,2,7,8,9,10,11,12) As a result of this the extension although largely hidden from public view will be visually bold/strong and provide interest.

Para 8 of the Report refers to a need under policy to, “*preserve or enhance the established traditional character and appearance of the Conservation Area.*” However nowhere in the report or in the Local Plan is the character of the Conservation Area defined or described. The reasons for refusal depend substantially on an assessment of the “character of the conservation area,” yet the Council has not disclosed what it understands the character of the Garmouth Conservation Area despite the government guidance contained in PAN 71 (see Appendix 9) For this reason we believe the Council’s case as it stands is almost groundless.

The analysis of Conservation Areas and definition of their character is a fundamental exercise in Town Planning. As Chartered Town Planners and Architects we for our part offered our professional opinion as to the character of Garmouth Conservation Area in the supporting Statement attached to our original submission. (Appendix 3) The Council has failed to do likewise. Now that our client’s application has been refused we believe we are entitled to elaborate on the character of the conservation area by way of legitimate defence of our client’s proposal.(Appendix 6 New Information)

In **Para 10** the Report asserts that “*the style scale and proportions*”*fail to respect those of the existing cottage by “resulting in a clumsy extension,”* which, “*fails to visually link*” The extension may well be higher but it is not clumsy. As stated above the extension is expressed boldly by a merging of the old to the new using traditional detailing in the form of slates, ridges, dormers, skews and a triangular light. This attention to detail is hardly an exercise in clumsiness. Rather it is an exercise in respecting the character of the existing building. These types of detailing are also to be found elsewhere in the Conservation Area where they contribute to its character

Para 13 refers to our preliminary enquiry. We did not agree with the interpretation of policy put forward by the Council at that time. After consideration our client felt that the Council had not at that stage presented compelling Local Plan policy reasons that would properly justify the refusal of a formal planning application. Furthermore the proprietor of Grianan had written to the Council confirming that she had no objection to our client’s proposals. (See Appendix 10)

Para 14 We assume that this refers to our photograph of the old rear extension to Stewart Place (Appendix 7 photo1) . In our opinion this is an example of the fact that residents of Garmouth have been adopting this style of extension and roof junction for a long time.

REPORT OF HANDLING , DOCUMENTS, ASSESMENTS etc

Comment

For the avoidance of doubt the Supporting Statement in this section of the Report of Handling is in fact the supporting argument we submitted along with the application

There have been no objections from consultees, members of the public or the community Council

Conclusions arising from Report of Handling

- We have demonstrated that the proposed extension will not be conspicuous to the public view
- The gable will not be seen other than from Grianan
- There are a mixture of ridge heights and wall heads in the Conservation Area. They all contribute to its organic character.
- The visual link between the extension and the existing building is visually strong and not weak. It is also a style that has been used and approved elsewhere in the conservation area
- The Council has attempted to argue that our client's proposal is contrary to the character of the Conservation area without first of all providing a proper analysis and definition of the Character of the Garmouth Conservation Area upon which to base its assessment.
- The Council has not followed the national Guidance contained in Pan 71 which requires Councils to carry out Conservation Area Appraisals The Council therefore provides no proper basis upon which to justify this refusal.
- We have provided a definition of the character of the Conservation Area which the Council has not discussed or challenged
- We have demonstrated the Council's suggestion that the proposed extension is "clumsy," is mistaken
- There are no objections to the extension from consultees, neighbours or the community Council
- The proprietor of Grianan has written in support of the proposal

ANALYSIS OF REASONS FOR REFUSAL

The reasons for refusal state :-

“The proposed development is contrary to the policies BE3: Conservation Areas, H5: House Extensions and IMP1: development Requirements in that:

1. The proposed extension fails to meet the requirements of the policies in terms of scale and character of the development in relation to those of the existing single storey traditionally proportioned cottage and the character of the Conservation Area.

2. The style, scale and proportions of the new extension fails to respect those of the existing cottage which results in a clumsy extension which fails to visually link with and respect the cottage.

The conflict between the scale, proportions and gable width of the proposed extension in relation to those of the existing cottage will result in an unacceptable development which fails to preserve or enhance the appearance and character of the Conservation Area..

*3. Despite being located to the rear of the property the bulky extension will dominate when viewed against the existing cottage.
The development will result in an extension looking excessively large and over-dominant of the cottage in terms of wallhead and ridge heights, an excessively wide gable in relation to that of the cottage and a poor visually weak link between the new and the original structures.”*

Comment on Reasons for Refusal

Each of the reasons asserts that the proposed extension does not meet certain policy requirements. However there is no explanation in any detail from the Council as to :-

- how the scale and character of the existing cottage is not respected
- why the extension is “clumsy”
- the nature of the “visual link
- what makes the, “ visual link,” weak
- the character of the conservation area

Nor do the reasons for refusal demonstrate convincingly why an extension located to the rear of properties will dominate the existing cottage in a detrimental way or why it will harm the character of the Conservation Area.

We believe our argument is more convincing in terms of policy

Our client occupies a small cottage which has been the subject of earlier extensions which because of the narrow gable width prove difficult to extend without disproportionate loss of space by provision of corridors. He was keen not to extend into the front garden which is open to public view but chose to make best use of land to the

rear by creation of an extension into an upper floor. This produced a solution that has been used and approved by Moray Council before in the Garmouth Conservation Area.

In considering and refining the design solution we analysed the character of the Garmouth Conservation Area (Appendix 7 photos 1and 2).

In our supporting statement accompanying the planning application we have already, as a result of observation and analysis stated :-

“In terms of Policy BE3 the established existing character and appearance of the Garmouth Conservation Area derives from its eclectic mix of buildings of differing styles and sizes laid out on an informal organic network of streets and lanes.” (Appendix3)

Council appears to have dismissed our definition of the character of the conservation area without comment. While onsite observation has been available to the Council from the outset we now feel bound to illustrate the “eclectic mix of buildings of differing styles,” by way of annotated photographs (Appendix7)

The Garmouth Conservation Area is an arrangement of streets, lanes and buildings which have essentially grown over the centuries in an organic fashion. Garmouth is not a rigidly planned settlement which conforms to a grid pattern of streets with set piece vistas and buildings such as Keith. The lanes of Garmouth in particular are tortuous and full of hidden surprising buildings each individual in style and sometimes a little unorthodox. This is what gives Garmouth its unique character and charm. All of this is evident from our photographs and from a walk through the area.

The Council has not presented any analysis of the character of the Garmouth Conservation Area despite the fact that this is an essential step in any attempt to implement Policy BE3 and is recommended in Government Guidance PAN 71 (Appendix 9). Put simply, it is not possible to say what preserves or enhances the character of an area if one has not first of all considered and explained that character in some detail.

The Councils argument therefore lacks a firm basis. It is expressed in vague generalized terms in relation to scale proportion etc without any demonstration or examples of what the Council means by the character of this conservation area or the character of the existing building at Southview.

As a result of our definition of the character of the Conservation area we have incorporated traditional materials, forms and techniques in order that the extension would reflect the character of the conservation area . In so doing our client has

- made imaginative use of restricted ground available
- copied a style already used traditionally
- merged wallheads and ridges in a manner used previously in the conservation area
- incorporated traditional dormers and

- added a triangular stairlight to add interest and reduce roof projections

The overall result reflects many of the buildings and extensions to be found in the lanes of Garmouth i.e. individual, quaint, interesting and not overbearing

Conclusion in relation to Reasons for Refusal

The Council's reasons for refusal are not soundly based :-

- they do not define or explain the character of the Garmouth Conservation Area
- they provide no basis upon which to properly assess whether the proposal preserves or enhances the character of the area
- they do not follow government advice contained in PAN 71.
- they fail to provide any understanding of the character of the Garmouth Conservation Area
- they do not give due weight to the degree of traditional elements incorporated in the design of the extension
- they overestimate the visual impact that the extension will make

ANALYSIS OF POLICIES

1. Policy H5 of the Moray Local Plan 2008 states :-

“POLICY H5: HOUSE ALTERATIONS AND EXTENSIONS

House alterations and extensions will normally be approved if the appearance of the house and the surrounding area is not adversely affected in terms of style scale proportions or materials.

The question to be answered in relation to this policy therefore is

- whether the proposed extension adversely affects the appearance of the appearance and character of the house and the amenity of the surrounding residential area in terms of style, scale, proportions or materials

It is our opinion that the proposed extension has no such adverse effect for the following reasons :-

- Southview is a small property that has been extended before. Other properties of similar characteristics have been extended in a variety of similar ways throughout the Conservation Area.
- Grianan adjoining to the north has a two storey extension to the rear which employs a similar type of roof and ridge convergence. (Appendix 7 photo2) Stewart Place to the south west has also been extended to the rear (some considerable years ago) employing a similar variation of this convergence of roofs (Appendix7 photo 1). A more recent bungalow in the conservation area also displays another version of this type of roof joint (Appendix7 photo7) . From this one can conclude that this manner of joining roofs of differing ridge heights is a feature of the Garmouth Conservation Area that has been approved by the Council and therefore cannot be said to adversely affect the Conservation Area
- The proposed extension includes a natural slate roof, skew tabling and white rendered walls all of which are to be found in the existing house. The windows and door openings are traditional in form and blend well with those of the existing house. (see the two photomontages accompanying planning application) Again this does not offend the original house or surrounding area.

In terms of overall massing the extension will not dominate the most public view of the house as seen from South Street where only a modest sloping well detailed triangle of slates incorporating a small triangular rooflight will be seen. This does not affect the character of the house far less the surrounding area . (see photo montage of proposal entitled “View looking north from South Road,” submitted with planning application – also below) This montage has been computer generated using dimensions of the existing property and photographs of the site. We therefore consider the montages to be a reasonably accurate representation rather than an artist’s impression.



- The proposed gable is broader and higher than those of the original house but this new gable while well detailed and not unsightly will only be seen in public view from the west at the gateway to Southview off the Wyndies. This view is illustrated in the application (see photomontage of proposal entitled “view looking east from the Wyndies also below).



- In our opinion this narrow view which comprises Grianan, its garage to the rear, the proposed extension and Southview itself creates quite a pleasing and interesting composition of traditional elements also to be found elsewhere the conservation area. This does no harm to Southview or the surrounding conservation area
- The new gable will be screened in the long view from the bus stop by Grianan (Appendix7 photo3)
- The new gable will of course be seen from Grianan which has a larger rear extension of similar height. The owner of Crianan has no objection to the proposal.

Conclusion in relation to Policy H5

- The proposal does not affect the appearance and character of the house and the surrounding residential area in terms of style, scale, proportions or materials and therefore does not contravene policy H5

2. Policy BE3 of the Moray Local Plan 2008 states :-

“POLICY BE3: CONSERVATION AREAS

Development proposals within Conservation Areas will require to be submitted as full detailed planning applications and will be refused if they adversely affect the character or appearance of the Conservation area in terms of scale, height, materials, colour, detailed design and use. All development within a Conservation Area should preserve or enhance the established traditional character and appearance of the area.

Development proposals involving the demolition of buildings within a Conservation area will be refused unless the building is considered not to make a positive contribution to the character and appearance of the area. Where redevelopment is proposed, consent to demolish will only be granted where there are acceptable proposals for the site. Conditions will be attached to any planning permission/conservation area consent prohibiting demolition until contracts have been let for the redevelopment of the site.

Boundary walls, fences and ground surfaces must relate to the individual building and to the established amenity of the Conservation area. Boundary walls and fences will not be permitted over the height of 1 metre in the interests of existing character, amenity and safety unless the character of the area suggests otherwise (the remainder of the policy does not apply to this situation and is therefore not quoted

Comment in relation to Policy BE3

The Council has acknowledged that it cannot deny applicants their right to submit a planning application in principle by insisting on the submission of full detailed planning applications in Conservation Areas. This was discussed in detail with the Council prior to submission resulting in a decision by the Planning and Regulatory Committee of Moray Council on October 9th 2012. The Council’s email of October 29th 2012 and registration letter of Feb 13th 2013 both confirm the Council’s acceptance of this planning application in principle

The question to be answered in relation to this policy therefore is :-

- Whether the proposed extension preserves or enhances the established traditional character of the conservation area

Firstly we note that the policy only requires that the proposal should and not that it must and preserve or enhance and secondly there is only a requirement to preserve or enhance not both.

It is our opinion that the proposed extension is such that it preserves and does not harm the traditional character of the conservation area for the following reasons

- Traditionally buildings have been built to fit small or oddly shaped pieces of ground in the conservation area (Appendix 7 photo 13). All of this adds to the individual character of the area. The Review Site is a small area of ground out of the main public view which our client wishes to develop. These limitations constrain and affect the final design and this in turn produces individual character as has been the case with many other building in the conservation area..
- We have already explained how the design of roof convergance has been borrowed from examples that exist in the conservation area
- We have also explained how the mass of the extension is almost hidden and in any case makes little if any visual impact on the character of the conservation area
- Also we have described how the extension incorporates materials detailing scale and proportions used elsewhere in the conservation area
- A walk round the Conservation area and in particular the Wyndies will expose all manner of differing and interesting building detailing both old and new that all add to the interest and character to be found in this conservation area. This proposed extension when viewed will just be another of these idiosyncracies that continue in character.

Conclusion in relation to Policy BE3

- The proposed extension does not harm the character of the Garmouth Conservation Area. It preserves the character and in our opinion adds a modest degree of interest and enhancement to the ongoing organic growth of the conservation area. The proposal does not contravene policy BE3

3. Policy IMP1 of the Moray Local Plan 2008 states :-

POLICY IMP1: DEVELOPMENT REQUIREMENTS

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

a). the scale, density and character must be appropriate to the surrounding area, ”

..... (the remaining sections of this policy do not apply and are therefore not quoted)

Comment in relation to Policy IMP1

The question to be answered here is :-

Whether the proposed extension is appropriate to the surrounding area in terms of scale density and character

Conclusion in relation to Policy IMP1

- In analyzing policies H5 and BE3 we believe we have answered this question already and therefore the proposed extension does not contravene Policy IMP1

OVERALL CONCLUSIONS

- The Report of Handling is mistaken in many of its observations and interpretations
- The Council has not followed government guidance PAN71 in appraising and defining the character of the conservation area.
- As a result the Council's interpretation of policy BE3 is not soundly based and cannot provide a proper and fair basis upon which to assess whether the proposal preserves or enhances the character of the area
- The Council does not give due weight to the degree of traditional elements incorporated in the design of the extension
- The Council overestimates the visual impact that the extension will make
- The proposal does not contravene policy H5
- The proposed extension does not contravene policy BE3
- The proposed extension does not contravene Policy IMP1
- There are no objections from consultees or neighbours or the proprietor of Grianan.

The Review Board is requested to approve this application for all the reasons presented in this submission

APPENDICES

Appendix 1- Application Forms

Appendix 2- Application Plans

Appendix 3- Supporting Statement and Photos submitted originally

Appendix 4 - Council Report of Handling

Appendix 5- Refusal Notice

Appendix 6- New Information

Appendix 7- Annotated Photographs illustrating some elements that contribute to the existing character of the Garmouth Conservation Area

Appendix 8- Key to locations of Photographs

Appendix 9 - Extract from Government Advice Note PAN71 Conservation Management

Appendix 10 - Letter of support from next door neighbour

Appendix 1- Application Forms

Appendix 2 – Application Plans

Appendix 3 – Supporting Statement including 2 Photos originally submitted

Supporting Statement

Proposal in Principle to extend South View, The Wyndies Garmouth IG327GT

This proposal involves a one and a half storey extension to an existing single storey cottage which has previously been extended over the years. See attached photomontage. This montage has been computer generated using dimensions of the existing property and photographs of the site. We therefore consider the montages to be a reasonably accurate representation rather than an artist's impression.

The existing cottage is traditional in form.

In terms of Policy BE3 the established existing character and appearance of the Garmouth Conservation Area derives from its eclectic mix of buildings of differing styles and sizes laid out on an informal organic network of streets and lanes. In particular two examples of extensions (one long established and one relatively recent) employing the addition of a hipped roof at right angles to a lower ridgeline are to be found close to Southview. These are executed with traditional detailing and add to the lively informal mix of styles which comprises the character of the Garmouth Conservation Area.

The extension proposed will rationalise the existing accommodation at Southview and provide much needed additional space. The resulting extended building will be in many ways similar in character to its neighbour immediately to the north which is a relatively recently approved newbuild (photo No1) and an older property to the south west (photo No2). Like its neighbours this proposal is likely to add interest in a respectful way to the Conservation Area without any detrimental effect.

Appendix 4 - Council Report of Handling

Appendix 5 – Refusal Notice

Appendix 6 – New Information

New Information

We feel the need to present photographic evidence (Appendix 7) illustrating elements of the character of the Garmouth Conservation area that supports our original submitted contention that “the established existing character and appearance of the Garmouth Conservation Area derives from its eclectic mix of buildings of differing styles and sizes laid out on an informal organic network of streets and lanes,” because the Council’s refusal contains no definition of the character yet relies heavily on its undisclosed understanding of the latter in issuing the refusal.

In many respects the evidence we are now reinforcing is not new because it was always there on the ground around the site and available by observation to a planning officer during routine site inspection especially as we had highlighted the “eclectic,” nature of building in the area in our supporting statement accompanying the application.

The Review Board is respectfully requested to consider this photographic evidence

Appendix 7 – Annotated Photographs illustrating some elements that contribute to the character of the existing Garmouth Conservation Area

Appendix 8 – Key to locations of Photographs

Appendix 9 – Extract from Government Advice Note PAN 71 – Conservation Management

PAN 71 2004 Conservation Area Management Page 5

Understanding and Evaluating

Past approaches to conservation area management have too often been based on a limited understanding of the heritage resource involved. In some cases there has also been an overemphasis on regulation and a lack of clarity over priorities for improvement. 'Facelift' schemes which offer short term visual gain rather than more enduring, sustainable conservation, are common. Opportunities for positive planning and enhancement may be missed as a result. A pro-active approach is required.

An overall strategy or vision for each conservation area will help to determine priorities. Townscape audits and **conservation area appraisals** are useful tools for developing and implementing a management strategy. Townscape audits do not just apply to the historic environment but provide an analysis of the physical characteristics of the entire settlement. An understanding of the wider area is vital in the management of conservation areas. Townscape audits will identify the context, use and function of a conservation area and its relationship and importance to the surrounding settlement. Further information regarding townscape audits can be found in NPPG 18 and PAN 52.

Conservation area appraisals focus on areas which lie within existing or proposed conservation area boundaries. **They analyse what makes a place special** and assist managers in: defining and reviewing boundaries; identifying opportunities and priorities for enhancement; **assisting policy formulation**; ensuring consistent decision making and supporting funding bids. **An appraisal is a vital tool to enable the active management of conservation areas. Authorities should prepare one for each conservation area to assist the management process.** Further guidance on conservation area appraisals can be found in NPPG 18 and an appraisal checklist is set out in the annex to this PAN.

The management strategy for each conservation area should have shared ownership, involving all the stakeholders in an open and inclusive way. There should also be an understanding of what is achievable and what can be delivered in the short, medium and long term.

Appendix 10 - Letter of support from next door neighbour

Mrs J Grant of Grianan submitted this letter of support on October 3rd 2012 when our client's preliminary enquiry was under consideration