

# The Architecture Studio

The Orchard, Ashfield, Garmouth, Moray, IV32 7LF



**ERECT NEW HOUSE AND GARAGE AT SITE AT THE ORCHARD,  
ASHFIELD, GARMOUTH, MORAY. EXTEND PLANNING PERMISSION,  
REF. NO. 13/01876/APP.**

## **NOTICE OF REVIEW.**

### **Statement.**

When the original proposal for this development, 10/01385/APP, was being determined, the matter of visibility at the junction of the existing access road with the public road, B9015, was raised by Transportation.

As can be seen from the site plan which was submitted with that application (enclosure A), both the application site and land immediately to the east of it is shown as being owned by the applicant, whilst land to the west is not. The southern boundaries of the former two areas of ground, on the north side of the public road, comprise a hedgerow with a mixture of cherry plum fruit trees, holly, hawthorn and blackthorn – see enclosures D and E. The fruit trees are unique to the area and the hedgerow is a prominent feature locally. It also helps to screen the application site.

There appeared to be some confusion, or misunderstanding at the time about the ownership of the adjoining land to the east, despite the application site plan being annotated to show the land to the north and east of the site belonging to the applicant, as can be seen from e-mail correspondence between Transportation and Maurice Booth the case officer. Enclosed is a copy of an e-mail from Mr. Booth to me, the applicant, dated 28<sup>th</sup> April 2010 (enclosure C), which reflects this confusion. Notwithstanding this, it also shows that Transportation acknowledged that the removal of gorse bushes from the verge of the public road to the west of the application site had alleviated concerns about the visibility in that direction. Furthermore, it makes it quite clear that the cutting back of the hedgerow on both the south boundary of the application site and the south boundary of land immediately to the east of it would be acceptable to Transportation *“If the applicant can provide an agreement with the adjacent landowner for the applicant to cut back their hedge on a regular basis to maintain the splay then I would withdraw my objection and return a positive response with conditions.”*

I advised Mr. Booth that I owned the land to which Transportation was referring, but somehow it appeared not to be taken on board and I was advised that if I did not provide a drawing showing compliance with a 2.4m x 120m visibility splay then the application would be refused. I was recovering from a serious illness at the time which in retrospect I acknowledge affected my clarity of thought. For the same reason I failed to submit an appeal timeously.

*Contd.*

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However, when I submitted the application for 13/01876/APP, which was for the renewal of planning permission 10/01385/APP, I had hoped to rectify this particular matter. As can be seen from the site drawing that accompanied the most recent application (enclosure B), which is exactly the same as that which was submitted for 10/01385/APP, no visibility splay is shown. It was anticipated that this would draw comment from Transportation which would then allow me the opportunity to refer to the e-mail of 28<sup>th</sup> April 2010 and discuss the matter further. Unfortunately this did not happen.

My wife and I have lived at The Orchard for forty-two years and the hedgerow was well established at the time we moved in. It would be a great shame if it were to be destroyed now.

I am prepared to manage the road verge to the west, in other words remove/kill off all gorse and any other bushes that are contained by the visibility splay in that direction and to cut back the hedge on the south boundary of both the application site and other land that I own to the east on a regular basis so that it does not overhang the road verge. Accordingly, I ask that condition 1 of planning consent 13/01876/APP be removed and replaced with a condition that would relate to the management of the verge to the west and the hedgerow to the east, as described.



Stuart Matthew.

Encl.

- A. Copy of drawing with site and location plans as submitted originally with application for 10/01385/APP.
- B. Copy of drawing with site and location plans as submitted with application for 13/01876/APP.
- C. Copy of e-mail correspondence with Maurice Booth, case officer for application 10/1385/APP, dated 28<sup>th</sup> April 2010.
- D. Photograph of hedgerow from south side of public road looking east towards Garmouth.
- E. Photograph of hedgerow from north side of public road looking east towards Garmouth.

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