

The Moray Council  
Development Services  
Environmental Services Dept  
High Street  
Elgin

1<sup>st</sup> August 2014

Ref :

Dear Sirs

**Subject – Application Planning Permission in principle for new dwellinghouse within garden of 7 King Street, Elgin**

In terms of our planning refusal and our submission to the Local Review Body ( LRB ) we note the following in support of our application

Policy H4 outlines where developments involve the subdivision of housing plots will be acceptable if the plot subdivision is less than 50% of the original plot, if the plot is not backland site and if the site is at least 400 sqm excluding access.

The officer makes comments within the handling report in relation to the plot area and we confirm that :-

Remaining site is 405 sqm

Proposed site is 402 sqm

The access will be a shared facility to enable access to both properties

Therefore this aspect of the Policy is in full compliance

In support of the backland section of the H4 policy, I would refer the following

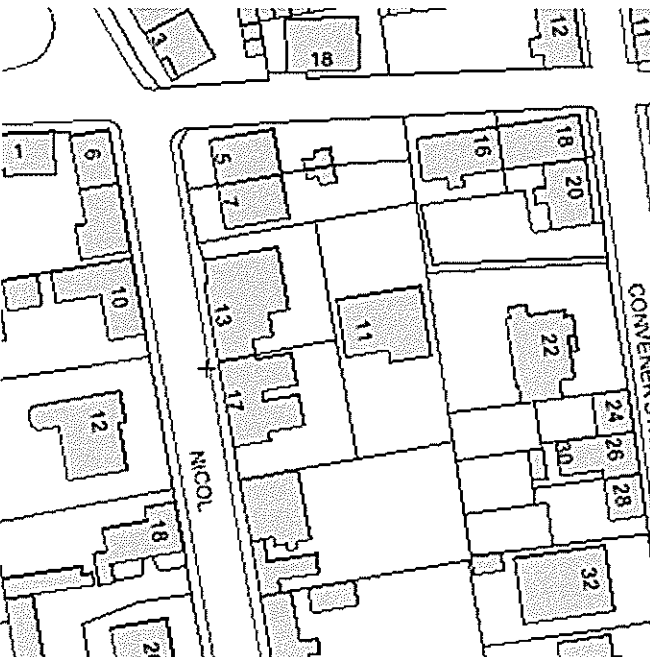
We confirm that Planning Approval was obtained for a plot within the rear Garden ( as per our submission ) was granted on 13/09/1980 and a copy of this document is attached.

It is quite clear that this proposal history should be applicable and we seek that the LRB take this into consideration.



The attached plan also indicates that 5 King Street is not indicated which also suggests that this was proposed in the rear section of this property.

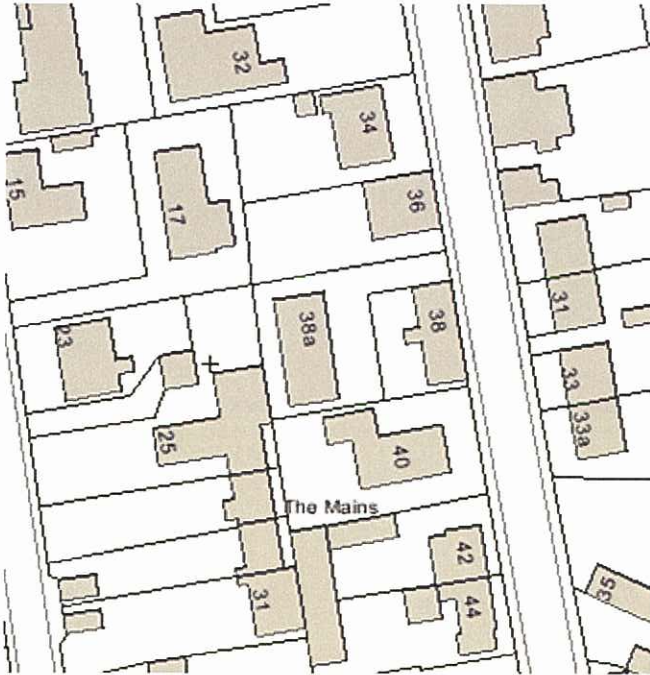
Within the Locale there are similar instances namely at 15 / 17 King Street, 38, 38a Nicol Street, 11 Nicol Street  
On this basis our proposals are in keeping with the area



House at 11 Nicol Street which is to rear of 13 / 17 Nicol street which is similar in nature to our proposed application



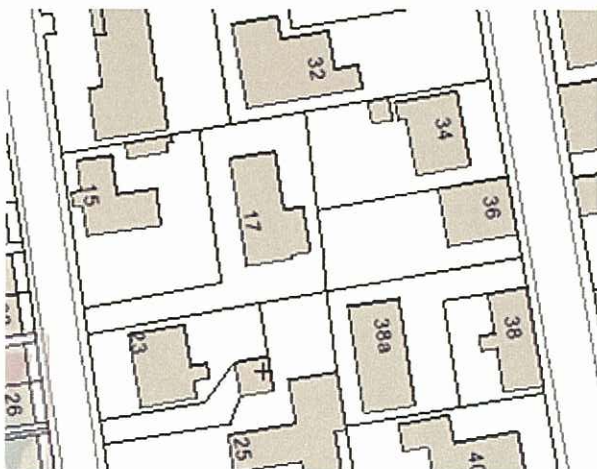
House to rear of 11 Nicol street viewed from Convener Street



House at 38a Nicol Street which is to rear of 38 Nicol street which is similar in nature to our proposed application



House to rear of 38 Nicol street



House at 17 King Street which is to rear of 15 King street which is similar in nature to our proposed application



House to rear of 15 King Street

This proposal will not have an adverse affect on the adjacent properties in terms of over looking and over shadowing

Application 11/00460/APP has since been approved via the LRB which has now set the Planning Authority basis for similar type application and a precedent has been set.

This application noted a particular document " Planning Circular 4/2009 " Development Management " and in particular Annex A relating "Defining a Material Consideration " section 3.9 of the LRB report which indicates the Moray Council position of these type of developments.

We would therefore request that this planning approval and Circular document is taken into consideration, which a copy is attached as Appendix B

In particular section 3.11 indicates that " The legal advisor advised the MLRB that, in his opinion, it was a fair and accurate interpretation of Annex A



Clip of Block plan of application 11/00460/APP which in essence is exactly similar situation as our proposals.

Moray Local Plan Policy IMP1 " scale, density and character must be appropriate to the surrounding area ", " development must be integrated into the surrounding landscape which these proposals are in compliance

We note that there are no Statutory Consultee objections.

On this basis we feel that there is sufficient justification to support this application for approval and hope that the LRB over turn the Officer recommendation.

Documents enclosed

- LRB application form
- Development Block Plan
- Supporting letter dated 28/05/14 which accompanied submission
- Supporting letter dated 01/08/14
- Appendix A - Planning approval dated 30/09/1980
- Appendix B – LRB notice approval 11/00460/APP

Yours sincerely

Mr & Mrs S Sim

