

APPENDIX I

REPRESENTATIONS

Application Comments for 11/01585/FUL

Application Summary

Application Number: 11/01585/FUL

Address: Feshiebridge Cottage Feshie Bridge Glenfeshie Kingussie

Proposal: Relocation of garage from approved site plan (ref: 08/312/cp)

Case Officer: Andrew McCracken

Cairngorms National Park Authority

Planning Application No. 11/01585/FUL

REPRESENTATION

ACKNOWLEDGED 9-6-11

Customer Details

Name: Mrs Caroline Hayes

Address: March House, Feshiebridge, Kingussie PH21 1NG

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a neighbour and resident at Feshiebridge I am perplexed and object to this application. Does this mean that the garage is being demolished and rebuilt or is this a retrospective planning application for it to remain where it has ALREADY been built. Is it now the case that you can build first and then request planning permission? If so, I am appalled you can build outwith the approved site plans, especially while supposedly being monitored by the CNPA and building control? This practice gives way to all sorts of abuse. Why would anyone need to apply for planning permission in the first place?

I also notice from the online plans that this garage has been built on the boundary of the neighbours instead of a metre away. A boundary fence would be pulled down for this?

Who is making the rules here?

Cairngorms National
Park Authority

09 JUN 2011

RECEIVED

Application Comments for 11/01585/FUL

Application Summary

Application Number: 11/01585/FUL

Address: Feshiebridge Cottage Feshie Bridge Glenfeshie Kingussie

Proposal: Relocation of garage from approved site plan (ref: 08/312/c)

Case Officer: Andrew McCracken

Cairngorms National Park A

Planning Application No. 11/04958

REPRESENTATION

ACKNOWLEDGED 4-6-11

Customer Details

Name: mrs helen sinclair

Address: 13 stanley street, edinburgh eh151jj

Cairngorms National
Park Authority

09 JUN 2011

RECEIVED

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I sold Feshiebridge Cottage in 2007 to John Ardill. My daughter resides on the neighbouring property and to allow the demolishing and rebuilding work she allowed her property to be used for lorries, deliveries, skips etc also moving her car from side of garage when asked by the builder to allow them more access on and site. In doing all this to be helpful and accommodating this has resulted in her new neighbour building over the boundary and removing her parking space.

The only remedy for this situation is to move the garage to its approved location or at least 1 metre further north which would allow a boundary fence to be built between both properties, the car park space returned and Mr Ardill to walk around his property fully. This would restore harmony to all concerned and anything less will result in future years of frustration.

I read with interest the aims of the national park and hope in this instance they are upheld to suit all parties involved.

Cairngorms National Park Authority
Planning Committee

17th June 2011

Mr & Mrs N Dudgeon
Fcisidh
Feshiebridge
Kingussie
Invernesshire
PH21 1NG



Dear Sir/Madam,

OBJECTION TO PLANNING APPLICATION NUMBER: 11/01585/FUL

FESHIEBRIDGE COTTAGE, FESHIEBRIDGE (REF: 08/312/CP)

I refer to the above planning application and write to make comment and to strongly object to the granting of planning permission.

Firstly I would like to express my surprise that this application has been entered as a Full Planning Application when Further Application may have been more appropriate given the fact that it is a Retrospective Planning Application.

Is the Applicant attempting to disguise the fact that the Garage has already been built in the wrong position in breach of the Approved Plans? The word Retrospective does not appear anywhere on the Application but of course it could have a slight detrimental impact on the Application if the Public were made aware that the Applicant had already breached the Planning Consent and had shown a total disregard to Planning Laws!

11/01585/FUL

Our main concern is the siting of the garage which is nowhere near the position it should be as per the Approved Plans and is now 2.9 metres further to the east (front) and over 1 metre further to the south (left) and as a consequence has been built on our land.

I am making representation as: 1) a Neighbour and 2) the Owner of ground over which part of the development now exists. Therefore, I strongly object to the Application to relocate the Garage from the Approved Site Plan to its present location due to the following facts:

1. The Garage has been built over the boundary line and is on our property. Our Lawyer has written to the Owner regarding this and is awaiting his response. In the circumstances this Application is Incompetent given that the garage is situated on our property. The Applicant does not have the necessary property rights to facilitate the development of the garage in its present position.

2. Due to the present situation both properties now have Land and Title Deed issues which need to be resolved as soon as possible.

3. It does not comply with Cairngorms National Park Local Plan Policy 16(g) as it fails to protect amenity enjoyed by neighbouring properties.

We have always used the space beside our garage for parking cars. When we divided the two properties in 2005 the Architect took his measurements with one of our vehicles in situ with nearside and offside car doors fully open to ensure that we would have sufficient room to park a vehicle and enter or leave it comfortably if a boundary fence was built in the future. In fact the Builder asked me to move my car from this space when he started building the garage which I did to assist him. However, as a result of the Garage being built over the boundary line we can no longer open any car doors without them striking both garages and therefore we have been unable to use this space since the day we moved the car for the Builder so this has had a detrimental effect on our intended use of this amenity for vehicle parking.

4. The Applicant will be unable to access the south side of his Garage. Ironically, the Applicant has also affected the use of his own amenity as he cannot walk around his garage for maintenance purposes and a fence erected from the front of his garage will stop any nearside vehicle passengers from alighting from their vehicles. If the Applicant had kept to the approved plans he would have had over 1 metre space to open car doors and to walk around his garage and he may have had room to turn a vehicle in his driveway.

To allow both parties to enjoy the use of these amenities as they were intended the Garage should be rebuilt in the original position. Anything less will cause nothing but frustration for both parties.

5. The actions of the Applicant, Architect, Builder and Project Manager should be taken into consideration as the building of the garage is in breach of planning consent. In Section 5 of the Application when explaining why the garage was completed in advance of making the application it states: 'Garage relocated AT CLIENTS INSTRUCTION'.

When we first noticed that the garage was being built in the wrong position we approached the Builder and Project Manager and reminded them of the need to build 1 metre from the boundary. They produced to us what they described as 'updated building plans' and said that there were no set rules on boundary distance. We also expressed our concern to the Owners' father. We waited a few weeks to speak to the Owner/Applicant but when he came on site with the same 'updated plan' with yet different measurements we became suspicious and contacted the Planning Department. They confirmed that our plans were correct and that there should be a 1 metre gap between the boundary and new garage. Unfortunately the frame of the garage had been built at this stage.

The CNPA confirmed that there was only ever one set of Approved Plans for this project and following investigation confirmed that the Builder was using unauthorised and unapproved contract drawings. They also discovered that for unknown reasons there were 4 sets of Plans/Drawings for this Build. In 2009 the Applicant applied for a Non Material Variation to increase the width of the House/Porch and to build the garage to the boundary line. The increase in the width to House/Porch was approved at that time but the moving of the garage to the boundary line was NOT Approved and the CNPA made it clear that a Full Planning Application would be required for this. This would

have ensured that we received a Neighbour Notification but as we now know the Applicant moved the garage WITHOUT CONSENT onto and over the boundary and 2.9 metres further forward.

I am aware that it is not the policy of the CNPA or Planning Department to punish mistakes, however to use Unauthorised Plans, pass them off to the neighbours as genuine, then build the Garage 2.9 metres further to the east and over 1 metre further to the south is NOT a mistake.

This whole situation was avoidable if rules and regulations were followed correctly. The correct way to make changes to an Approved Planning Application is to apply for changes, obtain permission and then build as instructed. It is not right for the Applicant to instruct his Builder to build first and apply for retrospective planning at a later stage. The Applicant and his associates have shown a total disregard for Planning Laws and a lack of respect for Authority and his neighbours.

The present situation has resulted in our need to obtain the services of a Lawyer who has examined both Title Deeds and has written to the Applicant regarding the building of the garage on our property, the loss of our car parking amenity and their encroaching (with large boulders) on our mutual access area to the front of the property.

The Scottish Planning Policy 2010 states that the planning system should operate to engage all interests as early and as fully as possible to inform decisions and allow issues of contention and controversy to be identified and tackled quickly and smoothly. This whole process has been on-going since August 2010 and has resulted in a costly and very time consuming exercise for us as neighbours, which is unacceptable.

Please note that we wish to make verbal comment and power-point presentation at the planning meeting.

Yours sincerely,

Mrs and Mrs N.Dudgeon.