

Item: 4

Local Review Body: 18 December 2025

Proposed Extension of House and Erection of Fence at 3 Robertson Loan, Kirkwall (25/100/HH).

Report by Head of Corporate Governance.

1. Overview

- 1.1. Planning application 25/100/HH in respect of the proposed extension of a house and erection of a fence at 3 Robertson Loan, Kirkwall, was refused by the Appointed Officer on 11 August 2025.
- 1.2. Under the Town and Country Planning (Scotland) Act 1997 (the Act) and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the Regulations), where an application for planning permission for local development has been determined by the Appointed Officer in accordance with the Council's Planning Scheme of Delegation, the applicant is entitled to seek a review of that decision by the Local Review Body.
- 1.3. The applicant has submitted a Notice of Review (see Appendix 1) requesting that the decision of the Appointed Officer, referred to at paragraph 1.1 above, be reviewed. The applicant has indicated that the review can be determined with a site inspection and no further procedure.
- 1.4. A letter from the Chief Planner, Scottish Government, issued in July 2011, confirmed that a review by a Local Review Body should be conducted by means of a full consideration of the application afresh.
- 1.5. Section 21 of the Scheme of Administration states that the Local Review Body will undertake unaccompanied site inspections for all planning applications subject to a review, prior to the meeting to consider the review. The purpose of the site inspection together with the procedure to be adopted, are set out in section 21.2 of the Scheme of Administration. The applicant and interested parties have been advised that an unaccompanied site inspection to 3 Robertson Loan, Kirkwall, is due to be undertaken on 18 December 2025 at 11:00.
- 1.6. The review procedure is set out in section 4 below.

2. Recommendations

- 2.1. The Local Review Body is required to:
 - i. Determine whether it has sufficient information to proceed to determination of the review, and if so whether to uphold, reverse or vary the decision of the Appointed Officer.
- 2.2. Should the Local Review Body determine that the decision is reversed or varied, it is required to:
 - i. Determine the reasons, and, if applicable, the relevant matters in respect of potential conditions and informatives to be attached to the decision notice.
- 2.3. Should the Local Review Body determine that the decision is reversed or varied, it is recommended that members of the Local Review Body:
 - i. Delegate powers to the Head of Corporate Governance, following consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions and informatives to attach to the Decision Notice.
- 2.4. Should the Local Review Body determine that it does not have sufficient information to proceed to determination of the review, it is required to:
 - i. Determine what further information is required, which parties are to be requested to provide the information, and whether to obtain further information by one or more of the following methods:
 - By means of written submissions under the procedure set out in Regulation 15 of the Regulations; and/or
 - By the holding of one or more hearing under the Hearing Session Rules set out in Schedule 1 of the Regulations.

3. Planning Authority Decision

- 3.1. The Planning Handling Report, Planning Services file and the Decision Notice are attached as Appendices 2, 3 and 4 to this report.
- 3.2. On 11 August 2025, the Appointed Officer refused planning application 25/100/HH on the following grounds:
 - 01. The proposal is contrary to Policy 1 of the Orkney Local Development Plan 2017, as the development is not sited and designed taking into consideration the location and the wider landscape and density of the development. This is

due to the extent of the proposed extensions, the density of these compared to the surrounding dwellings and the proposed fence height, which together result in an inappropriate and overdeveloped form of development.

- 02. The proposal is contrary to Policy 2 of the Orkney Local Development Plan 2017 and Policy 14 [of] the National Planning Framework 4, as the development is not sympathetic to the character of the local area, and does not provide a positive or neutral effect on the amenity of the area as required. The design, massing, and siting of the extensions break the general building line for houses of that scale and would introduce a dominant and overbearing feature at a key roadside location, which is visually incongruous within the wider streetscape.
- 03. The proposal is contrary to Planning Policy Advice ‘Amenity and Minimising Obtrusive Lighting’ (2021) which requires minimum rear garden depth to be at least 10 metres, to maintain rear garden privacy.
- 04. The proposal is contrary to Policy 14 of National Planning Framework 4, as the proposal has a detrimental impact on the amenity of the surrounding area, including risk of overlooking arising from the north extension and the visual impact of the fencing, impacting the enjoyment and privacy of neighbouring dwellings.

4. Local Review Procedure

- 4.1. In response to a Notice of Review, “interested parties” are permitted to make a representation to the Local Review Body. “Interested parties” include any party who has made, and not withdrawn, a representation in connection with the application. Representations were received from Development Management and an objector and are attached as Appendices 5 and 6, respectively.
- 4.2. In instances where a representation is received from an “interested party”, the applicant is afforded the opportunity to make comments on any representation received. Comments from the applicant on the further representations received are attached as Appendix 7 to this report.
- 4.3. The Local Review Body may uphold, reverse or vary the decision of the Appointed Officer. In the event that the decision is reversed, an indication of relevant matters, in respect of potential planning conditions and informatives, are as follows:
 - Duration of consent.
 - Hours of construction.
 - Detailed specification for windows to include obscure glazing.
 - Phasing of the development.

- Informative:
 - Roads.
- 4.4. All conditions should be in accordance with Planning Circular 4/1998 regarding the use of conditions in planning permissions.
 - 4.5. If the decision is reversed and the development is approved, it is proposed that powers are delegated to the Head of Corporate Governance, following consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions, and informatives, based on the relevant matters, agreed in terms of section 4.3 above.
 - 4.6. If the Local Review Body decides that further procedure is required, it may decide to hold a pre-examination meeting to consider what procedures to follow in the review, or to obtain further information by one or more of the following methods:
 - By means of written submissions under the procedure set out in Regulation 15 of the Regulations 2013; and/or.
 - By the holding of one or more hearing under the Hearing Session Rules set out in Schedule 1 of the Regulations.

5. Relevant Planning Policy and Guidance

- 5.1. Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended states, “Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise ... to be made in accordance with that plan...”
- 5.2. The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and other supplementary planning advice and guidance can be read on the Council website [here](#). Although the Orkney Local Development Plan is “out-of-date” and has been since April 2022, it is still a significant material consideration when considering planning applications. The primacy of the plan should be maintained until a new plan is adopted. However, the weight to be attached to the Plan will be diminished where policies within the plan are subsequently superseded.
- 5.3. National Planning Framework 4 was approved by Parliament on 11 January 2023 and formally adopted by Scottish Ministers on 13 February 2023. The statutory development plan for Orkney consists of the National Planning Framework and the Orkney Local Development Plan 2017 and its supplementary guidance. In the event of any incompatibility between a provision of National Planning Framework 4 and a provision of the Orkney Local Development Plan 2017, National Planning

Framework 4 is to prevail as it was adopted later. It is important to note that National Planning Framework 4 must be read and applied as a whole, and that the intent of each of the 33 policies is set out in National Planning Framework 4 and can be used to guide decision-making.

5.4. It is for the Local Review Body to determine which policies are relevant to this application; however the policies listed below were referred to by the Appointed Officer in the Planning Handling Report:

- National Planning Framework 4:
 - Policy 3 – Biodiversity.
 - Policy 14 – Design, quality and place.
 - Policy 16 – Quality homes.
- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
- Planning Policy Advice:
 - Watersfield Development Brief (2011).
 - Amenity and Minimising Obtrusive Lighting (2021).

For Further Information please contact:

Gavin Barr, Planning Advisor to the Local Review Body, extension 2530, Email: gavin.barr@orkney.gov.uk.

Implications of Report

1. **Financial:** All resources associated with supporting the review procedure, mainly in the form of staff time, are contained within existing revenue budgets.
2. **Legal:** The legal implications are set out in the body of the report.
3. **Corporate Governance:** In accordance with the Scheme of Administration, determination of Notices of Review is delegated to the Local Review Body.
4. **Human Resources:** None.
5. **Equalities:** None.
6. **Island Communities Impact:** None.
7. **Links to Council Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Council Plan strategic priorities:
 - ☐ Growing our economy.
 - ☐ Strengthening our Communities.
 - ☐ Developing our Infrastructure.

☐ Transforming our Council.

- 8. Links to Local Outcomes Improvement Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Local Outcomes Improvement Plan priorities:

☐ Cost of Living.

☐ Sustainable Development.

☐ Local Equality.

☐ Improving Population Health.

- 9. Environmental and Climate Risk:** None.

- 10. Risk:** None.

- 11. Procurement:** None.

- 12. Health and Safety:** None.

- 13. Property and Assets:** None.

- 14. Information Technology:** None.

- 15. Cost of Living:** None.

List of Background Papers

Orkney Local Development Plan 2017, available [here](#).

National Planning Framework 4, available [here](#).

Planning Circular 4/1998, available [here](#).

Appendices

Appendix 1 – Notice of Review (pages 1 – 12).

Appendix 2 – Planning Handling Report (pages 13 – 18).

Appendix 3 – Planning Services File (pages 19 – 49).

Appendix 4 – Decision Notice and Reasons for Refusal (pages 50 – 53).

Appendix 5 – Representation from Development Management (page 54).

Appendix 6 – Representation from Objector (pages 55 – 57).

Appendix 7 – Representation from Applicant (pages 58 – 59).

Pages 1 to 53 can be viewed [here](#), clicking on “Accept and Search” and inserting the planning reference “25/100/HH”.

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mr	Ref No.	
Forename	John Robert	Forename	
Surname	Lennie	Surname	
Company Name		Company Name	
Building No./Name	3	Building No./Name	
Address Line 1	Robertson Loan	Address Line 1	
Address Line 2	Kirkwall	Address Line 2	
Town/City	Orkney	Town/City	
Postcode	KW15 1GQ	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority		Orkney Islands Council	
Planning authority's application reference number		25/100/HH	
Site address			
3 Robertson Loan Kirkwall Orkney KW15 1GQ			
Description of proposed development			
Extend an existing dwelling house and erect a timber fence.			

Date of application	18/03/25	Date of decision (if any)	11/08/25
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Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)	<input checked="" type="checkbox"/>
Application for planning permission in principle	<input type="checkbox"/>
Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)	<input type="checkbox"/>
Application for approval of matters specified in conditions	<input type="checkbox"/>

5. Reasons for seeking review

Refusal of application by appointed officer	<input checked="" type="checkbox"/>
Failure by appointed officer to determine the application within the period allowed for determination of the application	<input type="checkbox"/>
Conditions imposed on consent by appointed officer	<input type="checkbox"/>

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions	<input type="checkbox"/>
One or more hearing sessions	<input type="checkbox"/>
Site inspection	<input checked="" type="checkbox"/>
Assessment of review documents only, with no further procedure	<input type="checkbox"/>

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

Can the site be viewed entirely from public land?	<input checked="" type="checkbox"/>
Is it possible for the site to be accessed safely, and without barriers to entry?	<input type="checkbox"/>

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. **Note:** you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

The proposed house extensions are generally for 2 currently separated families to be able to create enough space within the house for them all to live together. In doing so I don't consider the current proposals to be out with the design of other houses and development within the area. There are mixed housing types and site size variations covering all differing housing requirements.

I would consider that the proposal has been clearly shown to not be classed as over development of the site, again development type varies greatly within the current housing area/development.

I wouldn't consider the proposed end elevation to be overly imposing on the road of 'Moar Drive' there are varying house types and a mixture of existing distances from the gable ends of properties to the roadside with the proposed development being no different to what's currently built along Moar drive.

Although the distances between properties have been shown to be slightly under the 'Amenity and Minimising Obtrusive Lighting' planning document, there are mitigating circumstances such as other developments in the area as noted via planning application 22/425 that have been passed without issue and the provision of a timber fence.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes ☐ No ☒

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

Please see attached separate additional documentation, which include photo's and site section information.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review. ☒

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature



e: J. Robert Lennie

Date: 29/10/25

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

NOTICE OF REVIEW DOCUMENTATION

PLANNING APPLICATION REFERENCE – 25/100/HH
EXTEND DWELLING HOUSE AND ERECT A FENCE
3 ROBERTSON LOAN, KIRKWALL, KW15 1GQ

General information

With regard to the planning application (as above) which was refused on the date of the 11th Aug 2025 I am requesting a formal review of the decision.

The main reason for the extension to the existing property is so that the applicant and [REDACTED] can move in together as a family of 5. Currently they are living in separate houses which isn't an ideal family situation. At the moment the costs for them both to run 2 properties along with utility/household bills isn't feasible. [REDACTED] With the situation of his planning application being refused the only way for them to live together as a family would be for them to sell up and try and find another property which is a bit of a nightmare in the current housing crisis. [REDACTED]

I would also like to note that with the current housing crisis in Orkney, [REDACTED] being able to move into his family home would free up the house [REDACTED] is currently living in for another family within Orkney to move into.

Information regarding planning refusal

Having reviewed the reasons for planning refusal I would like to note and point out the following items.

1 – With regard to the planning application and planning requirements, there was no requirement for the homeowner to apply for planning permission to erect the 1.8m high fence to the Northern boundary, planning permission isn't required to build this fence. The reason that the fence was shown on the planning application was to mitigate the overlooking from 3 Robertson Loan onto properties at 8,10 & 12 Douglas Loan. Recent developments within the area between Moar Drive and Rendall Road (planning application 22/425) have pretty much similar if not exactly the same situation with regard to fence height and distances between properties and planning application 22/425 was previously passed/approved without issue (see photo no. 03)

2 – The bedroom extension part of the build to the East of the property will cause no further overshadowing to properties 10/12 Douglas Loan than the existing 3 Robertson Loan house build. (see attached site section)

3 – Although in Planning terms in relation to the ‘Amenity and Minimising Obtrusive Lighting’ planning document the distances between to properties from the proposed Northern extension (approx. 16.64m) doesn’t meet the requirements of section C1.02 of 20m (10m back garden rule for properties). The planning application referred to previously (22/425) between Moar Drive and Rendall Road approved in 2022 also doesn’t meet the ‘Amenity and Minimising Obtrusive Lighting’ document which was taken into policy in March 2021. The Proposed 1.8m high fence would mitigate the overlooking of properties from the extension to the Northern side of the house. (see attached site section)

The Extension to the East end of the property, does comply with the policy as the properties are approx 20.4m away from each other (see attached section)

4 – With regard to the Planning reason for refusal item no. 2, the extension to the Eastern end of the property facing Moar Drive is no closer to the roadside than other properties running along the western boundary of the road ‘Moar Drive’.

The new extension would be in the region of 5.350m away from Moar Drive roadside.

Similar properties on Moar Drive –

12 Robertson Loan	- 4.180m away (closer to Moar Drive)
13 Robertson Loan	- 9.230m away
8 Rendall Road	- 4.360m away (closer to Moar Drive)
17 Rendall Road	- 6.350m away
14 Moar Drive	- 4.820m away (closer to Moar Drive)

All the properties to the West of Moar Drive are varying distances from the road and are all of varying types from single storey, 1 ½ storey and 2 storey properties. The proposed development is no closer or dominating than any other property within the area (see attached photo’s No.1, No.2 & no.3)

5 – The existing site area of 3 Robertson Loan is in the region of 908sq/m with the current house taking up an area of 166sq/m, with the new extensions included this takes the proposed floor area up to 249sq/m which is only taking up 27% of the overall site area. Which I wouldn’t consider to be over development of the site and density of the development as stated in the Planning reason for refusal item no. 1.

Similar properties in the area and percentage of floor to site area.

6 Robertson Loan

Site Area – 742sq/m	House area – 180sq/m	Site/floor area 24%
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4 Robertson Loan

Site Area – 810sq/m	House area – 200sq/m	Site/floor area 24.6%
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12 Douglas Loan

Site Area – 236sq/m	House area – 84sq/m	Site/floor area 35%
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17 Rendall Road

Site Area – 321sq/m House area – 64sq/m

Site/floor area 20%

6 – The Issue of biodiversity and planting can be addressed with alternative proposed planting of native species, this could be conditioned as part of the review process if the appeal process is deemed successful.

General Conclusion

As already noted above, the house extensions are generally for 2 currently separated families to be able to create enough space within the house for them all to live together. In doing this I don't consider the current proposals to be out with the design of other houses and development within the area. There are mixed housing types and site size variations covering all differing housing requirements.

I would consider that the proposal has been clearly shown to not be classed as over development of the site, again development type varies greatly within the current housing area/development.

I wouldn't consider the proposed end elevation to be overly imposing on the road of 'Moar Drive' as noted there are varying house types and a mixture of existing distances from the gable ends of properties to the roadside with the proposed development being no different to what's currently built along Moar drive.

Although the distances between properties have been shown to be slightly under the 'Amenity and Minimising Obtrusive Lighting' planning document, there are mitigating circumstances such as other developments in the area as noted via planning application 22/425 that have been passed without issue and the provision of a timber fence.

The provision of the 1.8m high timber fence which I've already noted doesn't require planning approval, but this will negate the issue of overlooking/view. Due to not requiring approval for the fence it also negates the argument regarding overshadowing, if the current planning proposal was still refused after the review the homeowner can still erect the fence, hence the over shading isn't really a credible argument.



PHOTO 01 - Junction of Robertson Loan & Moar Drive looking Northwest. Please note the dwelling house of 12 Douglas Loan, basically build to the boundary line of the site and edge of Moar Drive. First house on the left is 3 Robertson Loan (application site)



PHOTO 02 – Looking NW down Moar Drive Road, note the varying house gable end distances from Moar Drive and also note the varying types/sizes of houses from single storey to 2 storey properties. The house types vary considerably around the development area.

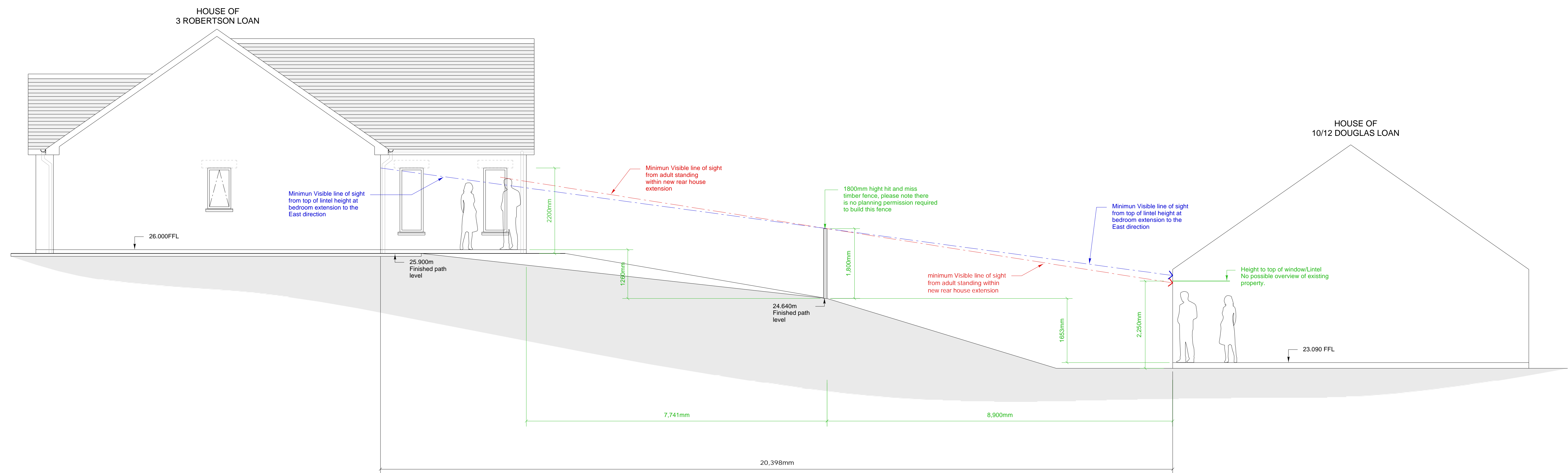


PHOTO 03 – Taken at the Northern end of Moar Drive next to house no. 12 Moar Drive & 17/15 Rendall Road, showing the recent development built in 2022 (planning application 22/425/PP) which shows the 1.8m high fence between properties. Please note this development doesn't accord with the 'Amenity and Minimising Obtrusive Lighting' policy 2021, regarding the rear gardens.

This photo also shows the varying distances from Moar Drive of the differing properties along it.









SITE SECTION THROUGH ROBERTSON LOAN & DOUGLAS LOAN

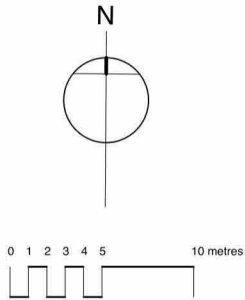
SCALE: 1:50



NOTES

COPYRIGHT ROBERT POTTER & PARTNERS LLP 2023
ALL DIMENSIONS, INCLUDING FIGURED DIMENSIONS, TO BE CHECKED
ON SITE PRIOR TO COMMENCING ANY WORKS

- 9 - Gate
-  - Rotary clothes dryer
-  - Vehicle Dropped Kerb
-  - Paving slab perimeter and paths
-  - Trip fence (450mm High)
-  - Timber Fence (900mm High)
-  - Privacy Screen (1800mm High)
-  - Site Boundary
-  - Asphalt driveways



REVISIONS & ADDITIONS		DATE	BY
A	Site area outline changed to solid line. Key colour changes and boundary notes added.	30.11.22	LTP
B	Additional Parking added.	07.02.23	JN

PROJECT

**New Housing Development at
Moar Drive Watersfield Kirkwall
WRC Construction Ltd**

DRAWING TITLE

Site Plan as Proposed

ROBERT POTTER & PARTNERS
CHARTERED ARCHITECTS & PROJECT MANAGERS

7 MILLER ROAD, AYR
51 NEWALL TERRACE, DUMFRIES
110 WEST GEORGE STREET, GLASGOW
2 KINGDOM STREET, LONDON

KAT: 2AX
DG1: 1LN
G2: 1QJ
W2: 6BD

01292 - 261228
01387 - 255509
0141 - 332 9111
020 3479 5931

SCALE	1:200@A1	6450/02	
DATE	Nov. 2022		
DRAWN BY	JN		
CHECKED BY		REVISION	B



ORKNEY
ISLANDS COUNCIL

ORKNEY ISLANDS COUNCIL
Town & Country Planning
Planning (Scotland) Acts

APPROVED
22/425/PP
26 April 2023



Planning Handling Report.

Extend a house and erect a fence at 3 Robertson Loan, Kirkwall

Determination under delegated powers

1. Summary

Application Number:	25/100/HH
Application Type:	Householder
Applicant:	Mr Robert Lennie, 3 Robertson Loan, Kirkwall, KW15 1GQ
Agent:	None

1.2.

All application documents (including plans, consultation responses and representations) are available for members to view at the following website address:

<https://www.orkney.gov.uk/our-services/planning-and-building/planning/application-search-and-submission/> (then enter the above application number).

2. Consultations

2.1. Roads Services

No adverse comment is provided if the informative is applied to any planning permission that may be granted.

2.2. Scottish Water

No objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced.

3. Representations

3.1.

Two representations (objections) have been received from:

- Gillian Aitchison, 10 Douglas Loan, Kirkwall, KW15 1FU.
- Robert Duncan, 12 Douglas Loan, Kirkwall, KW15 1FU.

3.2.

The objections are on the grounds: height of the screen fence; loss of daylight; design and appearance; loss of privacy/amenity; and insufficient biodiversity enhancement measures.

4. Relevant Planning History

4.1.

Reference.	Proposal.	Location.	Decision.	Date.
15/037/PP	Erect a house with an integral garage and an air source heat pump	3 Robertson Loan (Plot 7) (Land Near), Kirkwall, Orkney	Grant Subject to Conditions	25.03.2015

5. Relevant Planning Policy and Guidance

The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and supplementary guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The policies listed below are relevant to this application:

- National Planning Framework 4
 - Policy 3. Biodiversity
 - Policy 14. Design, quality and place.
 - Policy 16. Quality homes.
- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design
- Planning Policy Advice
 - Watersfield Development Brief (2011)
 - Amenity and Minimising Obtrusive Lighting (2021)

6. Legal Aspects

6.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 (“the Act”) states that in making determinations under the Planning Acts the determination should be in accordance with the development plan unless material considerations determine otherwise.

6.2. Status of the Local Development Plan

Although the Orkney Local Development Plan 2017 is “out-of-date” and has been since April 2022, it is still significant material consideration when considering planning applications. The primacy of the plan should be maintained until a new plan is adopted. However, the weight to be attached to Plan will be diminished where policies within the plan are subsequently superseded.

6.3. Status of National Planning Framework 4

National Planning Framework 4 (NPF4) was adopted by Scottish Ministers on 13 February 2023, following approval by the Scottish Parliament in January 2023. The statutory development plan for Orkney consists of the National Planning Framework and the Orkney Local Development Plan 2017 and its supplementary guidance. In the event of any incompatibility between a provision of NPF4 and a provision of the Orkney Local Development Plan 2017, NPF4 is to prevail as it was adopted later. It is important to note that NPF4 must be read and applied as a whole, and that the intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making.

7. Assessment

7.1. Site and Proposal

The application site, i.e. the existing house, is a modern detached house on Robertson Loan, where the development is bounded by Robertson Loan and Moar Drive. The house is a single storey with external finishes including flat profile dark tiles, light dashing chips, and all windows, doors, fascias and soffits white UPVC, and black rainwater goods. The wider development is located on sloping ground, rising to the south.

7.2.

It is proposed to extend at the back of the dwelling (north) and to the side elevation (east), using matching external finishes that the existing dwelling has. The north extension would have three windows facing that direction, with two other windows on the east elevation and a door on the west. The east extension consists of one window facing that direction and a single window on the north and south elevations. The ground level currently drops from the north until the boundary, and slightly to the east boundary until the road.

7.3.

In terms of potential impact on amenity, the north extension would result in the built form being significantly closer to the neighbouring boundary with Douglas Drive, reducing privacy and increasing the potential for overlooking and overshadowing, particularly given the raised floor level of the site.

7.4. Principle

Extending a residential property within a defined settlement boundary is generally acceptable in principle, subject to compliance with relevant policies relating to design, siting, amenity, and setting and context. In this instance, the principle therefore rests on appropriateness of scale, positioning, and cumulative impact of the proposed extensions and fencing in relation to established character, layout and amenity of the surrounding area.

7.5. Design and Appearance

The proposed extensions are not considered sympathetic to the existing dwelling or the surrounding built environment in terms of scale, siting, or visual appearance. In particular, the proposed side (east) extension would project significantly beyond the

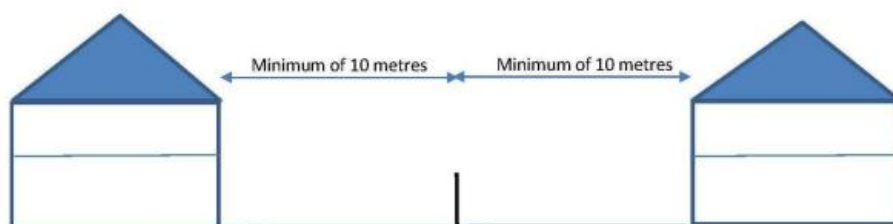
current building line, positioning the structure within approximately two metres of the eastern boundary of the site, adjoining Moar Drive. This would result in a prominent and overly dominant addition in a key location beside a public road. The elevated ground level of the site in relation to the road would further worsen the perceived height and massing of the extension, contributing to a sense of enclosure that is uncharacteristic of the surrounding area for a house of that scale.

7.6.

Similarly, the proposed rear (north) extension would introduce a substantial built form towards a boundary to a neighbouring house. The elevated nature of the site would heighten the visual impact of the proposed extension, leading to an adverse effect on neighbouring amenity and the visual character of the area. The ground level currently drops towards the northern and eastern boundaries, which increases the apparent height and mass of the proposed extensions from public and neighbouring viewpoints. The design and layout of the proposals have not been informed by, nor do they positively respond to, the established character or topography of the area. The proposed density and scale of development are inappropriate to the location and would result in a form of development that fails to integrate with its context. Therefore, the proposals are contrary to Policies 1 and 2 of the Orkney Local Development Plan 2017, and Policy 16(g)(i) of National Planning Framework 4.

7.7. Amenity

The proposed extensions would result in an unacceptable impact on the amenity of neighbouring properties and the surrounding area. The north extension would result in the dwelling being notably closer to the shared boundary with properties on Douglas Drive, reducing the separation distance to approximately 7.7 meters. Given the elevated ground level of the site, this proximity would lead to increased overlooking and overshadowing, particularly affecting the private garden areas of adjacent dwellings. Critically in that regard, the development would be contrary to Planning Policy Advice 'Amenity and Minimising Obtrusive Lighting' (2021) which states, "*C1.02 To create and maintain rear garden privacy, the minimum rear garden depth should be at least 10 metres as noted in picture 1...*" and as demonstrated in the below diagram:



Picture 1 - Demonstrating the 10-metre back garden rule

7.8.

Additionally, the side (east) extension would project towards Moar Drive, creating an overbearing presence on the public realm and introducing a sense of enclosure at a visually sensitive location on a route in and out of the development area. The proposal would therefore have a detrimental effect on both residential and public amenity, failing to respect the privacy, outlook, and character of the surrounding

area. As such, it is contrary to Policies 1 and 2 of the Orkney Local Development Plan 2017, and Policies 14(c) and 16(g)(ii) of National Planning Framework 4.

7.9. Biodiversity

Proposed biodiversity measures are included, specifically planting of *Escallonia macrantha*, a non-native species. A balance is required of considerations, of biodiversity enhancement requirements as set out in Policy 3 of NPF4, and the Watersfield Development Brief which specifies use of native tree and shrub species. Whilst not native species, it must be acknowledged that the development site is an established garden, and NPF4 specifically excludes householder developments from the same biodiversity enhancement requirements as other developments. The inclusion of the planting proposed is therefore considered to be an appropriate balance. A representation has raised concerns regarding the potential impact on local wildlife, specifically hedgehogs. Natural heritage impacts are material to planning decisions, and as a general point, housing developments should take account of the presence and movement of wildlife including routes for hedgehogs. Even in that context, the impact of the proposed development is not so great that natural heritage impacts would be a reason for refusal.

8. Conclusion

Whilst the principle of residential extensions within settlement boundaries is generally supported, this proposal fails to appropriately respond to the site. The combined scale, siting, and design of the proposed extensions would result in a development that is visually intrusive and dominates the streetscape. The elevated ground levels further intensify the visual impact and contribute to a sense of overdevelopment and enclosure that is uncharacteristic of the surrounding area. The proximity to neighbouring dwellings raises issues of overlooking and reduced residential amenity. The proposed fencing and landscaping measures do not adequately mitigate these concerns and do not comply with guidance regarding biodiversity enhancement or the development brief.

9. Reason for Refusal

01. The proposal is contrary to Policy 1 of the Orkney Local Development Plan 2017, as the development is not sited and designed taking into consideration the location and the wider landscape and density of the development. This is due to the extent of the proposed extensions, the density of these compared to the surrounding dwellings, and the proposed fence height, which together result in an inappropriate and overdeveloped form of development.

02. The proposal is contrary to Policy 2 of the Orkney Local Development Plan 2017 and Policy 14 of the National Planning Framework 4, as the development is not sympathetic to the character of the local area, and does not provide a positive or neutral effect on the amenity of the area as required. The design, massing, and siting of the extensions break the general building line for houses of that scale and would introduce a dominant and overbearing feature at a key roadside location, which is visually incongruous within the wider streetscape.

03. The proposal is contrary to Planning Policy Advice 'Amenity and Minimising Obtrusive Lighting' (2021) which requires minimum rear garden depth to be at least 10 metres, to maintain rear garden privacy.

04. The proposal is contrary to Policy 14 of National Planning Framework 4, as the proposal has a detrimental impact on the amenity of the surrounding area, including risk of overlooking arising from the north extension and the visual impact of the fencing, impacting the enjoyment and privacy of neighbouring dwellings.

10. Contact Officer

Isla McLeod. Graduate Planner

Date: 13 May 2025



Council Offices School Place Kirkwall KW15 1NY Tel: 01856 873 535 (ex 2504) Email: planning@orkney.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100705159-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Extend existing dwelling house to create 2 additional bedrooms, en-suite, etc and extend existing kitchen area to create open plan kitchen/dining/living space and additional WC.

Has the work already been started and/ or completed? *

☐ No ☒ Yes - Started ☐ Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="3 Robertson Loan"/>
First Name: *	<input type="text" value="Robert"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Lennie"/>	Address 1 (Street): *	<input type="text" value="3 Robertson Loan,"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="Kirkwall,"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KW15 1GQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:

Orkney Islands Council

Full postal address of the site (including postcode where available):

Address 1:

3 ROBERTSON LOAN

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

KIRKWALL

Post Code:

KW15 1GQ

Please identify/describe the location of the site or sites

Northing

1011329

Easting

345983

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

≤ Yes T No

Trees

Are there any trees on or adjacent to the application site? *

≤ Yes T No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

≤ Yes T No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

≤ Yes T No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

☐ Yes ☒ No

Is any of the land part of an agricultural holding? *

☒ Yes ☐ No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Mr Robert Lennie

On behalf of:

Date: 17/03/2025

☐ Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates?. * T Yes ≤ No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * T Yes ≤ No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? * T Yes ≤ No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. T Yes ≤ No
- e) Have you provided a certificate of ownership? * T Yes ≤ No
- f) Have you provided the fee payable under the Fees Regulations? * T Yes ≤ No
- g) Have you provided any other plans as necessary? * T Yes ≤ No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

☐ Existing and Proposed elevations.

☐ Existing and proposed floor plans.

☐ Cross sections.

☐ Site layout plan/Block plans (including access).

☐ Roof plan.

☐ Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. ≤ Yes ☐ No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * ≤ Yes ☐ No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Robert Lennie

Declaration Date: 17/03/2025

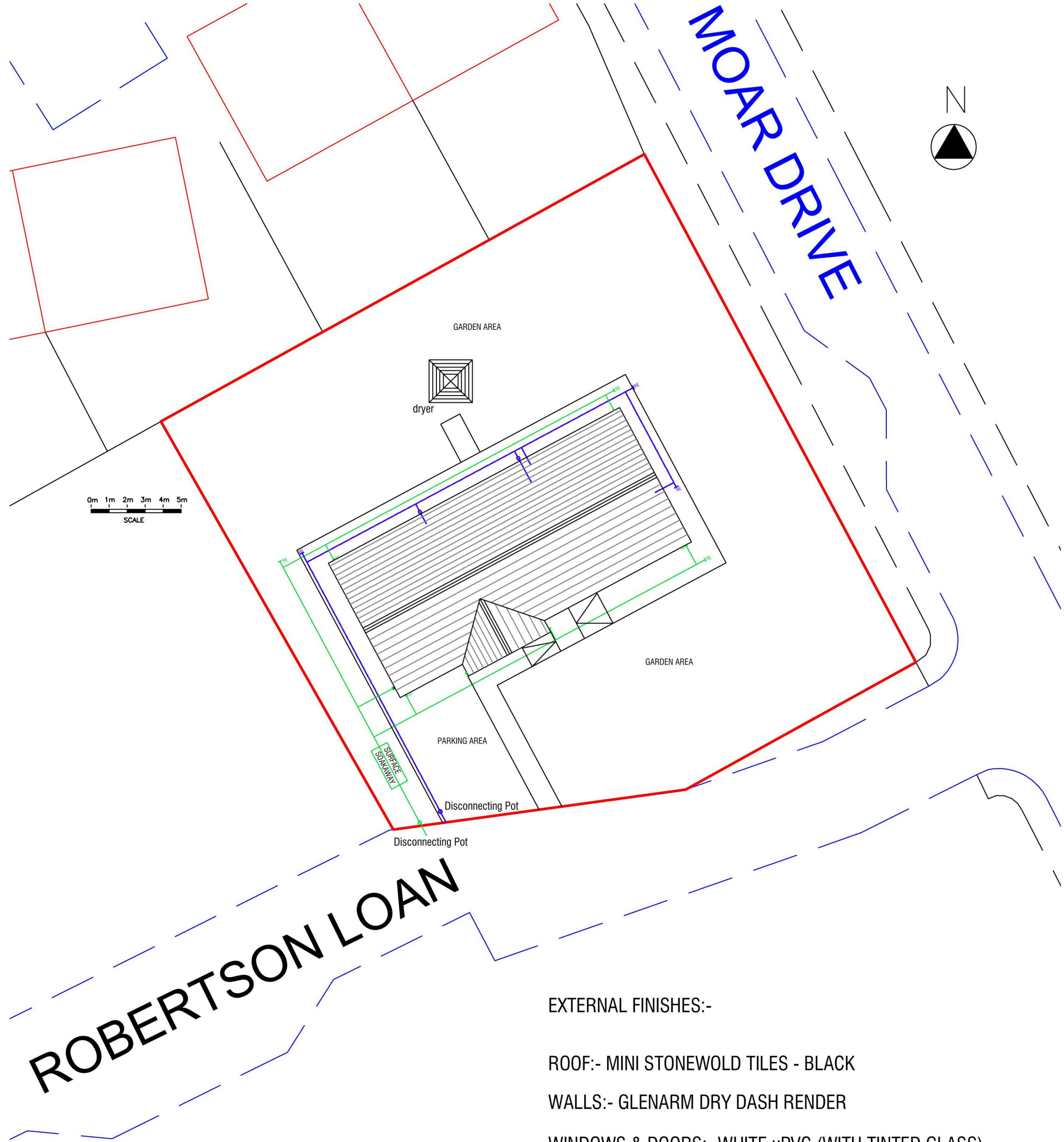
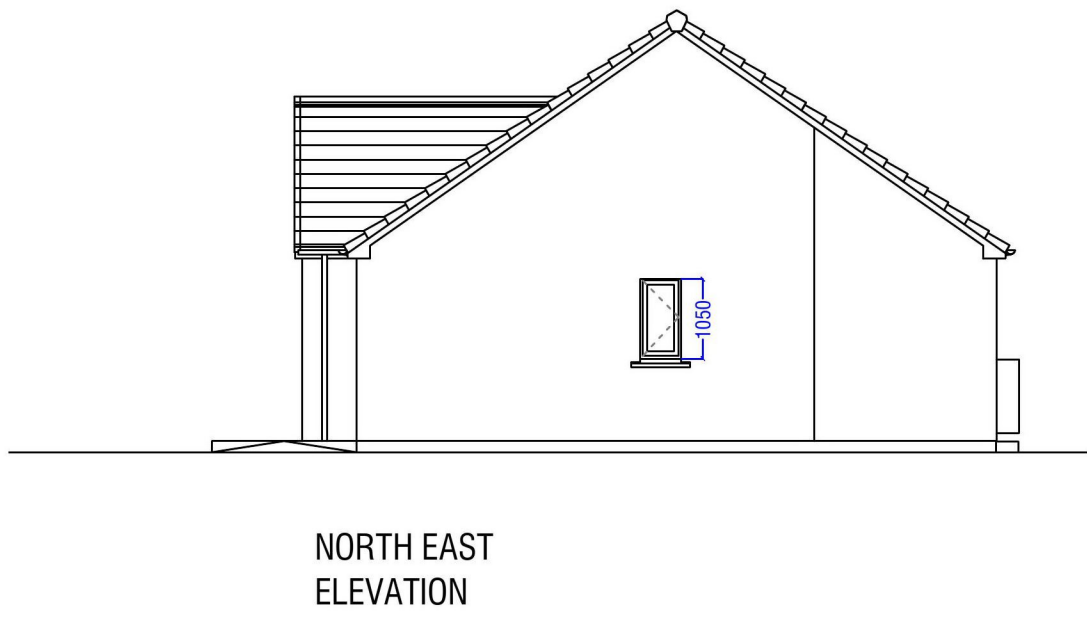
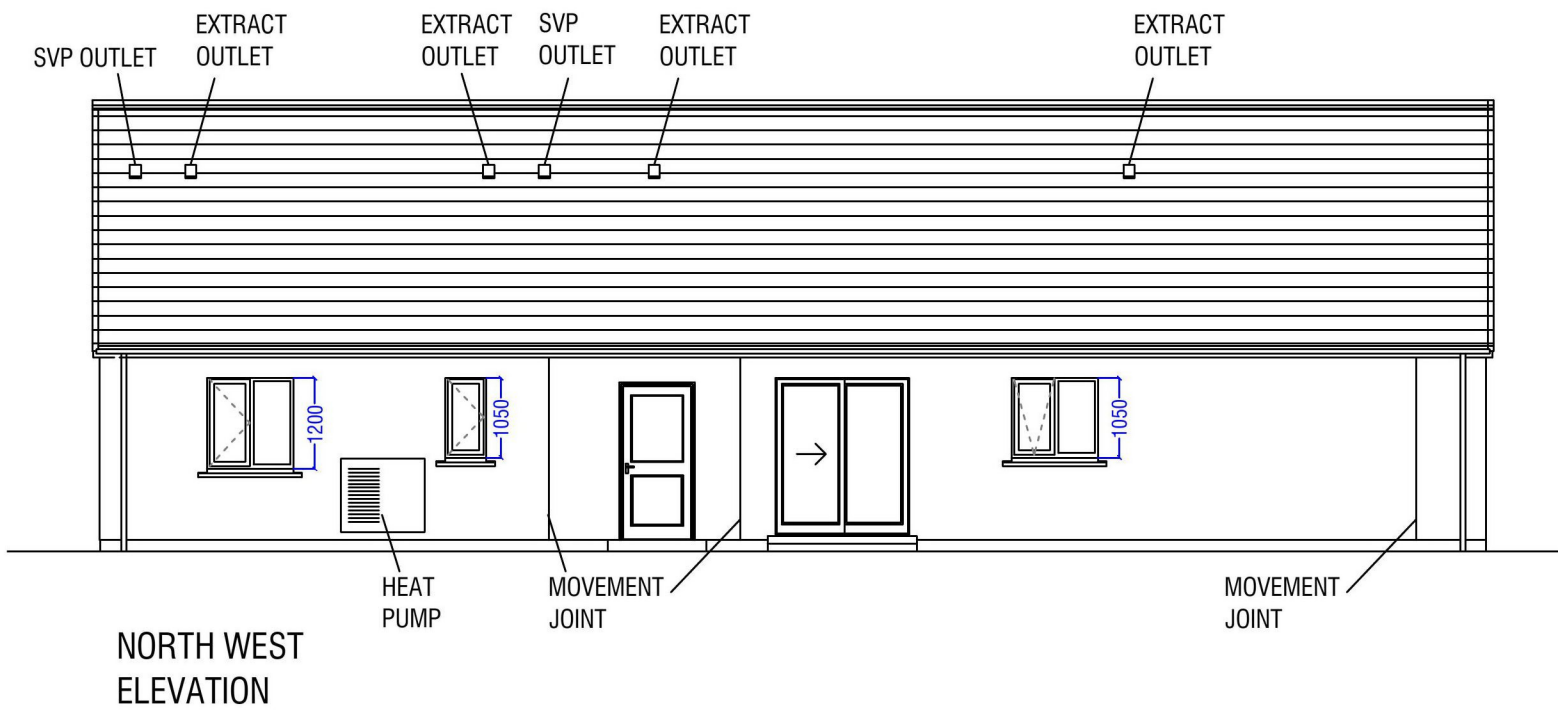
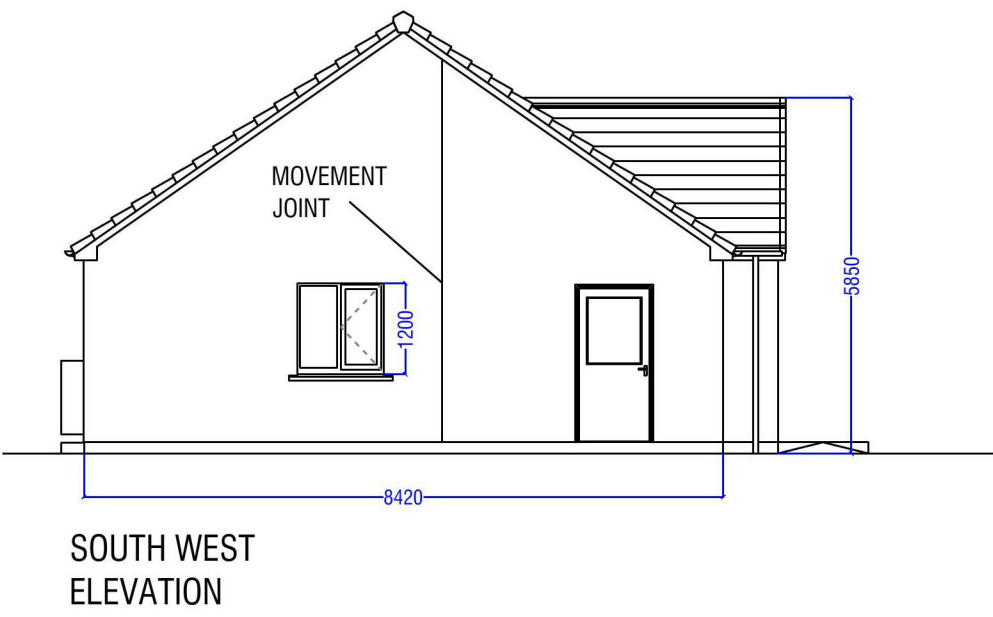
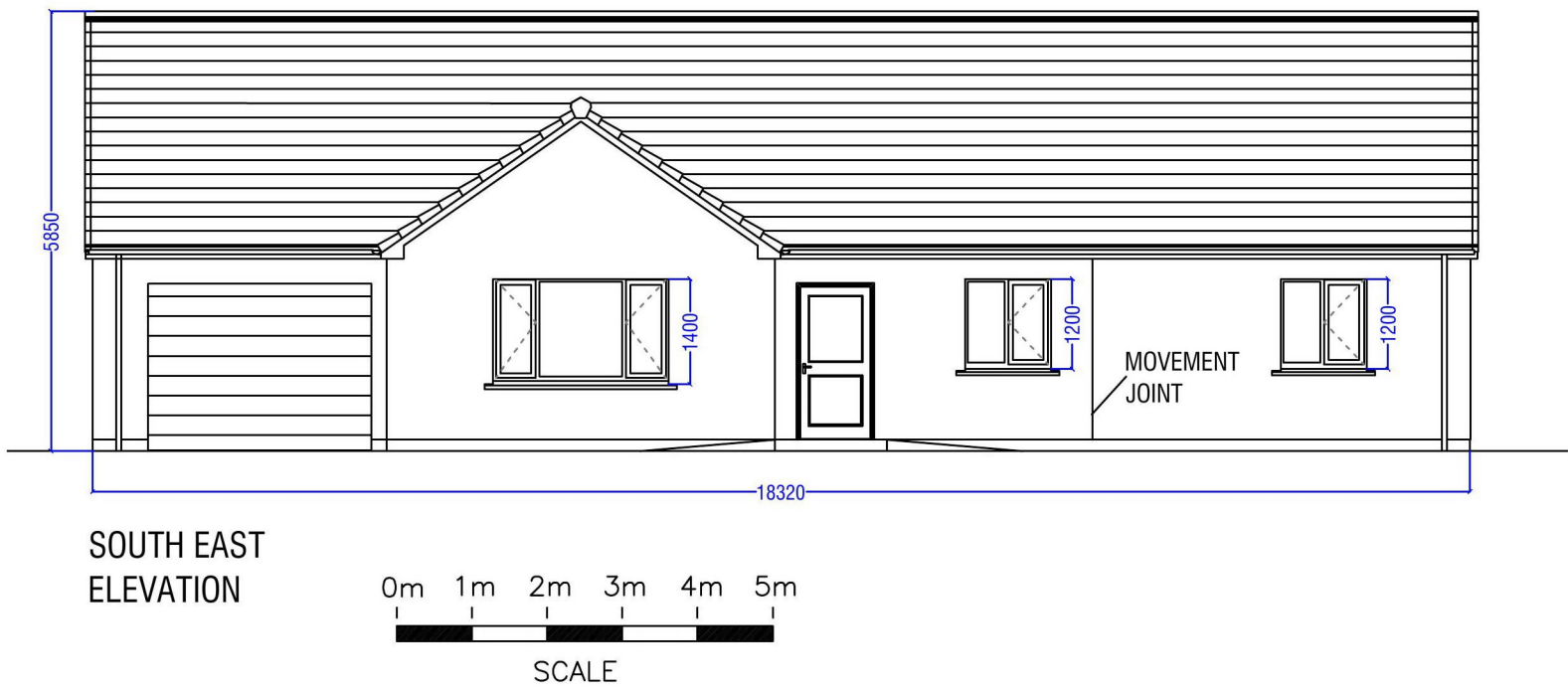
Payment Details

Online payment: 661046

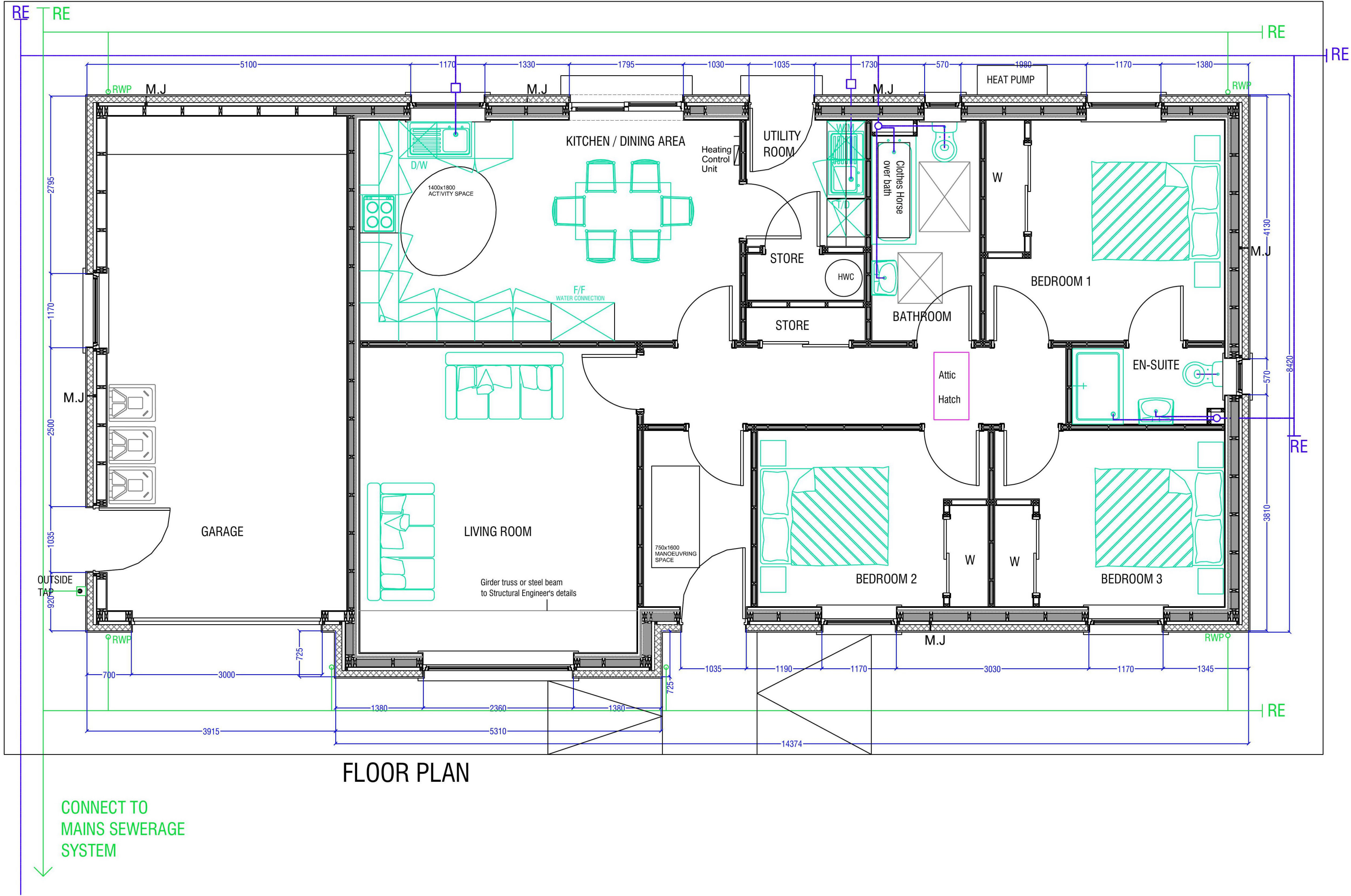
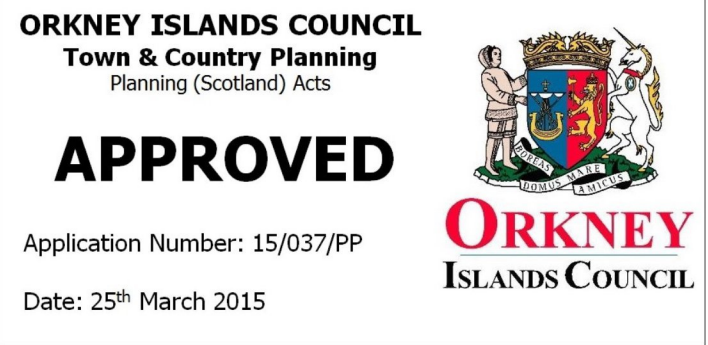
Payment date: 18/03/2025 07:22:41

Created: 18/03/2025 07:22

This drawing is copyright of Cindy Mackenzie Architectural Services and may not be reproduced without permission. To be read in conjunction with specification and all relevant drawings. Contractor to check dimension on site. Do not scale from drawing.

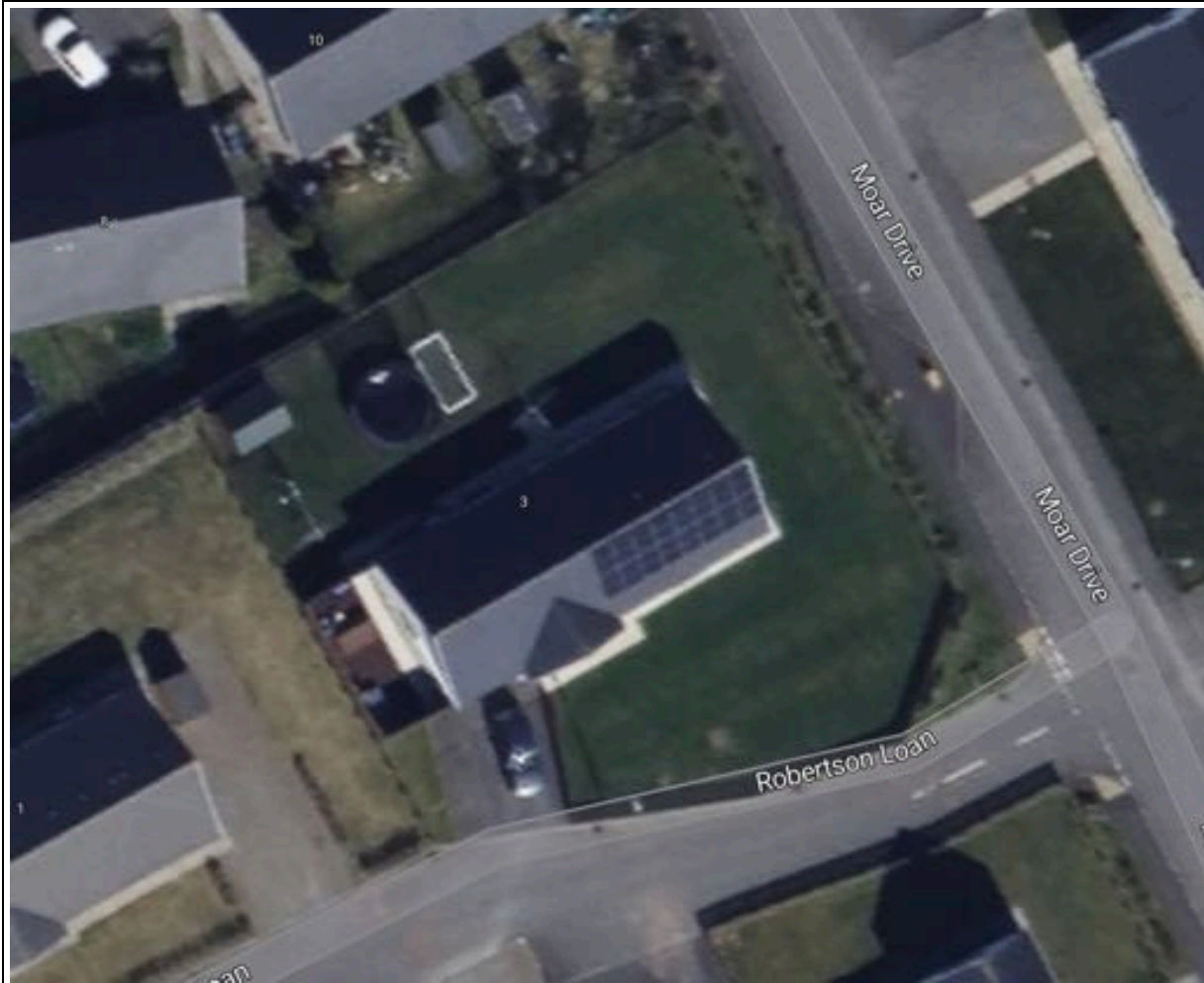


- EXTERNAL FINISHES:-
- ROOF:- MINI STONEWOLD TILES - BLACK
 - WALLS:- GLENARM DRY DASH RENDER
 - WINDOWS & DOORS:- WHITE uPVC (WITH TINTED GLASS)
 - FASCIAS & SOFFITS:- ROSEWOOD uPVC
 - AIR SOURCE HEAT PUMP:- DAIKIN ALTHERMA LT SPLIT SYSTEM



<div><div>cindy mackenzie Bsc(Hons) architectural services</div><div>Brasidale St. Margaret's Hope Orkney KW17 2TL</div><div>Tel: 01856 831717 Mob: 0771 9864957 email: cindy.mackenzie@talktalk.net</div></div>	CLIENT : MR R LENNIE		
	PROJECT: PROPOSED NEW HOUSE AT 3 ROBERTSON LOAN, KIRKWALL, ORKNEY		
	DRAWING: PROPOSED SITE PLAN, ELEVATIONS & PLANS		
	SCALE : 1:100 / 1:50	A1	
JANUARY 2015		002	REV -

ORKNEY ISLANDS COUNCIL BIODIVERSITY FORM FOR PLANNING APPLICATIONS TO BE COMPLETED AND SUBMITTED WITH PLANNING APPLICATIONS	
Planning reference or address of development:	3 Robertson Loan, Kirkwall
Date of form completion:	10 th March 2025
Person/company completing form:	EH Architectural Design
Baseline - what's there	
<p>– Please provide photographs to give an overview of the habitats and features present on site, and, referring to the photographs, describe below the dominant habitat type and most recent land use. If the land use has recently changed please also describe the previous known land use. List any species of note that use the site. (Example level of information: grass, grazed field, brown hare and curlew; coastal heath, rough grazing for sheep, Arctic skua; heather moorland, unmanaged, short eared owl; livestock fodder crops, agricultural field, geese; unmanaged meadow, previously livestock grazing field until farm changed hands last year, unknown; urban brownfield site previously with flats on it (demolished 5 years ago) within existing settlement, none as it's a concrete slab; etc).</p> <p>– Please provide a site layout plan that shows the location of existing broad habitat types and biodiversity features such as wetter/drier areas, ditches, watercourses, trees and shrubs, stone walls, ditches, invasive plant species, etc, both within and adjoining the proposed development site. The biodiversity features should be marked on a site layout plan that shows all elements of the proposed development, including infrastructure such as roads, paths, services, drainage, electricity lines, etc. (This is to enable assessment of how the existing biodiversity features might be affected by the construction and use of the proposed development. It can also be helpful to include photographs of the biodiversity features and their context within the site.)</p>	
<p>The existing dwelling and external landscaping works were carried out in 2015 with the existing ground/fields developed into mixed residential housing. Plot 3 Robertson Loan was developed into a 3 bedroomed dwelling house with the majority of the external area laid to grass, apart from the driveway which was laid in tarmac and the external access path which are concrete.</p>	



Ariel View of 3 Robertson Loan



Rear of the property facing North East.



Rear of the property facing West



East gable end of house - Facing North



East gable end of house - Facing South



Front of Property - facing East



Front of Property – Facing West.

The Proposals are to extend the property to the east to create 2 additional bedrooms and extend to the north to enlarge the existing dining/kitchen area.
Currently there is no planting/trees/shrubs present on site.

Minimising effects on existing biodiversity (conserving and restoring)

- Referring to the plan provided above, please describe below how you have minimised adverse effects on existing biodiversity through siting, design and layout that retains existing habitats and features of biodiversity value, and where this has not been possible, please explain why.
- Where relevant, please also describe how degraded existing biodiversity features are going to be restored. (Restoration will not be applicable to all sites.)

Little or no negative impact to the existing biodiversity, due to the existing site all being laid to grass.

Enhancement of biodiversity

- Please list below what enhancement measures you intend to include and explain what they are seeking to achieve. Please include common and latin names of plant species and where the plants or seeds will be sourced from. (This is to check that species appropriate to the site and Orkney conditions are used.)
- Please provide a site layout plan that shows the location of enhancement measures. The enhancement measures should be marked on a site layout plan that shows all elements of the proposed development, including infrastructure such as roads, paths, services, drainage, electricity lines, etc. (This is to enable assessment of how the construction and use of the proposed development might interact with the proposed enhancement measures.)

Refer to attached drawing 005 proposed site biodiversity measures.

New Shrubs to be planted along the East boundary/timber fence location, planting and spacing as described on drawing 005.

Additional 1.8m high timber privacy fence located to the north boundary to create additional privacy between properties, but also providing additional shelter for existing trees and shrubs in adjacent properties.

Monitoring and maintenance of biodiversity retained and enhanced

- Please describe below how will the retained and enhanced biodiversity features and measures be monitored and maintained in the longer term to ensure they continue to benefit biodiversity, and who will be responsible for monitoring and maintenance. (Where detailed information on monitoring and maintenance will be provided in a landscaping or other site management plan to be submitted with the planning application, please provide the document title, author and date, and summarise the information below.)

Drawing 005 specifies the requirements for the growing a hedge, with plant spacing, ground preparation, etc.
It also states the ground conditions and best time for planting in spring so that the plant become well established before winter also ensuring the site gives sufficient width for the plants to develop to flowering size as escallonia bloom best if trimmed just once a year.

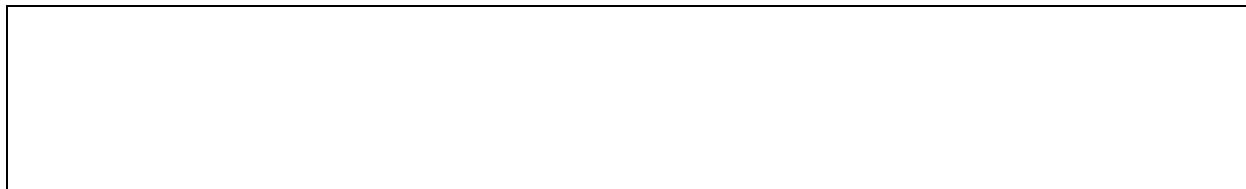
Advice

- If you have sought or received advice about what is present on or makes use of the proposed development site and / or how to safeguard, restore and enhance biodiversity, please list below who has given you advice. (For example, an ecological consultant, others with relevant local knowledge, etc.)
- Where advice has been received, please summarise it below and provide a copy if advice was given in writing.

Woodland design guide and general personal research based on previous projects/experience.

- Please describe how have you incorporated any advice you received into the proposed development, and if not, please explain why not.

Providing an improved habitat by means of new shrub/hedging with minimal impact to existing habitat.



DRAFT

Zoe Montgomery

From: Planning Consultations [REDACTED]
Sent: 11 April 2025 11:57
To: planningconsultation
Subject: RE: Planning Application Consultation 25/100/HH

-- External e-mail: **Think before you Click.**--

Good morning,

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

For all extensions that increase the hard-standing area within the property boundary, you must look to limit an increase to your existing discharge rate and volume. Where possible we recommend that you consider alternative rainwater options. All reasonable attempts should be made to limit the flow.

No new connections will be permitted to the public infrastructure. The additional surface water will discharge to the existing private pipework within the site boundary.

I trust the above is acceptable however if you require any further information regarding this matter please contact me on 0800 389 0379 or via the e-mail address below or at [REDACTED]

Kind regards,

Angela Allison

Technical Analyst
 North Regional Team
 Strategic Development
 Development Services
 Teams: [REDACTED]

My Working Hours:
 Monday, Tuesday, Thursday, Friday 8am – 4pm
 Wednesday 8am – 11am

I would be grateful if you could spare 2 minutes to complete a survey on the service you have been provided regarding your query. You can do this by clicking on the link in the 'So, How are we doing' box below.

Dedicated Freephone Helpline : 0800 389 0379

Managed email Service: [REDACTED]

Business Weblink: <https://www.scottishwater.co.uk/Business-and-Developers/NEW-Connecting-to-Our-Network>

Scottish Water

Trusted to serve Scotland



----- Original Message -----

From: Local Planner [REDACTED]

Received: Fri Apr 11 2025 10:00:58 GMT+0100 (British Summer Time)

To:

[**EXTERNAL MAIL** - Think Before You Click]

See attached documents

Privileged/Confidential information may be contained in this Email and any files transmitted with it. If you are not the intended recipient you should not retain, copy or use this Email for any purpose or disclose all or part of its contents to any person. If you have received this Email in error please notify the sender immediately and delete this Email from your system. Opinions, conclusions and other information in this message that do not relate to the official business of Scottish Water ("SW"), Scottish Water Horizons Ltd ("SWH"), Scottish Water International Ltd ("SWI") or Scottish Water Solutions 2 Ltd ("SWS2") shall be understood as neither given nor endorsed by them. The contents of Emails sent and received by SW, SWH, SWI and SWS2 are monitored. WARNING: Although SW, SWH, SWI and SWS2 have taken reasonable precautions to ensure no viruses or other malicious software are present, SW, SWH, SWI and SWS2 cannot accept responsibility for any loss or damage arising from the use of this Email or attachments however caused. The recipient should therefore check this Email and any attachments for the presence of viruses or other malicious software. Scottish Water
www.scottishwater.co.uk

Consultee List

Application Number 25/100/HH

- Roads Services
- Scottish Water

Neighbour Notification List

From the 3rd August 2009 the responsibility for Neighbour Notification transferred from the applicant to Orkney Islands Council. The Council will send out Notices to those having an interest in land coterminous with or within 20 metres of the boundary of the land for which development is proposed. Where there are no premises on this land and where the Council is unable to identify a relevant address to which notification can be sent, it will advertise this in the local press.

Below is a list of the properties notified for this application.

Application Number 25/100/HH

- 11 Moar Drive, Kirkwall, Orkney Islands, KW15 1FS
- 13 Moar Drive, Kirkwall, Orkney Islands, KW15 1FS
- 15 Moar Drive, Kirkwall, Orkney Islands, KW15 1FS
- 4 Douglas Loan, Kirkwall, Orkney Islands, KW15 1FU
- 4 Robertson Loan, Kirkwall, Orkney Islands, KW15 1GQ
- 6 Robertson Loan, Kirkwall, Orkney Islands, KW15 1GQ
- Belton, 1 Robertson Loan, Kirkwall, Orkney Islands, KW15 1GQ
- 12 Douglas Loan, Kirkwall, Orkney Islands, KW15 1FU
- 10 Douglas Loan, Kirkwall, Orkney Islands, KW15 1FU
- 6 Douglas Loan, Kirkwall, Orkney Islands, KW15 1FU
- 8 Douglas Loan, Kirkwall, Orkney Islands, KW15 1FU

Number of neighbours notified: 11

INTERNAL MEMORANDUM TO: Roads Services

Date of Consultation	11th April 2025
Response required by	2nd May 2025
Planning Authority Reference	25/100/HH
Nature of Proposal (Description)	Extend a house and erect a fence
Site	3 Robertson Loan Kirkwall Orkney Islands KW15 1GQ
Proposal Location Easting	345983
Proposal Location Northing	1011329
Area of application site (Metres)	913
Supporting Documentation URL	http://planningandwarrant.orkney.gov.uk/online-applications/ Please enter - 25/100/HH
PA Office	Development Management
Case Officer	Miss Inga Davidson
Case Officer Phone number	(01856) 873535 Ex2506
Case Officer email address	Inga.Davidson@orkney.gov.uk
PA Response To	planningconsultation@orkney.gov.uk

Comments:

No adverse comment provided the undernoted informative is applied to any planning permission that may be granted.

INFORMATIVE

Any damage caused to the existing road infrastructure during construction of the development shall be repaired prior to the development being brought into use, to the satisfaction of the Planning Authority, in conjunction with Roads Services.

It is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain beyond the working day, on a public road from any vehicle or development site.

D.W.

23 April 2025



**12 Douglas Loan
Watersfield
Kirkwall
KW15 1FU**

Development Management
Orkney Islands Council
School Place
Kirkwall
KW15 1NY

1 attachment

Planning Application 25/100/HH: Robert Lennie, 3 Robertson Loan, Kirkwall, KW15 1GQ; Extend a House and Erect a Fence

Dear Sirs,

Thank you for your letter of 11th April 2025 about the above, which I received on 15th April 2025. I have some concerns about the application and objections to it, based on material considerations, my representations being detailed below.

Here, and in the attachment, “extension” is used no mean the extension to the east of the existing house. The garden room and kitchen extension is described as “garden room”.

Please ensure that all personal details are redacted other than my name and address.

1. The proposed work may be contrary to, or not in the spirit of, the Watersfield Development Plan.

Below are extracts from the Watersfield Development Brief, and some comments on them.

- a sense of enclosure should be created throughout the development by linked frontages and garden walls and verges with consistency of materials and heights according to the existing site boundary walls. Traditionally constructed drystone walls will be the most appropriate (Fig 20), however, block walls finished with uniformly coloured render and natural stone copes are a secondary alternative

Garden walls should have a consistency of materials and heights; traditionally constructed drystone walls would be the most appropriate: the proposed 1.8 metre high fence is not consistent in height with the other boundary fences in the area, and a traditionally constructed drystone wall consistent in height with the other

boundary fences could be substituted, or a native species could be used to make or enhance the site boundary (see below) . This would also avoid making overshadowing worse – see 3. below and the attachment.

- individual site boundaries should avoid suburban detailing such as timber hit-and-miss fencing, though timber fences will be permitted in back gardens.

Although timber fences are permitted in back gardens, the proposed 1.8 metre high fence is a hit and miss fence, and this is contrary to the Watersfield Development Brief.

- Native tree species of local provenance and other trees and shrubs that already grow successfully in the town, such as sycamores, should be used to establish the landscape treatment in the Development Brief area: in particular to develop the open space and pedestrian networks identified in The Development Brief Strategy plan.

A native species or a traditionally constructed drystone wall could be used to make or enhance the site boundary instead of the proposed 1.8 metre high fence. This would be consistent with and in the spirit of the Watersfield Development Brief, especially given that the gardens in this area constitute a significant open space and are a habitat for a protected, “at risk” species. See 4. below.

2. I have concerns over the appearance of part of the proposed work.

As is discussed elsewhere (1. above - garden walls should have a consistency of materials and heights; the proposed 1.8 metre high fence is a hit and miss fence, and this is contrary to the Watersfield Development Brief; and 3. below – the 1.8 metre high fence on top of a 1m bank would not provide privacy for the applicants or their neighbours) there are issues with the proposed fence. Further to this, the appearance of the fence, coupled with its height at the top of a 1 metre high bank in the back garden of 12 Douglas Loan, would be very unsightly. I don't want the view out of my main windows to be dominated by an unsightly, inappropriate fence. As discussed elsewhere, there are alternatives, to which should be added the status quo: leave the existing fence as the boundary between the properties.

3. I have concerns about residential amenity.

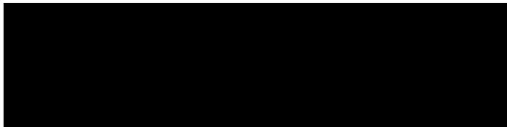
- Summarising the attachment, the proposed extension, the proposed garden room, the proposed fence, and the existing house will, and do, overshadow my home and garden for a significant part of the year, depriving them of direct sunlight. This is explained in the attachment.
- The proposed extension, the garden room, and the existing house, overlook my home, meaning I have no privacy and will have less. This is explained in the attachment and mentioned below. A 1.8 metre high fence would not solve this problem, as a short visit to the site would make apparent, and as is shown in the attachment. It would only stop those in homes on Douglas Loan being able to see into the garden of 3 Robertson Loan, the windows of all of 3 Robertson Loan still being visible, especially those in the proposed garden room, given the topography of the site. Persons in 3 Robertson Loan or its garden would still be able to see into homes and gardens on Douglas Loan. All this is particularly so in the proposed extension nearest to Douglas Loan, the garden room, given the topography of the site. As things are, and would be, for the better part of a decade I have had to keep curtains closed to ensure my privacy. The proposed fence would appear to be of no benefit as far as privacy is concerned. A more apt place to put a privacy fence in my opinion, given the local topography, would be on the boundary between 3 Robertson Loan and the house to its west, although the same issues would be present with regard to the Watersfield Development Brief as are discussed in 1. above, and other issues discussed in 2. and 4.
- Had I been aware of the above being valid reasons to make a representation or object to planning permission when the original house was built at 3 Robertson Loan, I would have done so, and would like to do so now.

4. I have concerns about the effect on the natural environment.

- The gardens adjoining 10 and 12 Douglas Loan, and others, including 3 Robertson Loan, are home to hedgehogs. Hedgehogs in the UK are protected but not currently classified as endangered. Populations are declining significantly, raising concerns among conservationists. Hedgehogs are protected under the Wildlife and Countryside Act (1981) and the Wild Mammals Protection Act (1996). They are a priority Species under the UK Post-2010 Biodiversity Framework, and on the International Union for Conservation of Nature's Red List for British mammals which are vulnerable to extinction. Please check these pieces of legislation and other documents.
- There is nothing at all in the Planning Application Biodiversity Enhancement Form or Plan that takes this into account, and no thought has been given to encouraging and protecting existing wildlife or protecting and enhancing its habitat. The proposed fence and its construction will have an adverse effect on these animals, being in the area occupied by them, and will do nothing to protect them or their habitat, or enhance their habitat. Other proposed works may do so

as well. An alternative, such as native species of shrub such as willow, with suitable vegetation allowed to grow under them, might form a better (and potentially more attractive) privacy boundary to the property and more importantly given the “at threat” status of hedgehogs, thereafter provide shelter and resources for them. This would encourage them (and other species) further, and would be in agreement with the Watersfield Development Plan. I have planted willow and fuchsia in my back garden to try to get some privacy, being overlooked by 3 Robertson Loan and passers by on Moar Drive, both of which can easily see down into my house (and garden) and to encourage wild animals, birds and insects. The alternative is (usually) not to open my curtains. I chose native willow as it fits in with the Watersfield Development Plan. The bushes very likely encouraged hedgehogs (whose habitats are grassland, heathland, moorland, farmland, woodland, and towns and gardens) and other species to populate the gardens.

Yours faithfully,

A solid black rectangular box used to redact the signature of Robert D Duncan.

Robert D Duncan

Attachment: Overshadowing and Overlooking

Here, and in the letter, “extension” is used to mean the extension to the east of the existing house. The garden room and kitchen extension is described as “garden room”.

Data about height angle of sun, date and time are taken from:

<https://www.timeanddate.com/sun/uk/kirkwall?month=12&year=2025>

Measurement of the gradient of ground surface of Moar Drive is used and taken from current 1:25,000 Ordnance Survey mapping (see Plate 4).

Measurements of dimensions of 3 Robertson Loan existing and proposed buildings are taken from the plans in the application.

Measurement of distances of buildings from property boundary taken from the following Ordnance Survey map, url included, plate 1:



Plate 1: Map showing positions of existing buildings, the position from which a photograph (Plate 2) was taken, and the line along which measurements were taken to use in the scale sketch section (plate 3).

Overshadowing, with Some Comments on Overlooking

Plate 4 shows a sketch section drawn using measurements from the sources above. It demonstrates overshadowing and how this would change throughout the year. I do not have a sophisticated drawing package, so it is drawn by hand.

Taking into account the local topography has been difficult. In order to allow analysis to be done, the gradient of the ground in plate 4 was approximated by measuring the gradient of Moar Drive on the current Ordnance Survey 1:25,000 map, as it is a constant gradient and close to the average slope of the gardens. This measurement would have an accuracy of $\pm 20\%$ or smaller. *A conservative estimate of the gradient was made because the aim of this analysis is to investigate overshadowing and overlooking issues.* It may be greater, the accuracy quoted being down to measurement uncertainty. There is another apparent approximation or anomaly in plate 4, again down to the difficulty in analysing gradient and topography, which can be seen at X and Y on that plate. This results in what *looks like* a possible vertical position uncertainty of between +0.4 metres and +0.7 metres, a small amount, in the height of the building at 3 Robertson Loan. It is not an error. This small position difference is very likely compensated for by the conservative approximation of gradient used. There is a difficulty with analysing topography and the relative positions of buildings on it. Plate 4 has been drawn as it has been as it agrees with the other evidence – the photograph (plate 3) and the related analysis using ray H on plate 4 (see page 4 and below).

Note that the analysis of sight line below (page 4) using ray H on plate 4 agrees with what can be seen in plate 3. Plate 3 indicates that even with a 1.8 metre high fence in place, persons in 3 Robertson Loan's existing windows can and could see in through the windows of 12 Douglas Loan. Given the topography as discussed this would be even more so from the windows of the proposed garden room, indicating that the scale sketch used and the analysis are valid, agreeing with reality (the photograph), and showing that the proposed garden room overlooks 12 Douglas Loan. *This can be shown conclusively* by placing a ruler on plate 4 so that its edge rests on the top of the proposed 1.8 metre fence – the edge can then be made to pass through the windows of 12 Douglas Loan and 3 Robertson loan (*existing or proposed*) demonstrating the actual accuracy of plate 4 with respect to position of buildings, overshadowing and overlooking. This isn't marked on plate 4 in an effort to maintain clarity. A more comprehensive survey or even a short visit to the site would give the same results as this analysis.

At midwinter, the maximum height of the sun in Kirkwall is 7.7° . Rays A and B in plate 4 show that the roof line of the existing house and proposed extension (ray B) and the roof of the garden room (ray A) would, and do, completely overshadow 12 Douglas Loan and its garden at midwinter. Ray H shows that at midwinter the proposed 1.8 meter high fence would shade the lower part of the windows of 12 Douglas Loan and all of its garden. Rays F (17°) and G (13°) show the minimum height of the sun that would allow the proposed buildings to shade the windows of 12 Douglas Loan and its garden. Ray F shows the garden room could shade the windows and garden between 31 October and 10 February. Ray G shows the existing house and the proposed extension can and could shade the windows and garden between 13 November and 27 January. Rays C (22°) and D (17°) show the minimum height of the sun for respectively the roof of the proposed garden room and the roof of the existing building and proposed extension to shade only the garden, this being between 16 October and 24 February, and 31 October and 10

February respectively. Ray E (15°) shown the minimum height of the sun for the proposed 1.8 metre fence to overshadow the garden of 12 Douglas Loan. The sun would be below this height between 6 November and 4 February. The above were determined by checking the data on [https://www.timeanddate.com/sun/uk/kirkwall?](https://www.timeanddate.com/sun/uk/kirkwall?month=12&year=2025)

month=12&year=2025 and finding out the dates on which the maximum height of the sun dropped below a certain angle then rose above it again. The maximum height of the sun at midwinter came from the same source. The dates for 2025 were used. Things would be much the same in any year.

Note that this analysis only applies to solar noon on any given day, when the sun is at its highest in the sky. Overshadowing would be worse before and after solar noon, meaning that my home would in fact be overshadowed for a greater part of the year than the above analysis would suggest.

This analysis is backed up further by the image below (plate 2) which is taken from Google Maps. The aerial photograph was taken in early in a year, when the sun was due south, and examination clearly shows the existing buildings at 3 Robertson Loan overshadowing 12 Douglas Loan. The proposed works would only make this situation worse.



Plate 2: Taken from Google Maps, showing overshadowing of 12 Douglas Loan by existing buildings at 3 Robertson Loan. The proposed extensions and fence would make this worse.

Clearly the existing buildings and the proposed works do and would overshadow the windows and garden of 12 Douglas Loan and the garden for a significant part of the year.

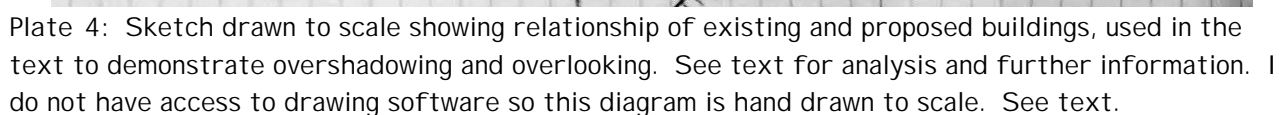
Overlooking



Plate 3: Photograph taken at eye level from the point indicated on Plate1, half way along the wall of 12 Douglas Loan, showing that the present building's windows at 3 Robertson Loan already overlook 12 Douglas Loan, a person being able to see easily in through a window of 12 Douglas Loan. The external ground surface and floors are at the same level. The proposed garden room extension windows, because of the topography (the ground slopes down towards the viewer) would have an even clearer view through the windows of 12 Douglas Loan. See text and Plate 3. The existing 1 metre high fence is shown, as is a red line indicating the height of a 1.8 metre high fence. The shed in the photograph is to be demolished.

Plate 3 and plate 4 show that even with a 1.8 metre high fence, persons in 12 Douglas Loan and 3 Robertson loan would easily be able to see into each others homes. This would significantly affect my privacy. Ray H on plate 3 happens to show the line of sight of someone standing in proposed garden room of 3 Robertson Loan, the existing house, or the extension, and it is clear that they will easily be able to see in through the windows of 12 Douglas Loan, as it passes at head height through the window in 3 Robertson loan, grazes the top of the proposed fence and goes in through the window of 12 Douglas Loan. See plates 2 and 3 and the letter.

This analysis serves to show that my home is overlooked by the existing building and would be overlooked by the proposed extensions to a greater degree even if a 1.8 metre fence is constructed as proposed.



General Comment

Given the obvious difficulty in carrying out an accurate survey to demonstrate overshadowing and overlooking, *which appears to have been resolved adequately here*, an accurate survey of local topography might be undertaken so that this can be confirmed, and the results shared by the applicant along with the application, as existing plans don't include this.

Zoe Montgomery

From: Gillian Aitchison [REDACTED]
Sent: 30 April 2025 20:59
To: planning
Subject: 25/100/HH Representation

Categories: [REDACTED]

-- External e-mail: **Think** before you **Click**--

The effect on residential amenity - overshadowing concern

To whom it may concern,

I have taken some time to consider the planning neighbour notification received recently. Although I understand the applicants need and wish for a higher privacy fence and that I would also appreciate a higher privacy fence, I feel that the height is too high and will overshadow my garden and home. My garden, which I believe takes up one of the largest areas of the new proposed higher fence, is not level and is on an incline from my house back door up to the existing fence, so any fence is higher than how it looks from the applicant's garden and therefore overshadows my garden and house more. All our daytime light comes from this direction, and our living room is at this side of the house, so I would appreciate a drop in the fence to take account of this, so that our light is not removed from our living area and only garden space.

I would also like to double check that the proposed fence would be the same appearance as the existing fence with spaces between each slat, as this part wasn't too clear in the fence photo shown in the document.

Thank you for your time and consideration.

Yours faithfully,

Gillian Aitchison
10 Douglas Loan
Kirkwall
Orkney
KW15 1FU

REFUSE PLANNING PERMISSION
DELEGATED DECISION

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997 (as amended) ("The Act")
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

Ref: 25/100/HH

Mr Robert Lennie
3 Robertson Loan,
Kirkwall,
United Kingdom
KW15 1GQ

With reference to your application registered on 18th March 2025 for planning permission for the following development:-

PROPOSAL: Extend a house and erect a fence

LOCATION: 3 Robertson Loan, Kirkwall, Orkney KW15 1GQ

Orkney Islands Council in exercise of its powers under the above Act and Regulations, hereby **REFUSE Planning Permission for the reason(s) outlined on the next page.**

The plans to which this decision relates are those identified in Schedule 1 attached.

The Council's reasoning for this decision is: Whilst the principle of residential extensions within settlement boundaries is generally supported, this proposal fails to appropriately respond to the site. The combined scale, siting, and design of the proposed extensions would result in a development that is visually intrusive and dominates the streetscape. The elevated ground levels further intensify the visual impact and contribute to a sense of overdevelopment and enclosure that is uncharacteristic of the surrounding area. The proximity to neighbouring dwellings raises issues of overlooking and reduced residential amenity. The proposed fencing and landscaping measures do not adequately mitigate these concerns and do not comply with guidance regarding biodiversity enhancement or the development brief. The development is contrary to National Planning Framework 4 and the Orkney Local Development Plan 2017.

(For further detail you may view the Planning Handling Report for this case by following the Application Search and Submission link on the Council's web page and entering the reference number for this application).

Decision date: 11th August 2025

Jamie Macvie MRTPI, Service Manager, Development Management, Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY

Ref: 25/100/HH

REASONS FOR REFUSAL

01. The proposal is contrary to Policy 1 of the Orkney Local Development Plan 2017, as the development is not sited and designed taking into consideration the location and the wider landscape and density of the development. This is due to the extent of the proposed extensions, the density of these compared to the surrounding dwellings, and the proposed fence height, which together result in an inappropriate and overdeveloped form of development.

02. The proposal is contrary to Policy 2 of the Orkney Local Development Plan 2017 and Policy 14 the National Planning Framework 4, as the development is not sympathetic to the character of the local area, and does not provide a positive or neutral effect on the amenity of the area as required. The design, massing, and siting of the extensions break the general building line for houses of that scale and would introduce a dominant and overbearing feature at a key roadside location, which is visually incongruous within the wider streetscape.

03. The proposal is contrary to Planning Policy Advice 'Amenity and Minimising Obtrusive Lighting' (2021) which requires minimum rear garden depth to be at least 10 metres, to maintain rear garden privacy.

04. The proposal is contrary to Policy 14 of National Planning Framework 4, as the proposal has a detrimental impact on the amenity of the surrounding area, including risk of overlooking arising from the north extension and the visual impact of the fencing, impacting the enjoyment and privacy of neighbouring dwellings.

Ref: 25/100/HH

SCHEDULE 1 – PLANS, VARIATIONS AND ANY OBLIGATION**1. Plans and Drawings**

The plans and drawings to which this decision relates are those identified below:

Location Plan	OIC-01	1
Site Plan	OIC-02	1
Section, Elevation & Floor Plan	OIC-04	1
Biodiversity Plan	OIC-05	1

2. Variations

If there have been any variations made to the application in accordance with section 32A of the Act these are specified below:

Date of Amendment:

Reasons

RIGHT TO SEEK A REVIEW

If you are unhappy with the terms of this decision you have a right to ask for a review of your planning decision by following the procedure specified below.

PROCEDURE FOR REQUESTING A REVIEW BY THE LOCAL REVIEW BODY

1. If the applicant is aggrieved by the decision of the Appointed Officer to:
 - a. Refuse any application, or
 - b. Grant permission subject to conditions.

In accordance with the Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations, the applicant may apply to the Local Review Body within three months from the date of this notice for a review of that decision.

Forms to request a review are available from either address below, or from [Appeal a Decision](#)

2. Completed forms to request a review should be submitted to the address below:

Committee Services
Orkney Islands Council
Council Offices
School Place
KIRKWALL
Orkney
KW15 1NY

and at the same time a copy of the notice for a review should be sent to:

Service Manager (Development Management)
Orkney Islands Council
Council Offices
School Place
KIRKWALL
Orkney
KW15 1NY

Email: planning@orkney.gov.uk

3. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Act.

INFRASTRUCTURE AND ORGANISATIONAL DEVELOPMENT

Director: Hayley Green, MBA (Public Service)
Council Offices, Kirkwall, Orkney, KW15 1NY

Tel: (01856) 873535 extension 2504
Email: planning@orkney.gov.uk

Website: www.orkney.gov.uk



Planning Application: 25/100/HH
Proposal: Extend a house and erect a fence
Location: 3 Robertson Loan, Kirkwall, Orkney, KW15 1GQ

Notice of Review

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013

Regulation 10 – Representation as an Interested Party

Given the extent of discussion prior to decision, the statement accompanying the Notice of Review does not introduce new information. The Development Management response will therefore follow in suit, and simply confirm points previously made.

The fundamental question is whether the proposed extensions and boundary fencing are acceptable in terms of scale, siting, and design, having regard to their impact on residential and public amenity, and their relationship to the established character of the surrounding area.

In relation to comments raised, the principle of extending an existing dwelling within a defined settlement boundary is generally supported. However, acceptability is dependent on the proposal's ability to integrate appropriately with its context, respect established building lines, and safeguard residential amenity. Simply because development is domestic in nature does not in itself justify a scale or positioning that fails to respond to local character or setting.

Similarly, the fact that the proposal uses matching external materials and is situated within an existing garden ground does not automatically render the design appropriate. Visual impact, massing, and the relationship to neighbouring dwellings and public areas must all be assessed in determining whether the development maintains or enhances amenity.

Extending a dwelling to a degree that results in an over-dominant or visually intrusive form goes beyond what can reasonably be considered a proportionate addition to the original dwelling. In this case, both extensions, when viewed cumulatively, fail to achieve a sympathetic relationship with surrounding development, leading to a detrimental effect on the visual character and amenity of the area.

The detailed site analysis and policy-based assessment contained within the handling report clearly establish that the proposal conflicts with Policies 1 and 2 of the Orkney Local Development Plan 2017 and Policies 14 and 16 of the National Planning Framework 4. The development, therefore, cannot be supported, as it would introduce an overbearing and unsympathetic feature that neither respects the setting of the existing property nor safeguards the amenity of neighbouring dwellings.

Development Management
19 November 2025

Katy Russell-Duff
Committees Officer
Chief Executive's Service
Orkney Islands Council
Council Offices, School Place, Kirkwall, Orkney, KW15 1NY

1 attachment

**Planning Application 25/100/HH: Robert Lennie, 3 Robertson Loan, Kirkwall,
KW15 1GQ; Extend a House and Erect a Fence**

Dear Madam,

Thank you for your email of 10 November 2025.

I attach a letter to Mr Lennie dated 28 April 2025, in which I tried to arrange discussion by email. This letter was copied to Development Management, Orkney Islands Council, School Place, Kirkwall KW15 1NY (planning@orkney.gov.uk) on that date, along with a copy of a further letter. As you will see, I have attempted to engage with Mr Lennie to discuss his planning application, but to date, he has not responded to my letter or emailed me. [REDACTED].

Further to my original representation, I am particularly concerned about the overshadowing, overlooking and appearance of the proposed work. The existing house already overshadows and overlooks my home, and the proposed extension, being built out over the slope of the hill, would make this worse. The proposed fence would also cast a shadow. It should be noted that the calculations in my original representation refer to the height of the sun at mid day. The real situation with regard to overshadowing would therefore be much worse in terms of overshadowing at other times of the day and also earlier and later in the year.

Yours sincerely,

[REDACTED]

Robert D Duncan

29 April 2025
[REDACTED]

**12 Douglas Loan
Watersfield
Kirkwall
KW15 1FU**

Mr Robert Lennie
3 Robertson Loan
Watersfield
Kirkwall
KW15 1GQ

C. C: Development Management, Orkney Islands Council, School Place,
Kirkwall KW15 1NY (planning@orkney.gov.uk).

1 attachment

**Planning Application 25/100/HH: Robert Lennie, 3 Robertson Loan, Kirkwall,
KW15 1GQ; Extend a House and Erect a Fence**

Dear Mr Lennie,

Thank you for your visit of 28 April 2025, when you wished to discuss my objection to your planning application. [REDACTED]

[REDACTED] I have offered to engage with you via email, and my email address is to be found above. Advantages of email are: they form a written record of any dialogue, and email can be used as a form of instant messaging, when convenient. It can be a conversation in effect, when convenient to both parties.

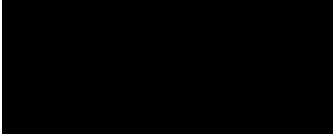
The objection I submitted contains suggestions as to how your application might be modified, to which I would add constructing your garden room and kitchen extension so that they cannot overlook or overshadow my home any more than the existing house at 3 Robertson Loan currently does. You might put it to the south on the other side of your existing house from my home, or the two extensions could be put at opposite ends of your house to the east and west of the existing building, so that both extensions follow the line and height of it. Windows might be such as to limit the view of my home. Additionally, but not necessarily excluding these suggestions, the internal structure of your house could perhaps be modified to provide additional rooms or to change the use of existing rooms. As suggested, the fence could be replaced by a hedge or line of bushes, for example fuchsia, willow, or other fast growing species that does well in Orkney, as suggested in the Watersfield Development Brief.

It's my firm belief that neighbours should get along with each other and be supportive of each other at need. [REDACTED]

but I once suggested that we meet socially, this was at the time some years back when you organised a petition objecting to the routing of traffic through Watersfield, which I

thoroughly approved of and supported. This might be possible in the future at some time. I've recently written to O. I. C. following a recent consultation on speed limits. This was to give my objections to the proposals and to reiterate what you and I felt when you made your original objections and arranged a petition. I've attached a copy for your information.

Yours sincerely,

A solid black rectangular box used to redact the signature of Robert Duncan.

Robert Duncan

3 Robertson Loan

Kirkwall
Orkney
KW15 1GQ

Date: 27th November 2025

Planning Department

Orkney Islands Council
Council Offices
School Place
Kirkwall
Orkney
KW15 1NY

For the attention of: Katy / Hazel

Re: Planning Application – Further Comments and Clarification

Dear Katy and Hazel,

Thank you very much for forwarding the recent correspondence regarding our planning application.

We have taken considerable time to reflect on all aspects of the proposal, including the objections raised, the reasons given for refusal, and the professional advice we have received. Following this review, we felt it appropriate to proceed with an appeal, and we would like to outline a few key points to provide further clarity.

1. Engagement with Neighbours

I (Robert) visited Mr Duncan to discuss his objection, as we did not anticipate concerns given that we believe the proposed extension would have minimal—if any—impact on neighbouring properties. After the visit, [REDACTED] felt that the best course of action was to refrain from further engagement at that time. We remain willing to discuss matters should circumstances become more appropriate for constructive dialogue.

2. How the Proposal Has Been Viewed

We were quite surprised and a little disappointed that the proposal seems to have been considered mainly from a negative angle, focusing on possible problems rather than the improvements the extension, hedging, and fencing (which does not require planning) would bring. The 1.8m fence along the northern boundary is something I had always intended to install, regardless of the extension.

a. Eastern Extension

The eastern extension does not affect overlooking or daylight to neighbouring homes. Its size and position are very similar to the existing master bedroom, which is rarely in use during the day, and at night would always have blinds or curtains closed. Some assumptions appear to have been made about overshadowing, but the professional drawings submitted with the appeal show that these concerns are not supported. The sun's path from east to west still provides open light for all properties.

b. Northern Extension

We believe the northern extension actually enhances privacy. Currently, the patio doors of both properties face each other, and our dining area directly overlooks the neighbouring home to the north. Under the proposed layout, our main living area would instead face east, eliminating any direct sightlines toward the neighbouring property. While the extension would be closer, this does not necessarily increase overlooking; in fact, we feel it would improve privacy for both households. The hipped roof design, combined with the natural path of the sun, ensures minimal, if any, impact on light to surrounding homes.

c. Support from the Neighbourhood

Many of our neighbours have been incredibly supportive and positive about the extension. They've been welcoming about the idea of us settling further into the community, and several have expressed disappointment that we've not yet been able to begin the work.

3. Overdevelopment and Visual Impact

We were surprised to see the proposal described as overdevelopment or visually intrusive, as the proportions and design are very much in line with other homes and recent developments within Orkney. Ours is a typical bungalow, and we believe the proposal sits comfortably within the character of the area.

If there are specific points that the Development Management team feel unable to support, we would be very grateful for clearer guidance. It was mentioned during one of our phone calls that helpful feedback would be provided to support a potential resubmission. We would hugely appreciate this, as we are keen to work towards a solution that everyone is happy with.

Kind regards,
Robert and Hannah