

Inverclyde Local Review Body

Our Ref: 16/0319/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Vacant Site, Dunvegan Avenue, Gourrock
 - Application for Review by Mr V Canata against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 16/0319/IC
 - Application Drawings: Drawing No. 2139_D.100 – proposed plans and elevation
Drawing No. 2139_D.101 – proposed block plan and street elevation
 - Date of Decision Notice: 12 April 2017
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions listed below. Attention is also drawn to the Advisory Notice at the end of this Review Decision Notice.

1. Introduction

- 1.1 This Notice constitutes the formal decision notice of the ILRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the ILRB at a meeting held on 5 April 2017. The Review Body was constituted by Councillors K Brooks, G Dorrian, V Jones, T Loughran, I Nelson, L Rebecchi and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal is for the construction of a two storey, six apartment house with a monopitch roof with a free-standing carport with an asymmetric pitch roof to the north east, within the side garden. The house and carport are set back approximately 2m and 1.3m respectively from the footway heel on Dunvegan Avenue. There is a first floor balcony on the south west (side) elevation of the house with mature trees between the house and the neighbouring house at 11 Dunvegan Avenue. The proposed finishing materials are concrete roof tiles, two contrasting colours of facing brick, timber effect cladding and uPVC windows. The carport's external finishes match those of the house.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application and plans dated 25 November 2016;
 - (ii) Appointed Officer's Site Photographs;

- (iii) Appointed Officer's Report of Handling dated 27 January 2017;
- (iv) Representations in relation to planning application;
- (v) Decision Notice dated 30 January 2017;
- (vi) Letter dated 6 February 2017 from Mr Canata enclosing Notice of Review Form and supporting documentation;
- (vii) Suggested conditions should planning permission be granted on review.

4. **Reasons**

- 4.1 The determining issues in this review are (a) (i) the distances the proposed house and car port would be set back from the road and (ii) the height of the roof of the proposed house in relation to the other properties in the vicinity and (b) the impact of the proposal on open space and woodland habitat. During the course of discussion, the Planning Adviser confirmed that the right to a view is not a planning consideration.
- 4.2 Having regard to the whole circumstances, the ILRB having considered the matter afresh and, having taken into account the Inverclyde Local Development Plan and all relevant material and planning considerations, determined that the review application should be upheld.
- 4.3 It was also agreed by the ILRB that the conditions listed at paragraph 5 below be placed on the planning permission for the reasons specified.

5 **Conditions**

- 1. No development shall commence until details of a piped surface system with a discharge rate no higher than greenfield runoff rate has been submitted to and approved in writing by the Planning Authority, development thereafter shall proceed in accordance with the approved piped surface water system.
- 2. No development shall commence until samples of all external materials have been submitted to and approved in writing by the Planning Authority, development thereafter shall proceed utilising the approved materials unless the Planning Authority gives its prior written approval to any alternatives.
- 3. The tree planting detailed in section 4.8 of the Donald Rodger Associates Ltd Arboricultural Consultants Tree Survey and Arboricultural Implication Study, dated November 2016, shall be completed in the first planting season following completion of the dwellinghouse hereby approved and any specimens which in the subsequent 5 years die, become diseased or are damaged shall be replaced in the next planting season with a similar specimen, unless the Planning Authority gives its prior written approval to any alternatives.

Reason:

- 1. To prevent harm from flooding.
- 2. To ensure a continuity of external finishes in this part of Gourrock.
- 3. To ensure the continued woodland character of the site.

Signed _____

Head of Legal & Property Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013

1. If the applicant is aggrieved by the decision of the planning authority -
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions 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 V of the Town and Country Planning (Scotland) Act 1997.