

Inverclyde Local Review Body

Our Ref: 17/0186/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 3 Cardross Place, Greenock
 - Application for Review by Rebecchi Architectural Services on behalf of Mr D Lightbody against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 17/0186/IC
 - Application Drawings: Drawing No. 17-053-PL-001 – Existing Plans and Elevations
 Drawing No. 17-053-PL-002 – Proposed Plans and Elevations
 - Site Inspection took place on 11 January 2018
 - Date of Decision Notice: 22 February 2018
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the condition 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 firstly at a meeting held on 1 November 2017. The ILRB was constituted by Councillors J Clocherty, J Crowther, G Dorrian, D McKenzie, L Rebecchi and D Wilson (Chair). At that meeting the Members of the ILRB decided to have regard to a new matter submitted on behalf of the applicant in the form of a signed document from neighbouring properties in support of the application and to continue consideration to enable the signatories of the document to be consulted as interested parties and given the opportunity to make representations in accordance with the Town & Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.3 The ILRB reconvened on 3 January 2018 to determine the matter. The ILRB on 3 January 2018 was constituted by Councillors J Clocherty, J Crowther, G Dorrian (Chair), D McKenzie and L Rebecchi. At that meeting the Members of the ILRB decided that they wished to carry out an unaccompanied site inspection before making a decision in respect of the matter. The meeting was adjourned to allow the site inspection to be carried out and said site inspection attended by Councillors J Clocherty, J Crowther, D McKenzie and L Rebecchi took place on 11 January 2018.

1.4 The ILRB reconvened on 7 February 2018 to determine the matter. The ILRB on 7 February 2018 was constituted by Councillors J Clocherty (Chair), J Crowther, D McKenzie and L Rebecchi.

2. **Proposal**

2.1 The application proposal is for the erection of decking on the upper storey southern side elevation of the house. Owing to the topography of the site the proposal would bridge an existing pathway which leads to the rear garden and would involve construction and support posts being fixed into the adjoining steeply sloping grass embankment lying between the property and its southern boundary with Clynder Road. The decking at floor level will be approximately 3 metres in height above ground level and will cover around 18 square metres. A 1.5 metre high open slatted timber fence is proposed to be constructed around the site covering the entire southern side and the western corner fronting Cardross Place. The application was refused consent in terms of a decision letter dated 17 August 2017.

3. **Preliminaries**

3.1 The ILRB members were provided with copies of the following:

- (i) Planning Application dated 26 June 2017 together with plans
- (ii) Appointed Officer's Site Photographs
- (iii) Appointed Officer's Report of Handling dated 17 August 2017
- (iv) Inverclyde Local Development Plan 2014
Supplementary Guidance on Planning Application Advice Notes (PAANS)
- (v) Consultation responses in relation to planning application
- (vi) Decision Notice dated 17 August 2017 issued by the Head of Regeneration & Planning
- (vii) Letter dated 18 September 2017 from Rebecchi Architectural Services enclosing Notice of Review Form and supporting documentation
- (viii) Email dated 26 September 2017 from Rebecchi Architectural Services in relation to new material

In addition, the ILRB at the meeting held on 1 November 2017 had regard to a new matter raised by the applicant's agent and were provided with copies of a signed document from neighbouring properties in support of the application.

3.2 Having regard to the material produced the ILRB resolved that the Review Application could be determined without any further procedure allowed in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

4. **Reasons**

4.1 The determining issues in this review are the design and visual appearance of the decking and boundary fence. The ILRB noted that no objections to the proposals had been received and that a signed document from neighbouring properties in support of the application had been submitted.

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 condition listed at paragraph 5 below be placed on the planning permission for the reason specified.

5. **Condition**

That the boundary fence extending from the southern edge of the driveway shall not exceed a height of 1 metre for a length of 4 metres and thereafter shall maintain a height of 1.5 metres.

Reason

In the interest of pedestrian and traffic safety.

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.