

LOCAL REVIEW BODY

2 SEPTEMBER 2020

PLANNING APPLICATION FOR REVIEW

MR G MCLEAN

**REPLACEMENT AND EXTENSION OF TIMBER DECKING, CONSTRUCTION OF
TIMBER GARDEN STORE AND REPLACEMENT OF REAR BOUNDARY FENCE IN
RETROSPECT:
35 BALMORE ROAD, GREENOCK (19/0235/IC)**

Contents

- 1. Planning Application dated 4 September 2019 together with Plans and Photographs**
- 2. Appointed Officer's Site Photographs together with Location Plan**
- 3. Appointed Officer's Report of Handling dated 9 December 2019**

To view Inverclyde Local Development Plan see:

<https://www.inverclyde.gov.uk/planning-and-the-environment/planning-policy/development-planning/ldp>

To view Inverclyde Local Development Plan 2014 see:

<https://www.inverclyde.gov.uk/planning-and-the-environment/planning-policy/development-planning>

- 4. Inverclyde Local Development Plan Proposals Maps**
- 5. Inverclyde Local Development Plan 2014 Proposals Maps**
- 6. Inverclyde Local Development Plan Proposed Plan 2018 Planning Application Advice Note (PAAN) 5 on Outdoor Seating Areas**
- 7. Inverclyde Local Development Plan 2014 Planning Application Advice Note (PAAN) 5 on Balconies and Garden Decking**
- 8. Representations in relation to Planning Application**
- 9. Decision Notice Dated 9 December 2019 Issued by Head of Regeneration & Planning**
- 10. Notice of Review Form Dated 4 March 2020 together with Supporting Documentation from Mr G McLean**
- 11. Suggested Conditions Should Planning Permission be Granted on Review**

- 1. PLANNING APPLICATION DATED 4 SEPTEMBER 2019 TOGETHER WITH PLANS AND PHOTOGRAPHS**

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email: devcont.planning@inverclyde.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 100179163-001

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.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed external alteration & formation of exiting timber decking

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

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

No Yes – Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

Not aware Planning Consent was required

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"/>
First Name: *	<input type="text" value="Gary"/>	Building Number:	<input type="text" value="35"/>
Last Name: *	<input type="text" value="McLean"/>	Address 1 (Street): *	<input type="text" value="Balmore Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="████████"/>	Town/City: *	<input type="text" value="Greenock"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="████████"/>	Postcode: *	<input type="text" value="PA15 8EQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="████████████████████"/>		

Site Address Details

Planning Authority:	<input type="text" value="Inverclyde Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="35 BALMORE ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GREENOCK"/>
Post Code:	<input type="text" value="PA15 3EQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="674389"/>	Easting	<input type="text" value="229020"/>
----------	-------------------------------------	---------	-------------------------------------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

David Sinclair visited the house and had a positive outlook to the application being approved. We since emailed David to confirm an official response would be submitted.

Title:

Mr

Other title:

First Name:

David

Last Name:

Sinclair

Correspondence Reference Number:

DCE(GNK)Baltimore Road(35)

Date (dd/mm/yyyy):

14/08/2019

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

198.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Private Garden Ground

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

2

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water?? * (e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

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

Yes 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.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

NA

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

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 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 Gary McLean

On behalf of:

Date: 04/09/2019

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

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) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Gary McLean

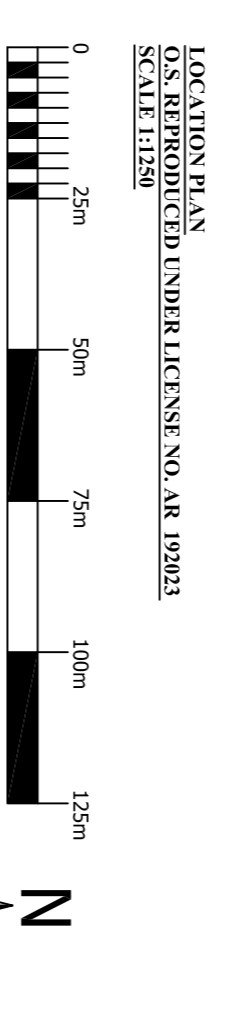
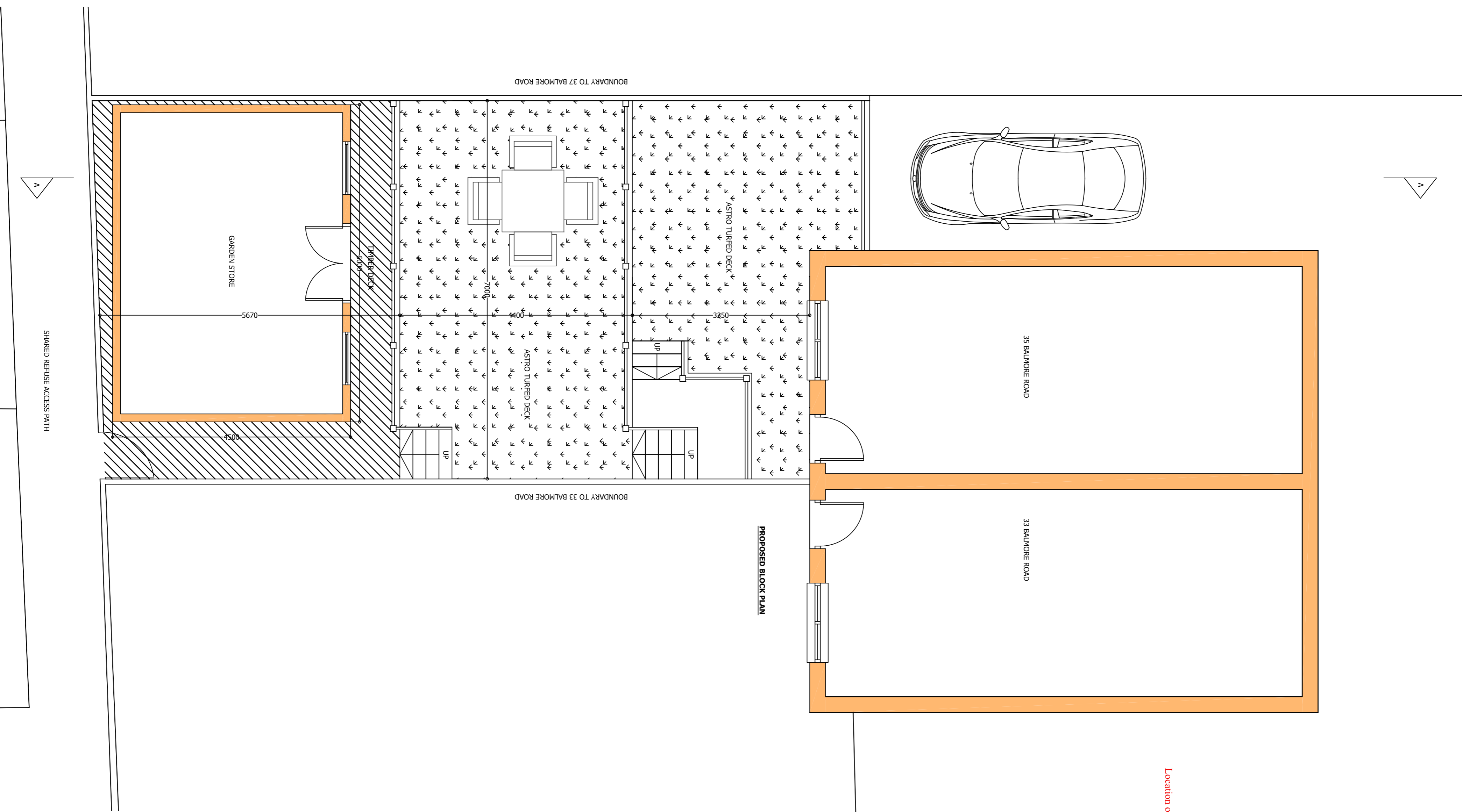
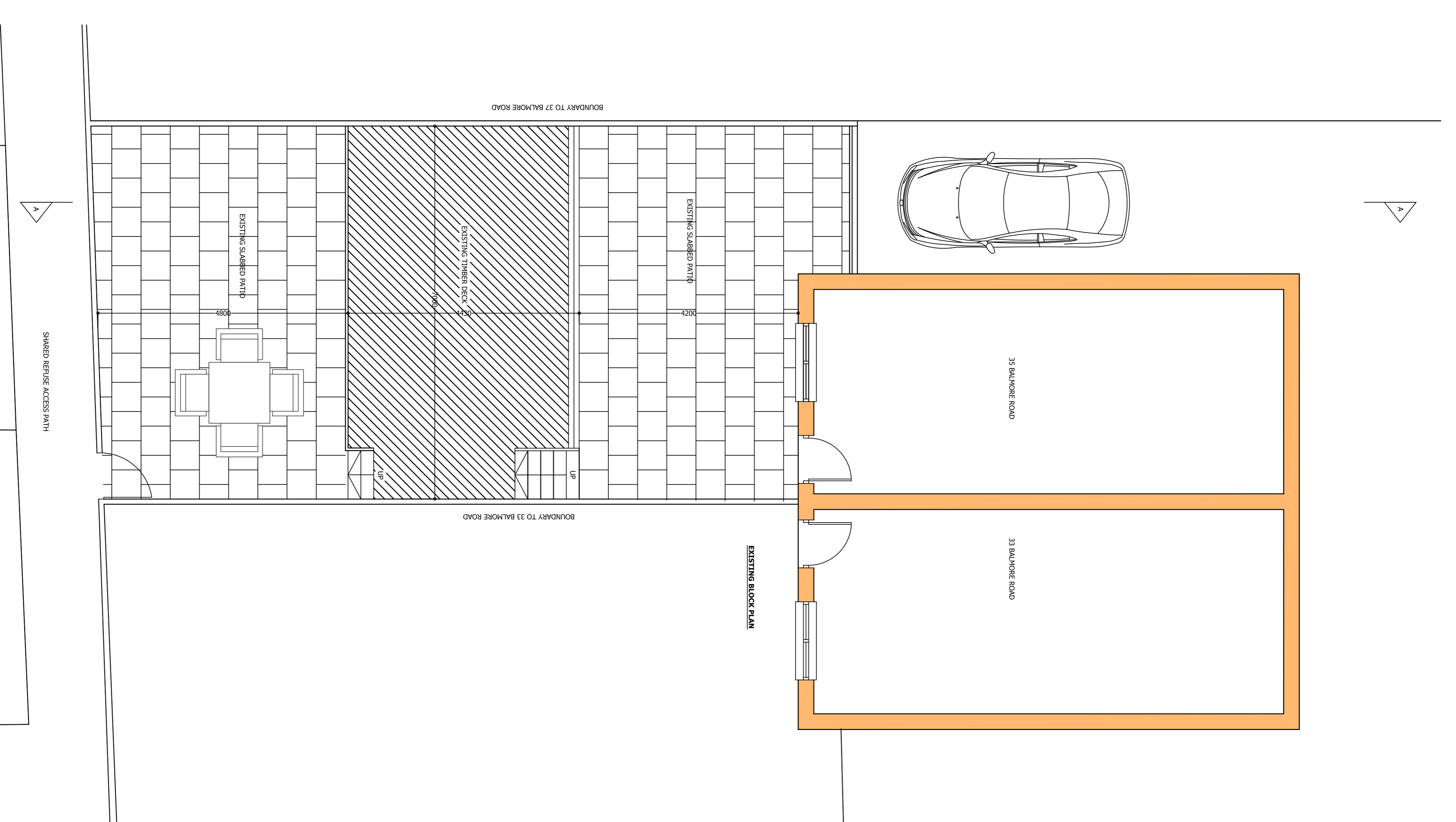
Declaration Date: 04/09/2019

Payment Details

Online payment: XXXXXXXXXX

Payment date: 05/09/2019 22:13:00

Created: 05/09/2019 22:14



PROPOSED LANDSCAPING INCLUDING
 TIMBER DECKING - AT,
 35 BALMORE ROAD,
 GREENOCK,
 PAIS 3EQ

FOR
 MR & MRS McLEAN

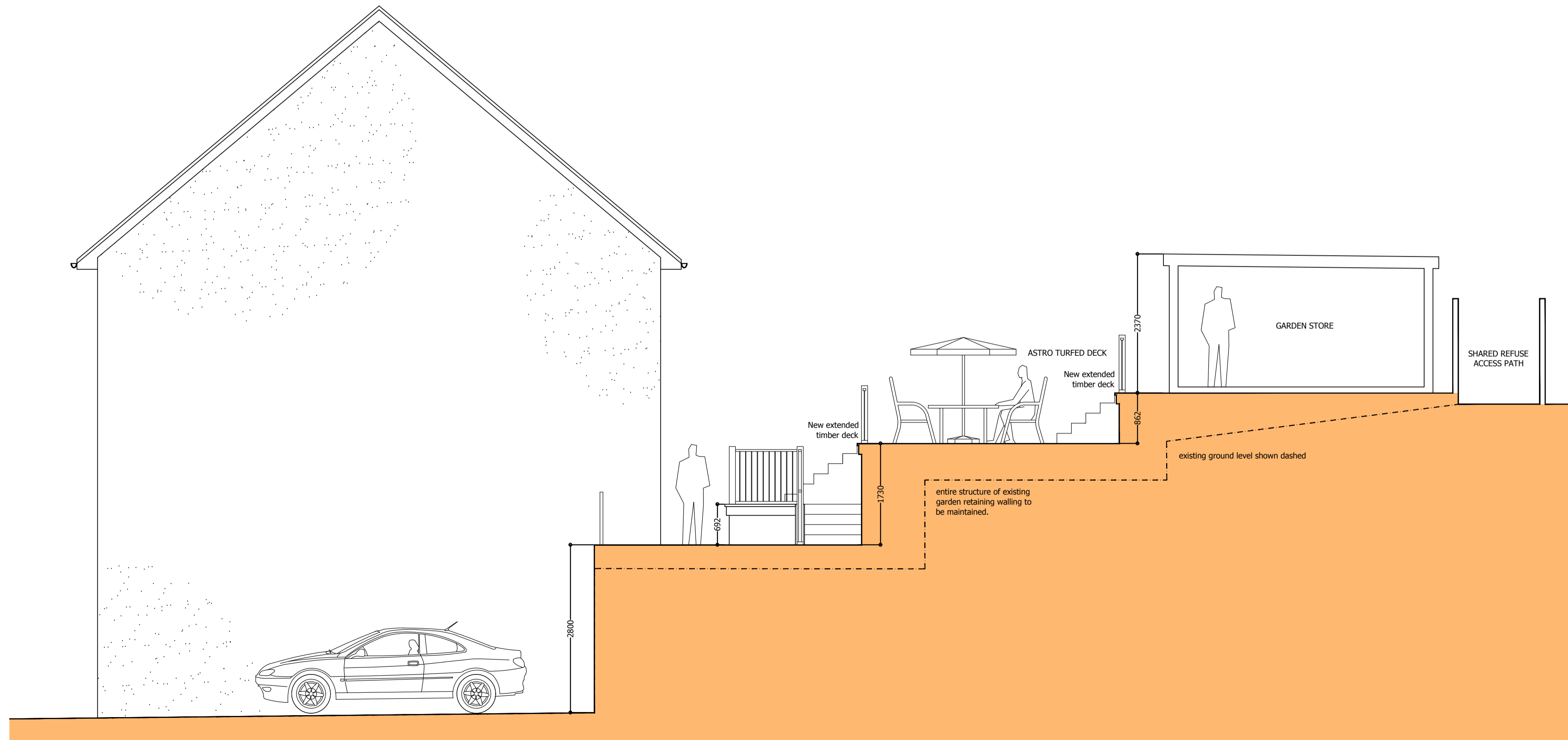
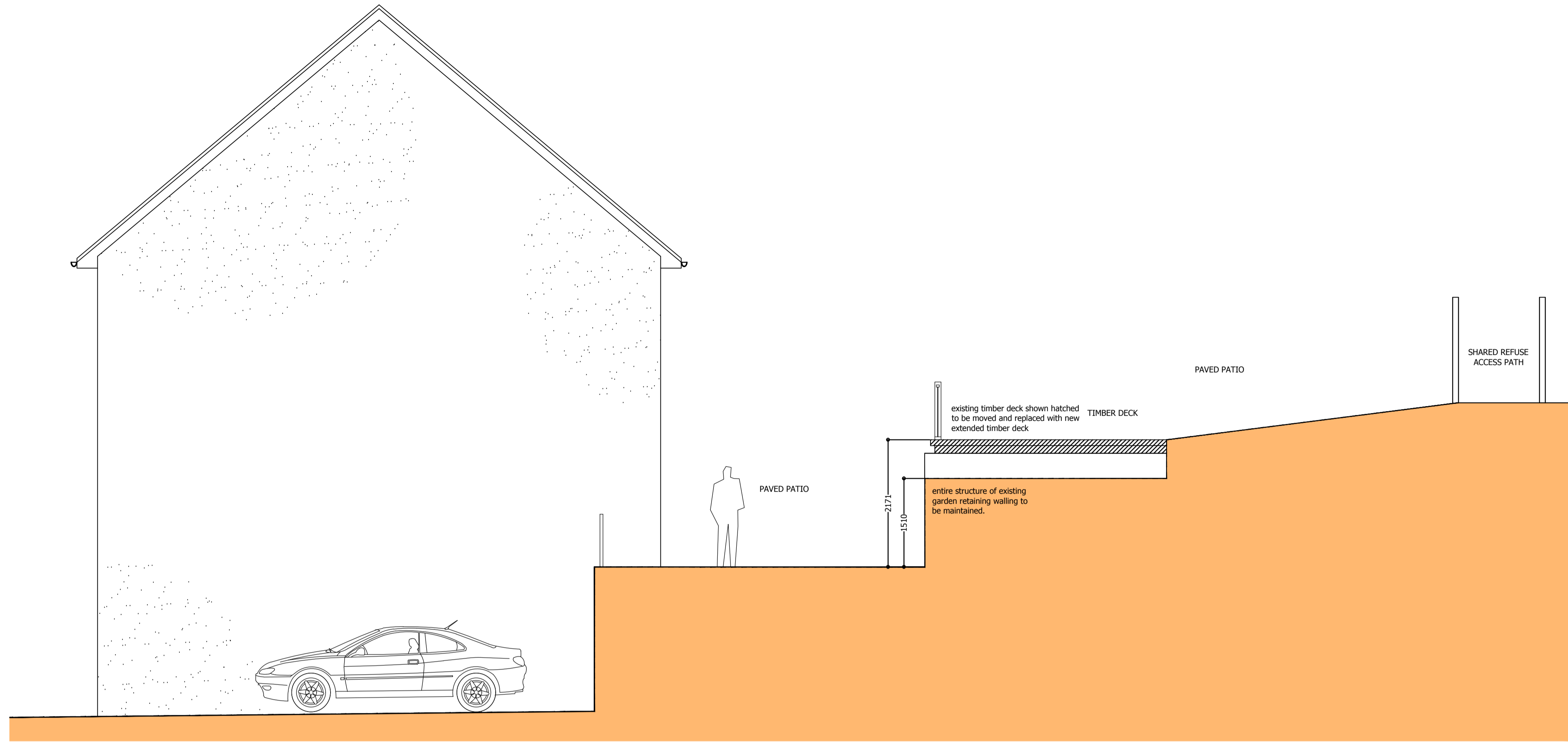
DRAWING TITLE
 EXISTING & PROPOSED PLANS

DRAWING NO.
 2019-PL-001-NM

SCALE
 1:50 @ A1

DATE
 04-09-19

REVISIONS:	REVISION	DESCRIPTION	DATE



**PROPOSED LANDSCAPING INCLUDING
TIMBER DECKING AT,
35 BALMORE ROAD,
GREENOCK,
PA15 3EQ**

FOR
MR & MRS McLEAN

DRAWING TITLE EXISTING & PROPOSED SECTIONS		
DRAWING NO. 2019-PL-002-NM		
SCALE 1:50 @ A1	DATE 04-09-19	
REVISIONS:		
REVISION	DESCRIPTION	DATE
A	Drawing updated in line with Planning Comments	26.11.19









**2. APPOINTED OFFICER'S SITE PHOTOGRAPHS
TOGETHER WITH LOCATION PLAN**

PHOTO 1



PHOTO 2



PHOTO 3



PHOTO 4



PHOTO 5



PHOTO 6



PHOTO 7

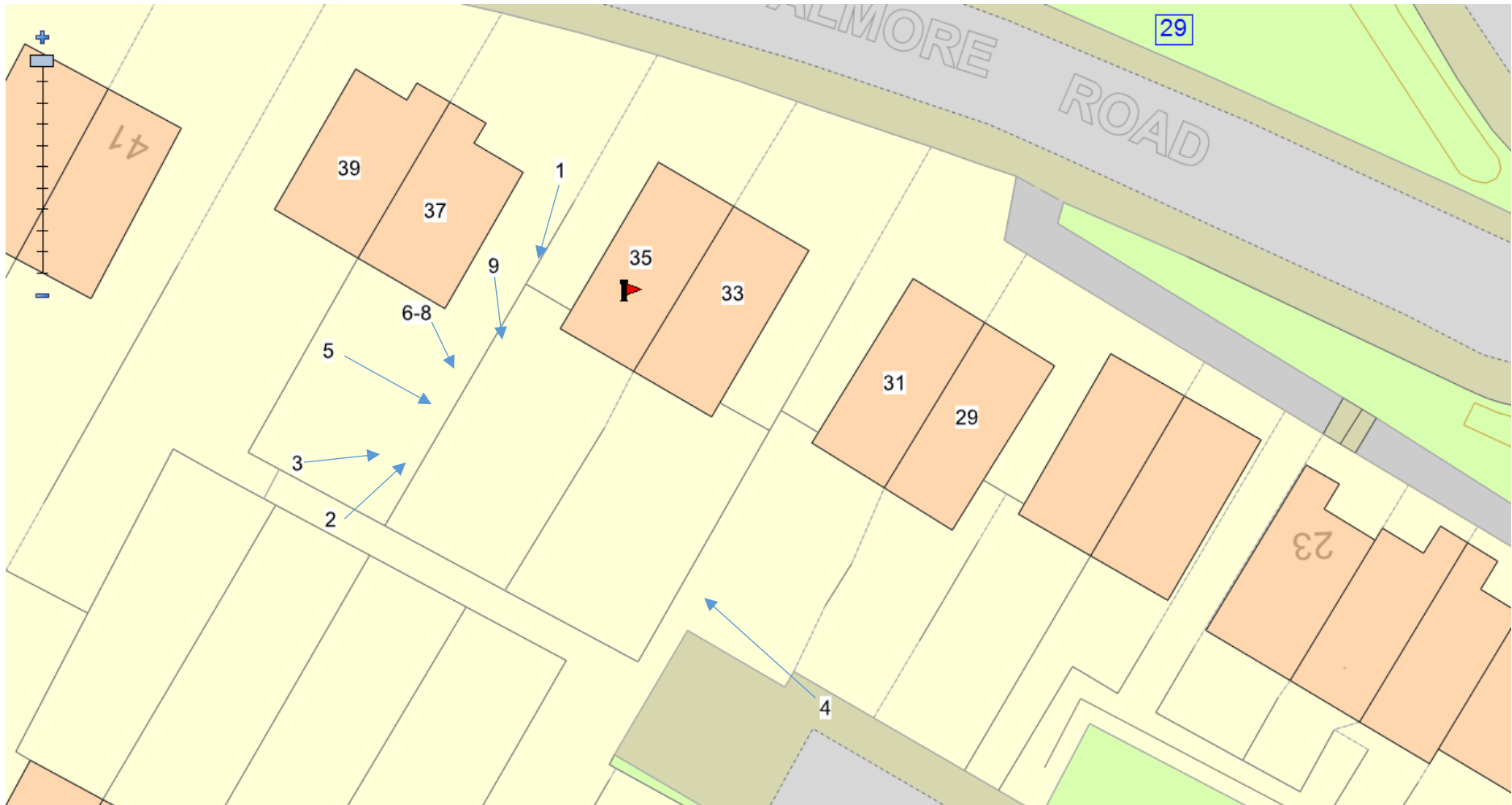


PHOTO 8



PHOTO 9





Plan showing location & direction photographs were taken from.

Photographs 1-4 taken on 18/10/2019, photographs 5-9 taken on 25/10/2019.

Photographs taken using tablet device

**3. APPOINTED OFFICER'S REPORT OF HANDLING
DATED 9 DECEMBER 2019**

REPORT OF HANDLING

Report By: David Sinclair

Report No: 19/0235/IC

**Local Application
Development**

**Contact
Officer:** 01475 712436

Date: 9th December 2019

Subject: Replacement and extension of timber decking, construction of a timber garden store and replacement of rear boundary fence in retrospect at 35 Balmore Road, Greenock.

SITE DESCRIPTION

The application site comprises a three storey semi-detached dwellinghouse located on the south side of Balmore Road. The site is located on a steep north-east facing slope, with access to the rear garden being provided from the first floor of the house. The site slopes upwards away from the rear of the house, with the rear garden comprising three levels of decking. The lowest level of decking is level with the first floor of the house and measures approximately 7 metres wide and 3.35 metres in depth. The middle level is raised above the lowest level by approximately 1.7 metres and measures 7 metres across by 4.4 metres. The highest level of decking is raised by approximately 0.85 metres above the middle section and covers approximately 7 metres across by 5.7 metres. The two lowest levels of decking are finished with Astroturf surfacing. The uppermost deck contains a timber outbuilding that measures approximately 6 metres by 4.5 metres and 2.4 metres in height. The outbuilding contains a set of French doors, with a window on either side of the doors that both face towards the house. The rear garden is bound by timber fencing on all three sides.

PROPOSAL

Retrospective planning permission is sought for the replacement and extension to the timber decking in the rear garden, the construction of a timber garden store along the rear boundary of the rear garden and the replacement of the rear boundary fence. The timber decking has been constructed on top of two areas containing paving that were separated by a timber deck. The decking has been raised in height from the preceding deck and paved platform, with the lowest level being raised by up to 0.4 metres, the middle level being raised by up to 0.6 metres and the top level being raised by between 0.2 and 0.8 metres. The two upper levels have been brought forwards towards the house by approximately 1.1 metres for the middle level and 0.8 metres for the upper level.

DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Policy 20 – Residential Areas

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council's Planning Application Advice Notes Supplementary Guidance.

Planning Application Advice Note (PAAN) 5 on "Outdoor Seating Areas" applies.

2014 INVERCLYDE LOCAL DEVELOPMENT PLAN

The 2014 Inverclyde Local Development Plan previously formed part of the Development Plan against which planning applications required to be assessed.

Policy RES1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of residential areas, identified on the Proposals Map, will be *safeguarded and where practicable, enhanced*. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

- a) compatibility with the character and amenity of the area;
- b) details of proposals for landscaping;
- c) proposals for the retention of existing landscape or townscape features of value on the site;
- d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
- e) provision of adequate services; and
- f) having regard to Supplementary Guidance on Planning Application Advice Notes.

Policy RES5 - Proposals for Changes to Properties for Residential Use

Proposals for the change of use, sub-division or conversion to properties to create new additional dwelling units, and for the alteration or extension to residential properties, will be assessed against and have to satisfy where appropriate, the following criteria:

- a) the character and amenity of neighbouring properties;
- b) impact on the streetscape;
- c) impact on the character of the existing property;
- d) accordance with the Council's adopted roads guidance; and having regard to Supplementary Guidance on Planning Application Advice Notes.

Planning Application Advice Note (PAAN) 5 on "Balconies and Garden Decking" applies.

CONSULTATIONS

None required.

PUBLICITY

The nature of the proposal did not require advertisement.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

The application was the subject of neighbour notification. Four representations were received, objecting to the proposal. Concerns were raised as follows:

- Impact on neighbouring views from increase in height difference between the previous garden fence and the garden store.
- Concerns about overlooking from the decking into neighbouring properties.
- The decking is too high.
- The size of the building shown as a garden store is out of context with the surrounding area which is a garden area.
- The shed overpowers surrounding garden areas and causes an invasion of privacy as it looks into neighbouring bedroom windows.
- Concerns about the impact of the shed on sunlight into neighbouring properties.
- Concerns about the use of the building not being for a garden store, as it contains double glazing windows and doors.
- Concerns about the garden store being used as a party house and creating a lot of noise.
- Concerns about the stability of decking and the store.
- The amount of timber used in construction creates a fire risk.
- The garden store could affect the future sale of neighbouring properties.

ASSESSMENT

The material considerations in the determination of this application are the Inverclyde Local Development Plan (LDP); Planning Application Advice Note (PAAN) 5 on "Outdoor Seating Areas"; the representations received; and the amenity impact of the proposal. The LDP has been adopted following notification from the Scottish Ministers on 15 August 2019 that "the Council may now proceed to adopt the Plan".

The site is located within the residential area where Policy 20 of the LDP applies. This Policy facilitates assessment of the proposal with regard to its impact on the amenity, character and appearance of the area, cross-referencing to the Planning Application Advice Notes (PAANs). Policy 1 of the LDP requires development to have regard to the six qualities of successful places, taking account of the factors set out in Figure 3. In this proposal, the relevant factors relate to being 'Distinctive' through reflecting local architecture and urban form and being 'Safe and Pleasant' by avoiding conflict with adjacent uses.

The proposal is located to the rear of the building and is only partially visible from the public realm as viewed from between 35 and 37 Balmore Road. The proposal is subordinate in scale, form and position when compared to the surrounding residential properties from the public realm and does not look out of place in terms of being in a residential area, therefore I consider that the proposal does not impact on the overall character of the area. In considering amenity, the impacts primarily relate to the appearance of the construction, possible activity and noise, and any implications for privacy. The decking and garden store can be regarded as being visually acceptable but concerns about stability and potential fire risks are matters more appropriately determined under the Building Standards Regulations.

With respect to possible activity and noise, the guidance given in PAAN5 states that decking should not be of a size that will afford residents the opportunity of undertaking a wide range of activities over extensive periods to the extent that regular activity may impinge upon the enjoyment of neighbouring gardens. The proposed decking covers approximately 70 square metres, which is split between a lower tier that covers an area of approximately 21.5 square metres; a middle tier that covers an area of approximately 30 square metres; the external area of the upper tier that covers an area of approximately 11 square metres; and stepped access between the three levels of decking. Whilst this cannot be considered as being restricted in size, I note that the location of the proposed decking previously contained a mixture of hard surfaces, albeit at a slightly lower and less pronounced level than the new deck. The previous hard surfacing would easily have accommodated any activities that would take place on the new deck. On these grounds I consider there to be no difference in noise implications between the previous decking area and the constructed decking.

PAAN5 states that the position of decking should respect the rights of neighbours to enjoy their gardens without being the subject of intrusive overlooking; and if raised should not be of a size that will afford residents the opportunity of undertaking a wide range of activities that may

impinge upon the enjoyment of neighbouring residents. The increased height and extension to the two upper levels of decking has the potential to increase overlooking to the private garden areas on both sides of the property, particularly to the neighbouring garden to the north-west. PAAN5 advises that where decking is positioned within 9 metres of the garden boundary and where there is a view of the neighbouring private/rear garden area, the erection of screening, either at the decking edge or the garden boundary shall generally be required. Screening may not be required in cases where the decking does not increase or intensify the intervisibility between and the overlooking of neighbours.

The deck is positioned along the boundary on both sides of the garden. Between the deck and the neighbouring property to the south-east, there is a 2 metre fence which runs the full length of the boundary between the properties and largely eliminates overlooking into the neighbouring garden area. Along the north-west side boundary, the deck provides opportunities for overlooking of the neighbouring garden area from both the uppermost level of decking in front of the shed and the middle level of decking. The decking on the lowest level sits mostly in line with the side of the neighbouring house and does not increase or intensify the intervisibility between neighbouring properties, therefore I consider that it does not require screening. Screening would be required on both the uppermost level of decking and the middle level of decking to address concerns of overlooking, in accordance with meeting the quality of being 'Safe and Pleasant', in Policy 1.

PAAN5 states that where screening is required and it is in excess of 2.5 metres high within 2 metres of a boundary or will itself result in an unacceptable loss of light to a room in a neighbouring house, then the proposed decking will not be supported. The impact of the proposed outbuilding and necessary screening for the associated deck has been assessed against the publication "Site Layout Planning for daylight and sunlight: A guide to good practice", measuring the existing vertical sky component (VSC) and the proposed VSC. This has been calculated against the adjoining property at 37 Balmore Road, due to the rear elevation containing windows that are on a lower elevation than the site of the proposal. In following the process detailed in the publication for calculating daylight, I have used the skylight indicator to identify at the ground floor kitchen window at 37 Balmore Road the VSC was at 31.5% before the proposal was erected and would be at 28% if screening were to be added to the proposal. This is higher than the minimum 27% VSC level recommended in the publication.

However, the necessary screening identified to prevent overlooking would range in height between a minimum of 2.8 metres above the adjoining patio ground up to 4.9 metres where the middle section extends outwards beyond the neighbouring patio. This is considerably higher than the recommended 2.5 metre height recommended in PAAN5 and would result in screening of a similar height to the eaves of the two storey neighbouring property along almost the entire garden. Based on the above, I consider that the proposal does not comply with the guidance given in PAAN5, and that it cannot be adjusted to comply with the guidance without causing a detrimental impact on the amenity of the neighbouring private garden.

Meeting the quality of being 'Safe and Pleasant' in LDP Policy 1 requires proposals to avoid conflict with adjacent uses by having regard to invasion of privacy. Concerns have been raised by objectors over invasion of privacy and to address these concerns I shall consider the window intervisibility guidance given in PAAN4. Although this guidance is for house extensions, the window intervisibility guidance is relevant in this assessment as the outbuilding contains two glazed windows at a similar height to the neighbouring properties that face towards the rear line of houses. The northern window on the outbuilding sits at an angle of 58° from the nearest adjoining window at 37 Balmore Road at a minimum window distance of 7.9 metres. The guidance identifies that for two windows that sit at a 60° angle (more direct facing than these windows), the minimum distance between the windows should be 6 metres. It stands that this window is not considered to cause an invasion of privacy. The southern window on the outbuilding sits at an angle of 74° from the nearest adjoining window at 33 Balmore Road at a minimum window distance of 9.1 metres. The guidance identifies that for two windows that sit at a 70° angle (less direct facing than these windows), the minimum distance between the windows should be 13 metres. The southern window on the outbuilding is just under 4 metres less than the minimum distance required to avoid conflict with the adjacent property in terms of

causing an invasion of privacy. The proposal therefore fails to meet the quality of being 'Safe and Pleasant' in LDP Policy 1.

It is important that the Council considers such proposals in a fair and consistent manner and to grant permission in this instance would not be consistent with previous approaches taken and would create an undesirable precedent. In summary, I conclude that the proposal as it currently stands fails to accord with LDP Policy 1, as it does not meet the quality of being 'Safe and Pleasant' due to causing an invasion of privacy which has adverse impacts on neighbouring properties. Any screening required to alleviate the invasion of privacy issues to comply with LDP Policy 1 would have a detrimental impact on the overall amenity of the area, in contrast with LDP Policy 20. Accordingly I am unable to support the application.

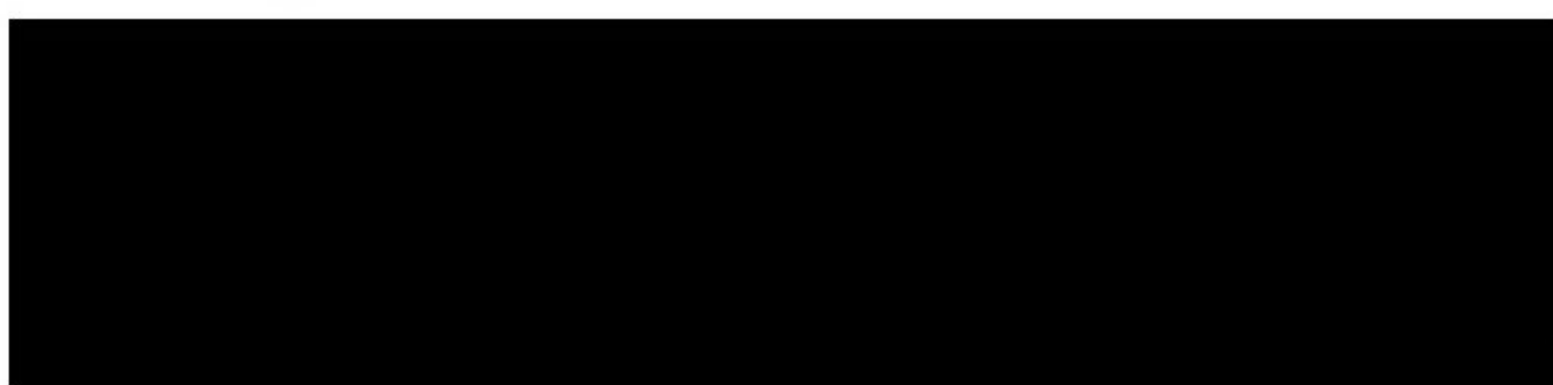
RECOMMENDATION

That the application be refused.

Reasons:

1. The proposed decking by virtue of its location and height fails to meet the quality of being 'Safe and Pleasant' in LDP Policy 1, as it allows an invasion of privacy towards neighbouring residential property which would impinge upon the enjoyment of neighbouring properties to the detriment of the amenity of neighbouring residents. As such the proposed decking is not in accordance with the guidance and advice contained within Inverclyde Council's Planning Application Advice Note (PAAN) 5 on "Outdoor Seating Areas".
2. The southern window on the outbuilding fails to meet the quality of being 'Safe and Pleasant' in LDP Policy 1, as it allows opportunity for an invasion of privacy into a neighbouring residential property which would impinge upon the enjoyment of the neighbouring residential property to the detriment of the amenity of neighbouring residents and is contrary to the window to window guidance contained within Inverclyde Council's Planning Application Advice Notes Supplementary Guidance.

Signed:



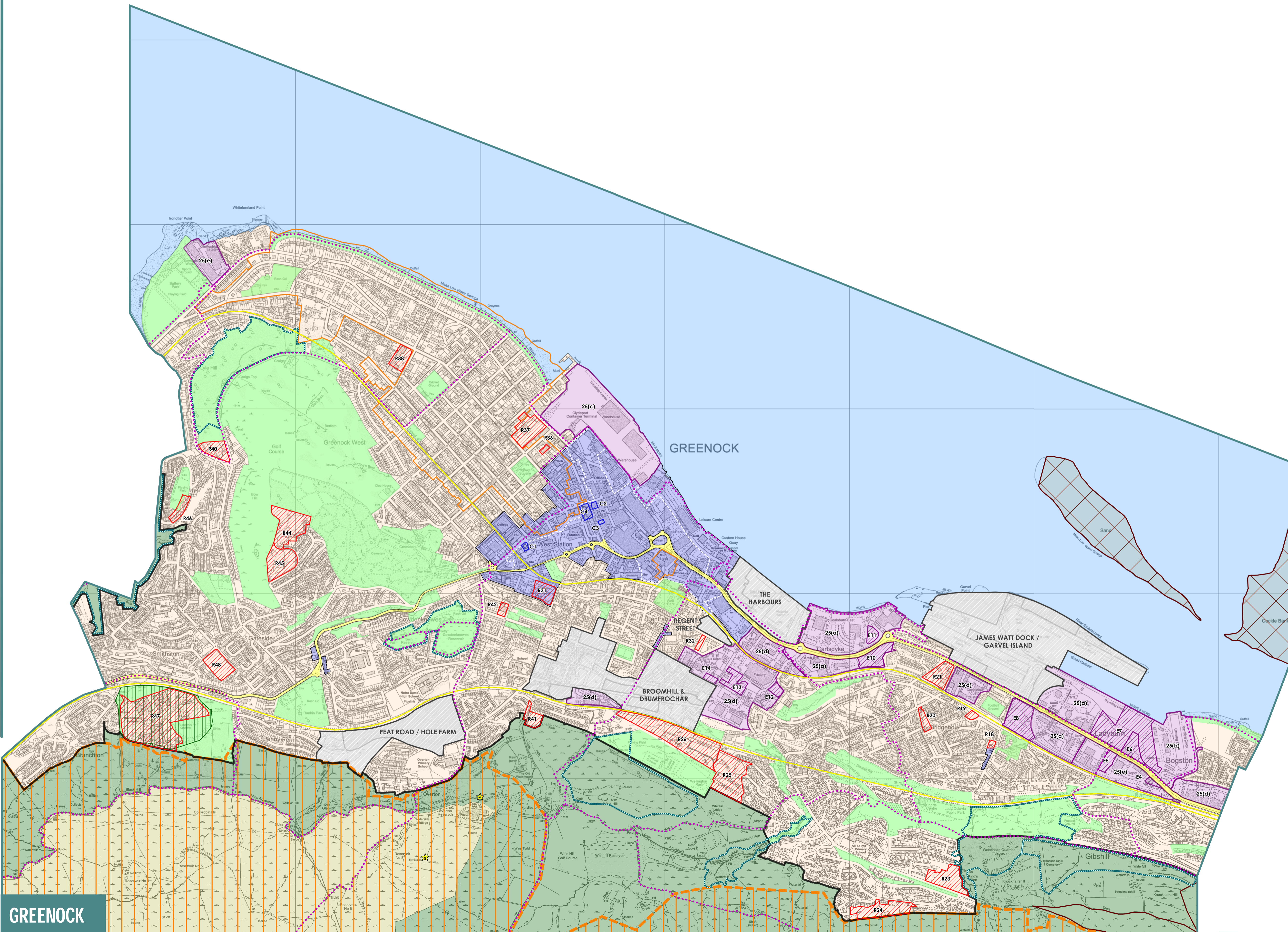
David Sinclair
Case Officer



Stuart Jamieson
Head of Regeneration and Planning

4. INVERCLYDE LOCAL DEVELOPMENT PLAN PROPOSALS MAPS

LOCAL DEVELOPMENT PLAN 2019



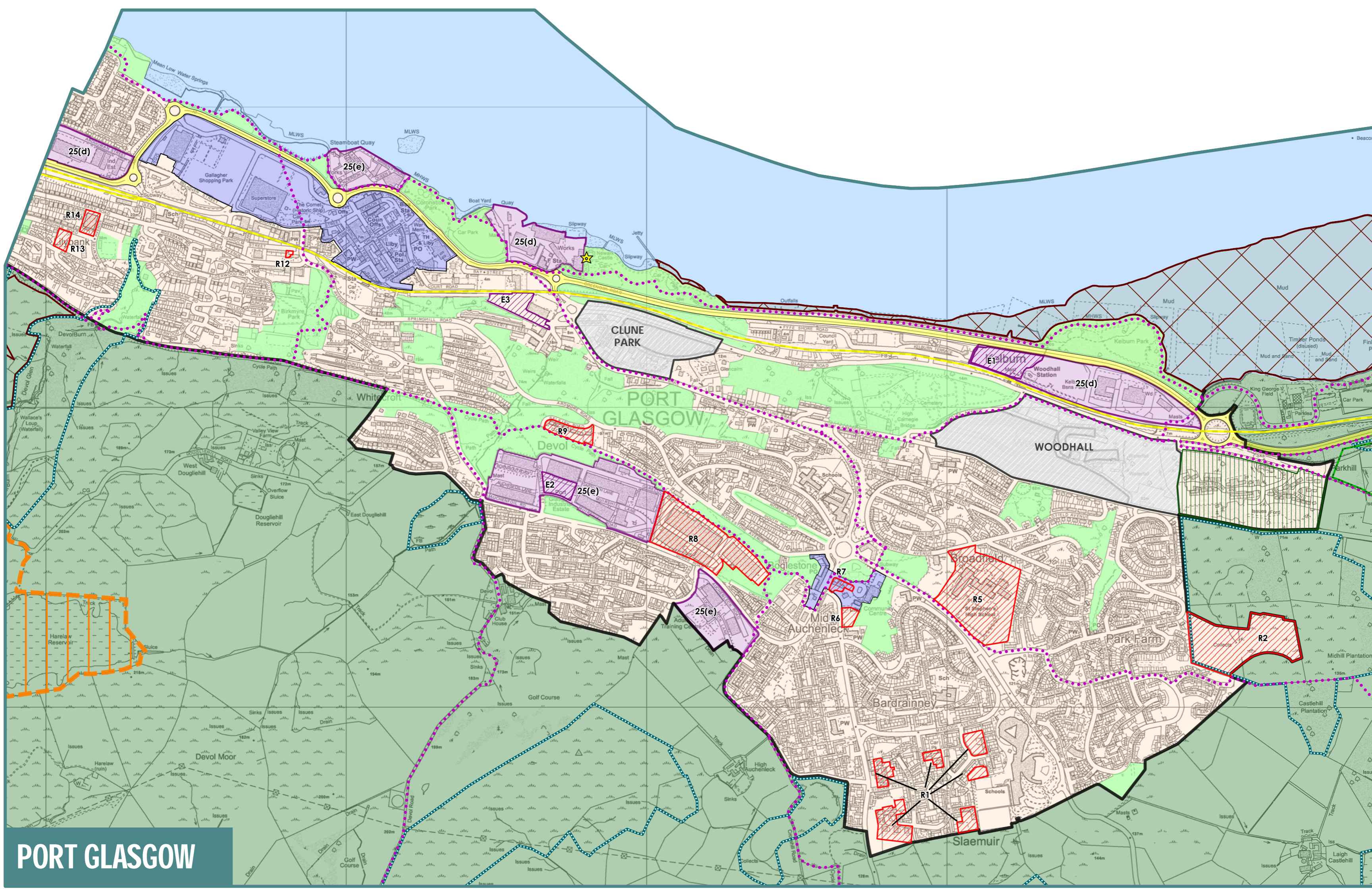
KEY

SUSTAINABLE DEVELOPMENT STRATEGY		
	Priority Place	POLICY 3
CONNECTING PEOPLE AND PLACES		
	Trunk Road	POLICY 11
	Railway	POLICY 11
SPATIAL DEVELOPMENT STRATEGY		
	Green Belt	POLICIES 14 & 19
	Countryside	POLICIES 14 & 19
OUR HOMES AND COMMUNITIES		
	Residential Development Opportunity	POLICY 18
	Residential Area	POLICY 20
OUR TOWN AND LOCAL CENTRES		
	Town Centre / Local Centre	POLICY 22
	Greenock Town Centre Central Area	POLICY 22
	Network of Centres Opportunity	POLICY 22
OUR JOBS AND BUSINESSES		
	Business & Industrial Area	POLICY 25
	Business & Industrial Development Opportunity	POLICY 26
OUR HISTORIC BUILDINGS AND PLACES		
	Conservation Area	POLICY 28
	Scheduled Monument	POLICY 31
OUR NATURAL AND OPEN SPACES		
	Special Protection Area / Ramsar Site	POLICY 33
	Site of Special Scientific Interest	POLICY 33
	Local Nature Conservation Site	POLICY 33
	Tree Preservation Order	POLICY 34
	Open Space	POLICY 35
	Clyde Muirshiel Regional Park	POLICY 37
	Core Path	POLICY 38
	River Clyde / Firth of Clyde	

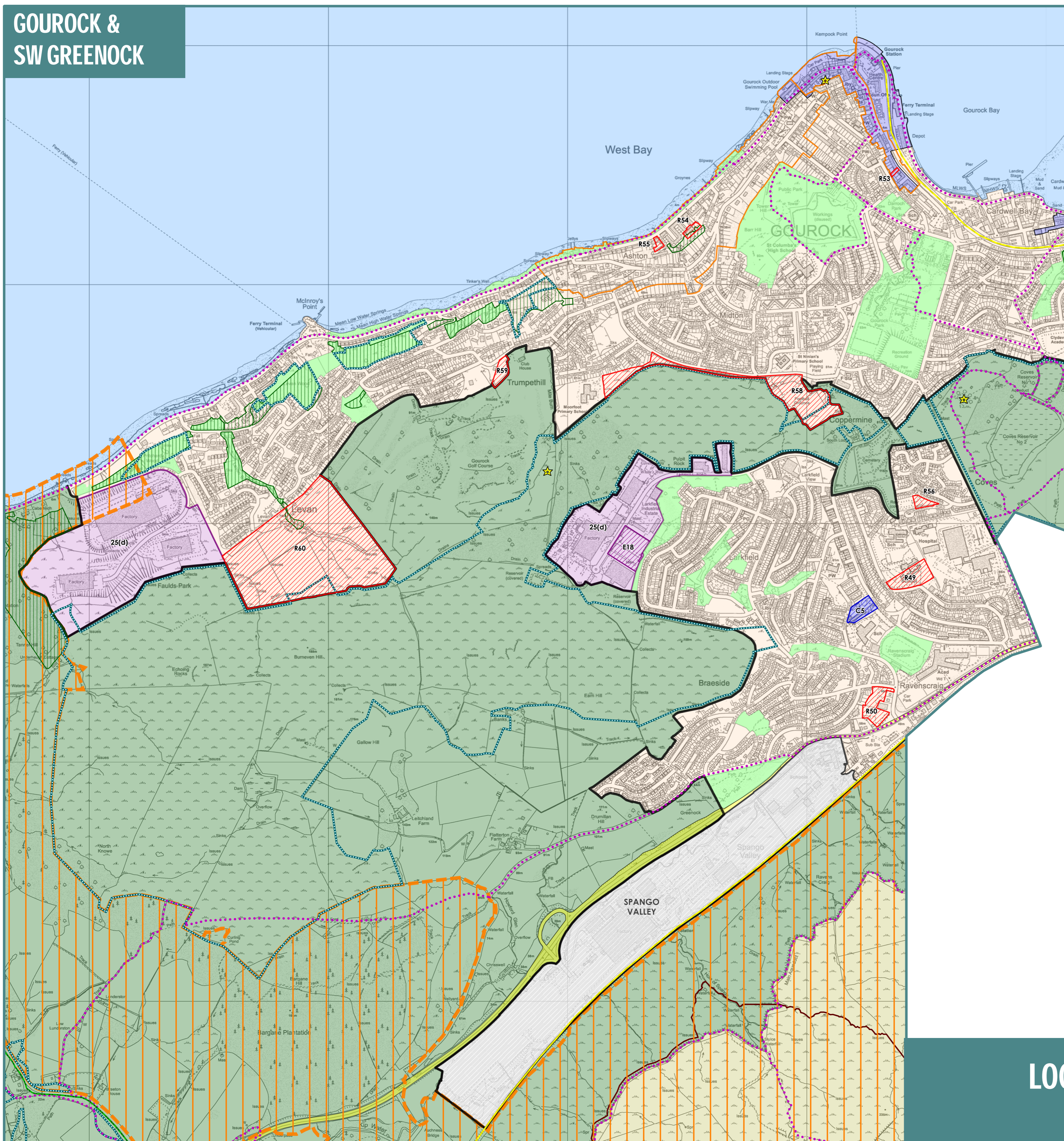
Inverclyde council SCALE 1:10,000

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.
© Crown Copyright. Unauthorised reproduction may be subject to criminal copyright and may lead to prosecution or civil proceedings. (100023427) (2019)

GREENOCK



PORT GLASGOW



GOUROCK & SW GREENOCK

KEY

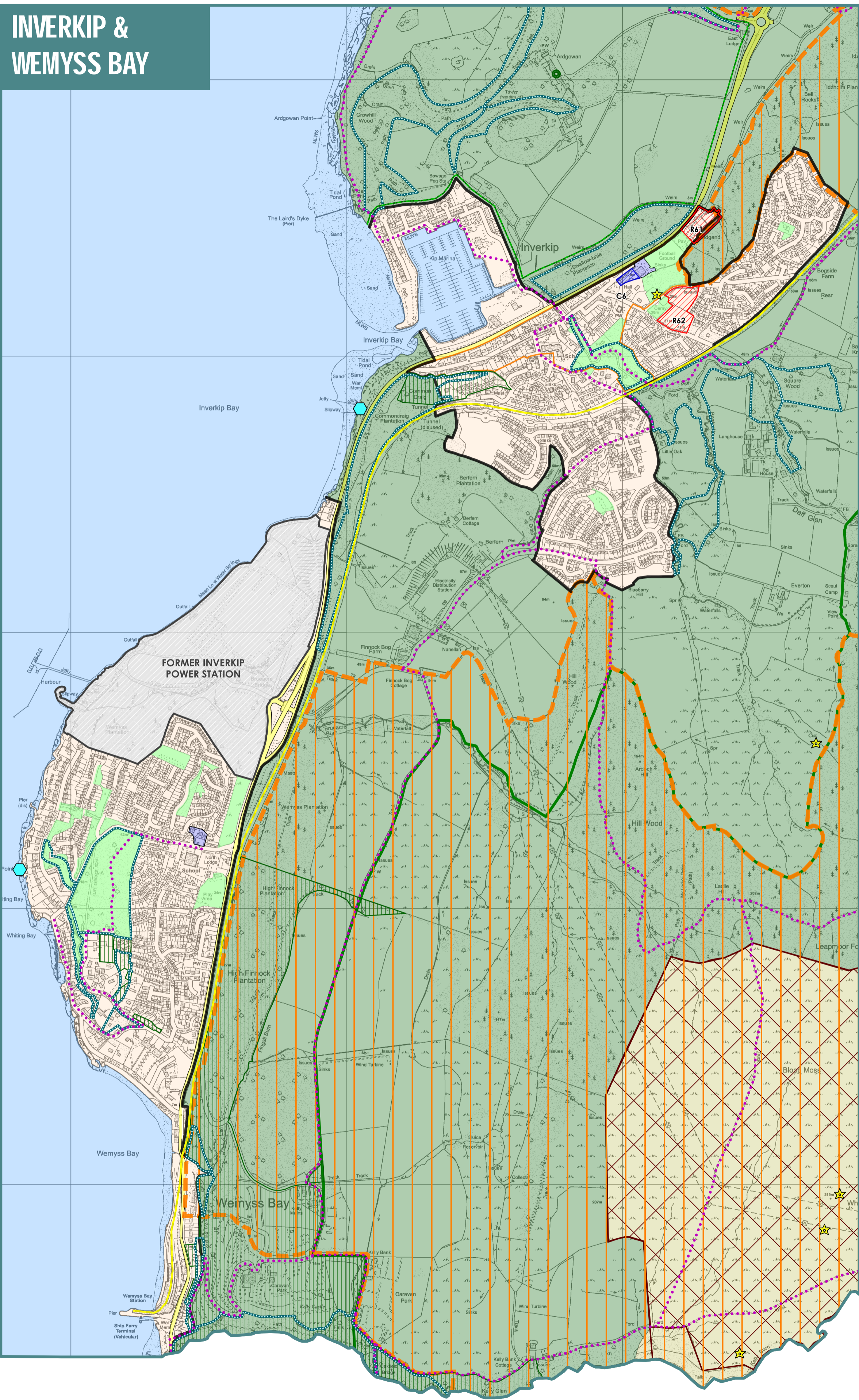
SUSTAINABLE DEVELOPMENT STRATEGY		
	Priority Place	POLICY 3
CONNECTING PEOPLE AND PLACES		
	Trunk Road	POLICY 11
	Railway	POLICY 11
SPATIAL DEVELOPMENT STRATEGY		
	Green Belt	POLICIES 14 & 19
	Countryside	POLICIES 14 & 19
OUR HOMES AND COMMUNITIES		
	Residential Development Opportunity	POLICY 18
	Residential Area	POLICY 20
OUR TOWN AND LOCAL CENTRES		
	Town Centre / Local Centre	POLICY 22
	Network of Centres Opportunity	POLICY 22
OUR JOBS AND BUSINESSES		
	Business & Industrial Area	POLICY 25
	Business & Industrial Development Opportunity	POLICY 26
OUR HISTORIC BUILDINGS AND PLACES		
	Conservation Area	POLICY 28
	Scheduled Monument	POLICY 31
	Gardens & Designed Landscapes	POLICY 32
OUR NATURAL AND OPEN SPACES		
	Special Protection Area / Ramsar Site	POLICY 33
	Site of Special Scientific Interest	POLICY 33
	Local Nature Conservation Site	POLICY 33
	Tree Preservation Order	POLICY 34
	Open Space	POLICY 35
	Clyde Muirshiel Regional Park	POLICY 37
	Core Path	POLICY 38
	River Clyde / Firth of Clyde	

Inverclyde council SCALE 1:10,000

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. (C) Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100023121 (2019)



INVERKIP & WEMYSS BAY



KEY

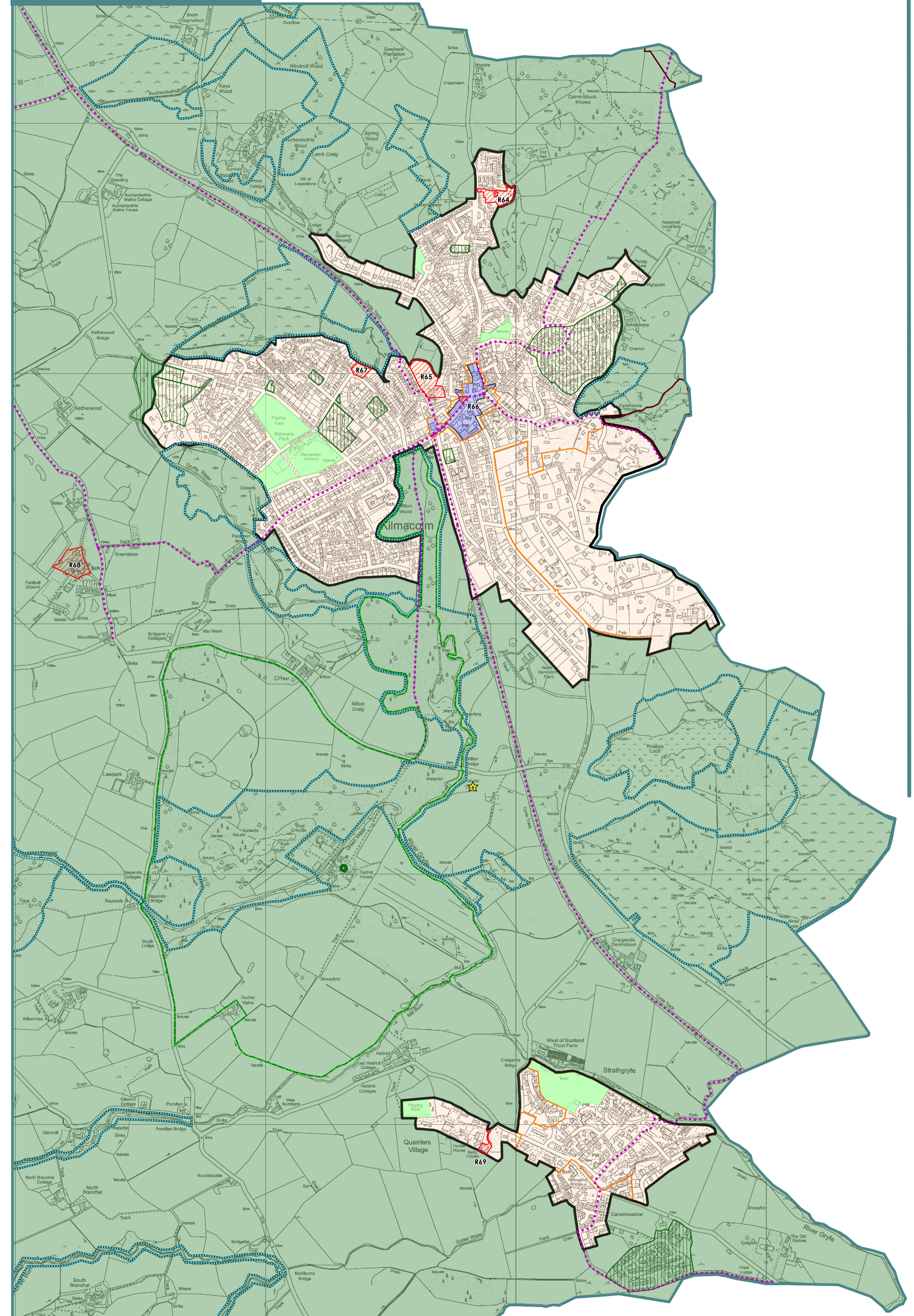
- | | | |
|---|--|------------------|
| SUSTAINABLE DEVELOPMENT STRATEGY | | |
| Priority Place | | POLICY 3 |
| CONNECTING PEOPLE AND PLACES | | |
| Trunk Road | | POLICY 11 |
| Railway | | POLICY 11 |
| SPATIAL DEVELOPMENT STRATEGY | | |
| Green Belt | | POLICIES 14 & 19 |
| Countryside | | POLICIES 14 & 19 |
| OUR HOMES AND COMMUNITIES | | |
| Residential Development Opportunity | | POLICY 18 |
| Residential Area | | POLICY 20 |
| OUR TOWN AND LOCAL CENTRES | | |
| Town Centre / Local Centre | | POLICY 22 |
| Network of Centres Opportunity | | POLICY 22 |
| OUR JOBS AND BUSINESSES | | |
| Business & Industrial Area | | POLICY 25 |
| Business & Industrial Development Opportunity | | POLICY 26 |
| OUR HISTORIC BUILDINGS AND PLACES | | |
| Conservation Area | | POLICY 28 |
| Scheduled Monument | | POLICY 31 |
| Gardens & Designed Landscapes | | POLICY 32 |
| OUR NATURAL AND OPEN SPACES | | |
| Special Protection Area / Ramsar Site | | POLICY 33 |
| Site of Special Scientific Interest | | POLICY 33 |
| Local Nature Conservation Site | | POLICY 33 |
| Local Nature Conservation Site (Geological) | | POLICY 33 |
| West Renfrew Hills Local Landscape Area | | POLICY 33 |
| Tree Preservation Order | | POLICY 34 |
| Open Space | | POLICY 35 |
| Clyde Muirshiel Regional Park | | POLICY 37 |
| Core Path | | POLICY 38 |
| River Clyde / Firth of Clyde | | |

Inverclyde council SCALE 1:10,000

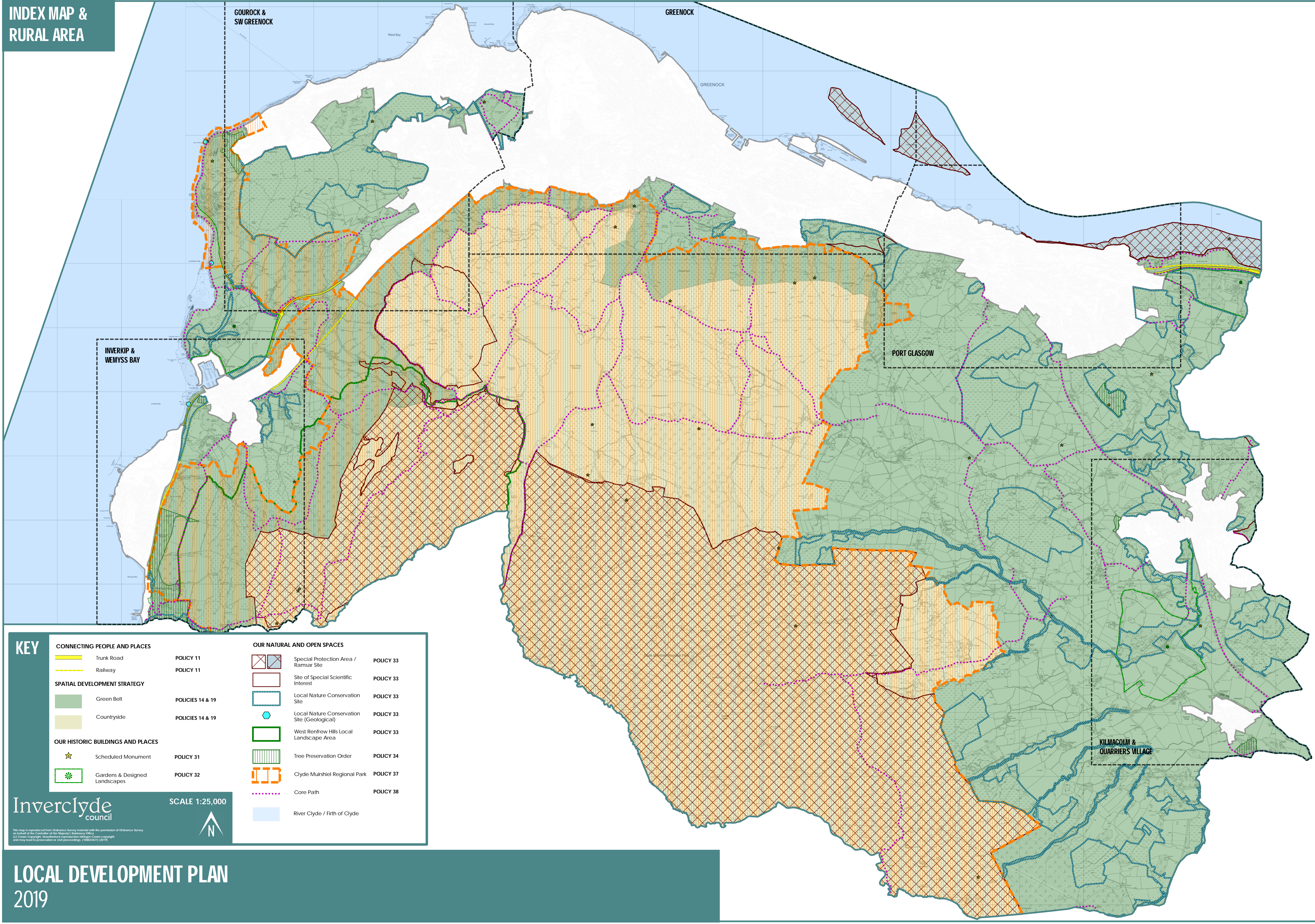
The map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Reproduced with the permission of Ordnance Survey. All rights reserved.



KILMACOLM & QUARRIERS VILLAGE



INDEX MAP & RURAL AREA



KEY

CONNECTING PEOPLE AND PLACES	Trunk Road	POLICY 11	Special Protection Area / Ramsar Site	POLICY 33
	Railway	POLICY 11	Site of Special Scientific Interest	POLICY 33
SPATIAL DEVELOPMENT STRATEGY		POLICIES 14 & 19	Local Nature Conservation Site	POLICY 33
Green Belt		POLICIES 14 & 19	Local Nature Conservation Site (Geological)	POLICY 33
Countryside			West Renfrew Hills Local Landscape Area	POLICY 33
OUR HISTORIC BUILDINGS AND PLACES		POLICY 31	Tree Preservation Order	POLICY 34
Scheduled Monument		POLICY 32	Clyde Muirshiel Regional Park	POLICY 37
Gardens & Designed Landscapes			Core Path	POLICY 38
			River Clyde / Firth of Clyde	

Inverclyde council SCALE 1:25,000

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. (100023421) (2019)

LOCAL DEVELOPMENT PLAN 2019

**5. INVERCLYDE LOCAL DEVELOPMENT PLAN 2014
PROPOSALS MAPS**

INVERCLYDE LOCAL DEVELOPMENT PLAN 2014

PROPOSALS MAP A : RURAL AREA & INDEX MAP

PROPOSALS MAP C: GREENOCK (central, west & south west) and GOUROCK

PROPOSALS MAP D: GREENOCK (east) and PORT GLASGOW

PROPOSALS MAP B: INVERKIP and WEMYSS BAY

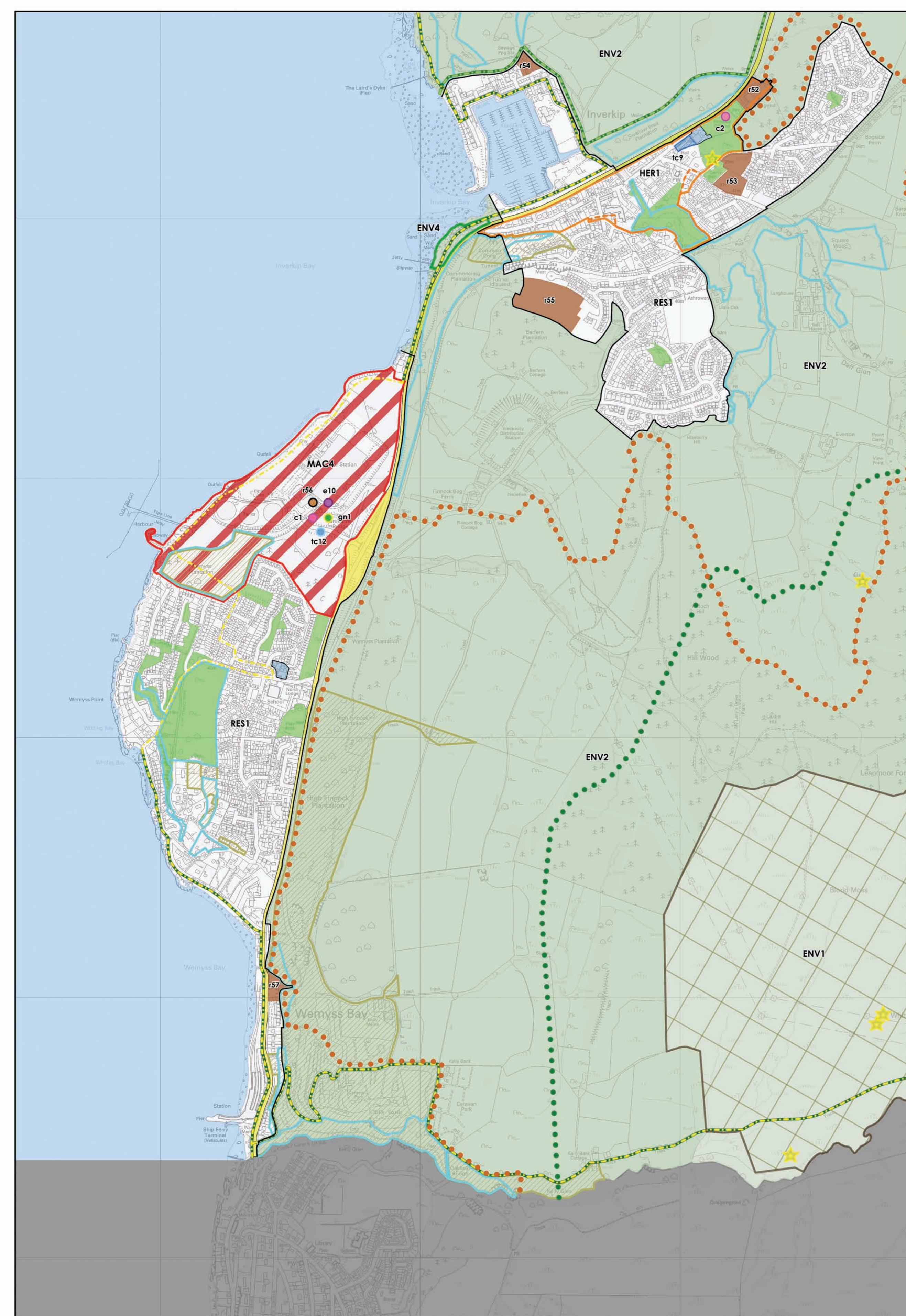
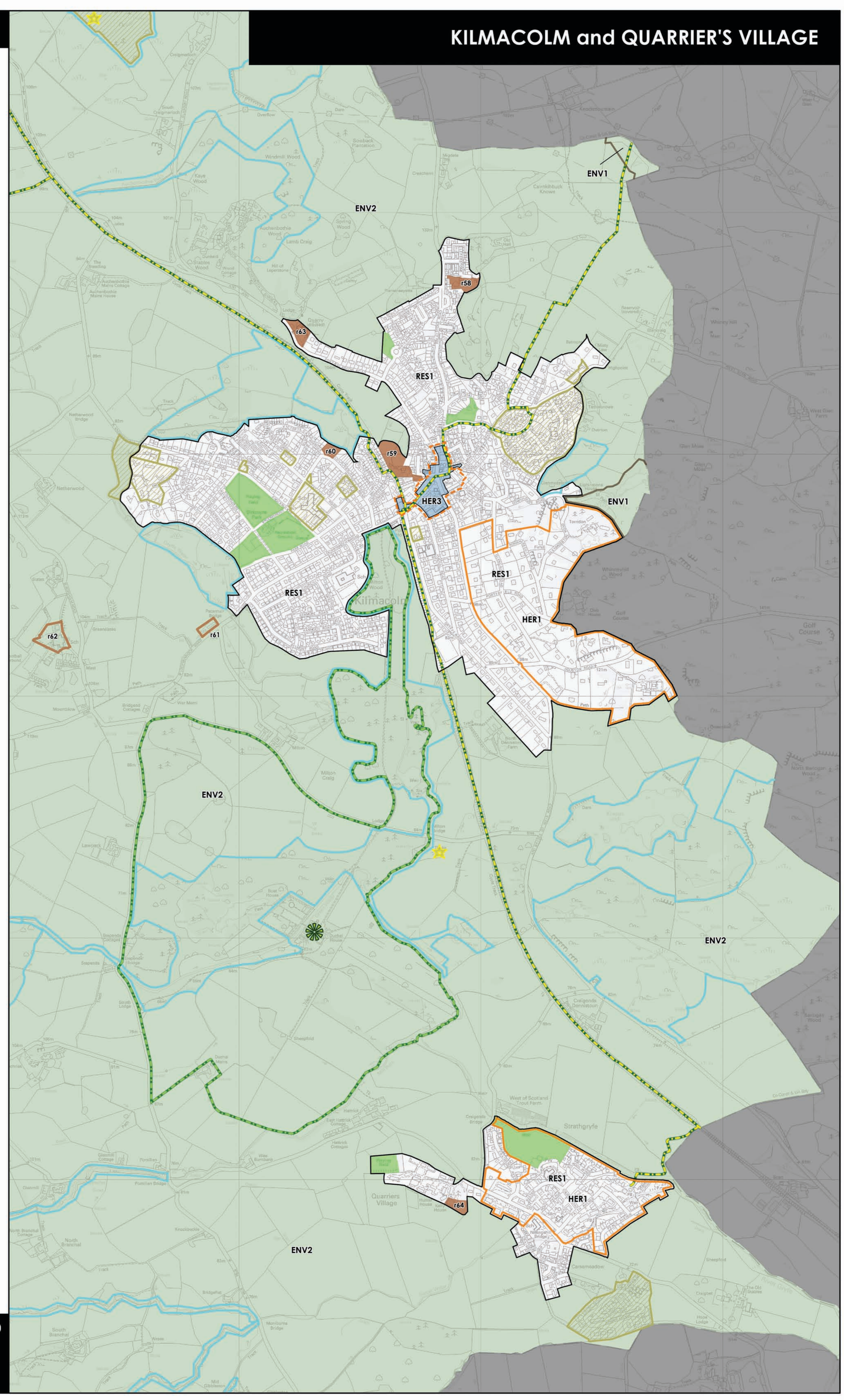
PROPOSALS MAP B: KILMACOLM and QUARRIER'S VILLAGE

KEY

SUSTAINABLE DEVELOPMENT STRATEGY	
SDS1	Climate Mitigation and Adaptation - Reducing Carbon and Energy Use
SDS2	Integration of Land Use and Sustainable Transport
SDS3	Placemaking
SDS4	Green Network
* SDS5	Development Within the Urban Area
SDS6	Promoting our Town Centres
SDS7	Regeneration and Renewal Priorities
SDS8	Green Belt and the Countryside
* Not highlighted on Map as NOT area, location or site specific	
TRANSPORT and CONNECTIVITY	
	Trunk Road
	Sustainable Access - Existing (refer to Policy ENV3)
	Sustainable Access - Proposed & Potential (refer to Policy ENV3)
	TRA2
NATURAL HERITAGE and ENVIRONMENTAL RESOURCES	
	SPA (international)
	SPA / Ramsar site (international)
	ENV1 SSSI (national)
	SINC (local)
Designated Environmental Resources (refer to Table 8.1)	
	ENV1 Clyde Muirshiel Regional Park
	ENV1 West Renfrew Hills Scenic Area
	Green Belt
	ENV2 The Countryside
	Open Space
	ENV4 Open Space in the Green Belt
	ENV6 Tree Preservation Orders
BUILT HERITAGE and TOWNSCAPE	
	HER7 Archaeological Sites (Scheduled Monuments)
	HER8 Gardens and Designed Landscapes (refer to Table 9.1)
	River Clyde / Firth of Clyde
	Land Outwith Inverclyde
	Inverclyde Boundary

KEY

- SUSTAINABLE DEVELOPMENT STRATEGY**
- SDS1 Climate Mitigation and Adaptation - Reducing Carbon and Energy Use
 - SDS2 Integration of Land Use and Sustainable Transport
 - SDS3 Placemaking
 - SDS4 Green Network
 - SDS5 Development Within the Urban Area
 - SDS6 Promoting our Town Centres
 - SDS7 Regeneration and Renewal Priorities
 - SDS8 Green Belt and the Countryside
- * Not highlighted on Map as NOT area, location or site specific
- MAJOR AREAS OF CHANGE and POTENTIAL CHANGE**
- MAC 4 Former Inverkip Power Station, by Wemyss Bay
- ECONOMY and EMPLOYMENT**
- ECN2 Business and Industrial Development Opportunities (Indicative Site) (refer to Schedule 4.1)
- TRANSPORT and CONNECTIVITY**
- Trunk Road
 - Sustainable Access - Existing (refer to Policy ENV3)
 - TRA2 Sustainable Access - Proposed & Potential (refer to Policy ENV3)
- HOUSING and COMMUNITIES**
- RES1 Residential Areas
 - RES3 & RES4 Residential Development Opportunities including Opportunities in Green Belt / (refer to Schedule 6.1)
 - Indicative Site (refer to Schedule 6.1)
 - RES6 Community, Schools and Leisure Proposals and Opportunities (refer to Schedule 6.2)
- TOWN CENTRES and RETAILING**
- TCR1 Town Centres and Local Centres
 - TCR6 Town Centre/Retail Development Opportunities (refer to Schedule 7.1)
- NATURAL HERITAGE and ENVIRONMENTAL RESOURCES**
- SPA (international)
 - ENV1 SSSI (national)
 - SINC (local)
 - ENV1 Clyde Muirshiel Regional Park
 - ENV1 West Renfrew Hills Scenic Area
 - Green Belt
 - ENV2 The Countryside
 - ENV3 Green Network: Opportunities for Enhancement (refer to Schedule 8.1)
 - ENV4 Open Space
 - ENV4 Open Space in the Green Belt
 - ENV6 Tree Preservation Orders
- BUILT HERITAGE and TOWNSCAPE**
- HER1 Conservation Areas (refer to Table 9.1)
 - HER3 Proposed New and Amended Conservation Areas
 - HER7 Archaeological Sites (Scheduled Monuments)
 - HER8 Gardens and Designed Landscapes (refer to Table 9.1)
 - River Clyde / Firth of Clyde
 - Land Outwith Inverclyde



INVERCLYDE LOCAL DEVELOPMENT PLAN 2014

**PROPOSALS MAP B :
INVERKIP and WEMYSS BAY**

INVERCLYDE LOCAL DEVELOPMENT PLAN 2014

PROPOSALS MAP C : GREENOCK (central, west & south west) and GOUROCK



KEY

SUSTAINABLE DEVELOPMENT STRATEGY

- SDS1 Climate Mitigation and Adaptation - Reducing Carbon and Energy Use
- SDS2 Integration of Land Use and Sustainable Transport
- SDS3 Placemaking
- SDS4 Green Network
- SDS5 Development Within the Urban Area
- SDS6 Promoting our Town Centres
- SDS7 Regeneration and Renewal Priorities
- SDS8 Green Belt and the Countryside

* Not highlighted on Map as NOT area, location or site specific

MAJOR AREAS OF CHANGE and POTENTIAL CHANGE

- MAC1 The Harbours, Greenock
- MAC3 Gourrock Bay
- MAC6 Peat Road/Hole Farm, south west Greenock
- MAC7 Spanga Valley, south west Greenock
- APC1 Central East Greenock
- DOS1 Regent Street, Greenock

ECONOMY and EMPLOYMENT

- (a)-(a) ECN1 Business and Industrial Areas (refer to Schedule 4.1)
- (b)-(b) ECN2 Business and Industrial Development Opportunities (refer to Schedule 4.1)
- gn2 Indicative Site (refer to Schedule 4.1)
- gn11, gn12, gn13, gn14, gn15, gn16, gn17, gn18, gn19, gn20, gn21, gn22, gn23, gn24, gn25, gn26, gn27, gn28, gn29, gn30, gn31, gn32, gn33, gn34, gn35, gn36, gn37, gn38, gn39, gn40, gn41, gn42, gn43, gn44, gn45, gn46, gn47, gn48, gn49, gn50, gn51, gn52, gn53, gn54, gn55, gn56, gn57, gn58, gn59, gn60, gn61, gn62, gn63, gn64, gn65, gn66, gn67, gn68, gn69, gn70, gn71, gn72, gn73, gn74, gn75, gn76, gn77, gn78, gn79, gn80, gn81, gn82, gn83, gn84, gn85, gn86, gn87, gn88, gn89, gn90, gn91, gn92, gn93, gn94, gn95, gn96, gn97, gn98, gn99, gn100
- ECN6 Tourism Opportunities (refer to Schedule 4.2)

TRANSPORT and CONNECTIVITY

- Trunk Road
- Sustainable Access - Existing (refer to Policy ENV3)
- TRA2 Sustainable Access - Proposed & Potential (refer to Policy ENV3)
- TRA3 New Roads and Parking Proposals

HOUSING and COMMUNITIES

- RES1 Residential Areas
- RES3 & RES4 Residential Development Opportunities (refer to Schedule 6.1)
- Indicative Site (refer to Schedule 6.1)
- RES6 Community, Schools and Leisure Proposals and Opportunities (refer to Schedule 6.2)

TOWN CENTRES and RETAILING

- TCR1 Town Centres and Local Centres
- TCR4 Greenock Town Centre: Retail Core
- A-E TCR5 Greenock Town Centre: Outer Area Sub-divisions
- TCR6 Town Centre/Retail Development Opportunities (refer to Schedule 7.1)

NATURAL HERITAGE and ENVIRONMENTAL RESOURCES

- SSSI (national)
- ENV1 SINC (local)
- ENV1 Clyde Muirshiel Regional Park
- ENV1 Green Belt
- ENV2 The Countryside
- ENV3 Green Network: Opportunities for Enhancement (refer to Schedule 8.1)
- ENV4 Open Space
- ENV4 Open Space in the Green Belt

Designated Environmental Resources (refer to Table 8.1)

BUILT HERITAGE and TOWNSCAPE

- HER1 Conservation Areas (refer to Table 9.1)
- HER3 Proposed New or Amended Conservation Areas (refer to Schedule 7.1)
- HER7 Archaeological Sites (Scheduled Monuments)
- HER8 Gardens and Designed Landscapes (refer to Table 9.1)

River Clyde / Firth of Clyde

Land Outwith Inverclyde / Proposals Map D

ENV6 Tree Preservation Orders

INVERCLYDE LOCAL DEVELOPMENT PLAN 2014

PROPOSALS MAP D : GREENOCK (east) and PORT GLASGOW

KEY

SUSTAINABLE DEVELOPMENT STRATEGY

SDS1	Climate Mitigation and Adaptation - Reducing Carbon and Energy Use
SDS2	Integration of Land Use and Sustainable Transport
SDS3	Placemaking
SDS4	Green Network
* SDS5	Development Within the Urban Area
SDS6	Promoting our Town Centres
SDS7	Regeneration and Renewal Priorities
SDS8	Green Belt and the Countryside

* Not highlighted on Map as NOT area, location or site specific

MAJOR AREAS OF CHANGE and POTENTIAL CHANGE

	MAC 2 James Watt Dock / Garvel Island, Greenock
	MAC 5 Woodhall, Port Glasgow
	APC 2 Inner Lower Port Glasgow
	DOS 2 John Street, Greenock
	DOS 3 Sinclair Street, Greenock

ECONOMY and EMPLOYMENT

	ECN1 Business and Industrial Areas (refer to Schedule 4.1)
	ECN2 Business and Industrial Development Opportunities (refer to Schedule 4.1)
	Indicative Site (refer to Schedule 4.1)
	ECN6 Tourism Opportunities (refer to Schedule 4.2)

TRANSPORT and CONNECTIVITY

	Trunk Road
	Sustainable Access - Existing (refer to Policy ENV3)
	TRA2 Sustainable Access - Proposed & Potential (refer to Policy ENV3)

HOUSING and COMMUNITIES

	RES1 Residential Areas
	RES3 & RES4 Residential Development Opportunities (refer to Schedule 6.1)
	Indicative Site (refer to Schedule 6.1)
	RES6 Community, Schools and Leisure Proposals and Opportunities (refer to Schedule 6.2)

TOWN CENTRES and RETAILING

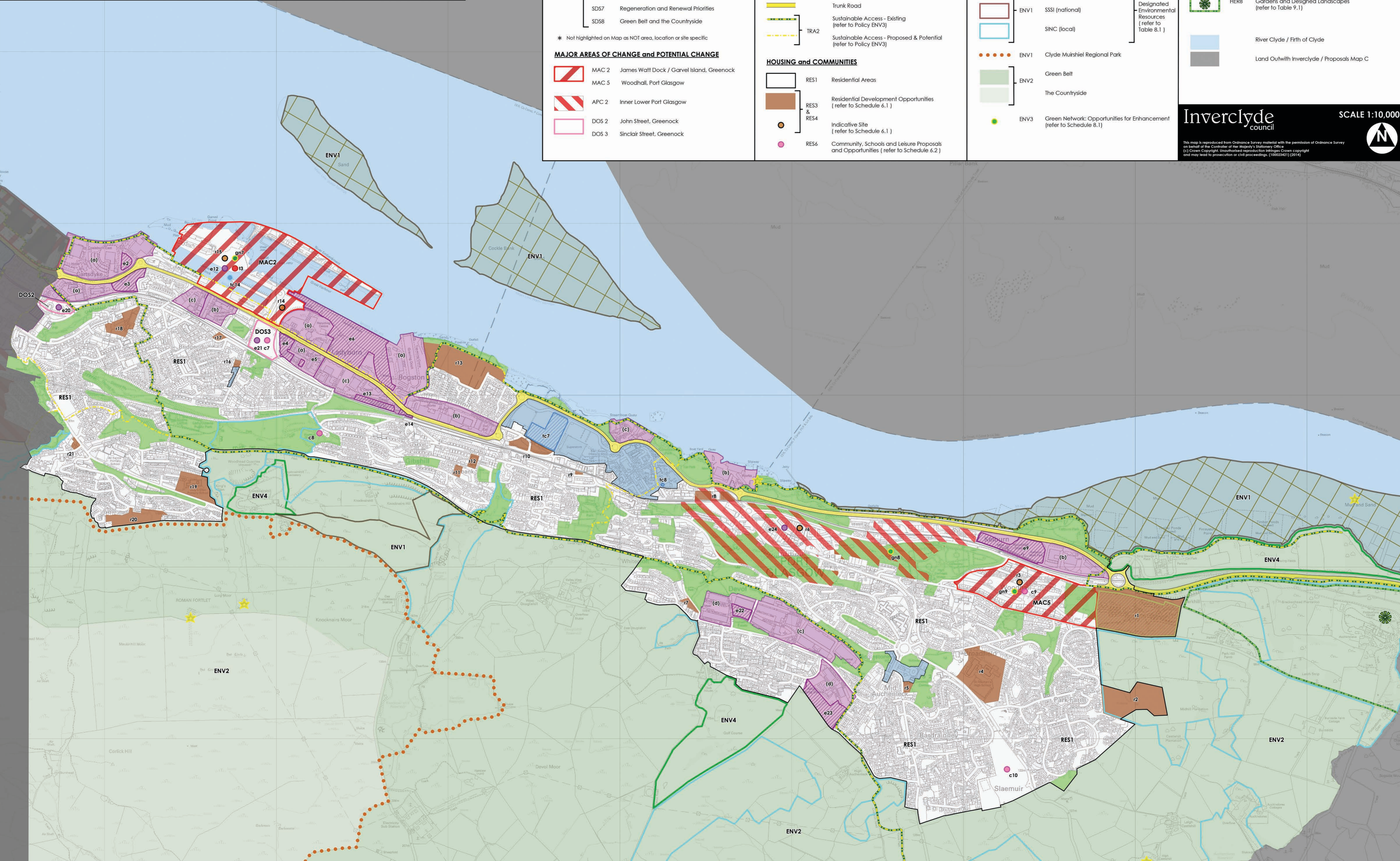
	TCR1 Town Centres and Local Centres
	TCR6 Town Centre/Retail Development Opportunities (refer to Schedule 7.1)

NATURAL HERITAGE and ENVIRONMENTAL RESOURCES

	ENV1 SPA / Ramsar site (International)
	ENV1 SSSI (national)
	SINC (local)
	ENV1 Clyde Muirshiel Regional Park
	ENV2 Green Belt
	ENV2 The Countryside
	ENV3 Green Network: Opportunities for Enhancement (refer to Schedule 8.1)

BUILT HERITAGE and TOWNSCAPE

	Open Space
	ENV4 Open Space in the Green Belt
	ENV6 Tree Preservation Orders
	HER7 Archaeological Sites (Scheduled Monuments)
	HER8 Gardens and Designed Landscapes (refer to Table 9.1)
	River Clyde / Firth of Clyde
	Land Outwith Inverclyde / Proposals Map C



**6. INVERCLYDE LOCAL DEVELOPMENT PLAN
PROPOSED PLAN 2018 PLANNING APPLICATION
ADVICE NOTE (PAAN) 5 ON OUTDOOR SEATING
AREAS**

Planning Application Advice Note No. 5

OUTDOOR SEATING AREAS

The topography of Inverclyde provides many houses with spectacular views over the Firth of Clyde. Inland there are often opportunities to view open countryside. There is no objection in principle to balconies being erected, but they must take account of privacy and the impact it may have on neighbours' enjoyment of their gardens.

Outdoor seating areas are becoming increasingly popular, but must take account of privacy and the impact these may have on neighbours enjoyment of their gardens.

This Advice Note provides a guide to the issues that are considered in determining applications for planning permission.

Balconies & Roof Terraces

- The balcony should be restricted in size to allow for limited seating and the enjoyment of wider views. Unless obscured from view from neighbouring housing, it should not be of a size that will afford residents the opportunity of undertaking a wide range of activities over extensive periods of day and evening to the extent that regular and/or continuous activity may impinge upon the enjoyment of neighbouring gardens.

- Where a balcony is positioned within 9 metres of the garden boundary and where there is a view of the neighbouring private/rear garden area, the erection of screening shall generally be required. Screening may not be required in cases where the

balcony does not increase or intensify the intervisibility between and the overlooking of neighbours. Where screening is required and it is in excess of 2.5 metres high within 2 metres of a boundary or will itself result in an unacceptable loss of light to a room in a neighbouring house, then the proposed balcony will not be supported. The Council will use the Building Research Establishment publication "Site Layout Planning for daylight and sunlight: A guide to good practice" in making this assessment.

- The design and position of the balcony shall be appropriate to the architectural design of the house.



Garden Decking & Raised Platforms

- Decking and platforms should be restricted in size to allow for limited seating and the enjoyment of wider views.

- The position of decking should respect the rights of neighbours to enjoy their gardens without being the subject of intrusive overlooking. If raised, it should not be of a size that will afford residents the opportunity of undertaking a wide range of activities over extensive periods of day and evening to the extent that regular and/or continuous activity may impinge upon the enjoyment of neighbouring gardens.

- Where decking is positioned within 9 metres of the garden boundary and where there is a view of the neighbouring private/rear garden area, the erection of screening, either at the decking edge or the garden boundary shall generally be required. Screening may not be required in cases where the decking does not increase or intensify the intervisibility between and the overlooking of neighbours. Where screening is required and it is in excess of 2.5 metres high within 2 metres of a boundary or will itself result in an unacceptable loss of light to a room in a neighbouring house, then the proposed decking will not be supported. The Council will use the Building Research Establishment publication "Site Layout Planning for daylight and sunlight: A guide to good practice" in making this assessment.

- The design and position of the decking shall be appropriate to the architectural design of the house.



**7. INVERCLYDE LOCAL DEVELOPMENT PLAN 2014
PLANNING APPLICATION ADVICE NOTE (PAAN) 5
ON BALCONIES AND GARDEN DECKING**

Planning Application Advice Note No. 5

BALCONIES and GARDEN DECKING

The topography of Inverclyde provides many houses with spectacular views over the Firth of Clyde. Inland there are often opportunities to view open countryside. There is no objection in principle to balconies being erected, but they must take account of privacy and the impact it may have on neighbours' enjoyment of their gardens.

Garden decking is becoming increasingly popular, and similarly there is no objection to this being erected, but again it must take account of privacy and the impact it may have on neighbours enjoyment of their gardens.

This Advice Note provides a guide to the issues that are considered in determining applications for planning permission.

Balconies

- The balcony should be restricted in size to allow for limited seating and the enjoyment of wider views. Unless obscured from view from neighbouring housing, it should not be of a size that will afford residents the opportunity of undertaking a wide range of activities over extensive periods of day and evening to the extent that regular and/or continuous activity may impinge upon the enjoyment of neighbouring gardens.
- Where a balcony is positioned within 9 metres of the garden boundary and where there is a view of the neighbouring private/rear garden area, the erection of screening shall generally be required.

Screening may not be required in cases where the balcony does not increase or intensify the intervisibility between and the overlooking of neighbours. Where screening is required and it is in excess of 2.5 metres high within 2 metres of a boundary or will itself result in an unacceptable loss of light to a room in a neighbouring house, then the proposed balcony will not be supported. The Council will use the Building Research Establishment publication "Site Layout Planning for daylight and sunlight: A guide to good practice" in making this assessment.

- The design and position of the balcony shall be appropriate to the architectural design of the house.



Decking in Greenock

Garden Decking

- The position of decking should respect the rights of neighbours to enjoy their gardens without being the subject of intrusive overlooking. If raised, it should not be of a size that will afford residents the opportunity of undertaking a wide range of activities over extensive periods of day and evening to the extent that regular and/or continuous activity may impinge upon the enjoyment of neighbouring gardens.

- Where decking is positioned within 9 metres of the garden boundary and where there is a view of the neighbouring private/rear garden area, the erection of screening, either at the decking edge or the garden boundary shall generally be required. Screening may not be required in cases where the decking does not increase or intensify the intervisibility between and the overlooking of neighbours. Where screening is required and it is in excess of 2.5 metres high, within 2 metres of a boundary or will itself result in an unacceptable loss of light to a room in a neighbouring house, then the proposed decking will not be supported. The Council will use the Building Research Establishment publication "Site Layout Planning for daylight and sunlight: A guide to good practice" in making this assessment.

- The design and position of the decking shall be appropriate to the architectural design of the house.



Decking in Greenock

8. REPRESENTATIONS IN RELATION TO PLANNING APPLICATION

Comments for Planning Application 19/0235/IC

Application Summary

Application Number: 19/0235/IC

Address: 35 Balmore Road Greenock PA15 3EQ

Proposal: Replacement and extension of timber decking, construction of a timber garden store and replacement of rear boundary fence in retrospect

Case Officer: David Sinclair

Customer Details

Name: Mr Paul Nugent

Address: 16 Luss Avenue Greenock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I live directly behind this building and I strongly object to this development in its size and appearance, since this has been built I have lost a significant part of my view of the river if we are sitting downstairs the height difference from the new fence and building opposed to the height of the new fence must be at least 3ft ,also when someone is standing on the decking next to the building they are now overlooking into my property .The sheer size of the building is so out of context with the surrounding area which is a garden area as there can be no way that can be considered as a Garden Store ?, double glazed windows and doors ?, It's obviously an outhouse Bar, Pool Table , Tv sort of thing .I also witnessed most of the build of the decking and store and the whole lot was assembled by nail guns , so I've got concerns over the stability of decking and store , and also the fire risk because theres some amount of timber been used .

Comments for Planning Application 19/0235/IC

Application Summary

Application Number: 19/0235/IC

Address: 35 Balmore Road Greenock PA15 3EQ

Proposal: Replacement and extension of timber decking, construction of a timber garden store and replacement of rear boundary fence in retrospect

Case Officer: David Sinclair

Customer Details

Name: Mr Michael Hodge

Address: 24 Luss Avenue Greenock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I think the garden store is too big to be a store and think it will be used as a party house and may create a lot of noise during the summer months. I think the height of the decking is too high thus looking down to other gardens, the amount of wood between the decking and garden store could be fire hazard.

Comments for Planning Application 19/0235/IC

Application Summary

Application Number: 19/0235/IC

Address: 35 Balmore Road Greenock PA15 3EQ

Proposal: Replacement and extension of timber decking, construction of a timber garden store and replacement of rear boundary fence in retrospect

Case Officer: David Sinclair

Customer Details

Name: Mr James Gallacher

Address: 37 Balmore Road Greenock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the Garden shed that has been built at number 35 Balmore road as i feel that the shed has totally overpowered my garden and i feel that it has invaded my privacy.

Not only has it affected my garden it has also blocked sunlight and views from my garden and this is something i have been used to since i moved in to my house 23 years ago.

I also feel that from inside my house my privacy has been taken away and when i look out of my bedroom window the only thing that i see is the neighbors garden shed.

The shed is also looking right in to my bedroom window and now when i am going in to my room i have to make sure my light is off before i enter my room then i have to put my blinds down before i put my light on as the garden shed is looking right in to my room and it makes me feel uncomfortable, i also have an on suit in my room that my kids use and it is uncomfortable for them. i also think this could affect the value of my house if i ever decided to sell it..

Comments for Planning Application 19/0235/IC

Application Summary

Application Number: 19/0235/IC

Address: 35 Balmore Road Greenock PA15 3EQ

Proposal: Replacement and extension of timber decking, construction of a timber garden store and replacement of rear boundary fence in retrospect

Case Officer: David Sinclair

Customer Details

Name: Mrs Senga Gallacher

Address: 37 Balmore road Greenock

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the Garden shed that has been built at number 35 Balmore road as it has totally overpowered my garden and it has invaded my privacy.

When i am in my room this is where i get ready for bed and get dressed for work and i also have an on suit in my room that is used by everyone in our house and it has taken the privacy away from us.

I also get showered in this room then i have to come in to my bedroom to get ready and i think that this is inappropriate.

I also feel that if i was to sell my house the garden shed next door could have an effect on me selling my property as anyone who is interested would be put off by what is next door.

i also feel that when i am sitting in my garden it makes me feel uncomfortable sometimes.

**9. DECISION NOTICE DATED 9 DECEMBER 2019
ISSUED BY HEAD OF REGENERATION &
PLANNING**

DECISION NOTICE

Refusal of Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 19/0235/IC

Online Ref: 100179163-001

***TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013***

Mr Gary McLean
35 Balmore Road
GREENOCK
PA15 3EQ

With reference to your application dated 6th September 2019 for planning permission under the above mentioned Act and Regulation for the following development:-

Replacement and extension of timber decking, construction of a timber garden store and replacement of rear boundary fence in retrospect at

35 Balmore Road, Greenock.

Category of Application - Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. The proposed decking by virtue of its location and height fails to meet the quality of being 'Safe and Pleasant' in LDP Policy 1, as it allows an invasion of privacy towards neighbouring residential property which would impinge upon the enjoyment of neighbouring properties to the detriment of the amenity of neighbouring residents. As such the proposed decking is not in accordance with the guidance and advice contained within Inverclyde Council's Planning Application Advice Note (PAAN) 5 on "Outdoor Seating Areas".
2. The southern window on the outbuilding fails to meet the quality of being 'Safe and Pleasant' in LDP Policy 1, as it allows opportunity for an invasion of privacy into a neighbouring residential property which would impinge upon the enjoyment of the neighbouring residential property to the detriment of the amenity of neighbouring residents and is contrary to the window to window guidance contained within Inverclyde Council's Planning Application Advice Notes Supplementary Guidance.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 9th day of December 2019

Head of Regeneration and Planning

- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.

- 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, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

Refused Plans: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>

Drawing No:	Version:	Dated:
2019-PL-001-NM		04.09.2019
2019-PL-002-NM	Rev A	26.11.2019
Photo		
Photo		
Photo		
Photo		

**10. NOTICE OF REVIEW FORM DATED 4 MARCH 2020
TOGETHER WITH SUPPORTING DOCUMENTATION
FROM MR G MCLEAN**

- 6 MAR 2020

Notice of Review

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.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. 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)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

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.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, 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 are necessary:

HOUSES/GARDENS IN THE AREA HAVE BEEN BUILT DIFFERENTLY I.E. HEIGHTS, STYLES AND OVERLOOKING. THIS IN TURN MAKES IT DIFFICULT TO FOLLOW PLANNING RULES IN THE SAME WAY AS A FLAT GARDEN/AREA.

Site inspection

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

- 1. Can the site be viewed entirely from public land? Yes No
- 2. Is it possible for the site to be accessed safely, and without barriers to entry? Yes No

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

YES UNABLE TO ASCERTAIN HEIGHT OF GROUND, PREVIOUS DECKING ETC.

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.

PLEASE SEE ATTACHMENT NO 1

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

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 and intend to rely on in support of your review.

- ATTACHMENT NO 1 - DETAILING REASONS FOR REVIEW REQUEST
- PICTURE A - SHOWING HEIGHT / UNEVEN DIFFERENCE IN NEIGHBORING GARDEN
- PICTURE B - SHOWING HEIGHT / UNEVEN DIFFERENCE IN NEIGHBORING GARDEN
- PICTURE C - SHOWING GARDEN AS WE BOUGHT IT.
- PICTURE D - GARDEN IN CURRENT STATE
- PICTURE E - WITH PICTURE + COMMENT.
- PICTURE F - SHOWING HEIGHT DIFFERENCE + COMMENTS.
- PICTURE G - SHOWING SURROUNDING AREA'S UNEVEN GARDENS
- PICTURE H - PLANS.
- PICTURE I - PLANS

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.

Checklist

Please mark the appropriate boxes to confirm 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 requiring 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 [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

4/3/2020

Data Protection: Inverclyde Council is obliged to comply with current Data Protection Laws and will use this information for the purpose of The Town and Country Planning (Scotland) Act 1997 and related purposes, legislation and regulation.

Further information can be found at www.inverclyde.gov.uk/privacy

Attachment No 1

As per recommendations on report of handling –

Height/location of Decking fails to meet the quality of “being safe and pleasant” as impinges on neighbouring property –

When 35 Balmore Road was bought in 2008 the garden was already constructed with decking in a way that over looked neighbouring gardens please see picture C (attached) . Nothing was mentioned during purchase that any planning was required or if there had been an issue.

As you can see from pictures A and B (attached) regardless of decking, neighbouring gardens are already overlooked given the uneven height difference in the way that the houses in Luss avenue and Balmore Road were built.

In regards to the rejected proposal for screening to overcome this issue due to light impingement on the lower kitchen window of 37 Balmore Road as you can see in picture B (attached), again, due to construction of houses/gardens there has been a wall of approx. 2.5 metres build in front of window already which we feel causes much more of an issues to light than anything we can do to our garden.

Due to steep slope of garden there would be no physical way of getting a safe, flat area for our children to play in the garden without being above the current planning guidelines at some point.

Southern window on outbuilding fails to meet the quality of being “safe and pleasant” as it allows opportunity for an invasion of privacy into neighbouring property-

View from outbuilding window would not be any different as it would be standing at the same area in garden. This was previously a grassed area.

Neighbour at 33 Balmore Road does not have any issues with window.

We would have no issues with putting a frosted glass in all windows or removing window that does not meet current regulations.

Please see picture D (attached) of garden in its current state.

Picture A



Picture B



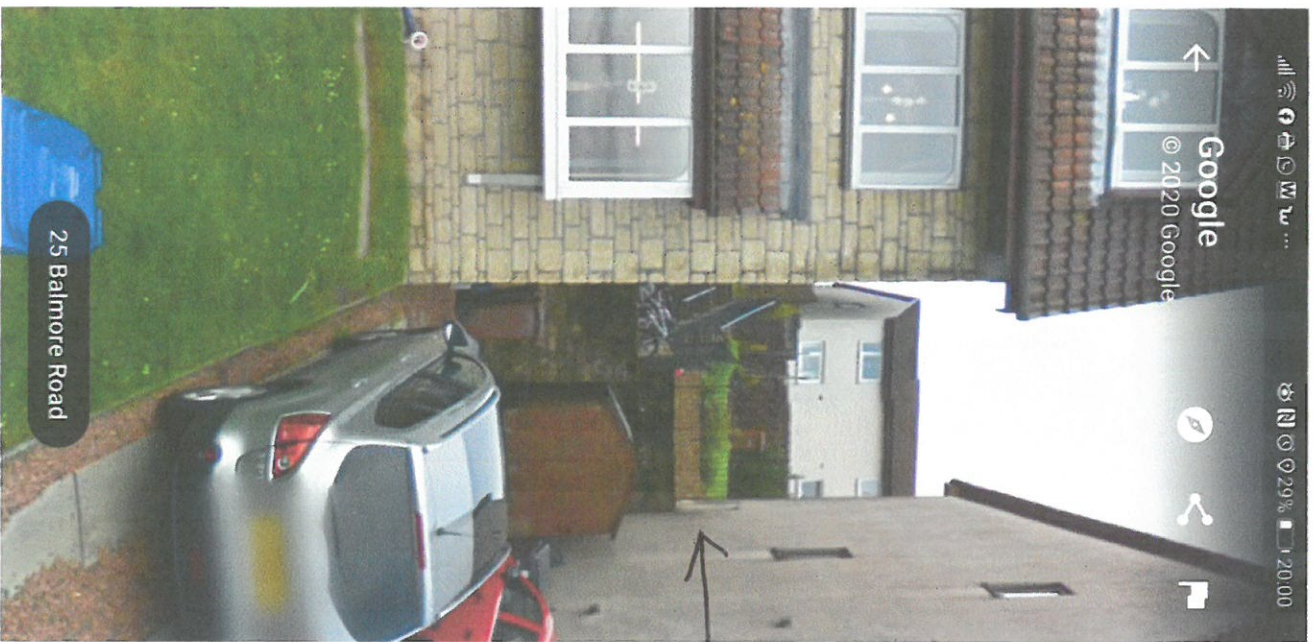
Picture ©



35 Baltimore Road

Picture ①





OTHER GARDENS ON STREET
UNEVEN AND OVERLOOKING AS
BUILT,

TOP END OF OUR GARDEN AS SAME LEVEL AS THIS



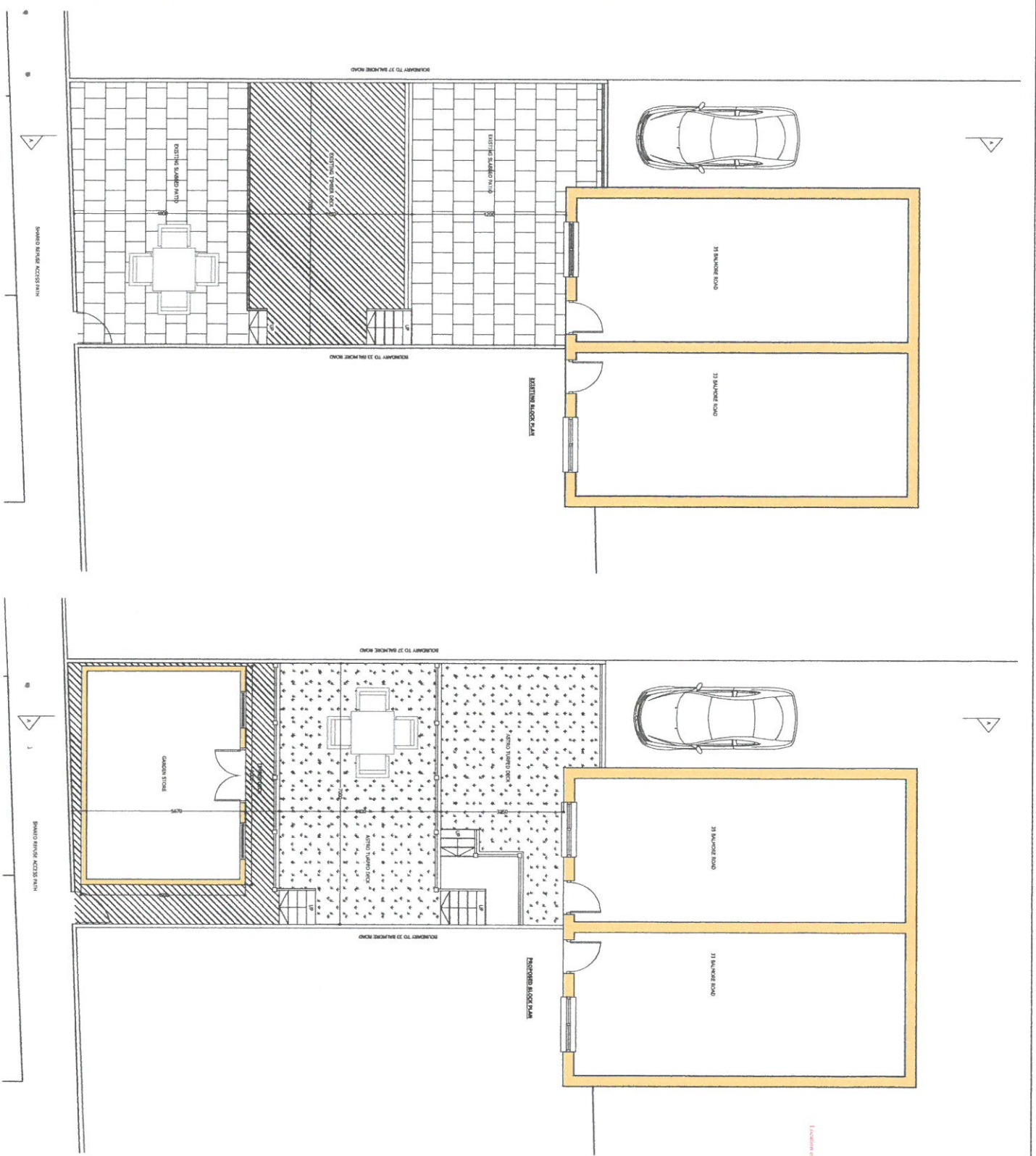
35 BALMORRE RD.

37 BALMORRE RD.

DIFFERENCE IN TOP OF OUR GARDEN TO NEIGHBOUR IN QUESTION AT 37 BALMORRE RD'S GARDEN.

PLEASE NOTE OUR BACK DOOR IS ON 2ND LEVEL + 37 BALMORRE RD'S IS ON GROUND LEVEL (1 STOREY OR A DIFFERENCE).





Location of Proposal



**PROPOSED LANDSCAPING INCLUDING
TIMBER DECKING AT
35 BALMORE ROAD,
GREENOCK,
PAIS 3EQ**

FOR
MR & MRS McLEAN

DRAWING TITLE
EXISTING & PROPOSED PLANS

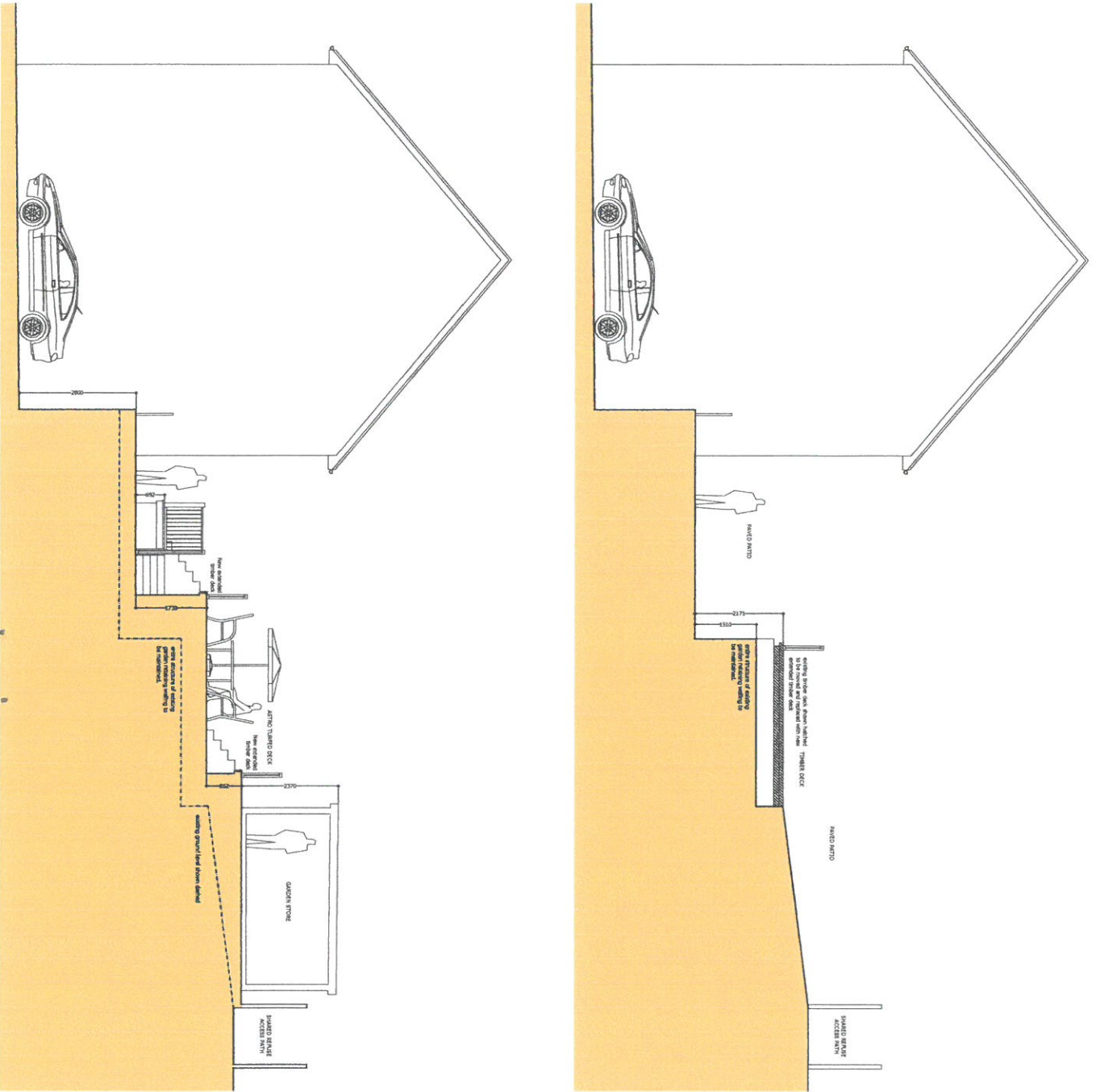
DRAWING NO.
2019-PL-001-NM

SCALE
1:50 @ A1

DATE
04-09-19

DESIGNER	DATE
REVISION	
APPROVED	

Picture I



PROPOSED LANDSCAPING INCLUDING
 TIMBER DECKING AT
 53 BELMORBE ROAD,
 GREENBUSH,
 TAS 7250

FOR
 MR & MRS McLEAN

DRAWING TITLE	EXISTING & PROPOSED SECTIONS		
DRAWING NO.	2019-PL-002-NM		
SCALE	1:50 @ A1	DATE	04-09-19
REVISION	DESCRIPTION	DATE	
A	Change updated to bar with 'trimmer deck' text		

**11. SUGGESTED CONDITIONS SHOULD PLANNING
PERMISSION BE GRANTED ON REVIEW**

**REPLACEMENT AND EXTENSION OF TIMBER DECKING, CONSTRUCTION OF TIMBER GARDEN STORE AND REPLACEMENT OF REAR BOUNDARY FENCE IN RETROSPECT:
35 BALMORE ROAD, GREENOCK (19/0235/IC)**

Suggested conditions should planning permission be granted on review

Conditions:

1. That a 1.8 metre high visually impermeable screen shall be erected along the length of the north-west boundary of the deck hereby permitted within 56 days of the date of this permission hereby approved and shall be retained thereafter in conjunction with the deck. Details of the screen are to be submitted to and approved in writing by the Planning Authority prior to the erection of the screen.
2. That the southern window on the outbuilding hereby permitted is given an opaque finish, to be approved in writing by the Planning Authority, within 56 days of the date of this permission hereby approved and shall be retained thereafter.

Reasons:

1. In the interests of privacy and to prevent overlooking into neighbouring private/rear garden areas.
2. In the interests of privacy and to prevent overlooking between properties, in accordance with the Council's window intervisibility guidance.