

**Report To: The Planning Board**

**Date: 3 March 2021**

**Report By: Head of Regeneration and Planning**

**Report No: 20/0010/IC  
Plan 03/21**

**Local Application  
Development**

**Contact  
Officer: James McColl**

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**Subject: Notification of Appeal: Timber deck to rear (in retrospect) at  
Flat 1, 113 Albert Road, Gourock**



### **SUMMARY**

- The planning application was refused by the Planning Board.
- The applicant appealed the decision to the Scottish Ministers.
- The appeal was upheld and planning permission granted.

Details of the appeal may be viewed at:

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=121283&T=0>

## **INTRODUCTION**

In September 2020 planning permission was refused by the Planning Board for a timber deck (in retrospect) for the following reason:

1. The effect on privacy, having regard to the fact that the deck is erected on a slope overlooking rear gardens.

## **NOTIFICATION OF APPEAL DECISION**

An appeal against the refusal was lodged with the Scottish Government on 17<sup>th</sup> November 2020. The grounds of appeal were that:

- The timber deck erected is in conformity with the Local Development Plan and there are no material considerations to otherwise merit refusal of the planning application.
- The location at the rear of a large communal area of garden, the existence of similar structures and the distance between the structure and the flatted dwellings result in there being no material effect on privacy.

The appointed Reporter first considered the visual impact of the decking in the context of local architecture and urban form. She accepted that the outdoor seating area appears quite large in comparison to the adjacent small deck and garden ground. However, she went on to consider it to be much smaller in scale, and therefore less prominent, than the garage behind it and the boundary wall between gardens. She also considered it to be smaller than the deck at number 109/110. In taking all these points together, and considering the wider context of extensions, outbuildings and garden sheds in this locale, the Reporter concluded it was not out of step with the character of the local architecture and urban form.

The Reporter went on to consider the appeal site's location within the West Bay Conservation Area. She observed that in the main the deck is not visible from Albert Road or the promenade, apart from a brief glimpse between buildings. Nor did she consider it to be prominent in views from Hillside Road. Given the location to the rear of the properties on Albert Road, the Reporter concluded this development affects neither the character nor appearance of the Conservation Area, or its setting.

Turning to residential amenity, the Reporter observed that from the deck, no views were possible into the rear garden of number 114/115. Partial views of the gardens of numbers 111 and 109/110 were, however, possible. The Reporter was of the opinion that these views would be little different from that obtained from the garden prior to construction of the deck, the garden path to Hillside Road, or the adjacent small deck. She therefore did not consider that the extent of overlooking of neighbours' gardens has been significantly altered by the construction of the deck.

The Reporter further considered the potential for views towards the rear windows at number 112/113. She noted the decking was some 22 metres distant from the building and that whilst she could clearly see the rear windows of neighbouring properties when standing on the deck, she could not see into the rooms as the windows were either too far away or were at an angle. She found the only exception to be the top floor of number 112/113, where she could see items next to the window, but not into the room. Whilst noting the concerns raised in the representations she did not consider that the sight lines from the deck are such that neighbours' privacy is invaded.

Finally in considering the impact on residential amenity, the Reporter noted that at the site inspection there were table and six chairs on the deck together with a water butt and several plant pots. She considered the deck itself only large enough to accommodate the table and chairs and it would therefore not be able to accommodate a large group of people. Given its relatively modest size, she did not consider that it would intensify the use of the rear garden to an unacceptable degree.

Overall, the Reporter found the timber deck erected to accord with the relevant provisions of the development plan and there to be no material considerations which would justify refusing to grant planning permission.

The appeal was allowed and planning permission was granted. No conditions were attached to the planning permission.

### **RECOMMENDATION**

That the Board notes the position.

Stuart Jamieson  
Head of Regeneration and Planning

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact James McColl on 01475 712462.