

Inverclyde Local Review Body

Our Ref: 20/0132/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 3 Oakfield Terrace, Greenock, PA15 2AH.
 - Application for Review by Rebecchi Architectural on behalf of Alex McWaters against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 20/0132/IC
 - Application Drawings: Existing and Proposed Elevations and Location Plan (Drawing number: 20-062-PL-001)
 - Date of Review Decision Notice: 05/05/2021
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Decision

The ILRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review. 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 May 2021. The ILRB was constituted by Councillors Clocherty, Crowther, Dorrian, Nelson, McVey, Rebecchi and Wilson.

2. Proposal

- 2.1 The application proposal is for planning permission for the installation of fence panels (in retrospect) and the installation of a new sliding electric gate at 3 Oakfield Terrace, Greenock. The application was refused consent in terms of a decision letter dated 16 October 2020.

3. Preliminaries

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

- (i) Planning Application dated 28 June 2020 and plans specified above.
- (ii) Appointed Officer's Site Photographs.
- (iii) The Appointed Officer's Report of Handling dated 16 October 2020.
- (iv) Local Development Plan 2019 Policy Extracts.
- (v) Planning Policy Statement on Our Homes and Communities – October 2020.
- (vi) Planning Policy Statement on Our Homes and Communities Maps – October 2020 Extract.
- (vii) Representations in relation to Planning Application.
- (viii) Decision Notice dated 16 October 2020.
- (ix) Notice of Review and supporting documents dated 13 January 2021 together with supporting documentation from Rebecchi Architectural.
- (x) Further representation with photographs submitted following receipt of Notice of Review.
- (xi) Email dated 11 February 2021 from Rebecchi Architectural with plan in response to further representation.
- (xii) Proposed Local Development Plan.

3.2 In response to questions from the ILRB, the Planning Adviser clarified the policy context in which the application was considered

3.3 Having regard to the material before the ILRB and the comments from the Planning Adviser, 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. Findings and Conclusions

4.1 The determining issues in this review were (a) the height of the wall (b) the materials used in the construction, especially the fence panels (c) traffic visibility and (d) the attractiveness of the streetscene.

4.3 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, considered that the documentation submitted to it did not include sufficient evidence to reverse the appointed officer's decision, accepted the reasoning of the appointed officer and determined that planning permission should be refused, concluding that the application had been correctly refused for the reasons given in the Decision Notice dated 16 October 2020 namely:

- 1. By reason of height and design, including the use of finishing materials, the development forms an unexpected and strident feature in the streetscene and therefore does not reflect urban form or result in an attractive streetscene as required by Policy 1 of the Inverclyde Local Development Plan.

4.4 The Review Application was accordingly dismissed.

Signed _____

Interim Head of Legal 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.