

Report To: The Planning Board

Date 3 November 2021

Report By: Interim Service Director,
Environment & Economic Recovery

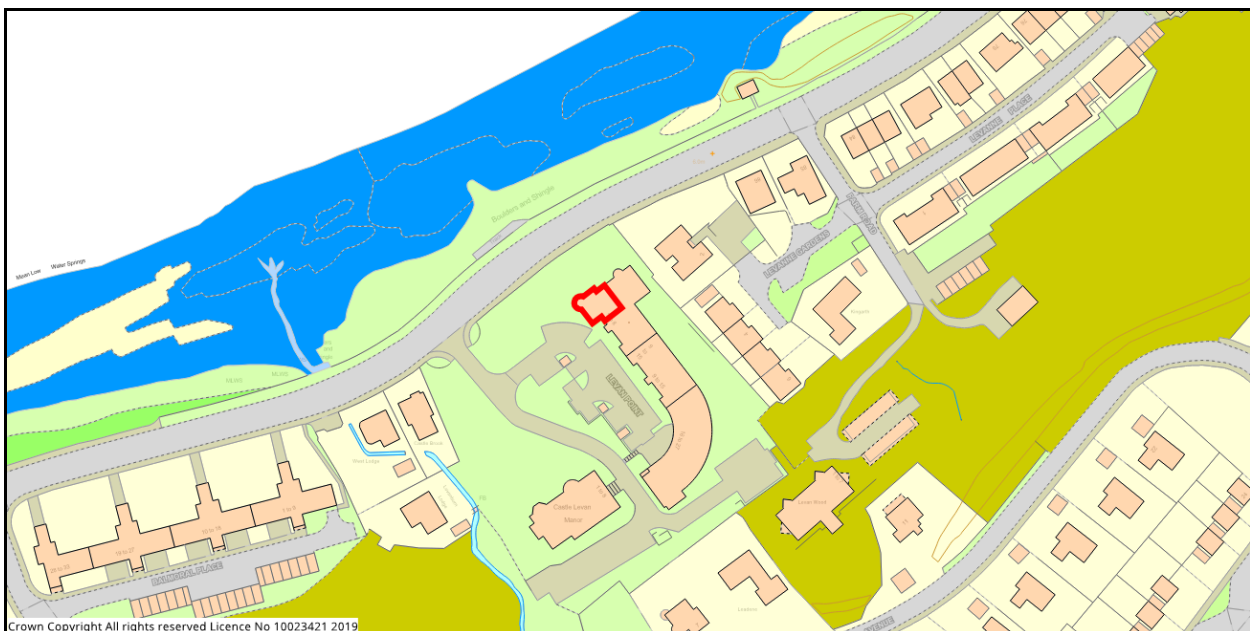
Report No: 21/0281/IC
Plan 11/21

Local Application
Development

Contact Officer: David Sinclair

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Subject: Proposed installation of French doors at
1 Levan Point, Gourock



SUMMARY

- The proposal complies with the adopted and proposed Inverclyde Local Development Plan.
- Thirteen objections have been received raising concerns over design, visual impact and impacts on communal garden grounds.
- The recommendation is to GRANT PLANNING PERMISSION.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=QZH2N6IMJPA00>

SITE DESCRIPTION

The application site comprises a ground floor flatted property, located in the north-west corner of a 'J' shaped residential building on the south side of Cloch Road, Gourrock. Built around 2000, the building is three storeys in height and split into three blocks, with each block being one storey taller than the adjoining block to the north. The building is finished with a grey slate roof; a mixture of buff stone and white render walls; white timber sash and case windows with buff stone sills, lintels and mullions; and black uPVC rainwater goods. Each apartment in the building contains a small balcony framed with a white metal balustrade, accessed from a white uPVC door paired with a fixed single pane window.

PROPOSAL

Planning permission is sought to replace the middle of the three double windows on the north facing ground floor elevation with a set of inwards opening French doors. The doors are proposed to measure the same width as the existing window, being extended to ground level and will be finished in white uPVC.

Additional works to install two steps to provide safe access through the proposed doors are proposed to be carried out alongside the proposal, however these works are permitted development under Class 4A of The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 and do not require assessment in this application.

ADOPTED 2019 LOCAL 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.

PROPOSED 2021 LOCAL 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 and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

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.

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. Thirteen representations were received objecting to the proposal. Objections were raised as follows:

Amenity Concerns

- Concerns over damage being done to the landscape from children playing in the gardens.
- Persons using the new means of entry and exit would cause wear to the common lawns.

Design and Visual Impact

- The inclusion of this change upsets the balanced look from Cloch Road with no added value to the appearance.
- The works would spoil the impressive frontage of Levan Point and alter the character and visual appeal of the award winning structure.
- The application should be refused permission to keep the integrity and appearance of this unique residential complex complete.
- An alteration now will upset the aesthetics of the building and set a dangerous precedent for its future integrity.
- The existing "French doors" were included in the original plan specifically because a neighbouring flat was the only unit without a balcony.
- The plan submitted, whilst presumably adequate for the application, does not show the whole elevation and therefore misses the detrimental effect of the proposed alteration on that elevation. This elevation is of course what people first see when passing and judging the architecture of Levan Point.

Procedural Concerns

- Concerns that there is a part missing from the plans as the Plan view shows a step to gain access from/to the common land owned by the other 25 residents as well as the applicant.
- Concerns over the accuracy of the ownership statement in the application form as the present owner of Flat 1 does not own the land at the front of this property. It is communal garden owned and maintained by all 26 owner residents. Not as stated on the proposal.
- Concerns that the application is inconsistent, describing the installation of French doors, yet its accompanying drawing indicates Patio doors.

Other Concerns

- Concerns that occupants using the balcony as an access might lead to a break-in.
- Objections over washing out in the garden even though this is not allowed.
- Should approval be granted conditions should include that no external work be permitted in relation to the construction of any type of hard standing, patio, slab area, patio/garden furniture or access path without the approval by the majority of the proprietors as per deed conditions of the development.
- Concerns that the applicant will construct a paved/mono block or wooden decking patio adjacent to the doors and step/s.
- The title deeds clearly state that there is to be no alterations or changes to the design of the property by owners.
- The owner has already broken the rules by removing a section of handrail on the balcony to allow access to the kitchen from the drive, across communal gardens instead of using the existing main entrance to the flat.

- The proposed changes are contrary to the legislation prohibiting the alteration to the dimensions of windows in a flatted development.
- There is no need for a further exit.
- The application would allow the occupant to have direct access and private use of the common prime land that provides the character of Levan Point and is its main feature.

ASSESSMENT

The material considerations in determination of this application are the adopted Inverclyde Local Development Plan (LDP); the proposed Local Development Plan (LDP); and the representations received.

The application site is located within an established residential area where Policy 1 of both LDPs and Policy 20 of the proposed LDP are applicable. Policy 1 of both LDPs requires all development to have regard to the six qualities of successful places and where relevant, applications will also be assessed against the Planning Application Advice Notes. There are no relevant advice notes. The relevant qualities in Policy 1 of both LDPs are being 'Distinctive' and 'Safe and Pleasant'. In the adopted LDP, the relevant factor of being 'Distinctive' is whether the proposal reflects local architecture and urban form. In the proposed LDP, the relevant factors of being 'Distinctive' are whether the proposal respects landscape setting and character, and urban form; and reflects local vernacular/architecture and materials. To meet the quality of being 'Safe and Pleasant', the proposal should avoid conflict with adjacent uses.



View of building from Cloch Road. The window in question is identified above.

The proposal is located on the north side of the building and faces onto Cloch Road, forming part of one of the two elevations visibly prominent from the public realm. In considering landscape setting and urban form, the proposal will involve converting an existing double window into a set of internally opening French doors which do not project beyond the established building line. It stands that the proposal will have acceptable regard to the urban form of the area. In considering whether the proposal reflects local architecture and materials, I note that the elevation on which the proposal is to be positioned already contains two white uPVC doors, one on the ground floor at the eastern end and one on the second floor, providing access onto the projecting balcony. The choice of materials and finishes proposed matches the existing white uPVC doors on this frontage and can therefore be considered to reflect the

existing character of the building. I consider the proposal complies with all relevant factors with regard to meeting the quality of being 'Distinctive' in Policy 1.

In considering the appearance of the proposal and the visual impact on the building (Policy 20 of the proposed LDP), I note the concerns raised in the objections over the visual impact on the building's frontage and concerns over the proposal being detrimental to the balance on the building. The building is of a bespoke design and the elevation which the proposal is to be sited on is asymmetrical, containing two and three storey sections and two projecting curved bay windows which differ in scale and relative position on the building. I note that the building contains three sets of double windows between the bay windows, the middle set of double windows at ground floor level being the subject of this proposal. Taking this into consideration, I am satisfied that the proposal does not impact on the overall balance of this elevation and as the choice of materials and finishes proposed reflect the existing situation, I consider that the proposal will not have a detrimental impact on the overall character and appearance of the building. It stands that the proposal accords with proposed Plan Policy 20 in this regard.



View of the building from Cloch Road. Window in question is seen as partially obscured from this angle.

In considering the impacts of the proposal on neighbouring amenity, the proposal is unlikely to create conflict with neighbouring uses in terms of noise or invasion of privacy, therefore it meets the relevant factors to be considered as 'Safe and Pleasant' in Policy 1 of both LDPs. I note the concerns over the proposal increasing the risk of break-ins. Concerns over possible anti-social behaviour and damage to property are speculative in nature and alone do not merit refusal of the application.

Turning to the points raised in the objections not yet addressed, regarding a condition restricting the formation of a hard surface outside the French doors, the formation of any hard surface or patio would likely be restricted under planning legislation and would require to be assessed under a separate application. Works carried out to remove part of the existing balcony handrail are considered as permitted development in planning terms and are therefore irrelevant to the assessment of this application. Regarding legislative restrictions on altering windows in a flatted development, these restrictions require planning permission to be obtained prior to any works being carried out.

Regarding land ownership disputes and issues related to title deeds, these are civil matters to be discussed between the parties involved and are not planning related considerations,

however it is noted that the objections in this regard relate to the adjoining shared communal area, which is shown to be outwith the red line boundary on the location plan submitted and does not form part of the site. I acknowledge that the proposal would allow the applicant direct access to the common land, however there is nothing in the proposal which suggests that any part of the common land would become restricted for private use or increase the likelihood of damage to the landscape from children playing or other activities taking place within the communal garden.

Regarding concerns over discrepancies in the types of doors described in the application and drawings, both the application and drawings state that the proposed doors are to be French doors, with no reference made to patio doors in the drawings. I note the reason given for the original French doors on another property. Finally, whether or not the applicant needs a further exit is not a planning consideration.

In conclusion, the proposal is in accordance with LDP Policy 1 and proposed LDP Policies 1 and 20. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Local Development Plan unless material considerations indicate otherwise. As the proposal accords with all relevant Plan Policies and there are no material considerations which would warrant refusal of the application, planning permission should therefore be granted.

RECOMMENDATION

That the application be granted.

Stuart Jamieson
Interim Service Director
Environment & Economic Recovery

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact David Sinclair on 01475 712436.