

Inverclyde Local Review Body

Our Ref: 21/0260/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Leadene, Dunvegan Avenue, Gourock
 - Application for Review by Richard Robb Architects on behalf of Mrs Anne Graham against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 21/0260/IC
 - Application Drawings: Gate and Fence Elevations (946/ELEV/01 Rev A)
Fence Elevation Sketch (B1)
Location Plan (946/LOC/01)
Gates and Fence Site Plan as Existing (946/SP/01 Rev D)
Gates and Fence Site Plan as Proposed (946/SP/02 Rev E)
Gates and Fence Specification Sheet (946A/SPEC/01)
 - Date of Decision Notice: 02/03/2022
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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 2 March 2022. The Review Body was constituted by Councillors Clocherty, Crowther, Dorrian, McKenzie, Nelson, Rebecchi and Wilson.

2. Proposal

- 2.1 The application proposal is for the erection of a 1500mm fence and gate near to the front site boundary. The application was refused consent in terms of a decision letter dated 19 November 2021.

3. Preliminaries

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

- (i) Planning Application dated 7 July 2021 together with Existing and Proposed Site Plans, Elevations and Specifications
- (ii) Appointed Officer's Report of Handling dated 21 October 2021.
- (iii) Inverclyde Local Development Plan 2019 Policy Extracts
- (iv) Inverclyde Local Development Plan 2019 Maps Extract.
- (v) Representations in relation to Planning Application.
- (vi) Decision Notice dated 19 November 2021 issued by Head of Regeneration & Planning.
- (vii) Notice of Review dated 9 December 2021 with Supporting Statement
- (viii) Further Representations received after receipt of Notice of Review
- (ix) Document received from Richard Robb Architects in response to Further Representation
- (x) The Inverclyde Proposed Local Development Plan 2021.

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

4. Findings and Conclusions

4.1 The determining issue in this review was the impact of the proposed development on the streetscape.

4.2 Having regard to the whole circumstances, the ILRB having considered the matter afresh and, having taken into account the Inverclyde Local Development Plan and all relevant material and planning considerations, decided 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 19 November 2021 namely:

1. By reason of height, design and position, the development forms an unexpected and dominant feature on the streetscape. As such it does not reflect local architecture or the urban form of the area and fails to meet the quality of being 'Distinctive' in Policy 1 of the adopted Inverclyde Local Development Plan and Policy 1 of the proposed Inverclyde Local Development Plan.
2. The proposal fails to reflect the established character and pattern of development on Dunvegan Avenue, contrary to Policy 20 of the proposed Inverclyde Local Development Plan.

4.3 The Review Application was accordingly dismissed.

Signed _____

Head of Legal & Democratic 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.