

## Inverclyde Local Review Body

Our Ref: 21/0229/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 53 Victoria Road, Gourock
  - Application for Review by Mr Graeme Galbraith against the decision by an appointed officer of Inverclyde Council.
  - Application Ref: 21/0229/IC
  - Application Drawings: Location Plan (21-613-68236-1)
  - 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 6m flagpole within front curtilage (in retrospect). The application was refused consent in terms of a decision letter dated 7 October 2021.

#### 3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
  - (i) Planning Application dated 28 July 2021 together with Supporting Statement and Location Plan
  - (ii) Site Photographs
  - (iii) Appointed Officer's Report of Handling dated 28 September 2021
  - (iv) Inverclyde Local Development Plan 2019 Policy Extracts
  - (v) Inverclyde Local Development Plan 2019 Maps Extract.

- (vi) Scottish Planning Policy
- (vii) Historic Scotland – Historic Environment Policy for Scotland
- (viii) Historic Scotland – Managing Change in the Historic Environment (Guidance on External Fixtures)
- (ix) Historic Scotland – Managing Change in the Historic Environment (Guidance on Setting)
- (x) Representations in relation to Planning Application
- (xi) Decision Notice dated 7 October 2021 issued by Head of Regeneration & Planning
- (xii) Notice of Review dated 23 December 2021 with Supporting Statement
- (xiii) 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. Reasons**

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 fails to reflect the urban form of the area as required by Policy 1.
2. The installation of a flagpole within the front garden of a domestic residence forms an unexpected feature which is incompatible with the character of the surrounding area, 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.