

## Inverclyde Local Review Body

Our Ref: 21/0102/IC

### REVIEW DECISION NOTICE

---

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 11 Old Inverkip Road, Greenock, PA16 9AG
  - Application for Review by Rebecchi Architectural on behalf of Mr James McConnachie against the decision by an appointed officer of Inverclyde Council.
  - Application Ref: 21/0102/IC
  - Application Drawings: Existing and Proposed Plans, Elevations, Sections and Location Plan (PL-001 Rev A)  
Existing and Proposed Plans, Elevations, Section and Location Plan (PL-001)  
Sun Study Existing and Proposed
  - Date of Decision Notice: 06/04/2022
- 

### 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 6 April 2022. The Review Body was constituted by Councillors Clocherty, Crowther, McVey, Nelson, Rebecchi and Wilson.

#### 2. Proposal

- 2.1 The application proposal is for the proposed conversion of windows to patio doors and installation of bridge and steps to access higher garden area. The application was refused consent in terms of a decision letter dated 22 October 2021.

#### 3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
  - (i) Planning Application dated 2 April 2021 together with Location, Elevation, Section and Site Plans

- (ii) Appointed Officer's Report of Handling dated 14 September 2021
- (iii) Inverclyde Local Development Plan 2019 Policy Extracts
- (iv) Inverclyde Local Development Plan 2019 Map Extract
- (v) Representations in relation to Planning Application
- (vi) Decision Notice dated 22 October 2021 issued by Head of Regeneration & Planning
- (vii) Notice of Review Form dated 13 January 2022 with supporting statement from Rebecchi Architectural
- (viii) Notice of Review – Sun Study Existing and Proposed
- (ix) Suggested Condition should Planning Permission be Granted on Review
- (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 neighbouring properties.

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 22 October 2021 namely:

1. Inverclyde Local Development Plan and under Policy 20 of the proposed Inverclyde Local Development Plan as it presents an imposing structure which would overshadow the neighbouring property below, resulting in an unacceptable loss of daylight and intensify overlooking/invasion of privacy to the detriment of neighbouring residential amenity.

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.