

**A meeting of the Planning Board will be held on Wednesday 3 August 2022 at 3pm within the Municipal Buildings, Greenock.**

**Members may attend the meeting in person or via remote online access. Webex joining details will be sent to Members and Officers prior to the meeting. Members are requested to notify Committee Services by 12 noon on Tuesday 2 August 2022 how they intend to access the meeting.**

**In the event of connectivity issues, Members are asked to use the *join by phone* number in the Webex invitation.**

**Information relating to the recording of meetings can be found at the end of this notice.**

IAIN STRACHAN  
Head of Legal & Democratic Services

## **BUSINESS**

1.	<b>Apologies, Substitutions and Declarations of Interest</b>	<b>Page</b>
2.	<b>Planning Applications</b> Report by Interim Director, Environment & Regeneration on applications for planning permission as follows:	
(a)	<b>Mr Richard McFadzean</b> Erection of two storey extension, erection of one and a half storey detached building accommodating garage and gym on the ground floor with workshop on the first floor: Ardfruoch, Glenmosston Road, Kilmacolm (22/0061/IC)	<b>p</b>
(b)	<b>Mr Terry Hamilton</b> Proposed formation of patio (in retrospect): 1 Levan Point, Gourrock (22/0111/IC)	<b>p</b>

The reports are available publicly on the Council's website and the minute of the meeting will be submitted to the next standing meeting of the Inverclyde Council. The agenda for the meeting of the Inverclyde Council will be available publicly on the Council's website.

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Enquiries to – **Colin MacDonald** – Tel 01475 712113 or  
**Diane Sweeney** – Tel 01475 712147

**Report To:** The Planning Board

**Date:** 3 August 2022

**Report By:** Interim Director  
Environment and Regeneration

**Report No:** 22/0061/IC

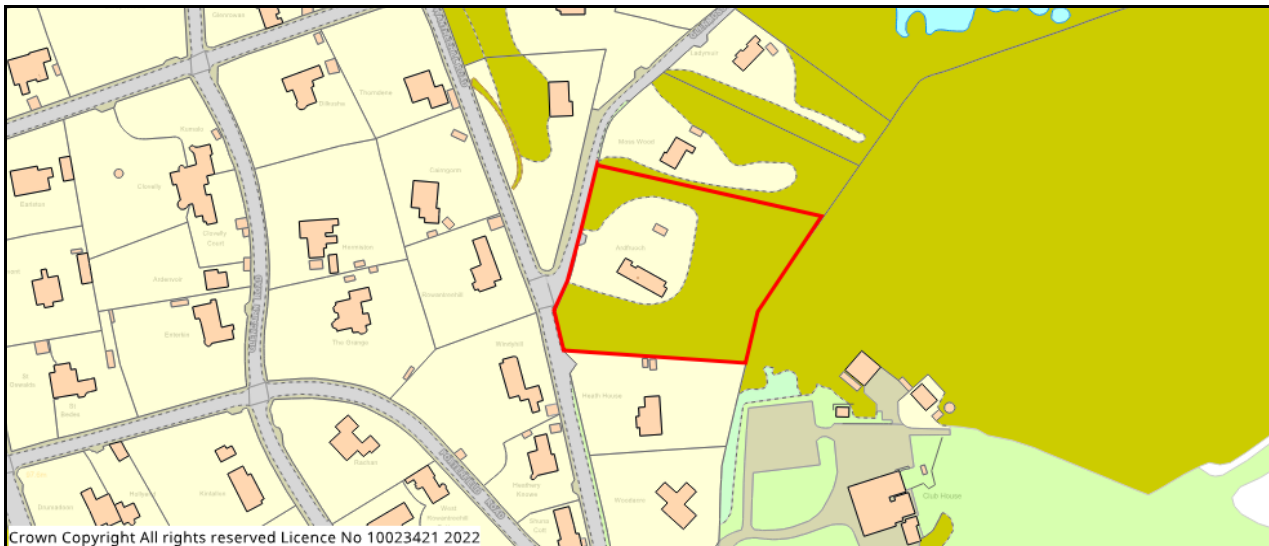
**Local Application  
Development**

**Contact  
Officer:** Sean McDaid

**Contact No:** 01475 712412

**Subject:** Erection of two storey extension; erection of one and a half storey detached building accommodating garage and gym on the ground floor with workshop on the first floor at

**Ardfruch, Glenmosston Road, Kilmacolm**



## SUMMARY

- The proposal accords with the both the adopted and proposed Inverclyde Local Development Plans.
- Representations were received including from two community groups.
- The consultation presents no impediment to development.
- The recommendation is to GRANT SUBJECT TO CONDITIONS.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=R9AOV7IMJYB00>

## SITE DESCRIPTION

The site is a two and a half storey detached house located in the Kilmacolm Conservation Area. Ardfruch is located on the east side of Glenmosston Road and set within extensive grounds. Mature tree cover, hedging and a stone wall to the boundary of the plot limits views from both the public road and from neighbouring properties. Neighbouring properties are also set in large sized grounds.

The house is aligned in a general north-west to south-east direction and positioned towards the centre of the site. The house is elevated above Glenmosston Road with the driveway rising up from the road. The driveway leads to a reasonably large level area of tarmac on the north side of the house that is used for parking. There are two timber outbuildings on the north side of the area of tarmac as well as a gravel area.

The main part of the house has a pitched roof finished in red coloured tiles with white coloured painted render on the walls. There are wall head dormer windows on the north-east facing elevation and dormer windows on the south-west facing elevation. An entrance door into the house faces onto the area of tarmac. There is also a porch extension on this elevation towards the west side. The section of the house at the north-west side is two storeys high with a hipped roof and its ridge line is below the ridge line of the roof on the main part of the house. Adjacent to this and on the south-west facing elevation there is a single storey flat roof extension with an external raised terrace beside it.

On the south-east side of the house there is a two storey extension/projection with a hipped roof that again has its ridge line below the ridge line of the roof on the main part of the house. This extension/projection has a covered terrace on the ground floor.

The area to the east and south-east of the house contains a lawn with groups of trees of mixed species beyond. There is a general gentle slope from west to east across the lawn to the trees. The lawn to the south/south-east side of the house slopes down in a general southward direction.

## **PLANNING APPLICATION HISTORY**

Before describing the current proposal and by way of background there have been previous planning permissions that are relevant to the current planning application.

Planning permission was granted subject to conditions on 13th January 2017 for a proposed extension to the house, erection of entrance porch and erection of detached garage (16/0329/IC). The detached garage was to be aligned in a general north-east to south-west direction with its principal elevation facing in a south-east direction towards the lawn.

Planning permission 16/0329/IC was amended by planning permission 19/0068/IC on 27th May 2019 to increase the size of the detached garage and amend its position. The amended position is to align the garage in a general north-west to south-east direction with its principal elevation facing towards the house. It should be noted that under normal circumstances planning permission 19/0068/IC would have expired on 27th May 2022. However at the time of writing this report the Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2022 extends the lifetime of planning permissions that would have lapsed during the pandemic before the end of the defined "emergency period". As a result planning permission 19/0068/IC therefore remains extant until 31st March 2023.

Planning permission was granted on review by the Local Review Body on 2nd June 2021 for the erection of a two storey extension with a single storey extension incorporating a canopy and external terrace (20/0314/IC).

Planning permission was approved subject to conditions on 11th June 2021 for the erection of a two storey extension with a single storey extension incorporating a canopy and external terrace (21/0108/IC). This planning permission reduced the size of the two storey extension approved on review by the Local Review Body.

## **PROPOSAL**

The proposed extension is to be constructed onto the east part of the north-east facing elevation of the house over part of the area of tarmac and onto the lawn. The extension is to extend out approximately 13m from an existing gable end on the north-east facing elevation and the overall length of the extension is to be 17.274m.

The part of the extension that is to be attached to and extends out from the north-east facing elevation of the house is to accommodate a porch and an entrance hall on the ground floor with a staircase leading up to the first floor. This part of the extension is to be linked internally to the ground and first floors of the house by hallways. The roof over this part of the extension is to be asymmetric. The north-west facing elevation of this part of the extension is to incorporate a double storey projection that contains a porch on the ground floor and a bay window on the first floor. On the north-west facing elevation the eaves and ridge lines of this part of the extension are to be at the same level as those on this part of the house and the roof appears as a continuation of where it is attached to the roof of the house.

The extension continues at right angles to the abovementioned part of the extension in a south-east direction and has a pitched roof running into its rear roof slope with its ridge line at a lower level. At this part of the extension the eaves line is to be at first floor level. This part of the extension is to accommodate a guest bedroom, a store and a family room on the ground floor with a master bedroom on the first floor, with storage rooms and en-suites.

There is to be a chimney head positioned on the roof at the east side of the extension and there are to be two dormer windows on the north-east facing roof slope. On the south-west facing elevation of the extension there is to be a large wall head dormer window feature that leads out to a balcony/terrace. The balcony/terrace extends out from the dormer window by approximately 1.5m and is supported on columns. At ground floor level there is to be terrace that extends out from the south-west facing elevation of the extension by approximately 4m with an area of 56.9 square metres.

The main external materials on the extension are to be white render on the walls with red tiles on the roof, all to match those used on the existing house. The roof over the canopy is to be finished in lead/zinc roof cladding and the dormer windows are to be finished in lead.

The proposed detached building is to be located to the north side of the area of tarmac in the general position where the existing outbuildings are located and approximately 25m from the house. This building is to be aligned in a general north-west to south-east direction and its front elevation is to face towards the house. It is to be approximately 7m at its closest point to the north boundary of the site. This building is to be approximately 14.4m long by approximately 8.4m wide and has a pitched roof approximately 7.7m high. There are to be three dormer windows and a rooflight on its front roof slope facing the house and three rooflights on the rear roof slope. The main external materials are to be white coloured painted render on the walls and red coloured tiles on the roof. The sides of the dormer windows are indicated as being covered in lead.

The submitted plans show a double garage and gym on the ground floor of the detached building with an internal staircase leading to the first floor which is to be a workshop. It should be noted that when the application was submitted this building was to face towards the south-east and the upper floor was to have habitable accommodation comprising a bedroom, a bathroom and a living room with a kitchen. During the processing of this application the alignment of this building has been changed by the applicant and the habitable accommodation on the first floor has also been deleted by the applicant.

## **DEVELOPMENT PLAN POLICIES**

### **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.

#### **Policy 11 - Managing Impact of Development on the Transport Network**

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards. Developers are required to provide or contribute to improvements to the transport network that are necessary as a result of the proposed development.

### **Policy 28 - Conservation Areas**

Proposals for development within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area. Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Proposals for demolition will not be supported in the absence of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

**Planning Application Advice Notes (PAAN) 4, 5 and 6** on "House Extensions", "Outdoor Seating Areas" and "Dormer Windows" applies.

## **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 12 – Managing Impact of Development on the Transport Network**

Development proposals should not have an adverse impact on the efficient operation of the transport and active travel network. Development should comply with the Council's roads development guidelines and parking standards, including cycle parking standards. Developers are required to provide or financially contribute to improvements to the transport network that are necessary as a result of the proposed development.

### **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.

### **Policy 28 – Conservation Areas**

Proposals for development, within or affecting the setting of a conservation area, are to preserve or enhance the character and appearance of the area. In assessing such proposals regard will be had to any relevant Conservation Area Appraisals or other information relating to the historic or architectural value of the conservation area.

Where the demolition of an unlisted building is proposed, consideration will be given to the contribution the building makes to the character and appearance of the conservation area. If such a building makes a positive contribution to the area, there will be a presumption in favour of retaining it. Applicants should demonstrate that every reasonable effort has been made to secure the future of the building. Proposals for demolition will not be supported in the absence

of a planning application for a replacement development that preserves or enhances the character and appearance of the conservation area.

**Draft Planning Application Advice Notes (PAAN) 4, 5 and 6** on “House Extensions”, “Outdoor Seating Areas” and “Dormer Windows” applies.

## **CONSULTATIONS**

**The Head of Service – Roads and Transportation** – Advises the following:

- Parking should be provided in accordance with the National Roads Development Guidelines.
- The parking requirement for the existing 5 bedroom dwelling is 3 parking spaces.
- With the extension the proposed dwelling will have 7 bedrooms. This will require 3 parking spaces.
- The detached building has 1 bedroom, this will require 1 additional parking space.
- The driveway is suitable to meet the additional parking requirements.
- All surface water to be contained and managed within the site.

## **PUBLICITY**

The application was advertised in the Greenock Telegraph on 15th April 2022 as development affecting a conservation area.

## **SITE NOTICES**

A site notice was posted on 20th April 2022 as the proposed development is in a conservation area.

## **PUBLIC PARTICIPATION**

The application was the subject of neighbour notification and one representation has been received objecting to the proposal. The grounds of objection are: loss of privacy due to the proximity of the detached building to the boundary; potential noise disturbance and noise disturbance from cars being driven into and out of the proposed garage during early morning/late at night. Comments have also been made regarding the existing timber structures cannot be considered to be garages as described on the drawings and previous felling of trees has resulted in a loss of privacy as well as increased noise. The objector suggests the detached building is moved away from the north boundary of the site.

The Kilmacolm Civic Trust has no objection to the revised plan for the house and the detached garage/gym/workshop and comments: that the footprint of the detached building has been re-oriented through 90 degrees so that the front elevation with doors and dormer windows will face south; this new orientation will create a much more balanced arrangement in the northern part of the grounds of the property; and that the building will be very attractive when viewed from the house. The Kilmacolm Civic Trust suggests that if this application is approved a condition should be imposed that makes it clear to the owners of Ardfuoch that the workshop on the first floor of the detached building may not at some subsequent stage be converted to living accommodation.

Kilmacolm Community Council indicates that on the application form it is stated that there are no new houses/flats being built but the garage building is clearly a residential unit on the site with the plans showing a kitchen and bedrooms on the upper floors. The Community Council feel that this site is being overdeveloped and as such this application should be refused.

## **ASSESSMENT**

The material considerations in the determination of this application are the adopted Inverclyde Local Development Plan; the proposed Inverclyde Local Development Plan; the previous planning applications; the Local Review Body decision; the adopted and draft Planning

Application Advice Notes 4, 5 and 6 on “House Extensions”, “Outdoor Seating Areas” and “Dormer Windows” respectively; the consultation response; the impact on the conservation area; and the amenity impact of the proposal.

Policy 1 of both the adopted and proposed Local Development Plans requires development to have regard to the six qualities of successful places, taking account of the factors set out in Figures 3 and 2 respectively. In this proposal, the relevant factors relate to being ‘Distinctive’ through reflecting local architecture and urban form (which has been changed to “reflect local vernacular/architecture and materials” in the proposed Local Development Plan) and being ‘Safe and Pleasant’ by avoiding conflict with adjacent uses.

The site is located within an established residential area under Policy 20 of the proposed Local Development Plan where the general principle of extending a house with terraces/outdoor seating areas as well as erecting detached buildings within the grounds may be acceptable subject to the details of what is being proposed, cross-referenced to the relevant Planning Application Advice Notes (PAANs), and consideration of the amenity, character and appearance of the area as well as the amenity impact of the proposal.

This part of the Conservation Area is characterised by reasonably large houses in large plots with the stone boundary walls being a defining feature of the streets. There are a variety of house styles in the surrounding area. Mature trees within gardens are also a feature of the streetscape in the Conservation Area. This is a reasonably large house within extensive grounds and has already been extended with a single storey flat roof extension and a porch under planning permission 16/0329/IC. A material consideration in determining his application are the previous planning permissions granted under 20/0314/IC by the Local Review Body and under 21/0108/IC for a reduced size of extension. These permissions establish the principle of an extension in this general position albeit the extension applied for now has a smaller footprint.

It should be note that the main differences between the current application and the most recent planning permission 21/0108/IC are:

- the overall length of the extension is to be 17.274m compared to 31.73m
- a gym and an indoor swimming pool at the east side of the extension have been deleted
- an angled part of the extension where its meets the north-east facing elevation of the house has been deleted
- the extension is to have a pitched roof with a gable end at its east side instead of a hipped roof at this side
- there are to be two larger dormer windows on the north-east facing roof slope of the extension instead of three dormer windows
- there is to be wall head dormer window on the south-west facing elevation of the extension instead of three dormer windows
- the terrace at ground floor level has been reduced in size

In terms of the direct impact of the proposed extension on the existing house the total floor space of the proposed extension excluding the external terrace is smaller than the footprint of the extended house. The footprints of the extensions approved under 20/0314/IC and 21/0108/IC were larger than the footprint of the house as extended.

The design and external appearance throughout the extension now being applied for is an improvement over the extensions approved under 20/0314/IC and 21/0108/IC. There is more uniformity in design across the proposed extension and the change in the roof design more closely reflects the design and character of the existing house and presents less of a contrast than in the previous proposals. The proposed extension can be readily accommodated at this part of the site without resulting in overdevelopment of the house or the site.

Both the adopted and draft PAAN4 give advice on side and rear extensions in terms of the amount of garden ground occupied and distance to the rear garden boundary. The proposed extension does not result in 50% of the garden area being developed and is not within 5.5m of the garden boundary. The extension complies with these aspects of both the adopted and draft PAAN4.





View from south-east part of site across to the existing house and the tarmac area beyond

Both the adopted and draft PAAN5 state that outdoor seating areas should not be of a size that will afford residents the opportunity of undertaking a wide range of activities over extensive periods to the extent that regular activity may impinge upon the enjoyment of neighbouring gardens. Both the adopted and draft PAAN5 go on to indicate that screening will generally be required, however if this is more than 2.5m high within 2m of a boundary or results in a loss of light to a room in a neighbouring house, then the proposal will not be supported. The proposed balcony and ground level terrace are reasonably large and therefore could be used over extensive periods. Given their positions and their distances from the south boundary and to the property to the south combined with the existing intervening trees it is not considered that significant overlooking will occur.

Both the adopted and draft PAAN6 provide guidance on design principles for dormer windows, advising that they should preferably be located at the rear of the house where they will be less conspicuous; should be subordinate to the existing roof in terms of its shape and size and should be set back from the wall head; be below the ridge line of the roof and be set back from the gable ends; where practical the external cladding of the dormer should be similar to that of the original roof and; the window openings of the dormer should, where practical, follow the style, proportion and alignment of door and window openings in the existing house. The dormer windows on the north-east facing roof slope do not visually dominate this roof slope and they align with the windows on the ground floor below them. They also have hipped roofs that reflect the hipped roofs over other dormer windows on this house. The use of lead as the finishing material is also considered to be acceptable as it is a traditional material. It is acknowledged that the wall head dormer window on the south-west facing elevation is large however it reflects the character of other parts of the house where there are hipped roofs. There are also a variety of roof designs across other parts of the house and this aspect of the proposal would not be out of character with this general context.

Turning to the proposed detached building, planning permission has been granted previously under 16/0329/IC for a detached garage in the general position as the current application including the same general alignment under 19/0068/IC. These permissions are also material considerations in the assessment of this application. The garage approved under 19/0068/IC in particular is to be a quadruple garage, longer at approximately 18m long with a pitched roof incorporating truncated hips. The garage approved under 19/0068/IC has four dormer windows on both the front and rear roof slopes and included a workshop on the upper floor. The approved garage is to be approximately 7m at its closest point to the north boundary of the site.



View across the tarmac area in a north-east direction to the boundary with Mosswood

The detached building now being applied for can be readily accommodated at this extensive site without resulting in overdevelopment. The principal elevation of the proposed detached building faces towards the existing house and views from the dormer windows on the front roof slope overlooks the tarmac area and onwards towards the existing house. There will be no significant loss of privacy in this direction. It should be noted that a material start could be made on planning permission 19/0068/IC before 31st March 2023 and the extent of possible overlooking from the dormer windows at the rear facing towards Mosswood is likely to be greater compared to the rooflights that are now proposed on the rear roof slope. The base of the rooflights on the rear roof slope are approximately 1.7m above first floor level. This is considered to be sufficiently high that significant views towards the neighbouring property to the north at Mosswood will not occur from the first floor level bearing in mind the rooflights are relatively limited in size and trees along the boundary assist in screening views. The inclusion of rooflights on the rear roof slope of the detached building compared to dormer windows is considered to be an improvement in terms of addressing potential overlooking.

The advice from the Head of Service - Roads and Transportation refers to the detached building requiring 1 additional parking space because it has a bedroom. It should be noted that this advice was received before the habitable accommodation in the upper floor was deleted by the applicant. It is not considered that this additional parking is required. In any event there is sufficient parking space already at the site to provide the requisite amount of parking for the extended house. The proposal therefore has no implications for Policy 11 of the adopted Local Development Plan or Policy 12 of the proposed Local Development Plan.

With regard to the representations that have been received and have not already been addressed above the following comments are made. The first floor accommodation in the detached building has been deleted by the applicant and this part of the proposal is therefore not considered to be a residential unit.

In terms of the comments/suggestion by the Kilmacolm Civic Trust that no further accommodation buildings should be permitted and erected on the property at some later date the advice from the Scottish Government on the Use of Planning Conditions is relevant. This advice indicates that planning conditions should not be used to cover every eventuality. The conversion of the first floor to habitable rooms in the future may not require planning permission and this will depend on how the rooms are to be used and function in relation to the house. For example, if the rooms are to be used for limited/temporary periods as additional rooms for visiting family members or guests it is unlikely that planning permission will be required. It is therefore considered that a condition as suggested is not necessary and if planning permission is required in the future the proposal will be assessed against the relevant development plan policies and any material planning considerations at that time.

There is no indication that the garage in the detached building as applied for is to be anything other than a domestic garage. The vehicle movements into and out of the garage are expected to be similar to those in any residential location and refusal of the application on potential noise disturbance would not be warranted in this instance. The overall use of this building is not considered to result in excessive noise and refusal of the application on this basis would also not be warranted. In the event there is any noise disturbance from its use this would have to be reported to and investigated separately by the Head of Public Protection and Covid Recovery and any action that may be necessary to be taken under the relevant legislation.

### Overall Conclusion

It is considered that the proposal can be readily accommodated at this extensive site without resulting in overdevelopment of either the house or the grounds. The design and position of the extension and detached building are considered to accord with the qualities of being 'Distinctive' and 'Safe and Pleasant' under Policy 1 of both the adopted and proposed Local Development Plans. The proposal is in turn considered to have an acceptable impact on the Conservation Area to accord with Policy 28 of both the adopted and proposed Local Development Plans. The proposal has no implications for Policy 11 of the adopted Local Development Plan or Policy 12 of the proposed Local Development Plan. The proposal is also acceptable under the terms of Policy 20 of the proposed Local Development Plan as well as when considered against the advice in both the adopted and draft PAANs 4, 5 and 6. There are no material considerations that outweigh these policies and advice.

### **RECOMMENDATION**

That the application be approved subject to the following conditions:

1. Development shall not commence until samples of materials to be used on all external surfaces of the development hereby approved have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
2. For the avoidance of doubt the rooflights on the detached building shall be of traditional form and/or "conservation style". Development shall not commence until details of the rooflights have been submitted to and approved in writing by the Planning Authority. Thereafter the rooflights shall be implemented as approved.

Reasons:

1. To ensure the development is acceptable in appearance and the external materials are appropriate for the Conservation Area.
2. To ensure the development is acceptable in appearance.

Stuart Jamieson  
Interim Director  
Environment and Regeneration

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Sean Mc Daid on 01475 712412.

**Report To: The Planning Board**

**Date 3 August 2022**

**Report By: Interim Director  
Environment and Regeneration**

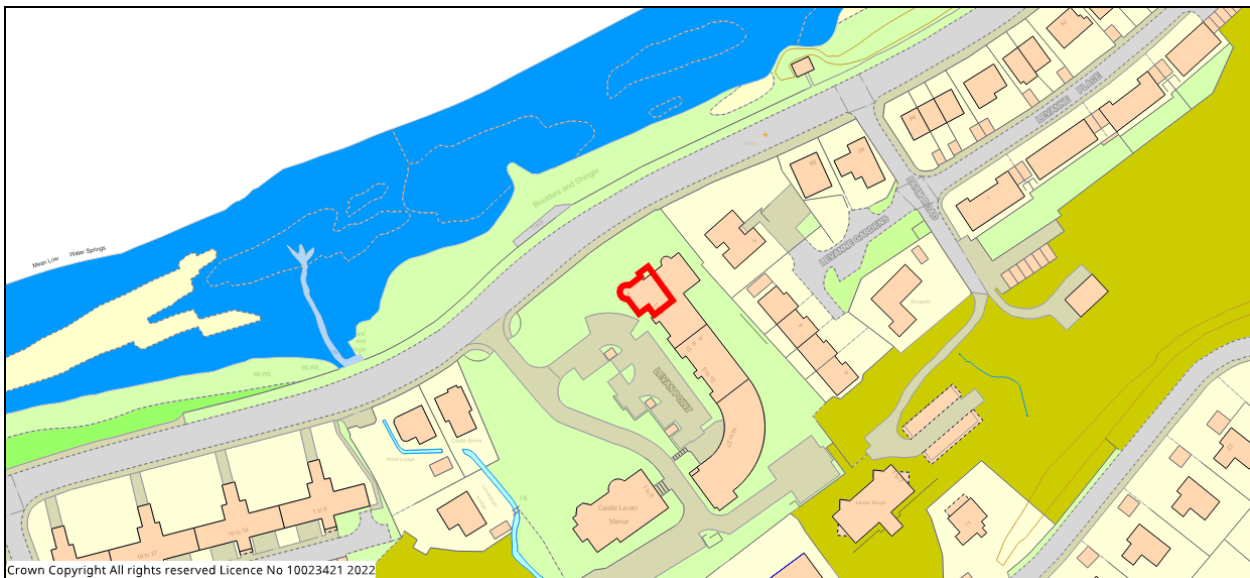
**Report No: 22/0111/IC  
Plan 08/22**

**Local Application  
Development**

**Contact Officer: David Sinclair**

**Date: 01475 712436**

**Subject: Proposed formation of patio (in retrospect) at  
1 Levan Point, Gourock.**



### **SUMMARY**

- The proposal complies with the adopted and proposed Inverclyde Local Development Plan.
- Twenty objections have been received raising concerns over impacts on amenity, design 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=RB9DKRIMM6500>



## **SITE DESCRIPTION**

The application site comprises a ground floor flatted property and an adjoining area of garden ground on the north side of the 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. The building contains a set of French doors on the north elevation which provide access between the ground floor flat and the garden area, which was granted planning permission in November 2021 under application 21/0281/IC.

The adjoining garden ground between the building and Cloch Road is raised relative to Cloch Road by approximately 0.4 metres and sits on a gentle north facing slope. The site is set back from Cloch Road by approximately 13 metres.

## **PROPOSAL**

Retrospective planning permission is sought for the installation of a patio on the north-west elevation of the property. The patio has been constructed in front of the French doors approved under planning permission 21/0281/IC, measuring approximately 3.3 metres across and extending outwards from the building by around 3.1 metres.

## **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.

**Planning Application Advice Note (PAAN) 5** on “Outdoor Seating Areas” applies.

## **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.

**Draft Planning Application Advice Note (PAAN) 5** on “Outdoor Seating Areas” applies.

## **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. 20 representations were received from 25 individuals objecting to the proposal. The grounds of objection are as follows:

### Amenity Concerns

- By replacing grass and soil with slabs the proposal has altered the water drainage into the surrounding area.
- The proposal has altered the ecosystem of this small area.
- The patio is directly under bedroom windows raising possible problems with noise and smoke.
- Each flat already has allocated personal patio/balcony space giving an aesthetically pleasing view of the property, no bedrooms are affected by activity on the existing balconies.
- Concerns over the future impact on residential amenity by the potential use of this patio by the applicant for gatherings, barbeques etc. as the patio is situated directly below neighbouring balconies and bedrooms.

### Design and Visual Impact

- The patio in question is a permanent and substantial construction and it is suggested that the Council enforce its removal and also the reinstatement of a considerable amount of turf which was also removed.
- A lack of understanding for the whole aesthetic of this development has been demonstrated by additions around this particular flat.
- Shrubs have been moved from the surrounding area and rearranged to shield the patio area.
- Garden foliage has already been replanted without consultation.
- The patio is out of place compared to other blocks of flats in the area e.g. Cameron Court, Balmoral and The Gantocks, none of which have patios in front of their buildings.

### Land Ownership Concerns

- The works carried out are contrary to title deeds regarding common grounds. This patio is on common ground but not for common use.
- One owner has commandeered the front lawn area, which is part of the "Common Ground" owned by all of the twenty six houses, for personal purposes. This has been done without consultation or thought for neighbours and any consideration for their rights to privacy.
- The applicant does not own the land at the front of this property it is communal gardens owned and maintained by all 26 owner residents and not as previously stated on application no 21/0281/IC.
- The formation of the patio comes under the Deed of Conditions of the development in respect to the Common Ground. Approval cannot be considered in relation to a patio, patio furniture and access paths without the approval by a majority of the proprietors as per deed of conditions of the development.

## Procedural Concerns

- A former proposal for patio doors at the rear of the development was turned down. This should be considered with this application, to ensure consistency with decision making.
- The patio has already been installed without seeking permission from Inverclyde Council Regeneration and Planning Department or the property factor and residents at Levan Point.
- In the letter from Planning dated 3<sup>rd</sup> Nov 2021, detailing the reasons for allowing French Doors at this property, it clearly states that “patio would likely be restricted under planning legislation and would require to be assessed under a separate application”. The applicant ignored these comments from Planning and went ahead and installed a patio. He also reconfigured the garden layout on ground that is common to all residents.
- The planning letter also says that altering windows in flatted accommodation requires planning consent. After installing the patio the applicant replaced their windows with a different window design.
- The applicant has changed the use of the ground from a communal garden to a fairly big private patio area by re-landscaping an area of the commonly owned gardens and surrounding it with shrubs. This change of use has not been mentioned in the application description and we request that this matter is looked into by the planning department, as this omission may affect the decision making. By not declaring the change of use, the planning application as it stands may be invalid.

## Other Concerns

- Patio work was carried out contrary to information given in a letter sent by the applicant to all Levan Point residents.
- Inconvenience caused in the construction of this patio by using the common access road and car parking by construction vehicles and equipment.
- Objections to other works by the applicant including laying slabs from the balcony to his car; cutting his balcony to make a gate then removing brick work to make a step; replacing windows with ones of a different type.
- Objections to the applicant putting garden seating out with slabs in front as if the ground belongs to his flat and is no longer communal ground.
- The applicant has built a pathway from his patio to a paved area for a garden seat. The garden seat contains storage space, is out of keeping and is intrusive.
- On the application form, it is suggested that the immediate neighbour’s patio was built without having received the appropriate planning permission. The neighbour’s patio was constructed when the Levan Point development was erected. It was built as it is the sole outdoor space for that house; all other homes at Levan Point having a balcony as an outdoor space.
- Concerns over any future expansion of this area and if planning permission were granted, creating a precedent which could adversely impact on the character and appearance of the development at Levan Point.
- The development provides no benefits to any other owners in the complex.

## **ASSESSMENT**

The material considerations in determination of this application are the adopted Inverclyde Local Development Plan (LDP); the proposed Inverclyde Local Development Plan; Planning Application Advice Note (PAAN) 5 on “Outdoor Seating Areas”; Draft Planning Application Advice Note (PAAN) 5 on “Outdoor Seating Areas”; and the representations received.

The application site is located within an established residential area where Policy 1 of the adopted Local Development Plan (LDP) and Policies 1 and 20 of the proposed Local Development Plan apply. Policy 1 of both LDPs requires all development to have regard to the six qualities of successful places and the relevant Planning Application Advice Notes Supplementary Guidance, of which the adopted and draft PAAN 5s are applicable. The relevant qualities in Policy 1 of both LDPs are being ‘Distinctive’ and ‘Safe and Pleasant’. In the adopted Plan, the relevant factor for being considered ‘Distinctive’ is whether the proposal reflects local architecture and urban form. In the proposed Plan, the relevant factors are whether the

proposal respects landscape setting and character, and urban form; and reflects local vernacular/materials. To meet the quality of being 'Safe and Pleasant', the proposal should avoid conflict between adjacent uses by having regard to adverse impacts that may be created by noise; smell; vibration; dust; air quality; flooding; invasion of privacy; or overshadowing. Policy 20 requires the proposal to be assessed with regard to potential impacts on the amenity, character and appearance of the area.

The development is located towards the front of the property, being positioned between Cloch Road and the flatted building. Firstly, in considering impacts on urban form and the streetscape, the patio sits forwards of the established building line, has been constructed at ground level and is not raised relative to the adjoining grassed front area. Whilst being set forward of the building, the patio is set back from the front boundary with Cloch Road by approximately 13 metres and from the road has been screened behind a low hedge, so that it is not prominently visible from the public realm. I note that the patio is viewed in context with the neighbouring patio at 2 Levan Point, which was installed as part of the original development and also sits between the main building and Cloch Road. It is considered that the patio does not impact on the streetscape or urban form of the area.



View of the front of the property from Cloch Road. The patio sits in front of the French doors in the position indicated.

In considering the impacts of the proposal on the character and appearance of the building and on neighbouring amenity (Policy 20 of the proposed LDP), the impacts primarily relate to the appearance of the construction, possible activity and noise, and any implications for privacy. In considering these, I turn to the guidance given in both PAAN 5s on "Outdoor Seating Areas".

Firstly, in considering the appearance of the patio, both PAAN 5s state that the design and position shall be appropriate to the architectural design of the house. The patio is located on the principal elevation of the building, however is not raised above the external ground level and is mostly surrounded by low planting. The patio does not obstruct or impact on any architectural features on the building and forms a feature which is commonly seen within the curtilage of residential buildings. Furthermore, I note that there is an existing patio on this elevation of the building in front of the neighbouring property at 2 Levan Point, which formed part of the original design and that there are upper level balconies on the main elevation of the building. As such, I



consider the patio in question to be visually acceptable and appropriate to the architectural design and character of the building.

In considering the choice of materials and finishes provided, the natural stone paving design which utilises different sizes of paving stones reflects the finish on the neighbouring patio at 2 Levan Point and can be considered acceptable within the context of a high quality, modern development. It stands that the proposal reflects local architecture, respects landscape setting and uses appropriate materials and as such, I consider the proposal to comply with all relevant factors with regard to meeting the quality of being 'Distinctive' in Policy 1 of both LDPs.



The patio which is subject to the planning application.

With regard to possible activity and noise, both PAAN 5s state that if raised more than 0.5 metres above the original ground levels, decking should not be of a size that will afford residents the opportunity of undertaking a wide range of activities over extensive periods of day and evening to the extent that regular activity may impinge upon the enjoyment of neighbouring gardens. I note the concerns raised over the patio potentially being used for gatherings and barbecues, which could cause problems in terms of noise, activity and smoke nuisance and that the patio is situated directly below neighbouring balconies and bedrooms. The patio covers approximately 10.2 square metres which is considered to be an acceptable size for a flatted property and not excessively large for the surrounding context. I consider the patio to be of a scale which is unlikely to result in undue noise and disturbance to residents occupying the balconies and bedrooms directly above. As the patio is not raised more than 0.5 metres above the original ground levels and is an acceptable size, it stands to be in accordance with both PAAN 5s in this regard. In considering whether the proposal will create conflict in terms of odours by allowing occupants to use portable barbecues on the patio, this activity would be done for the enjoyment of the residents of the flat and will not be undertaken on a commercial scale. Domestic barbecues are a common feature in residential areas which are generally used infrequently throughout the warmer months of the year when occupants can enjoy good weather and are not used on a daily basis. I am therefore satisfied that the proposal will not create any conflict with neighbouring properties in terms of odours.

In considering impacts on neighbouring privacy, both PAAN 5s state that where positioned within 9 metres of the garden boundary and where it will result in an increased view of the neighbouring private/rear garden area, the erection of screening, either at the decking/platform edge or the garden boundary shall generally be required. The patio is set at ground level and affords exactly the same views which were afforded standing on the grass previously on the site. It is positioned to the front of the building and does not afford views into any private/rear garden areas, or any areas which cannot be viewed from the public realm. It stands that the development raises no concerns over impacts on neighbouring privacy and accords with both PAAN 5s in this regard. Taking the above assessment into consideration, I consider the proposal to be in accordance with all relevant guidance given in both PAAN 5s.

I note the concerns raised in the representation regarding drainage impacts and the potential for the development to impact on the area's ecosystem. In considering this, I note that the area covered by the development is considerably smaller than the surrounding area which is soft landscaped and is unlikely to cause conflict with adjacent uses in terms of flooding. The site formerly contained an area of well-maintained grass and is within the curtilage of an established residential development. Any impacts on the surrounding ecosystem can be considered to be minimal in terms of ecological impact.

Based on the above, I consider that the proposal is unlikely to create conflict with adjacent uses in terms of noise; smell; vibration; dust; air quality; flooding; invasion of privacy; or overshadowing, therefore it can be considered to meet the quality of being 'Safe and Pleasant' in Policy 1 of both LDPs.

Turning to the points raised in the objections not yet addressed, with regard to other works carried out, the relocation of garden foliage and planting of shrubs on communal grounds are civil matters to be discussed and resolved between the parties involved. The relocation of soft landscaping including shrubs and the other garden foliage which has been installed in front of the patio is not considered to constitute as development in planning terms and would not require consideration as part of this application.

I note the concerns raised over alterations to the existing ground floor level balcony handrail and the replacement of the windows on the property with ones of a different design. The works carried out to remove part of the existing balcony handrail and the replacement of existing windows in the property without altering the size of any window openings are considered as permitted development in planning terms and are therefore irrelevant to the assessment of this application. The laying of individual paving slabs between the side balcony and parking space and the garden seat provided in front of the building are considered to be 'de minimis' and not of a scale that would require planning permission.

Turning to other comments received relating to previous applications, having investigated the planning history of the building, I can confirm that the adjoining patio at 2 Levan Point formed part of the original development. Regarding the comments pertaining to a former proposal for patio doors at the rear of the property being turned down, each planning application is required to be assessed on its own merits, however, I note that there has been no history of any planning applications being refused for patio doors at the rear of the property. Two separate applications were previously granted planning permission in 2004 for the installation of French doors at 17 and 22 Levan Point respectively. I note the concerns raised over any future expansion of the patio and this application setting a precedence which is harmful to character and appearance of the area. The application is to be assessed as submitted and any further expansion would require to be considered under a separate application. The fact that the proposal has been submitted in retrospect is not a material planning consideration. Matters relating to any inconvenience caused by construction vehicles and equipment are to be discussed and resolved by the parties involved and are also not a material planning consideration, however it was noted at the time of visiting the site that no construction vehicles or equipment remain on site.

Regarding land ownership disputes and issues related to title deeds and the use of communal grounds for personal use, these are civil matters to be discussed between the parties involved and are not planning related considerations, however it is noted that the proposal is located on

communally owned grounds and the applicant has acknowledged they do not have full ownership of the site. Procedurally, I am satisfied that the information provided in the ownership certificate acknowledges this and does not prevent the application from being considered on this basis. I note the concerns raised that a possible change of use has occurred on the site from a communal garden to a private patio area. The development in question is located within the grounds of a flatted property and in terms of planning, is considered to form part of a site containing flats. Flats can contain a variety of garden grounds, both communal and subdivided and any changes in this regard would not result in a change to the use of the site as a flatted property. As such, I do not consider that a change of use has occurred in this instance.

In conclusion, the proposal is in accordance with Policy 1 of the adopted LDP and Policies 1 and 20 of the proposed LDP. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications be 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 this application, planning permission should therefore be granted.

### **RECOMMENDATION**

That the application be granted.

Stuart W Jamieson  
Interim Director  
Environment & Regeneration

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