

## Inverclyde Local Review Body

Our Ref: 22/0124/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: The Shack, Broomknowe Road, Kilmacolm, PA13 4HS
  - Application for Review by Mr David Clark against the decision by an appointed officer of Inverclyde Council.
  - Application Ref: 22/0124/IC
  - Application Drawings: Location Plan (GA 01)  
Layouts (GA 02 Rev B)  
Elevations (GA 03 Rev B)  
Visibility Splays (GA 04)
  - Date of Decision Notice: 02/03/2023
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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 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 1 March 2023. The Review Body was constituted by Councillors Brooks, Clocherty, Crowther, Curley, McCabe, and McVey.
- 1.3 Councillors Crowther and Curley, having not been present at the unaccompanied site inspection on 9 February 2023, were ineligible to participate in the proceedings on 1 March 2023 and therefore did not participate in the discussion and did not vote.

#### 2. Proposal

- 2.1 The application is for the construction of a detached single garage in front garden. The application was refused consent in terms of a decision letter dated 16 September 2022.

#### 3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
  - (i) Planning Application dated 23 December 2021 together with Location Plan, Layouts, Elevations and Visibility Splays

- (ii) Appointed Officer's Report of Handling dated 12 July 2022
- (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 16 September 2022 issued by Head of Regeneration and Planning
- (vii) Notice of Review Form dated 22 November 2022 with Supporting Statement from Mr David Clark
- (viii) Suggested Conditions should Planning Permission be Granted on Review
- (ix) 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 is the impact of the proposed development on the surrounding 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 16 September 2022, namely:

(a) The proposal fails to have regard to the six qualities of successful places as required by Policy 1 of both the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan, specifically as due to the choice of materials, scale and position of the proposal, it fails to respect landscape setting and character, and urban form under the "Distinctive" quality.

(b) The proposal fails to have regard to the six qualities of successful places as required by Policy 1 of both the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan, specifically as it fails to demonstrate that the garage can be safely accessed without having a detrimental impact on the traffic and parking on the street scene, contrary to the "Safe and Pleasant" quality.

(c) The position of the garage would disrupt the existing urban form and results in a visually dominant, uncharacteristic feature on the streetscape, which would cause an overall adverse impact to the character and appearance of the existing property, neighbouring properties and wider residential area. It therefore fails to accord with the requirements of Policy 20 of the proposed 2021 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.