

Report To: The Planning Board

Date: 7 February 2024

Report By: Director, Environment & Regeneration

Report No: 23/0265/IC

Local Application  
Development

Contact  
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Subject: New patio to rear garden at  
58A Newton Street, Greenock



### SUMMARY

- The proposal is acceptable against National Planning Framework 4.
- The proposal accords with the adopted and proposed Local Development Plans.
- No representations have been received.
- The recommendation is to GRANT PLANNING PERMISSION subject to conditions.

Drawings may be viewed at:

<https://planning.inverclyde.gov.uk/Online/applicationDetails.do?activeTab=documents&keyVal=S4EYAUIMMOE00>

### SITE DESCRIPTION

The application site comprises the rear garden area of 58A Newton Street, Greenock, which is located within the Greenock West End Conservation Area. The area proposed for the extended patio currently is an area of low level vegetation and contains a planter. The rear garden area is relatively

flat at this location and is bounded by a 1.8m high timber fence to the north-west and 1m high hedge to the north-east. Further vegetation of up to 2.5m in height is along the northern boundary and is to be retained. To the east there is an existing garden shed and this is also to be retained.

## **PROPOSAL**

Planning permission is sought to extend the existing patio by laying paving slabs at the north easternmost section of the rear garden. The extended patio would be approximately double the size of the existing patio and the extended patio would have a total area of 29.44 sqm.

## **DEVELOPMENT PLAN POLICIES**

### **National Planning Framework 4**

NPF4 was adopted by the Scottish Ministers on 13th February 2023. NPF4 forms part of the statutory development plan, along with the Inverclyde Local Development Plan and its supplementary guidance. NPF4 supersedes National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) (2014). NPF3 and SPP no longer represent Scottish Ministers' planning policy. The Clydeplan Strategic Development Plan and associated supplementary guidance cease to have effect from 13th February 2023 and as such no longer form part of the development plan.

NPF4 contains 33 policies and the following are considered relevant to this application.

#### **Policy 1**

When considering all development proposals significant weight will be given to the global climate and nature crises.

#### **Policy 7**

d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

#### **Policy 16**

g) Householder development proposals will be supported where they:

- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

## **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 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.

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

## **PROPOSED 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.

### **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.

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

## **CONSULTATIONS**

None.

## **PUBLICITY**

An advertisement was placed in the Greenock Telegraph on 24th November 2023 as the development is in a conservation area.

## **SITE NOTICES**

A site notice was posted on 24th November 2023 as the development is in a conservation area.

## **PUBLIC PARTICIPATION**

No representations were received.

## ASSESSMENT

This application has to be determined by the Planning Board as the applicant is an Elected Member of the Planning Authority.

The material considerations in determination of this application are the National Planning Framework 4 (NPF4); the adopted 2019 Inverclyde Local Development Plan (LDP) and its Supplementary Guidance Planning Application Advice Note (PAAN 5) on Outdoor Seating Areas; the proposed 2021 Inverclyde Local Development Plan (LDP) and its Supplementary Guidance Planning Application Advice Note (PAAN 5) on Outdoor Seating Areas; Historic Environment Scotland's "Historic Environment Policy for Scotland"; the Greenock West End Conservation Area Appraisal; and the amenity impact of the proposal.

The Greenock West End Conservation Area Appraisal identifies the application site as being within the central character area of the Conservation Area, which spans between the denser urban core and lower density North West. It is largely residential but the density of development is greater. Within the sensitivity analysis it is outlined that private gardens make an important contribution and replacement in hard surfaces should be discouraged. The Appraisal goes on to advise that in assessing planning applications, the Council shall consider them in relation to the relevant Local Development Plan policies and Supplementary Guidance.

Both LDPs locate the application site within an established residential area within the Greenock West End Conservation Area where Policies 1, 7 and 16 of NPF4, Policies 1 and 28 of the adopted LDP and Policies 1, 20 and 28 of the proposed LDP apply. Policy 1 of NPF4 requires consideration of the global climate and nature crises to be given to all development. Proposals for development within conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Policy 16 of NPF4 supports householder development which does not have a detrimental impact on the character of the home and surrounding area in terms of size, design and materials and does not have a detrimental impact on neighbouring properties in terms of physical impact, overshadowing or overlooking.



View of the rear garden area

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. The qualities of being 'Distinctive' and 'Safe and Pleasant' are relevant to this proposal. In the adopted LDP, the relevant factors to be considered 'Distinctive' are whether the proposal reflects local architecture and urban

form and contributes positively to historic buildings and places. In the proposed LDP, the relevant factors are whether the proposal respects landscape setting and character, and urban form; reflects local vernacular/architecture and materials; and contributes positively to historic buildings and places. The relevant factor to be considered 'Safe and Pleasant' in both LDPs is whether the proposal avoids conflict with adjacent uses. Policy 20 of the proposed LDP requires proposals in residential areas to be assessed with regard to the impact on the amenity, character and appearance of the area.

The proposal is for alterations to an existing garden area and comprises a minor extension to an existing patio area. It is therefore considered that it does not raise any concerns in terms of impact on the global climate and nature crises and it is considered to accord with Policy 1 of NPF4.

In considering the impacts of the outdoor seating areas proposed, these primarily relate to the appearance of the construction, possible activity and noise and any implications for privacy. This shall be assessed against the guidance in both PAAN 5s on "Outdoor Seating Areas".

In considering the appearance of construction, the extended patio would reflect that of the existing patio which adjoins it. The extended patio area is also not excessive in size to create conflict with neighbouring properties in terms of noise and activity. Given the presence of boundary screening and established planting along the boundaries of the proposed patio area, no concerns are raised in terms of overlooking. It is considered the proposal raises no conflicts with the guidance in both PAAN 5s and can be considered to meet the quality of being 'Distinctive' in Policy 14 of NPF4 and Policy 1 of both LDPs.

With regard to the Greenock West End Conservation Area Appraisal, whilst the use of additional hardstanding is discouraged, the degree of development is such, adjoining an existing area of hardstanding, that it would not have a detrimental impact on the overall conservation area.

The visual impact on the character of the conservation area is not considered to be significant and is acceptable in this instance. The proposals are therefore considered to comply with the relevant guidance, Policy 7 of NPF4 and Policies 28 and 29 of both LDPs, as well as the PAAN's on Outdoor Seating Areas.

### Overall Conclusion

It is considered that the proposed development is acceptable when assessed against the relevant development plan policies and guidance. There are no material considerations that outweigh these policies and guidance.

### **RECOMMENDATION**

That planning permission be granted subject to the following conditions:

1. The development to which this planning permission relates must be begun within 3 years from the date of this permission.

Reason:

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Stuart Jamieson  
Director, Environment and Regeneration

Local Government (Access to Information) Act 1985 – Background Papers. For further information please contact Maria Porch on 01475 712416.