

Inverclyde Local Review Body

Our Ref: 23/0145/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 3 St Andrews Drive, Gourrock
 - Application for Review by Mrs Emma Parker against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 23/0145/IC
 - Application Drawings: Existing and Proposed Plans and Elevations (22020_D.101 Rev B)
 - Date of Decision Notice: 12/02/2024
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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 6 February 2024. The Review Body was constituted by Councillors Brooks, Clocherty, Crowther, Curley, McCabe, McGuire and McVey.

2. Proposal

- 2.1 The application is for a proposed small ground floor extension and alterations to front of house including balcony at first floor level at 3 St Andrews Drive, Gourrock. The application was refused consent in terms of a decision letter dated 8 September 2023.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application dated 11 July 2023 together with Design Statement, Site Plans and Elevations
 - (ii) Appointed Officer's Report of Handling dated 31 August 2023
 - (iii) Inverclyde Local Development Plan 2019 Policy Extract
 - (iv) Inverclyde Local Development Plan 2019 Map Extract
 - (v) Inverclyde Local Development Plan 2019 Supplementary Guidance on Planning Application Advice Notes Policy Extracts
 - (vi) National Planning Framework 4
 - (vii) National Roads Development Guide Policy Extract

- (viii) Representations in relation to Planning Application
- (ix) Decision Notice dated 8 September 2023 issued by Head of Regeneration & Planning
- (x) Notice of Review form dated 9 November 2023 together with Statement of Appeal
- (xi) Further Representations submitted following receipt of Notice of Review
- (xii) Suggested Condition should Planning Permission be granted on Review
- (xiii) The Inverclyde Proposed Local Development Plan 2021

3.2 Having regard to the material provided, 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 issues in this review are whether the proposed development would have a detrimental noise impact on surrounding properties, the amenity on neighbouring properties and the impact on the character of the house and surrounding area.

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 8 September 2023, namely:

(1) the proximity of the balcony element of the proposal to neighbouring properties will result in an adverse amenity impact for neighbouring properties, in relation to the potential for noise impacts as a result of the use of the balcony. The upper balcony does not reflect urban form. It therefore fails to accord with the "Safe and Pleasant" and "distinctive" factors of Policy 1 within both the adopted 2019 and proposed 2021 Inverclyde Local Development Plan and Policy 20 of the proposed 2021 Inverclyde Local Development Plan. The proposal also fails to accord to Policy 16 of the National Planning Framework (NPF4) as the proposal may result in an amenity impact on neighbouring properties and has a detrimental impact on the character of the house and surrounding area.

4.3 The Review Application was accordingly dismissed.

Signed 

Head of Legal, Democratic, Digital
and Customer Services
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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.