

Inverclyde Local Review Body

Our Ref: 23/0294/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 20 Castle Wemyss Drive, Wemyss Bay
 - Application for Review by Mr William Laughlin against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 23/0294/IC
 - Application Drawings:
Existing and Proposed Elevations, Site and Location Plan (PL-001-Rev B)
 - Date of Decision Notice: 13/11/2024
-

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 November 2024. The Review Body was constituted by Councillors Clocherty, Crowther, Curley, McVey and Moran.

2. Proposal

- 2.1 The application is for the erection of an outbuilding/garden room at rear of 20 Castle Wemyss Drive, Wemyss Bay. The application was refused consent in terms of a decision letter dated 22 February 2024.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application dated 22 December 2023 together with Plans, Elevations and Visualisations
 - (ii) Appointed Officer's Report of Handling dated 22 February 2024

- (iii) Inverclyde Local Development Plan 2019 Policy Extract
- (iv) Inverclyde Local Development Plan 2019 Map Extract
- (v) National Planning Framework 4
- (vi) Representations in relation to Planning Application
- (vii) Decision Notice dated 22 February 2024 issued by Head of Regeneration & Planning
- (viii) Notice of Review form dated 20 March 2024 together with Statement of Appeal
- (ix) Suggested Conditions should Planning Permission be granted on Review
- (x) 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 issue in this review is whether the proposed development is appropriately situated, relative to the height, size and elevated position of the outbuilding.

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 February 2024, namely:

(1) The height, size and elevated position of the outbuilding results in an overbearing and visually dominant development at this location that has an adverse visual impact on the site and immediate surrounding area; fails to improve the quality of the surrounding area; is therefore poorly designed; and does not meet the quality of being 'Pleasant in Policy 14(b) of National Planning Framework 4. The proposal is therefore contrary to the terms of Policy 14 of National Planning Framework 4.

(2) As a result of the height, size and elevated position the outbuilding will have a detrimental impact on the character of the home and the surrounding area as well as having detrimental impact on the neighbouring properties contrary to Policy 16 of National Planning Framework 4.

(3) As a result of the height, size and elevated position the outbuilding fails to reflect local urban form and character. The proposal is therefore contrary to Policy 1 of the adopted and the proposed Inverclyde Local Development Plans.

(4) As a result of the height, size and elevated position the outbuilding will have a negative impact on the amenity and the character of the immediate area. The proposal is therefore contrary to Policy 20 of the proposed Inverclyde Local Development Plan.

4.3 The Review Application was accordingly dismissed.

Signed _____

Head of Legal, Democratic, Digital & Customer 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.