

## **Inverclyde Local Review Body**

**Our Ref: 09/0306/IC**

### **REVIEW DECISION NOTICE**

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 39 Shore Street, Gourock
  - Application for Review by Linda@Woolcraft against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 09/0306/IC for the installation of roller shutters (in retrospect)
  - Application Drawings:     Photograph Sheet / 1:5000 Location Plan  
  Ref: 1934 - 002
  - Date of Decision Notice: 1 April 2010
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### **Decision**

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the condition listed below. Attention is also 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 2008.
- 1.2 The above application for planning permission was considered by the ILRB at a meeting held on 3 March 2010. The Review Body was constituted by Councillor D Wilson (Chair), Councillor K Brooks, Councillor G Dorrian, Councillor T Fyfe, Councillor T Loughran, Councillor R Ahlfeld, Councillor I Nelson and Councillor L Rebecchi.

#### **2. Proposal**

- 2.1 The application proposal is for the installation of roller shutters (in retrospect) on the shopfront of the ground floor shop unit within the three storey tenemental building located at 39 Shore Street, Gourock. The shutters are solid galvanized steel with a section of punched slats to the front of the window together with the shutter box on the outside of the shopfront projecting from the shopfront. The application was refused consent in terms of a decision letter dated 16 November 2009.

#### **3. Preliminaries**

- 3.1 The ILRB members were provided with copies of the following:
  - (i) Planning Application and plans/photographs specified above;
  - (ii) The Appointed Officer's Report of Handling dated 13 November 2009;
  - (iii) Decision Notice dated 16 November 2009;
  - (iv) Draft Condition should the ILRB be minded to grant planning permission.

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 2008.

#### 4. **Reasons**

4.1 The determining issue in this review is the impact the proposal would have on the visual appearance of the existing shopfront and wider streetscape, having regard to the provisions of the development plan.

4.2 The application had been refused as the use of solid steel roller shutters creates a depressing and hostile appearance to the detriment of the existing building and wider streetscape; the use of a shutter with an external box has a harmful impact on the visual appearance of the shopfront to the detriment of the wider streetscape and that the shutter is contrary to the design guidance contained within the Council's advice note PPAN12.

4.3 In the notice of review the applicant stated that there are numerous solid steel roller shutters with surface mounted shutter boxes within the Gourock Greenock and Port Glasgow Town Centres. The notice of review included photographic evidence in support of the applicant's case.

4.4 The ILRB was of the view that the applicant had demonstrated significant persuasive evidence in support of his case and that it could be said that a precedent has already been established for the installation of solid steel roller shutters with surface mounted shutter boxes in the vicinity. Although mindful of the relevant policies of the development plan, namely PPAN12, in examining the case on its merits the ILRB determined that the proposal would not be detrimental to the streetscape of Shore Street or set an undesirable precedent.

4.5 Again, mindful of the terms of PPAN12, it was agreed by the ILRB that a condition be placed on the planning permission to ensure that the roller shutters are painted to match the shopfront.

#### 5. **Conditions**

1 That within 4 weeks of the date of this consent, details of a painted finish to the roller shutters coloured appropriately for the shopfront be submitted to and approved by the planning authority. The roller shutters shall then be finished in the approved colour within 8 weeks of the date of this consent and shall be maintained in this colour or any other colour as deemed appropriate in writing by the planning authority at all times thereafter.

#### **Reason:**

1 To ensure the roller shutters are finished in an appropriate colour, in terms of the visual amenity of Shore Street.

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 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2008**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval 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.