

Local Review Body

5 May 2010

Planning Application for Review

**Mr and Mrs Murray
Erection of garage:
3 Mossyde Avenue, Port Glasgow (09/0369/IC)**

Contents

- Planning Application and plan (NB plan circulated separately)
- Consultation response
- Representations
- Report of handling dated 6 January 2010
- Inverclyde Local Plan Policy H1
- Decision Notice dated 8 January 2010
- Letter dated 9 March 2010 from Taylor Haggarty Design enclosing Notice of Review form, supporting statement and photographs
- Suggested conditions should planning permission be granted on review

Planning and Housing
Development Management

Inverclyde
council

Head of Planning and Housing
Cathcart House
6 Cathcart Square
Greenock PA15 1LS

FOR OFFICIAL USE ONLY	
Reference No	09/0369/1C
Date of Receipt	
Fee Paid	£145.00
Date Fee Received	11:11:09
Date Valid	
Receipt No	340

11 NOV 2009
LETTER NO 3594
J/M/c

PLANNING APPLICATION

Town & Country Planning (Scotland) Acts

The undersigned applicant hereby makes application for Planning Permission for the development described on this form and the accompanying plans.

see note 1

1. Particulars of Applicant	Particulars of Agent (if any) acting on applicants behalf:
Name <u>MR & MRS D. MURRAY</u>	Name <u>TAYLOR HAGGARTY DESIGN</u>
Address <u>3 MOSSYDE AVENUE</u>	Address <u>1A MEARNS STREET</u>
<u>PORT GLASSON</u> Postcode <u>PA14 6HY</u>	<u>GREENOCK</u> Postcode <u>PA15 4PP</u>
Telephone Number	Telephone Number <u>01475 - 785577</u>
	Profession <u>CHARTERED ARCHITECTS</u>

see note 2

2. Description of Development	
<u>PROPOSED ERECTION OF GARAGE</u>	
Site Location <u>3 MOSSYDE AVENUE, PORT GLASSON PA14 6HY</u>	
Site Area (hectares) <u>/</u>	Number of dwellinghouses proposed <u>/</u>
	New gross floorspace (sq. metres) <u>22.4m²</u>

see note 3

3. Application Type (Tick appropriate box/es)	
(a) Planning Permission in Principle <input type="checkbox"/>	(c) Detailed Permission <input checked="" type="checkbox"/>
(b) Approval of Matters Specified by Condition <input type="checkbox"/>	(d) Change of Use of land/buildings <input type="checkbox"/>
(e) Other (please specify)	

see note 4

4. Applicants interest in site (Tick appropriate box)	
(a) Owner <input checked="" type="checkbox"/>	(c) Tenant <input type="checkbox"/>
(b) Lessee <input type="checkbox"/>	(d) Prospective Purchaser <input type="checkbox"/>
(e) Other (please specify)	



see note 5

5. Existing Uses

(a) Please state the existing use(s) of the land/buildings: PRIVATE DWELLING

(b) Was the original building erected before 1st July 1948? Yes/ No

Has the original building been altered or extended Yes/ No

If yes, please indicate nature of alteration / extension and if possible approximate dates.....

If the land / buildings are vacant, please state last known use.....

see note 6

6. Access Arrangements and Parking (Tick appropriate box/es)

(a) Not Applicable (e) Number of existing on site parking places

(b) New vehicular access proposed (f) Number of proposed on site parking places

(c) Existing vehicular access to be altered / improved (g) Detail of any available off site parking

(d) Separate pedestrian access proposed

see note 7

7. Drainage Arrangements (Tick appropriate box/es)

(a) Not Applicable (c) Connection to existing public sewer

(b) Public Sewer (d) Septic Tank

If (d), indicate method of disposal of effluent (e.g. soakaway, watercourse etc).....

see note 8

8. Water Supply (Tick appropriate box/es)

(a) Not Applicable (c) Existing private supply

(b) Public Main (d) Proposed private supply

If (c) or (d), please specify nature of supply source and proposed storage arrangements.....

see note 9

9. Building Materials (Complete as appropriate)

(a) Not Applicable

(b) Outside Walls Material: RENDER
Colour: BUFF

(c) Roof Covering Material: CONCRETE TILES
Colour: BROWN

(d) Windows Material: N/A
Colour: N/A

(e) Boundary Treatment Material: N/A
Colour: N/A

see note 10

10. Landscaping

Is a landscaping/tree planting scheme proposed? Yes No

Are any trees/shrubs to be cleared on site? Yes No

If yes, please show details of scheme on a SITE PLAN

see note 11

11. Costings

What is the estimated costs of any works to be carried out? £ 5000-00

see note 12

12. Confirmation

Signature of applicant/agent.....

on behalf of MR & MRS D. MURRAY Date 10.11.09

see note 13

**CERTIFICATES UNDER ARTICLE 15 OF THE TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE)(SCOTLAND) REGULATIONS 2008**

Either certificate A, B or C must be completed together with certificate E

CERTIFICATE A (To be completed where the applicant is owner of the whole application site including any access visibility splays and land required for drainage systems or water connections)

I hereby certify that:

No person other than * ~~myself~~ the applicant was an owner (refer to note (a)) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application

CERTIFICATE B (To be completed where the applicant does not own the whole application site including any access visibility splays and land required for drainage systems or water connections)

I further certify that:

* I have/the applicant has given the requisite notice (Notice No.1) to all persons other than * myself / the applicant who at the beginning of the period of 21 days ending with the date of the accompanying application were (refer to note (a)) owners of any part of the land to which the application relates.

Name(s) of Owner	Address(es)	Date of Service of Notice(s)
.....
.....
.....

* Delete whichever is inappropriate

NOTE (a) Any person who in respect of any part of the land is the proprietor of the dominium utile or is the lessee under a lease thereof of which not less than 7 years remains unexpired.



CERTIFICATE C (To be completed in EVERY CASE)

I further certify that:

* (1) None of the land to which the application relates constitutes or forms part of an agricultural holding

* (2) I have/the applicant has given the requisite notice to every person other than myself/himself who at the beginning of the period of 21 days ending with the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates

These persons are:

Name(s)	Address(es)	Date of Service of Notice(s)
.....
.....
.....

CERTIFICATE D

I confirm that I have been unable to notify all parties under Certificates A, B and C

* Delete whichever is inappropriate

Signature of Applicant/Agent

On behalf of MR & MRS. D. MURRAY

Date 10.11.09

see note 15

CHECKLIST - The following documentation should be submitted:

please tick all boxes

- | | |
|---|--|
| <input checked="" type="checkbox"/> TWO APPLICATION FORMS | <input type="checkbox"/> DESIGN & ACCESS STATEMENT
(National and Major applications only) |
| <input checked="" type="checkbox"/> FOUR SETS OF PLANS | <input type="checkbox"/> PRE-APPLICATION CONSULTATION REPORT
(National and Major applications only) |
| <input checked="" type="checkbox"/> FEE (Where appropriate) | |

WARNING

If any person issues a certificate which purports to comply with the requirements of Section 35 of The Town and County Planning (Scotland) Acts, and contains a statement which he knows to be false or misleading in a material particular or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

James McColl

From: Nicholas McLaren on behalf of Devcont Planning
Sent: 03 December 2009 11:14
To: Audrey-Alaria Lever; James McColl
Subject: FW: application number 09/0369/1C

-----Original Message-----

From: [mailto:]
Sent: 02 December 2009 20:44
To: Devcont Planning
Subject: application number 09/0369/1C

Dear Mr McColl

With regards to the above planning permission for a garage by Mr & Mrs D Murray, I would like to make a few comments. This will block out a lot of light and sunlight from my property and might also block access at the rear of my property. I would also like to inform you that according to linkhousing (who maintain this land) they already own it, this was confirmed to me on 3rd November 2008 then again on May 2008 after they contacted land registry.

can you please confirm receipt of this email

with kind regards
Mr & Mrs Harding
213 Marloch ave
Port Glasgow

Application Num
09/0369/IC

215 Marloch Ave
Port Glasgow
PA14 6LN
4.12.09

Dear Mr McColl

Regarding application by Mr & Mrs Murray for planning permission to build garage at rear of my property.

I strongly object to the application as this may de-value my property, it will also block access to the rear of my property, will block out daylight and "any" winter sunlight that may occur. I also think it will be detrimental to the environment.

Yours sincerely

W Robertson

TRANSCRIBED FROM ORIGINAL LETTER

REPORT OF HANDLING

Report By: James McColl

Report No: 09/0369/IC

Local Application
Development

Contact
Officer: 01475 712462

Date: 6th January 2010

Subject: Erection of a garage at
3 Mossyde Avenue Port Glasgow PA14 6HY

SITE DESCRIPTION

The application site consists of an end terraced property situated on the corner of Mossyde Avenue at its junction with East Woodside Avenue, Port Glasgow. The rear of the site partly adjoins the gardens of properties located in Marloch Avenue. The dwelling is finished in off white drycast and a concrete tiled roof. A single garage is located to the side of the dwellinghouse.

In April 2007, planning permission was refused to change the use of the area of open ground adjacent to the existing dwelling and erect an additional double garage accessed from East Woodside Avenue. The garage was proposed to be finished in buff render and brown concrete roof tiles, have a floor area of approximately 31 square metres and be 4 metres in height. Planning permission was refused for the following reasons:

1. The garage by virtue of its location and size, will be extremely prominent, unacceptably altering the established building pattern to the detriment of the streetscape of both Mossyde Avenue and East Woodside Avenue. This will result in the proposed garage being extremely prominent to the detriment of the established building pattern and the streetscape, contrary to policy H1 of the Inverclyde Local Plan.
2. The change of use to garden ground would not be in keeping with the established pattern of development to the detriment of the streetscape of Mossyde Avenue and East Woodside Avenue.

The applicant subsequently submitted an appeal against the decision. In considering the appeal, the Reporter found the proposed garage to be unacceptable, forming a bulky intrusion and detrimentally affecting the streetscape. It would also compromise the amenity of neighbours, affecting afternoon and evening sunlight in their gardens. As such, he found the erection of the garage contrary to Policy H1 of the Local Plan. On the issue of change of use of open space to garden ground, the Reporter noted that it provided no particular recreational value, and providing it remains free of substantial buildings and high fencing, he did not consider there would be a significant impact on the streetscape. Accordingly, he granted permission for this element of the application.



PROPOSAL

The applicant again seeks consent to erect a double garage accessed from East Woodside Avenue. As before, the garage would be finished in buff render and brown concrete roof tiles, have a floor area of approximately 31 square metres and be 4 metres in height.

LOCAL PLAN POLICIES

Local Plan Policy H1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

CONSULTATIONS

Head Of Environmental Services – The proposal would lead to multiple accesses and not be in the interests of road safety.

PUBLICITY

The application was advertised in the Greenock Telegraph on 20th November 2009 as there are no premises on neighbouring land.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

The application was subject of neighbour notification and a press advert. Two letters of objection were received.

The objectors' concerns can be summarised as follows:

1. Light to neighbouring properties will be reduced by the proposed garage.
2. The proposal will block rear access to properties on Marloch Avenue.
3. The value of neighbouring properties will be affected.
4. The applicant does not own the site.

I will consider these concerns in my assessment.

ASSESSMENT

The material considerations in the assessment of this application are the Development Plan, the impact on the streetscape, the impact on the amenity of adjacent residents, the letters of objection and previous appeal decision.

In considering the proposed garage, the size and height of the proposed new building at this location, together with the topography of the site, will result in the proposed garage being extremely

prominent and readily visible from Mossyde Avenue and East Woodside Avenue, to the detriment of the established streetscape. It is considered that this is contrary to the intention of policy H1 and as such the proposal does not comply with the Inverclyde Local Plan. I further note the previous appeal decision where the Reporter considered that the garage would form a bulky intrusion, to the detriment of the streetscape. He also considered that it would compromise the amenity of residential properties located on Marloch Avenue whose rear gardens would be dominated by the substantial structure significantly reducing afternoon and evening sunlight.

Addressing the outstanding concerns raised by the objectors, any perceived right of access across the area of open ground is not a planning consideration. The applicant has indicated on the application form that he is control of the ground as owner. In any case, the ownership of an area of ground is not a material planning consideration and planning permission does not convey any legal rights to undertake works. Loss of view and impact on property value are not material planning considerations.

In considering the consultation response, I note the comments from the Head of Environmental Services with regard to road safety. However, I am mindful that a second access could be created independently without the requirement for planning permission. Furthermore, during the processing of the previous application in 2006, the Head of Environmental Services did not offer any objections to the identical proposal subject to the new drive being a minimum length of 6 metres. I therefore consider that it would be inappropriate to refuse the application on these grounds.

In conclusion, the proposed garage would be extremely prominent, not be in keeping with the established building pattern have an unacceptable impact on the streetscape of both Mossyde Avenue and East Woodside Avenue and an unacceptable impact on the amenity of neighbouring residents, contrary to policy H1. There have been no changes to the proposal since the previous submission in 2007 and there are no material changes in circumstances since the determination of the previous application and subsequent appeal which I consider would warrant the approval of the application. I am therefore unable to support the application.

DECISION

That the application be refused

Reasons

1. The garage by virtue of its location and size, will be extremely prominent, unacceptably altering the established building pattern to the detriment of the streetscape of both Mossyde Avenue and East Woodside Avenue. This will result in the proposed garage being extremely prominent to the detriment of the established building pattern and the streetscape together with having an unacceptable impact on the amenity of neighbouring residents contrary to policy H1 of the Inverclyde Local Plan.

Signed:

(Case Officer: James McColl

F. K WILLIAMSON
Head of Planning and Housing

DEVELOPMENT STRATEGY POLICIES

Safeguarding Residential Areas

7.44 The Proposals Map identifies all areas within the settlements of Inverclyde that are primarily residential in character. Residential development will be acceptable, subject to other relevant Local Plan policies, within the settlement boundary. It is important to ensure that the character and amenity of residential areas is safeguarded and enhanced, where possible. Policy H1 provides the means to deal with development proposals affecting these areas, although the Council may also apply other policies depending on the nature of the development.

7.45 New residential development will normally be acceptable in principle, subject to the normal development control criteria outlined in **Policy H8**, other relevant policies and the detailed advice noted in Chapter 18: 'Development Control Advice', as appropriate. The provision of non-residential uses, such as community facilities or neighbourhood shops will also normally complement housing and will be acceptable where they would have little detrimental impact on the amenity of the area. Where it can be demonstrated that this is the case then such proposals will be acceptable, subject to the development control framework noted in **Policy H10**, and any other material considerations.

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✱ **Policy H1 Safeguarding the Character and Amenity of Residential Areas** ✱

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

The Provision of Community Facilities

7.46 The provision of facilities such as schools, colleges, nurseries, libraries, community centres and health centres are essential in order to ensure that a community functions effectively. Such facilities are generally compatible with residential amenity and also create a sense of place and belonging and therefore, have the support of the Council, in principle.

7.47 Existing community facilities are not identified specifically on the Proposals Map as they are usually small, self-contained sites located in either residential areas or town centres and will therefore, be subject to the policies appropriate for these two general areas. There are a number of exceptions to this, for example large colleges, museums/art galleries, hospitals and some of the larger schools, but these are readily identified on the Ordnance Survey (OS) base of the Proposals Map and generally, are also compatible with the residential land use zoning.

Pol H1 & H8
Pol R1-R5

7.48 Notwithstanding this general compatibility, development activity associated with community facilities has particular town planning implications. Guidance on these and other matters is provided in **Policies H9 and H10** below.

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Redevelopment of Brownfield Sites

7.49 The preference for meeting development needs within the urban area and the focus on area renewal has led to a wide range of housing and other community development opportunities within the areas identified for 'Residential' on the Proposals Map. The redevelopment of this urban land, whether of former non-residential uses or not, for residential and other community use, is consistent with the Local Plan's Development Strategy of regeneration and renewal. This redevelopment therefore, will be acceptable to the Council, subject to the provisions of **Policy H2**.



DECISION NOTICE

Refusal of Planning Permission

Issued under Delegated Powers

Inverclyde
council

Planning and Housing
6 Cathcart Square
Greenock PA15 1LS

09/0369/IC

*TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2008*

Mr And Mrs D Murray
3 Mossyde Avenue
Port Glasgow
PA14 6HY

Taylor Haggarty Design
1A Mearns Street
Greenock
PA15 4PP

With reference to your application dated 11th November 2009 for planning permission under the above mentioned Act and Regulation for the following development:-

Erection of a garage at

3 Mossyde Avenue, Port Glasgow, PA14 6HY,

Category of Application Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. The garage by virtue of its location and size, will be extremely prominent, unacceptably altering the established building pattern to the detriment of the streetscape of both Mossyde Avenue and Woodside Avenue. This will result in the proposed garage being extremely prominent to the detriment of the established building pattern and the streetscape together with having an unacceptable impact on the amenity of neighbouring residents contrary to policy H1 of the Inverclyde Local Plan.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 8th day of January 2010

Head of Planning and Housing

- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months from the date of this notice. The request for review shall be addressed to **The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.**
- 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, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

Refused Plans:

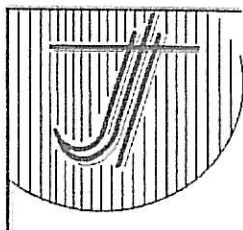
Drawing No:

765.01

Version:

Dated:

01.09.2009



TAYLOR HAGGARTY DESIGN
1A Mearns Street GREENOCK PA15 4PP tel & fax 01475 785577
e-mail taylor-haggarty.design@virgin.net

March 9 2010

Inverclyde Council
Head of Legal and Administration
Municipal Buildings
Greenock
PA15 1LY

FAO. Vicky Pollock.

Dear Sirs,

Proposed Erection of Garage @ 3 Mossyde Avenue, Port Glasgow.
Mr & Mrs D Murray.

We herewith enclose Notice of Review Form duly completed together with supporting statement and information in respect of the above for your consideration.

Yours faithfully,

Taylor Haggarty Design
encls.



THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

THE TOWN AND COUNTRY PLANNING (SCHEMES OF
DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND)
REGULATIONS 2008

Notice of Review Form

1. Name and Address of Applicant	MR & MRS D. MURRAY 3 MOSSYDE AVENUE PORT GLASGOW PA14 6HY
2. Name and Address of Agent	TAYLOR HAGGARTY DESIGN 1A MEARNS STREET GREENOCK PA15 4PP
3. Do you wish correspondence on the appeal to be addressed to the agent?	*Yes/No.
4. Planning Application Reference Number	09/0369/1C
5. Date of Planning Authority Decision on Application	8.01.10
6. Reason(s) for Seeking Review (continue on separate sheet if necessary)	REFER TO ATTACHED SUPPORTING STATEMENT.

*delete as applicable

SUPPORTING STATEMENT.

Proposed Erection of Garage @ 3 Mossyde Avenue, Port Glasgow.
Mr & Mrs D Murray.

Mr Murray would like to construct a new garage on part of the extensive area of garden ground he owns with his end terrace property at no. 3 Mossyde Avenue.

Having encountered vandalism to his vehicle in recent times, the purpose of this larger garage is simply to protect a four wheel drive vehicle required in his profession as a scaffolding instructor/manual handling assessor.

It was considered by the Planning Department that the garage location and formation would cause an unacceptable impact on the existing streetscape and neighbouring properties.

We would like to comment as follows:-

1. The proposed garage would be located to the rear of the existing single garage in an attempt to reduce its impact on the front gardens of the properties at no.2 Mossyde Avenue and no.225 Marloch Avenue.
The distance between the new garage and these boundaries is at least 24 metres.

2. The garage orientation and access driveway would be from East Woodside Avenue where there are no houses opposite.

3. In respect of affecting rear gardens of properties on Marloch Avenue, the only boundary in close proximity would be no.215 where the garden is at least 15 metres long and 6 metres wide.

The new garage would only extend 1 metre along the width of this garden.

This property has an existing 1.8 metre high boundary fence which provides no pedestrian access to the rear garden.

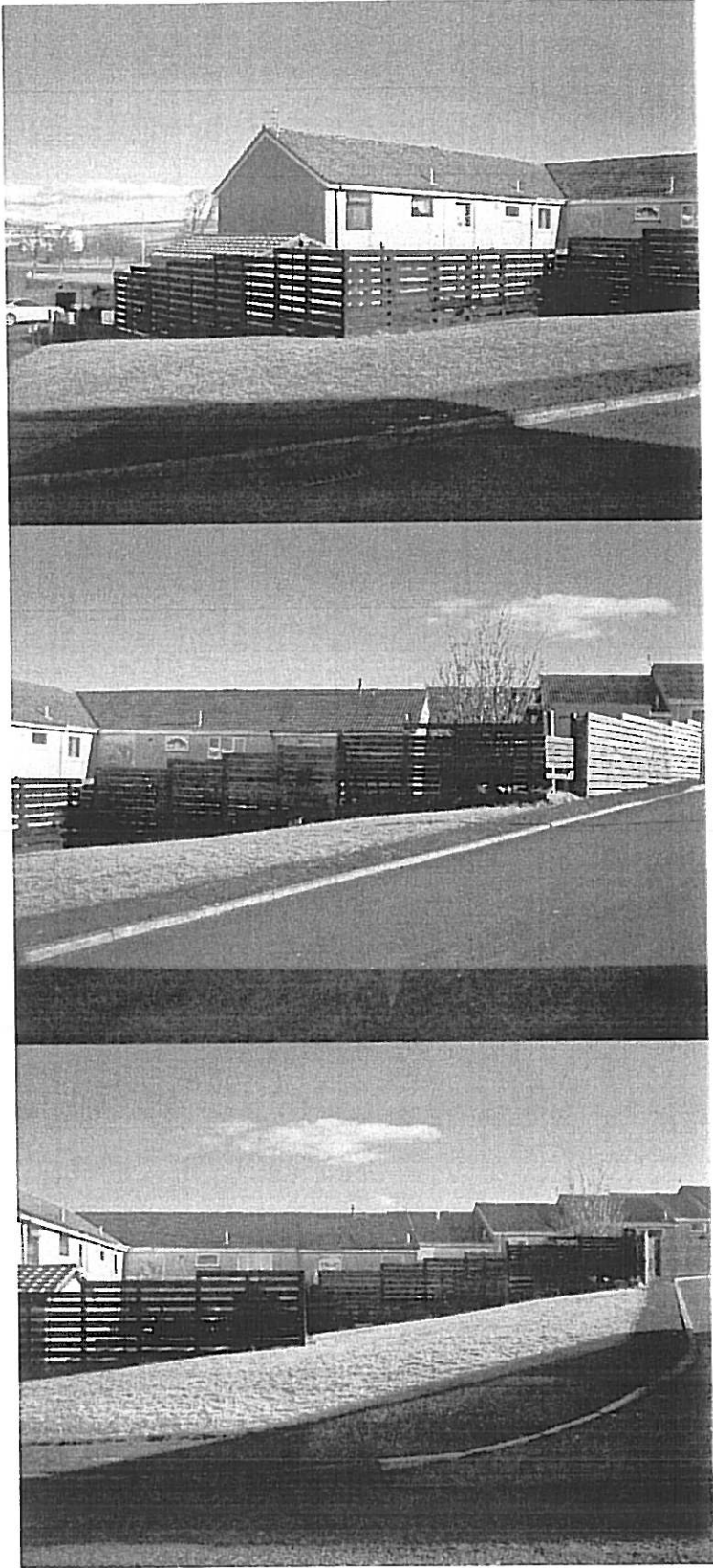
This can be viewed in the accompanying photo sheet for information.

Concern was also raised over the ridge height of the proposed garage; the internal height together with the roof pitch could easily be reduced from 4 metres to 3 metres.

We hope the foregoing information will assist the panel to reconsider the Planning Department's Decision Notice for Refusal of Planning Permission.

Taylor Haggarty Design

3 MOSSYDE AVENUE, PORT GLASGOW.



Planning Application 09/0369/IC – Erection of a garage at 3 Mossyde Avenue, Port Glasgow.

The following conditions are suggested should planning permission be granted on review.

Conditions:

1. The development to which this permission relates must be begun within three years of the date of this permission.
2. Development shall not begin until samples of all materials and finishes to be used on external surfaces of the building have been submitted and approved in writing by the planning authority. The construction of the dwellings hereby permitted must then proceed utilising the approved materials and finishes unless an alternative is agreed in writing by the planning authority.

Reasons

1. To comply with section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To ensure the proposed materials are acceptable in terms of the visual amenity.