

Inverclyde Local Review Body

Our Ref: 09/0369/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 3 Mossyde Avenue, Port Glasgow
 - Application for Review by Mr and Mrs D Murray against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 09/0369/IC for the erection of a garage
 - Application Drawings: Plans as existing and as proposed / 1:2500 Location Plan
Ref: 765.01
 - Date of Decision Notice: 13 May 2010
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions 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 5 May 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 McKenzie, Councillor C McCallum and Councillor L Rebecchi.

2. Proposal

- 2.1 The application proposal is for the erection of a double garage on an area of open ground adjacent to the existing dwelling at 3 Mossyde Avenue, Port Glasgow and accessed from East Woodside Avenue, Port Glasgow. 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. The application was refused consent in terms of a decision letter dated 8 January 2010.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application and plans;
 - (ii) Consultation response from Head of Environmental Services dated 1 December 2009;
 - (iii) Representations dated 3 December 2009 and 4 December 2009;
 - (iv) The Appointed Officer's Report of Handling dated 6 January 2010;
 - (v) Decision Notice dated 8 January 2010;

- (vi) Draft Conditions should the ILRB be minded to grant planning permission;
- (vii) Extract from Inverclyde Local Plan relative to Policy H1 which is referred to in the Report of Handling and Decision Notice.

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 streetscape and the amenity of adjacent residents, having regard to the provisions of the Development Plan.

4.2 The application had been refused as 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.

4.3 In the notice of review, the applicant stated that the garage would be located to the rear of the existing single garage in an attempt to reduce its impact on the front gardens of neighbouring properties. The garage orientation and access driveway would be from East Woodside Avenue, where there are no houses opposite. The proposed garage would only extend 1 metre along the width of one neighbouring garden at 215 Marloch Avenue. The notice of review included photographic evidence in support of the applicants' case.

4.4 The ILRB was of the view that the applicants had demonstrated persuasive evidence in support of their case. In particular, the proposal would assist in taking parked cars off the road. The ILRB determined that the proposal would not be detrimental to the streetscape of both Mossyde Avenue and East Woodside Avenue and would not have an unacceptable impact on the amenity of neighbouring residents in accordance with Policy H1 (Safeguarding the Character and Amenity of Residential Areas) of the Inverclyde Local Plan.

5 **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 garage 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 visual amenity

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.