

**Local Review Body**

**6 October 2010**

**Planning Application for Review**

**Mr & Mrs Rice  
Erection of Deck at Front of Dwellinghouse:  
12 Coll Avenue, Port Glasgow (10/0078/IC)**

**Contents**

- Planning Application and plans (NB plans circulated separately)
- Site photographs
- Report of Handling dated 14 May 2010
- Decision Notice dated 19 May 2010
- Notice of Review together with 2 sets of plans (NB plans circulated separately)

Please note that there are no suggested conditions should planning permission be granted on review.

15/03/10

5599

FOR OFFICIAL USE ONLY

Reference No. 10/0078/IC  
Date of Receipt 15/3/10  
Fee Paid -  
Date Fee Received -  
Date Valid  
Receipt No.

**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 MR & MRS RICE	Name RICHARD ROBB ARCHITECTS
Address 12 COLL AVENUE PORT GLASGOW Postcode PA14 6AB	Address 75-77 ALBERT ROAD, GOUROCK Postcode PA19 1NJ
Telephone Number	Telephone Number 630877
	Profession AS ABOVE

see note 2

2. Description of Development	
ERECTION OF EXTERNAL DECK TO FRONT OF DWELLING	
Site Location 12 COLL AVENUE, PORT GLASGOW	
Site Area (hectares)	Number of dwellinghouses proposed
	New gross floorspace (sq. metres)

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: DOMESTIC

(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 N/A

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

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.....  
Colour.....

(c) Roof Covering Material.....  
Colour.....

(d) Windows Material.....  
Colour.....

(e) Boundary Treatment Material TIMBER  
Colour SELF

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?

£ 4,500

see note 12

**12. Confirmation**

Signature of applicant/agent.....

on behalf of..... MR & MRS RICE

Date 11/3/10

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)
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.....	.....	.....
.....	.....	.....
.....	.....	.....

**CERTIFICATED**

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 RICE

Date ..... 11/3/10

see note 15

**CHECKLIST - The following documentation should be submitted:**

please tick all boxes

TWO APPLICATION FORMS

FOUR SETS OF PLANS

FEE (Where appropriate)

DESIGN & ACCESS STATEMENT  
(National and Major applications only)

PRE-APPLICATION CONSULTATION REPORT  
(National and Major applications only)

**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.

12 COLL AVENUE, PORTGLASGOW

10/0078/IC











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**REPORT OF HANDLING**

**Report By:** Mike Martin

**Report No:** 10/0078/IC

**Local Application  
Development**

**Contact  
Officer:** 01475 712412

**Date:** 14th May 2010

**Subject:** Erection of deck at front of dwellinghouse at  
12 Coll Avenue Port Glasgow PA14 6AB

**SITE DESCRIPTION**

The application site comprises a two storey semi- detached house which is situated on the south side of Coll Avenue, Port Glasgow. The neighbouring properties are similar in terms of their scale, design and materials.

**PROPOSAL**

The proposal is to erect a timber decking within the front garden of the property. Due to the topography of the site the dwellinghouse is elevated substantially above the roadway level. Access is via steps to reach a level platform at the front elevation. The proposed decking is approximately 2.7 metres in depth (at its widest point) by 3.2 metres in width situated above a steeply sloping rocky outcrop which occupies much of the front garden area. The floor level of the proposed deck is approximately 3.5 metres above the level of the adjoining public footway on Coll Avenue.

The property has been the subject of a recent application for planning application for a similar proposal, permission for which was refused in November 2009. The current proposal differs from the previous in so far as it represents a reduction in the extent of decking area. The overall depth of the decking (at its widest point) would be reduced by 1.3 metres from approximately 4.0 metres. The structure proposed is timber finished in a brown wood stain.

**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.

Local Plan Policy DC1 - Development Control Advice

Inverclyde Council, as Planning Authority, will support applications for planning, listed building and advertisement consent, where applicable, which accord with the principles established in the



Council's Planning Practice Advice Notes.

PPAN8 - Balconies applies.

PPAN15 - Garden Decking applies.

## **CONSULTATIONS**

No consultations were required.

## **PUBLICITY**

The nature of the proposal did not require advertisement.

## **SITE NOTICES**

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

## **PUBLIC PARTICIPATION**

No representations have been received.

## **ASSESSMENT**

The material considerations in the assessment of this application are the Local Plan, Planning Practice Advice Note no.15 (Garden Decking) and, in particular, the impact upon the character and amenity of the existing residential area and of adjacent properties.

In terms of the Local Plan, policy DC1 advises that applications which accord with the Council's Planning Practice Advice Notes (PPAN's) will be acceptable in safeguarding the character and amenity residential areas, such as required by policy H1. In this respect I have a number of concerns.

As a consequence of natural land form, the application site is elevated substantially to the street, and in this way the current proposal does not differ from the previous scheme. The application site is at a particularly prominent location and its front garden area is highly visible from a wide area, including a number of nearby residential properties. The effect of the proposal would be to introduce a prominent structure to the street frontage which I consider would be incongruous and accordingly would have an adverse effect upon the character and amenity of the surrounding residential area. As required by PPAN no.15, this does not have due regard to the architectural design of the house.

In addition, the proposed structure would enable a potentially intrusive view of the neighbouring semi-detached property, and also those properties situated directly across the street. This does not respect the rights of neighbouring residents to enjoy their property without intrusive overlooking. Whilst the proposed structure comprises timber decking, due to its elevated position it is similar in character to a balcony (being on an elevated platform) and, as a consequence is also assessed on the basis of PPAN no.8 (Balconies). Although the current proposal constitutes a reduction in area of decking, I remain concerned that its scale is such that it will afford residents the opportunity of making extensive use over substantial periods of day and evening to the extent that continuous activity may impinge upon the amenity of neighbouring residents. The position and scale of the proposal is such that the introduction of side screens would be to little effect. Overall it is

considered that the proposal would not accord with Policy H1 nor with supplementary planning guidance contained within PPANs nos 8 and 15.

## **DECISION**

That the application be refused

### **Reasons**

1. Due to the position, scale and design of the decking, it has a detrimental impact on the design of the dwellinghouse, on the appearance of the street and on the amenity of adjoining and adjacent neighbours. The proposal is therefore a departure from Policy H1 of the Local Plan in that it would not safeguard the character and amenity of the existing residential area.
2. The position, scale and design of the decking conflicts with the guidance contained within the Council's Planning Practice Advice Notes no.8 (Balconies), and no.15 (Garden Decking).

Signed:

Case Officer: Mike Martin

Stuart Jamieson  
Head of Regeneration and Planning

# DECISION NOTICE

## *Refusal of Planning Permission*

Issued under Delegated Powers

Inverclyde  
council

Regeneration and Planning  
6 Cathcart Square  
Greenock PA15 1LS

10/0078/IC

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

Mr and Mrs Rice  
12 Coll Avenue  
Port Glasgow  
PA14 6AB

Richard Robb Architects  
75/77 Albert Road  
Gourock  
PA19 1NJ

With reference to your application dated 15th March 2010 for planning permission under the above mentioned Act and Regulation for the following development:-

**Erection of deck at front of dwellinghouse at**

**12 Coll Avenue, Port Glasgow, PA14 6AB,**

**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. Due to the position, scale and design of the decking, it has a detrimental impact on the design of the dwellinghouse, on the appearance of the street and on the amenity of adjoining and adjacent neighbours. The proposal is therefore a departure from Policy H1 of the Local Plan in that it would not safeguard the character and amenity of the existing residential area.
2. The position, scale and design of the decking conflicts with the guidance contained within the Council's Planning Practice Advice Notes no.8 (Balconies), and no.15 (Garden Decking).

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

Dated this 19th day of May 2010

Head of Regeneration and Planning

- 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:**

<b>Drawing No:</b>	<b>Version:</b>	<b>Dated:</b>
LOC/01		01.09.2009
PL/01		01.09.2009
EL/01		01.09.2009
EL/02		01.09.2009
PL/02		01.09.2009
EL/03		01.09.2009
EL/04		01.09.2009

Inverclyde  
council

LEGAL SERVICES

RECEIVED 26 JUL 2010

NOTICE OF REVIEW

ON 22/4/10

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

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

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

**Applicant(s)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No.

E-mail\*

**Agent (if any)**

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No.

E-mail\*

Mark this box to confirm all contact should be through this representative:

\* Do you agree to correspondence regarding your review being sent by e-mail? Yes  No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application  Date of decision (if any)

**Note.** This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review**

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

**Site inspection**

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- |  | Yes                                 | No                       |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:



**Statement**

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. **Note:** you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

SEE ATTACHED NOTES.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

We note that the position, scale and design of the proposed decking is opined by the case officer to have a detrimental impact on the design of the house, appearance of the street and on the amenity of adjoining and adjacent neighbours. We also note the comment that the scale is such that it affords the opportunity of extensive use over substantial periods of day and evening.

We would like to impress upon the local review body that the main reason for taking forward our application, following extensive discussions with our agent and a meeting with the case officer and former Head of Service, was to design a construction which improved the amenity of the existing streetscape and afforded us limited use of our front garden which, as it currently stands, is entirely unusable due to the steep topography and significant rocky outcrop.

Following the rejection of our initial application we redesigned our proposal to reduce the size by 40 % in an attempt to satisfy the local plan and relevant planning practice advice notes (Nos. 8 & 15). Our agent met with the case officer to discuss these reductions. We were surprised that despite these amendments and discussions our 2<sup>nd</sup> application was refused on the same grounds as the initial application.

We understand the reasoning behind the officers comment that the scale affords the opportunity of extensive use over substantial periods of day and evening. However, we are a couple in our 50s with no children at home and would certainly not be using the decking area extensively day and night. Furthermore, should over-use become a problem by future owners it is our understanding that both the Police and the Council have existing powers to tackle such a situation. We believe that it is unreasonable to cite a problem that

- a) may never arise, and
- b) could be addressed using other legislation,

as grounds for refusal of our application.

We believe that it is of note that the proposed decking would barely be visible when approaching west along Coll Ave from the main arterial route of Arran Avenue. Whilst the decking would be visible from the eastern approach from Bute Avenue, this is an approach which is approx. 100m in length and is butted by Bute Avenue limiting views to approximately 150m at a 45° field of vision. We believe that this limited visibility has not been taken into consideration when considering the impact on the appearance of the street.

With regards to the case officers opinion that the proposal would have a detrimental impact on the amenity of adjoining and adjacent neighbours. We would like to take this opportunity to highlight that the house is already in an elevated position which cannot afford anything other than an intrusive view from both the ground floor and 1<sup>st</sup> floor windows on the north facing (front) elevation. However the proposed decking would sit a full 2m below the height of the existing ground floor window and have a finished decking level approx 800mm below the damp proof course of the house. It is our opinion that this considerably lower level of seating area is actually less intrusive than the view from the front elevation windows or main entrance door. It is our understanding that no neighbour objections to the proposed development have been received. We believe that this further evidences the position that neither we nor our adjacent or adjoining neighbours consider the proposal to be intrusive nor likely have a detrimental impact on the design of the house or the appearance of the street. Furthermore, it is our belief that the proposed design will improve the streetscape by utilising a small area (16 %) of a front garden which is on the whole non-developable and offers no contribution to the aesthetics of the street.

We therefore ask that the local review body take cognisance of these facts in its considerations.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

2 SET'S OF PLANS.  
REPORT OF HANDLING.  
DECISION NOTICE.

**Note.** The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

**Note.** Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date