

Inverclyde Local Review Body

Our Ref: 10/0078/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 12 Coll Avenue, Port Glasgow
 - Application for Review by Richard Robb Architects on behalf of Mr and Mrs William Rice against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 10/0078/IC
 - Application Drawings:

LOC/01-	Location Plan
PL/01 -	Existing Plan
EL/01 -	Front Elevation as existing
EL/02 -	Side Elevation as existing
PL/02 -	Proposed Plan
EL/03 -	Front Elevation as Proposed
EL/04 -	Side Elevation as Proposed
 - Date of Review Decision Notice: 15 October 2010
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Decision

The ILRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review. 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 6 October 2010. The ILRB was constituted by Councillors D Wilson (Chair), K Brooks, G Dorrian, T Fyfe, T Loughran, C McCallum, I McKenzie, R Ahlfeld, I Nelson and L Rebecchi.

2. Proposal

- 2.1 The application proposal is for the erection of a deck at the front of the dwellinghouse at 12 Coll Avenue, Port Glasgow. The application was refused consent in terms of a decision letter dated 19 May 2010.

3. Preliminaries

3.1 The ILRB was provided with copies of the following:

- (i) Planning Application and plans specified above;
- (ii) Site Photographs;
- (iii) The Appointed Officer's Report of Handling dated 14 May 2010;
- (iv) Decision Notice dated 19 May 2010;
- (v) Notice of Review and supporting documents dated 24 July 2010;

3.2 Having regard to the material before it, 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. Findings and Conclusions

4.1 The ILRB reviewed the decision in the context of the Local Plan, Planning Practice Advice Notes no. 8 (Balconies) and no. 15 (Garden Decking) and, in particular, the impact the proposal would have upon the character and amenity of the existing residential area and of adjacent properties.

4.2 Having regard to the whole circumstances, the ILRB concluded that the application had been correctly refused for the reasons given in the Decision Notice dated 19 May 2010; namely:

- 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).

4.3 The Review Application was accordingly dismissed.

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.