

Local Review Body

3 November 2010

Planning Application for Review

**Mr H Fraser
Erection of Single Storey Extension:
46 Lomond Road, Wemyss Bay (10/0103/IC)**

Contents

- Planning Application and plans (NB plans circulated separately)
- Site photographs
- Report of Handling dated 30 July 2010
- Inverclyde Local Plan Policies H1, H15 and DC1 together with Planning Practice Advice Note No 7 - House Extensions
- Decision Notice dated 30 July 2010
- Notice of Review form, supporting statement and photographs
- Suggested conditions should planning permission be granted on review

Planning Department

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000007531-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

erection of single storey extension

Has the work already been started and/or completed? *

No Yes - Started Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Agent Company Name:	<input type="text" value="drawings direct"/>	You must enter a Building Name or Number, or both:*
Agent's Ref. Number:	<input type="text"/>	Building Name: <input type="text"/>
Agent First Name: *	<input type="text" value="gerry"/>	Building Number: <input type="text" value="2"/>
Agent Last Name: *	<input type="text" value="poutney"/>	Address 1 (Street): * <input type="text" value="Bothwellpark Place"/>
Telephone Number: *	<input type="text" value="01698842126"/>	Address 2: <input type="text"/>
Extension Number:	<input type="text"/>	Town/City: * <input type="text" value="Bellshill"/>
Mobile Number:	<input type="text"/>	Country: * <input type="text" value="UK"/>
Fax Number:	<input type="text"/>	Postcode: * <input type="text" value="ML4 3LL"/>
Email Address: *	<input type="text" value="drawingsdirect@hotmail.com"/>	

RECEIVED 06 APR 2010
10/0103/1c



Applicant Details

Applicant's Title: *

Mr

You must enter a Building Name or Number, or both:*

Other Title:

Building Name:

Applicant's First Name: *

Henderson

Building Number:

46

Applicant's Last Name: *

Fraser

Address 1 (Street):

Lomond road

Company Name:

Address 2:

Telephone Number:

Town/City:

Wemyss Bay

Extension Number:

Country:

Mobile Number:

Postcode:

PA18 6BD

Fax Number:

Email Address:

Site Address Details

Full postal address of the site (including postcode where available):

Address 1:

46 Lomond road

Address 5:

Address 2:

Town/City/Settlement:

Wemyss bay

Address 3:

Post Code:

PA18 6BD

Address 4:

Please identify/describe the location of the site or sites.

Northing

669806

Easting

219368

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

Title:	<input type="text" value="Please Select One"/>	Other title:	<input type="text"/>
First Name:	<input type="text"/>	Last Name:	<input type="text"/>
Correspondence Reference Number:	<input type="text"/>	Date (dd/mm/yyyy):	<input type="text"/>

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Are you or is the applicant, or the applicant's spouse/partner, a member of staff within the planning service or an elected member of the planning authority? *

Or are you/the applicant/the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? *

Yes No

Please provide further details: * (Max 500 characters)

Certificates and Notices

Certificate and Notice under regulation 15 8 – Town and Country planning (General Development Management Procedure) (Scotland) Order 1992 (GDPO 1992) Regulations 2008

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1 or Certificate Form B or Certificate C, but if this is a Minerals application, you will need Certificate Form D.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: gerry poutney

On behalf of: Mr Henderson Fraser

Date: 31/03/2010

Please tick here to certify this Certificate

Checklist - Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and proposed elevations.
- Existing and Proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. *

Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your proposals. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. *

Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been received by the planning authority.

Declare - For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying plans/drawings and additional information.

Declaration Name: gerry poutney

Declaration Date: 31/03/2010

Payment Details

Cheque: Henderson Fraser, 102032

Created: 31/03/2010 22:57













REPORT OF HANDLING

Report By:	James McColl	Report No:	10/0103/IC	
Contact Officer:	01475 712462		Local Application Development	
Subject:	Erection of single storey extension at 46 Lomond Road Wemyss Bay PA18 6BD		Date:	30th July 2010

SITE DESCRIPTION

The application site comprises a detached two storey dwelling located on the north-eastern side of Lomond Road, Wemyss Bay. The property is finished primarily in a white drycast render, with a concrete tiled roof and white uPVC windows. A variety of similar semi detached and detached properties located on Lomond Road, Leven Road and Ryan Road lie adjacent.

PROPOSAL

It is proposed to provide a single storey side and rear wrap around extension. The extension will have a total footprint of approximately 39 square metres. The extension will be within approximately 200 mm of the side boundary (at the closest point) with number 44. To the rear the extension will encroach to within approximately 4.3 metres of the rear boundary. The extension will be approximately 4.1 metres high to the ridge. External materials will match the existing house.

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 H15 - Proposals for House Extensions

Proposals for extensions to existing residential units will be acceptable only where they are satisfactory in terms of the following criteria:

- (a) the amenity of neighbouring residents;
- (b) impact on the existing streetscape;
- (c) impact on the existing house in terms of shape, size and height, and choice of materials;
and
- (d) size, proportion, style and alignment of doors and windows.

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.

PPAN7 - House Extensions applies.

CONSULTATIONS

None 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

The application was subject to neighbour notification. No representations were received.

ASSESSMENT

The material considerations in the assessment of this application are the Inverclyde Local Plan, PPAN 7, the impact on the existing property and wider streetscape, and the impact on the amenity of neighbouring residents.

This householder extension presents no direct conflict with Policy H1 of the Local Plan. In assessing design, I consider that this proposal is best assessed against both the requirements of policy H15 of the Local Plan and the guidance contained within PPAN 7. In first considering the side aspect of the extension with reference to PPAN 7, the guidance seeks to ensure that side extensions are set off the boundary by at least 1 metre. This is to ensure that a terracing effect where all properties extend to the boundary, effectively joining up to create the illusion of a terrace, is avoided and to ensure that the property does not dominate the plot frontage, to the detriment of the streetscape. It further ensures that access to the rear garden is maintained thus encouraging residents to store items such as bins to the rear of the property. Whilst I note the proposed extension extends to within 200 mm of the side boundary to number 44, this is consistent with the pattern of development in the locality with neighbouring properties featuring similar side extensions and attached garages extending to the boundary. Additionally, access to the rear garden remains to the opposite side of the property and the property as extended will not dominate the plot frontage. A departure from the guidance could therefore be justified in this instance.

Considering the rear aspect of the extension, the guidance within PPAN 7 advises that rear extensions should be set back from the rear boundary by 5.5 metres. This is to ensure adequate garden ground remains following the extension to the property and that the amenity of neighbouring residents to the rear is protected. The proposed extension encroaches to within approximately 4.3 metres of the rear boundary. Departures from this guidance can only be justified where there is no impact on neighbouring amenity and a large area of side garden can mitigate against the loss of rear garden ground. Although the proposed extension would not adversely

impact on neighbouring amenity, the proportion of rear garden ground given over to built development would, in my opinion, be excessive. Furthermore, I do not regard the side garden ground remaining as adequate to offset the rear garden loss. The visual impression gained would be one of overdevelopment and this is one of the consequences that PPAN 7 seeks to avoid. Discussions were undertaken with the applicant allowing the opportunity to amend the proposal to address my concerns, however he requests that the proposal is determined as it stands.

With regard to Policy H15 of the Local Plan, I am satisfied that all the relevant criteria are addressed.

In conclusion, whilst the extension will not have any unacceptable impact on the amenity of neighbouring residents, inadequate rear garden ground and thus a visual impression of overdevelopment will result from the extension encroaching to within 4.3 metres of the rear garden boundary. It is therefore considered that the extension is not appropriate for the existing house and is not in accordance with the advice and guidance contained within PPAN 7. The application should therefore be refused.

DECISION

That the application be refused.

Reasons

1. The proposal is contrary to the Council's Planning Practice Advice Note Number 7 on House Extensions in that it will encroach to within 4.3 metres of the rear boundary leaving inadequate rear garden ground, thus creating the visual impression of overdevelopment of the plot.

Signed:

Case Officer: James McColl

Stuart Jamieson
Head of Regeneration and Planning

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.



House Extensions

7.96 Since a large number of the planning applications received by the Council relate to house extensions, advice is required on those issues that are likely to arise in such cases and which the Council will wish to see addressed to its satisfaction. Most importantly, the visual impact of the proposals and their impact on the amenity of neighbouring residents require to be assessed. These matters are covered in Policy H15.

✦ Policy H15 Proposals for House Extensions ✦

Proposals for extensions to existing residential units will be acceptable only where they are satisfactory in terms of the following criteria:

- (a) *the amenity of neighbouring residents;*
- (b) *impact on the existing streetscape;*
- (c) *impact on the existing house in terms of shape, size and height, and choice of materials;*
and
- (d) *size, proportion, style and alignment of doors and windows.*

[Note: These issues are addressed in detail in PPAN 7, under Policy DC1]

Residential Development on Upper Floors of Commercial Premises

7.97 There are many premises on the floors above commercial uses in the Town and Local Centres, and other localities, unused and left vacant. The use of these properties for residential purposes would increase the available housing stock, would contribute to the brownfield supply and therefore reduce the need to find land for new housing. The use of such properties for residential purposes is therefore to be encouraged, and Policy R2 of the Plan includes a criterion dealing with this issue. The use of the upper floors of commercial properties for residential purposes in the Town and Local Centres would also contribute to the vitality, viability and security of these centres. Residents of such properties make use of the shops and services located within the centres and generate activity in the evening when shoppers and workers have departed. However, Policy R12 seeks to restrict the circumstances where residential uses exist above hot food take-aways to the town and local centres.

Improvement of Dwellings and Housing Action Areas

7.98 Within the central areas of the major urban centres, there are pockets of properties comprising of terraces, tenements and villas, many of which are in multiple owner occupation and are in an unsatisfactory condition (or below 'tolerable standard'). The rehabilitation of these properties is consistent with the Plan's strategy of sustainable re-use of existing buildings within the urban area. Although the Council is financially limited in the measures it can take to address these problems it does propose, in conjunction with Communities Scotland and the housing associations, to continue a programme of rehabilitation schemes within the 'Housing Action Areas' (HAA's).

7.99 HAA schemes, because many are focused on tenemental properties and/or in multiple owner occupation (for which there are no permitted development rights), and because they usually involve external rehabilitation, will usually have development implications. Problems can arise where budget constraints lead to compromises being suggested in relation to the quality of design and finishing materials. Policy H16 is therefore included below to address specifically the design aspects of HAA-related development proposals. These proposals will also be assessed against the provisions of other relevant Local Plan policies and the detailed design advice in the PPANs, under Policy DC1, as and when appropriate.

Policy H16 Improvement of Dwellings in Housing Action Areas

Proposals for the improvement of dwellings, including those in Housing Action Areas, will be acceptable where they have had regard to the Planning Practice Advice Notes, where applicable.

Ch 18

Ch 8, Pol R2, p122

Ch 8, Pol R12, p123

App C

Ch 18

CHAPTER 18 : DEVELOPMENT CONTROL ADVICE

CONTEXT

18.1 Inverclyde Council receives over 400 applications for planning, listed building and advertisement consent each year. There is a statutory obligation to decide applications within two months, with the Government setting targets of 90% for householder, 85% for minor business and industry and overall, 80% for all applications being determined within the statutory period.

18.2 Considerable delays can result when proposals require amendment and applicants often face the additional expense of preparing revised plans and notifying neighbours.

18.3 Sixteen planning practice advice notes (PPAN's) have been prepared with the intention of providing detailed guidance which if followed, will assist clients wishing to receive planning permission within the statutory period and this will also assist the Council in achieving Government targets.

18.4 To establish good practice the overarching context upon which the sixteen planning practice advice notes have been prepared is set down in Policy DC1.

** 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.

Table 18.1 Planning Practice Advice Notes

PPAN No. 1	Backland and Tandem Development
PPAN No. 2	Single Plot Residential Development
PPAN No. 3	Private & Public Open Space Provision in New Residential Development
PPAN No. 4	Residential Care in the Community
PPAN No. 5	Design & Siting of Houses in the Countryside
PPAN No. 6	Design Guidelines for Farm Buildings in the Countryside
PPAN No. 7	House Extensions
PPAN No. 8	Balconies
PPAN No. 9	Dormer Windows
PPAN No. 10	Roof Lights in Listed Buildings and Conservation Areas
PPAN No. 11	Replacement Windows
PPAN No. 12	Shopfront Design
PPAN No. 13	Signage and Advertisement
PPAN No. 14	Satellite Television Dishes
PPAN No. 15	Garden Decking
PPAN No. 16	Planning Enforcement

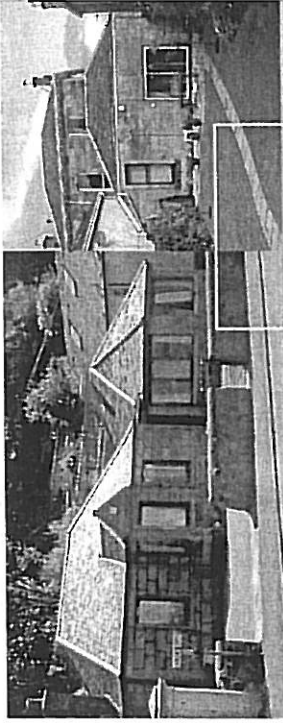
18.5 As new issues arise, further PPAN's will be prepared, if considered necessary, and would have the same status as currently approved PPAN's under Policy DC1.



Inverclyde
Development
Control Returns
to SEDD

Other PPAN's available:

- PPAN No. 1 Backland and Tandem Development
- PPAN No. 2 Single Plot Residential Development
- PPAN No. 3 Private & Public Open Space Provision in New Residential Development
- PPAN No. 4 Residential Care in the Community
- PPAN No. 5 Design & Siting of Houses in the Countryside
- PPAN No. 6 Design Guidelines for Farm Buildings in the Countryside
- PPAN No. 7 House Extensions
- PPAN No. 8 Balconies
- PPAN No. 9 Dormer Windows
- PPAN No. 10 Roof Lights in Listed Buildings and Conservation Areas
- PPAN No. 11 Replacement Windows
- PPAN No. 12 Shopfront Design
- PPAN No. 13 Signage and Advertisement
- PPAN No. 14 Satellite Television Dishes
- PPAN No. 15 Garden Decking
- PPAN No. 16 Planning Enforcement



**PLANNING PRACTICE
ADVICE NOTE - No. 7**

HOUSE EXTENSIONS

Regeneration and Planning
Cathcart House
6 Cathcart Square
Greerlock PA15 7LS

Tel: 01475 712406 / 2842
Fax: 01475 712468
E-mail: devcont.planning@inverclyde.gov.uk
web: www.inverclyde.gov.uk



Inverclyde
Council

Revision 'A' - March 2004
Revision 'B' - March 2008
Revision 'C' - November 2008
Revision 'D' - April 2010

Inverclyde
Council
regeneration and planning

PLANNING PRACTICE ADVICE NOTE No. 7

HOUSE EXTENSIONS

Introduction

Extending is a popular way of adapting a house to meet the changing needs of its occupants and is an alternative to moving house. This advice note offers guidance on how a house can be extended and seeks to achieve a reasonable balance between the interests of those wishing to extend and the interests of their neighbours.

Rear Extensions

(refer to figures 7. 1 to 7. 6)

1. Extensions should be designed so as not to cross a 45 degree line from the mid point of the nearest ground floor window of the adjoining house, or extend to a maximum of 3.5 metres from the rear wall of the existing house, whichever is the greater.
2. Where the other half of a semi-detached house has already been extended and that extension exceeds 3.5 metres, then the house may be extended to equal size.
3. An extension should not encroach within 5.5 metres of the rear garden boundary.
4. Side windows which overlook neighbouring gardens should be avoided. Where appropriate, screen fencing along the side boundary may be considered to eliminate overlooking.
5. The extension should be designed to match the materials of the existing house.
6. The off street parking requirements of the Council's Roads Development Guide, 1995 shall be met.

REAR EXTENSIONS

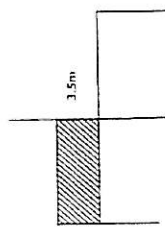


figure 7. 1

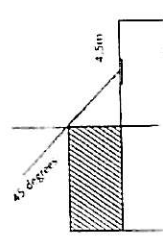


figure 7. 2

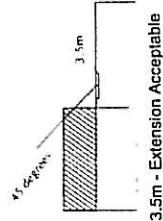


figure 7. 3

Side Extensions

1. Side windows which overlook neighbouring gardens should be avoided. Where appropriate, screen fencing along the side boundary may be considered to eliminate overlooking.
2. Windows which are visible from public areas shall match the scale, proportions and materials of those on the existing house.
3. Extensions should be pitched roofed to match the existing house.
4. Extensions should be set back at least 1.0 metre from the site boundary.
5. The off street parking requirements of the Council's Roads Development Guide, 1995 shall be met.

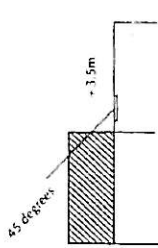


figure 7. 4

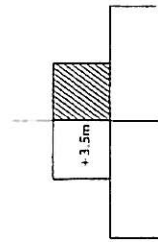


figure 7. 5

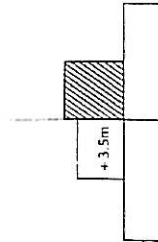


figure 7. 6

Front Porches

Porches should be pitched roofed to match the existing house. Base courses should be finished in materials to match the existing house.

Conservatories

1. Conservatories should be designed so as not to cross a 45 degree line from the mid-point of the nearest window of the adjoining house, or extend a maximum of 3.5 metres from the wall of the existing house, whichever is the greater.
2. Conservatories should generally be located in the rear garden and be largely obscured from public view.
3. Side glazing which allows for overlooking of neighbouring gardens should be avoided. Where appropriate, screen fencing along the side boundary may be considered to eliminate overlooking.
4. Base courses should be finished in materials to match the existing house.
5. Where the other half of a semi-detached house has already been extended and that extension exceeds 3.5 metres, then the conservatory may extend to equal size.
6. A conservatory should not encroach within 5.5 metres of the rear garden boundary.

DECISION NOTICE

Refusal of Planning Permission

Issued under Delegated Powers

Inverclyde
council

Regeneration and Planning
6 Cathcart Square
Greenock PA15 1LS

10/0103/IC

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

Mr Henderson Fraser
46 Lomond Road
Wemyss Bay
PA18 6BD

Drawings Direct Per Gerry Poutney
2 Bothwellpark Place
Bellshill
UK
ML4 3LL

With reference to your application dated 6th April 2010 for planning permission under the above mentioned Act and Regulation for the following development:-

Erection of single storey extension at

46 Lomond Road, Wemyss Bay, PA18 6BD,

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 proposal is contrary to the Council's Planning Practice Advice Note Number 7 on House Extensions in that it will encroach to within 4.3 metres of the rear boundary leaving inadequate rear garden ground, thus creating the visual impression of overdevelopment of the plot.

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

Dated this 30th day of July 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:

Drawing No:	Version:	Dated:
10-03-04 (PL)01		01.03.2010
10-03-04 (PL)02		01.03.2010

2032.

NOTICE OF REVIEW

LEGAL SERVICES
RECEIVED 31 AUG 2010
ACTION 2642

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 MR. H. FRASER
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WEMYSS BAY
Postcode PA 18 6BD
Contact Telephone 1
Contact Telephone 2
Fax No.
E-mail*

Agent (if any)

Name DRAWINGS DIRECT
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Contact Telephone 1 01698 840726
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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 INVERCLYDE

Planning authority's application reference number 10/0103

Site address 46 LOMOND ROAD, WEMYSS BAY

Description of proposed development ERECTOR OF SINGLE STOREY EXTENSION

Date of application 6.4.2010 Date of decision (if any) 30.7.2010

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 type="checkbox"/> | <input checked="" 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 STATEMENT

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.

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.

1. Copy of Decision Notice
2. DRAWING No.s 10-03-04 (PL)01
10-03-04 (PL)02
3. COPY OF REPORT OF HANDLING
4. SUPPORTING STATEMENT

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

[Signature box]

Date

26.8.2010.

Supporting statement for Notice of Review

Planning reference: 10/0103

Location: 46 Lomond Road, Wemyss bay

Proposal: This application relates to the construction of a single storey extension to the rear and side property built circa 1970's as indicated on drawings No.10-03-04(PL) 01 and 02

Reason for review: Disagree with the reasoning of the refusal notice based solely on the principal that the proposal would result in overdevelopment of the site

The application has been refused under the guidelines of PPAN 7 in relation to distance of the rear extension being less than the recommended 5.5m. from the boundary.

Whilst I accept the reason for this dimension it must however be taken into context with regards the type of property. The 5.5m requirement is more than adequate for newer buildings where the planning authority have ensured the minimum rear garden distance of 10m is achieved and therefore a 4metre extension projection would be easily accommodated. However at the time this property was constructed, a garden depth of 8.3metre was acceptable. It is therefore unreasonable to expect full compliance with current standards in this instance.

The refusal notice states that the extension, built 4.3metres to the boundary, will have a visual impact of overdevelopment of the rear garden as the proportion of the rear garden given over to built development would be excessive

The area of the back garden is approximately 109.8m². The rear extension extends 4 metres from the existing property and covers an area of 23.8m². This leaves a remaining garden area of 86m². The area taken up by the rear extension represents 21% of the rear garden being developed. This clearly does not equate to overdevelopment of the rear garden

It is therefore unreasonable to refuse the application in this instance as adequate garden remains following the extension and, as agreed by the planning case officer, the amenity of the adjacent properties is not compromised

It should also be noted that under the terms of the Town and Country Planning (General Permitted Development) (Scotland) order 1992, should the rear extension be built on its own, it would **not** require planning consent. The side aspect of the proposal although not compliant with PPAN 7 guidelines would be generally acceptable to planning as it is consistent with the pattern of developments in the locality with neighbouring properties featuring similar side extensions and attached garages extending to the boundary. See attached photos No.1, No.2

If we were to take both extensions separately it would be unreasonable to expect a house holder to build this rear extension under permitted development, then apply for planning consent to remove part of it to accommodate the new side extension proposal. This clearly is not in the spirit of the new planning legislation where it was intended to modernise the planning system and to make it more efficient.

I therefore kindly ask the review panel to look upon this local review favourably.

Photo 1



Photo 2



Conditions

1. That the development to which this permission relates must be begun within 3 years from the date of this permission.
2. That prior to the commencement of work on site, full details of all external finishes, be submitted to and approved by the planning authority. Works will then proceed on the basis of the details submitted or any alternative 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 external finished are appropriate for the existing building and wider streetscape.