

## **Inverclyde Local Review Body**

**Our Ref: 10/0103/IC**

### **REVIEW DECISION NOTICE**

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 46 Lomond Road, Wemyss Bay
  - Application for Review by Drawings Direct on behalf of Mr Henderson Fraser against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 10/0103/IC
  - Application Drawings: 10-03-04 (PL) 01 - Existing Plan and Elevations  
10-03-04 (PL) 02 - Proposed Plan and Elevations
  - Date of Review Decision Notice: 23 November 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 3 November 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 single storey side and rear wrap around extension at 46 Lomond Road, Wemyss Bay. The application was refused consent in terms of a decision letter dated 30 July 2010.

### 3. Preliminaries

3.1 The ILRB members were 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 30 July 2010;
- (iv) Decision Notice dated 30 July 2010;
- (v) Notice of Review and supporting documents dated 26 August 2010;
- (vi) Draft conditions should the ILRB be minded to grant planning permission;

3.2 Having regard to the material before the ILRB 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 and Planning Practice Advice Note No 7 (House Extensions) and, in particular, whether the proposal would result in overdevelopment of the site.

4.2 It was acknowledged by the ILRB that the rear extension part of the proposal, if taken separately, would not require planning permission in terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992. The side extension part of the proposal, if taken separately, would however require an application for planning consent.

4.3 However, the ILRB determined that the proposal as submitted was not compliant with the guidelines contained in Planning Practice Advice Note No 7 (House Extensions). Therefore, having regard to the whole circumstances, the ILRB concluded that the application had been correctly refused for the reason given in the Decision Notice dated 30 July 2010; namely:

- 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.

4.4 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.