

Inverclyde Local Review Body

Our Ref: 10/0161/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 107 Eldon Street, Greenock
 - Application for Review by Mr Frank Findlay against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 10/0161/IC
 - Application Drawings: Location Plan
Title Plan
Existing Plan
Proposed Plan
 - 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 installation of replacement front windows at 107 Eldon Street, Greenock. The application was refused consent in terms of a decision letter dated 13 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 9 July 2010;
- (iv) Decision Notice dated 13 July 2010;
- (v) Notice of Review and supporting documents dated 31 August 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 Policies HR11 and HR12 of the Inverclyde Local Plan, Planning Practice Advice Note No 11 (Replacement Windows), Historic Scotland's Guidance on Listed Buildings and Conservation Areas and the impact the proposal would have on the architectural integrity of the building and the wider conservation area.

4.2 Having regard to the whole circumstances, the ILRB determined that the proposal, in particular the lack of a stepped profile or sash and case appearance, did not conform to Local Plan Policy or Council and Historic Scotland guidelines and would substantially change the appearance of the building which would have an adverse effect on its visual and architectural integrity. Further, the proposal would not be in keeping with the traditional character of the Greenock West End Conservation Area.

4.3 The ILRB concluded that the application had been correctly refused for the reasons given in the Decision Notice dated 13 July 2010, namely:

- (1) The style and design of the replacement windows unacceptably alter the appearance of the frontage of the building to the detriment of its architectural integrity and the character of the Greenock West End Conservation Area. As such the proposal is contrary to Policies HR11 and HR12 of the Inverclyde Local Plan, the Council's Planning Practice Advice Note No 11 on Replacement Windows and Historic Scotland's Guidance on Listed Buildings and Conservation Areas.

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.