

Inverclyde Local Review Body

Our Ref: 10/0087/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 32 Auchenbothie Road, Port Glasgow
 - Application for Review by Mr and Mrs Watson against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 10/0087/IC
 - Application Drawings: Location Plan
 Elevation and Section as Proposed
 Elevations as Existing and Proposed
 Plans as Existing and Proposed
 - Date of Decision Notice: 23 November 2010
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions listed below. 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 Review Body 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 rear extension at 32 Auchenbothie Road, Port Glasgow. The application was refused consent in terms of a decision letter dated 25 June 2010.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application and plans specified above;
 - (ii) The Appointed Officer's Report of Handling dated 24 June 2010;
 - (iii) Site photograph;
 - (iv) Decision Notice dated 25 June 2010;
 - (v) Notice of Review and supporting documents dated 3 September 2010;
 - (vi) Draft Conditions should the ILRB be minded to grant planning permission.

3.2 Having regard to the material produced 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. **Reasons**

4.1 The determining issue in this review is whether the personal circumstances of the applicant should outweigh normal planning considerations.

4.2 The application had been refused as

- (a) the proposed extension would unacceptably reduce the available garden ground leading to an overdevelopment of the plot to the detriment of the established pattern of development;
- (b) the proposed extension would unacceptably reduce the daylight to the windows to neighbouring property to the detriment of the amenity of neighbouring residents;
- (c) the proposal is contrary to the advice and guidance within Policy H1 of the Inverclyde Local Plan and the Council's Planning Practice Advice Note number 7 on House Extensions.

4.3 In the notice of review, the applicants stated that:

- (a) they had a severely disabled young relative who would benefit from a ground floor bedroom and wetroom to allow free movement around the ground floor of the property;
- (b) if the proposal was refused they would either require to find alternative suitable accommodation or a residential placement for the relative;
- (c) their neighbours have no objections to the proposal.

4.4 The ILRB noted that a similar rear extension had been constructed at 46 Auchenbothie Road and that there had been no letters of objection from neighbouring residents to the proposal. The ILRB considered that the applicants' submission was persuasive and the personal circumstances detailed therein outweighed normal planning considerations as there were special merits to the proposal that were personal to the applicant.

4.5 Having regard to the whole circumstances, taking the application on its individual merits and in light of there being no neighbourhood objections, the ILRB determined that the review application should be upheld, subject to the imposition of the conditions listed at paragraph 5 below.

5. **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 finishes are appropriate for the existing building and wider streetscape.

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.