

Inverclyde Local Review Body

Our Ref: 10/0278/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 8 Whitelea Crescent, Kilmacolm
 - Application for Review by Connell Associates on behalf of Mrs L McClymont against the decision by an Appointed Officer of Inverclyde Council
 - Application Ref: 10/0278/IC
 - Application Drawings: Location Plan
 Dwg No 01 - Ground Floor Plan as existing foundation plan and detail
 Dwg No 02A - Ground Floor Plan as proposed
 Dwg No 03 - Elevations as Existing and Proposed
 Dwg No 04 - Cross Section through Extension External Wall Detail
 - Date of Decision Notice: 16 May 2011
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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 4 May 2011. The Review Body was constituted by Councillors D Wilson (Chair), K Brooks, G Dorrian, T Fyfe, T Loughran, C McCallum, R Moran, I Nelson and L Rebecchi.

2. Proposal

- 2.1 The application proposal is for the erection of a single storey wrap-a-round extension to the side and rear of the property. To the rear, the extension will project 4 metres from the rear wall of the house and be within 4.4 metres of the rear boundary. To the side, the extension will project approximately 2.75 metres and encroach within 150mm of the side boundary. The total floor area of the extension will be 37 square metres. It will be finished in materials to match the existing house, and the garage within the rear garden will be removed to accommodate the extension. The application was refused consent in terms of a decision letter dated 8 February 2011.

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 4 February 2011;
- (iii) Site photographs
- (iv) Consultation Response dated 9 December 2010;
- (v) Letter of Representation dated 21 December 2010;
- (vi) Decision Notice dated 8 February 2011;
- (vii) Notice of Review and supporting documents dated 21 February 2011;
- (viii) 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 the effect the proposed parking space within the front garden area of the application site will have on the wider streetscape and pedestrian and road safety, having regard to the provisions of the Roads Development Guide and PPAN 7.

4.2 The application had been refused as

- (a) Adequate off street parking cannot be provided. Vehicles will potentially overhang the footway forcing pedestrians into the roadway to the detriment of their safety. Vehicles using the proposed parking space within the front garden will cross the footway at an angle, also prejudicing pedestrian and road safety. On street parking may also result in close proximity to the junction with Whitelea Avenue, creating conflict between vehicles to the detriment of road safety.
- (b) The proposed parking space within the front garden area will result in vehicles being parked across the frontage of the property, to the detriment of the wider streetscape.

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

- (a) The extension is required to provide bedroom, bathroom and storage accommodation at ground floor level for a young relative with severe physical disabilities.
- (b) Providing two parking spaces able to approach the road at right angles would require nose to tail parking and a driveway of at least 10 metres. This would prevent any extension to the side of the property and effectively deny any design solution to the disability accommodation necessary.
- (c) Whitelea Crescent is a quiet residential access road with no through traffic. The proposal does achieve the two parking spaces required by the Appointed Officer, albeit with the second parking space being at an angle of twenty degrees to the road.

4.4 The ILRB noted that the Appointed Officer had used his discretion in order to reduce the number of off-road parking spaces required in connection with the proposal in terms of the Roads Development Guide from 3 to 2.

4.5 Having regard to the whole circumstances and taking the application on its individual merits, the ILRB was of the view that the applicants had demonstrated persuasive evidence in support of their case and were of the opinion that the car parking requirements for the proposal were adequate in the circumstances. The ILRB determined that the proposal would not be detrimental to the streetscape of Whitelea Crescent and would not prejudice pedestrian and road safety in accordance with the Roads Development Guide.

4.6 The ILRB also noted the personal circumstances detailed in the applicant's submission and were sympathetic to them. However, these were circumstances exceptional to this application and should not be taken in any way to establish a precedent for future parking arrangements of this type in the area.

5. **Conditions**

- 1 That the development to which this permission relates must be begun within five years from the date of this permission.
- 2 That prior to the commencement of work on site, samples of all external materials to be used in construction are submitted to and approved in writing by the planning authority. Works shall then proceed utilising the approved materials 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 materials are appropriate for the existing house, in the interests of visual amenity.

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.