

Inverclyde Local Review Body

Our Ref: 11/0018/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Upper Flat, 39A Tower Drive, Gourock
 - Application for Review by Mr G Brown against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 11/0018/IC
 - Application Drawings: A4 1: 1250 Location Plan
Site Photographs
Dimension Plans
 - Date of Review Decision Notice: 12 October 2011
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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 firstly at a meeting held on 3 August 2011. The ILRB was constituted by Councillors D Wilson (Chair), K Brooks, G Dorrian, T Fyfe, T Loughran, R Moran, I Nelson, L Rebecchi and G White. The ILRB resolved that:
 - (i) there was insufficient information before the ILRB to decide the matter without further procedure; and
 - (ii) the application be deferred to a future meeting of the ILRB to allow Historic Scotland to submit further information by means of a written submission in relation to their views on the contemporary design, contemporary door furniture and dark stained finish of the front door.
- 1.3 This written submission was available for the consideration of the ILRB which convened on 5 October 2011. The ILRB was constituted by Councillors D Wilson (Chair), G Dorrian, T Loughran, R Moran, I Nelson, L Rebecchi and G White.

2. **Proposal**

- 2.1 The application proposal is for planning permission for the installation of new front door and erection of garden shed (all in retrospect) at Upper Flat, 39A Tower Drive, Gourrock.

3. **Preliminaries**

- 3.1 The ILRB members were provided with copies of the following:

- (i) Planning Application, plans and photographs specified above;
- (ii) Site photographs;
- (iii) The Appointed Officer's Report of Handling dated 25 March 2011;
- (iv) Decision Notice dated 31 March 2011;
- (v) Notice of Review and supporting documents dated 27 June 2011;
- (vi) Inverclyde Local Plan Policies HR14 - Alterations and Extensions to Listed Buildings and HR15 - The Setting of Listed Buildings and Historic Scotland's Managing Change in the Historic Environment Guidance Note on Doorways; and
- (vii) Written submission from Historic Scotland dated 30 August 2011.

- 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 Policies HR14 and HR15 of the Inverclyde Local Plan and Historic Scotland's Managing Change in the Historic Environment Guidance Note on Doorways and the impact the proposal would have on the character and appearance of the listed building.

- 4.2 Having regard to the whole circumstances the ILRB concluded that the application had been correctly refused for the reasons given in the Decision Notice dated 31 March 2011, namely:

- 1. the front door installed, by virtue of its contemporary design, contemporary door furniture and dark stained finish has an unacceptable impact on the character and appearance of the listed building and is thus contrary to the guidance and policy contained within policy HR14 of the Inverclyde Local Plan or Historic Scotland's Managing Change in the Historic Environment Guidance Notes.

- 4.3 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.