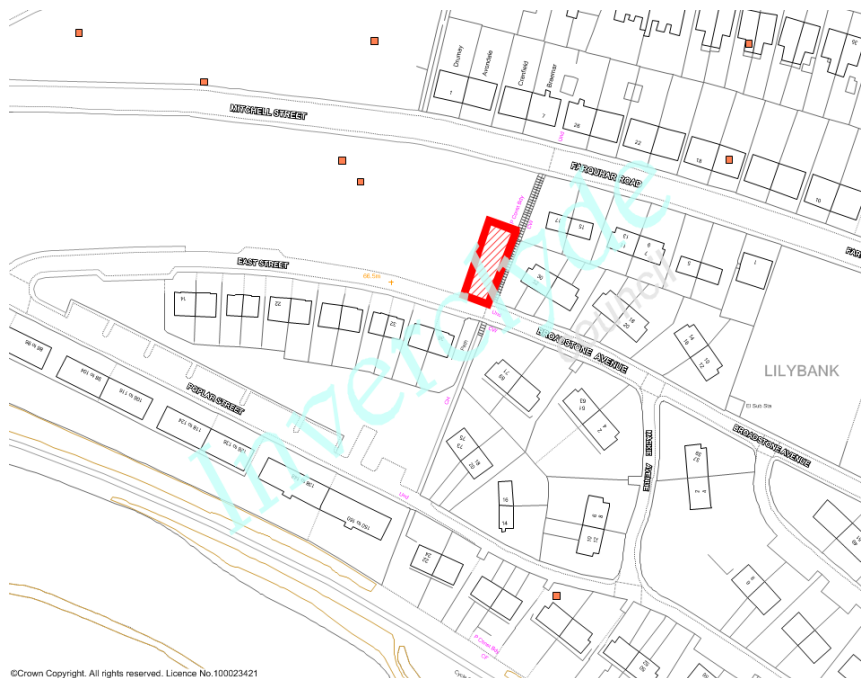


Report To:	The Planning Board	Date:	5th September 2012
Report By:	Head of Regeneration and Planning	Report No:	12/0180/IC Plan 09/12
			Local Application Development
Contact Officer:	David Ashman	Contact No:	01475 712416
Subject:	Construction of diaphragm retaining wall to east of plot (amendment to planning permission IC/05/287), in retrospect at Plot 93, East Street, Greenock		

SITE DESCRIPTION

The application site consists of a house plot on East Street forming part of the Persimmon Gibshill Neighbourhood Renewal site. It is located at the eastern end of the development, adjacent to a public footpath and narrow verge. It is part of a row of dwellings that have been constructed on steeply sloping ground between East Street and Mitchell Street. Older, more established housing is located on the opposite side of the footpath beyond a boundary hedge. The dwellinghouse has already been constructed together with the diaphragm wall forming the subject of this application.



PROPOSAL

Planning permission is sought in retrospect for the diaphragm retaining wall. The original approved plans for the development (under planning permission IC/05/287) did not show any retaining wall at this location. In a supporting statement the applicant has acknowledged that although information was provided with the original application it did not fully take account of the

constraints of the site and the requirements of other legislation. Development of the site was based on a final engineering survey which differed from that for the original planning permission. The result of this is that garden levels are more elevated than was originally proposed.

The retaining wall, which is approximately 11.2 metres in length, was constructed to support the dwellinghouse and driveway on plot 93 due to a levels difference between the house plot and the adjacent footpath varying between 0.5 metres and approximately 4.5 metres. The height of the retaining wall varies in accordance with these levels. The levels differences mainly arose from the dwellinghouse and the associated garden ground having to be developed in such a manner as to address the requirements for disabled access. The wall has been finished in a facing red brick.

LOCAL PLAN POLICIES

Local Plan Policy H1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of existing residential areas, identified on the Proposals Map, will be safeguarded, and where practicable, enhanced. New residential development will be acceptable, in principle, subject to other relevant Local Plan policies.

Local Plan Policy H3 - Support for Designated Renewal Areas

Inverclyde Council will support, in principle, residential and community development in Inverclyde's Social Inclusion Partnership (SIP) areas, and other designated renewal areas, in particular the "New Neighbourhoods", identified on the Proposals Map, where the proposals support the Council's corporate and agreed partnership priorities and satisfy other relevant policies of the Local Plan.

CONSULTATIONS

No consultations were required on this application.

PUBLICITY

The nature of the proposal did not require advertisement.

SITE NOTICES

The nature of the proposal did not require a site notice.

PUBLIC PARTICIPATION

The application was the subject of neighbour notification. Two letters of objection have been received. The points of objection may be summarised as follows:

- 1) Concern that the wall is indicative of the dwellinghouse being the wrong height.
- 2) Concerns re dirt from the development being brought into the objectors' house from neighbouring construction.
- 3) Concerns re construction noise.
- 4) Loss of privacy.
- 5) Loss of sunlight.
- 6) Concerns re impact on parking.
- 7) Loss of view.
- 8) The building has adversely impacted on the sale value of the neighbouring house.

ASSESSMENT

The material considerations in determination of this application are the Local Plan and the letters of representation.

Retaining walls are characteristic of plot developments on a sloping site. Furthermore, as the Gibshill Renewal Area project has proceeded retaining walls have been a common landscape feature. I am therefore satisfied that, in principle, the construction of a retaining wall is characteristic of developments within the area and in accord with policy H1. It remains to be considered if there are any specific adverse effects of this wall which suggest that planning permission should not be granted in retrospect.

With respect to appearance, the wall is finished in a red brick skin. Facing brick has been used in the new housing and the finish of the wall is within context. The highest part of the wall, at approximately 4.5 metres above the public footpath is a significant height. It is, however, to the side of the both the dwelling which it supports and the houses on the opposite side of the public footpath. In assessing the visual impact of the wall it has to be considered who it will impact upon. The main visual receptors are users of the public footpath and the occupants of the adjacent houses at 30 and 32 Broadstone Avenue. Users of the footpath are transitory and any visual impact is temporary. I am also satisfied that the width of the path, the set back position of the wall and the short distance does not present an unacceptable sense of enclosure to users of the path. In assessing the impact of the increased height of the wall on the neighbouring residents it has to be considered that the wall is on the opposite side of a public footpath and not immediately bordering the dwellings. The key views from these houses are directed out of the habitable room windows northwards and southwards. The wall does not impact on the main field of vision from these windows. It is, however, visible when viewed from the garden areas, more particularly the side and rear gardens.



In reaching a conclusion on the impact of the wall on these residents I am influenced by several factors. All of the wall is not visible from their gardens; a hedge up to 1.8 metre in height runs along the length of their garden boundary and although parts of the wall can be seen projecting above the hedge I am satisfied that its visual impact is lessened by the boundary hedge and does not unacceptably impact on the enjoyment of their gardens. I also consider that the retaining wall has to be viewed within the context of the dwellinghouse constructed on plot 93 in accordance with the original planning permission. This has the potential for far greater visual impact than the retaining wall and I note that no objection was submitted to the original application for the dwelling.

I am therefore satisfied that the proposal is acceptable in principle, although it has to be considered if there are any other material considerations which suggest that planning permission should not be granted. In this respect consideration requires to be given to the points of objection not already addressed.

Some of the points of objection can only be considered insofar as they relate to the wall and its construction. I am satisfied that the dwellinghouse has been constructed to the correct height.

As construction of the wall has been completed the issues of noise and dirt from its construction are not considerations in determination of the application. I do not consider that the wall causes a loss of privacy. The narrow area of side garden it encloses is screened by a 1.8 metre high timber fence. The wall does not itself cause a loss of sunlight. The wall does not impact upon any parking problems being experienced by the objectors and these comments cannot be taken as relevant to consideration of the application. While I note concern over loss of views, any such loss may not be taken into consideration. Concerns in respect of the effects of the wall on the valuation of properties are not material to determination of the application.

I therefore consider that there are no material considerations suggesting that planning permission should not be granted.

RECOMMENDATION

That the application be granted.

Stuart Jamieson
Head of Regeneration and Planning

BACKGROUND PAPERS

1. Application form and plans
2. Inverclyde Local Plan.
3. Planning permission IC/05/287
4. Letters of representation.



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