

Inverclyde Local Review Body

Our Ref: 12/0131/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Woodbourne, Wemyss Bay Road, Wemyss Bay
 - Application for Review by Canata & Seggie on behalf of Mr Walter Ritchie against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 12/0131/IC
 - Application Drawings: Drawing No. 2192-PL-001 - existing block plan
Drawing No. 2192-PL-002 - proposed block plan, floor plan, elevations and section A-A
 - Site Inspection took place on 4 January 2013
 - Date of Review Decision Notice: 28 January 2013
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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 5 December 2012. The ILRB was constituted by Provost R Moran, Councillors T Loughran, J McColgan, I Nelson and D Wilson. At that meeting, the members of the ILRB decided that they wished to carry out a site visit before making a decision in respect of this matter. The meeting was adjourned to allow a site visit to be carried out and said site visit took place on 4 January 2013. The ILRB reconvened on 9 January 2013 to determine the matter. The ILRB on 9 January 2013 was constituted by Provost R Moran, Councillors T Loughran, J McColgan, I Nelson and D Wilson.

2. **Proposal**

- 2.1 The application proposal is for planning permission for the construction of an approximately 75 square metre and 5.1 metre high profile steel sheet wall and roofed cladded mobile home garage parallel to the north (side) elevation of the existing outbuilding at Woodbourne, Wemyss Bay Road, Wemyss Bay. The profile steel sheet walls are to be coloured red and the profile steel sheet roof is to be coloured slate grey. Screen planting is proposed along the north (side) elevation and the east (rear) elevation. The application was refused consent in terms of a decision letter dated 6 June 2012.

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 31 May 2012;
- (iv) Consultation responses in respect of the planning application;
- (v) Decision Notice dated 6 June 2012;
- (vi) Notice of Review and supporting documents dated 5 September 2012; and
- (vii) Draft conditions should the ILRB be minded to grant planning permission.

- 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 determining issue in this review was the visual impact of the proposed materials.
- 4.2 The ILRB determined that the proposed materials would be out of place and that the location was inappropriate for an industrial style building.
- 4.3 Having regard to the whole circumstances and taking the application on its individual merit, the ILRB concluded that the application had been correctly refused for the reason given in the Decision Notice dated 6 June 2012, namely:-

the overall profiled metal sheet finish gives the garage an industrial character and appearance, with an adverse visual impact, unexpected within a domestic garden and, as such, fails to meet Local Plan Policy H1's aim of safeguarding residential character and amenity, as set out in the Decision Notice dated 6 June 2012.

- 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.