

Local Review Body

4 December 2013

Planning Application for Review

Mr A Marsh

**Erection of Conservatory and Decking to rear of property:
17 Cullen Crescent, Inverkip (13/0140/IC)**

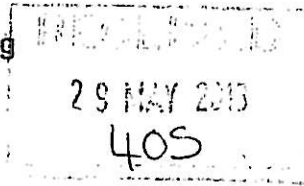
Contents

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PLANNING APPLICATION AND PLANS

Regeneration and Planning
Development Control & Conservation
Inverclyde
council

Head of Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY



MM CHERLINGTON GP

FOR OFFICIAL USE ONLY

Reference No. 13/0140/1C
Date of Receipt 29/05/10
Fee Paid £ 192.00
Date Fee Received
Date Valid
Receipt No.

PLANNING APPLICATION

Town & Country Planning (Scotland) Acts

The undemoted applicant hereby makes application for Planning Permission for the development described on this form and the accompanying plans.

see note 1

1. Particulars of Applicant	Particulars of Agent (if any) acting on applicants behalf:
Name <u>MR & MRS A. MARSH</u>	Name <u>KENNETH WOTHERSPOON</u>
Address <u>17 CULLEN CRESCENT</u>	Address <u>1 HOLM COURT</u>
<u>INVERKIP</u> Postcode <u>PA16 0HY</u>	<u>CROSSFORD</u> Postcode <u>ML8 5GR</u>
Telephone Number [REDACTED]	Telephone Number <u>01555 860144</u>
	Profession <u>BUILDING SURVEYOR</u>

see note 2

2. Description of Development	
<u>REVISION OF A CONSERVATORY</u>	
<u>6 PROPOSED DECKED AREA TO REAR OF DWELLING</u>	
Site Location <u>17 CULLEN CRESCENT, INVERKIP, PA16 0HY</u>	
Site Area (hectares) <u>780 M²</u>	Number of dwellinghouses proposed <u>0</u>
	New gross floorspace (sq. metres) <u>15.75M²</u>

see note 3

3. Application Type (Tick appropriate box/es)	
(a) Permission in Principle <input type="checkbox"/>	(c) Detailed Permission <input checked="" type="checkbox"/>
(b) Approval of Matters specified by conditions <input type="checkbox"/>	(d) Change of Use of land/buildings <input type="checkbox"/>
(e) Other (please specify)	

see note 4

4. Applicants interest in site (Tick appropriate box)	
(a) Owner <input checked="" type="checkbox"/>	(c) Tenant <input type="checkbox"/>
(b) Lessee <input type="checkbox"/>	(d) Prospective Purchaser <input type="checkbox"/>
(e) Other (please specify)	

see note 5

5. Existing Uses

(a) Please state the existing use(s) of the land/buildings: LIVING ACCOMODATION / DWELLING HOUSE

(b) Was the original building erected before 1st July 1948? Yes / No

Has the original building been altered or extended Yes / No

If yes, please indicate nature of alteration / extension and if possible approximate dates

If the land / buildings are vacant, please state last known use: NA

see note 6

6. Access Arrangements and Parking (Tick appropriate box(es))

(a) Not Applicable [X] (e) Number of existing on site parking places []

(b) New vehicular access proposed [] (f) Number of proposed on site parking places []

(c) Existing vehicular access to be altered / improved [] (g) Detail of any available off site parking []

(d) Separate pedestrian access proposed []

see note 7

7. Drainage Arrangements (Tick appropriate box(es))

(a) Not Applicable [] (c) Connection to existing public sewer [X]

(b) Public Sewer [] (d) Septic Tank []

If (d), indicate method of disposal of effluent (e.g. soakaway, watercourse etc)

see note 8

8. Water Supply (Tick appropriate box(es))

(a) Not Applicable [X] (c) Existing private supply []

(b) Public Main [] (d) Proposed private supply []

If (c) or (d), please specify nature of supply source and proposed storage arrangements

see note 9

9. Building Materials (Complete as appropriate)

(a) Not Applicable []

(b) Outside Walls Material: FACING BRICK Colour: RED MULTI MIX

(c) Roof Covering Material: GLASS Colour: CLEAR

(d) Windows Material: UPVC Colour: WHITE

(e) Boundary Treatment Material: NA Colour: NA

see note 10

10. Landscaping

Is a landscaping/tree planting scheme proposed?

Yes No

Are any trees/shrubs to be cleared on site?

Yes No

If yes, please show details of scheme on a SITE PLAN

see note 11

11. Costings

What is the estimated costs of any works to be carried out?

£ 13,900.00

see note 12

12. Confirmation

Signature of applicant/agent.....

on behalf of Mrs Mrs. A. Marsh

Date 28/5/13

see note 13

CERTIFICATES UNDER ARTICLE 15 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)(SCOTLAND) REGULATIONS 2008

Either certificate A, B or C must be completed together with certificate D

CERTIFICATE A (To be completed where the applicant is owner of the whole application site including any access visibility splays and land required for drainage systems or water connections)

I hereby certify that:

No person other than * myself/the applicant was an owner (refer to note (a)) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application

CERTIFICATE B (To be completed where the applicant does not own the whole application site including any access visibility splays and land required for drainage systems or water connections)

I further certify that:

* I have/the applicant has given the requisite notice (Notice No 1) to all persons other than * myself / the applicant who at the beginning of the period of 21 days ending with the date of the accompanying application were (refer to note (a)) owners of any part of the land to which the application relates.

Name(s) of Owner	Address(es)	Date of Service of Notice(s)
.....
.....
.....

* Delete whichever is inappropriate

NOTE (a) Any person who in respect of any part of the land is the proprietor of the dominium utile or is the lessee under a lease thereof of which not less than 7 years remains unexpired.

CERTIFICATE C (To be completed in EVERY CASE)

I further certify that:

* (1) None of the land to which the application relates constitutes or forms part of an agricultural holding

* (2) ~~I have/the applicant has given the requisite notice to every person other than myself/himself who at the beginning of the period of 21 days ending with the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates~~

Name(s)	Address(es)	Date of Service of Notice(s)
.....
.....
.....

CERTIFICATED

~~I confirm that I have been unable to notify all parties under Certificates A, B and C~~

* Delete whichever is inappropriate

Signature of Applicant/Agent 

On behalf of MR & MRS. A. MARSH

Date 28/5/13

see note 15

CHECKLIST - The following documentation should be submitted:

please tick all boxes

TWO APPLICATION FORMS

DESIGN & ACCESS STATEMENT
(National and Major applications only)

TWO SETS OF PLANS

PRE-APPLICATION CONSULTATION REPORT
(National and Major applications only)

FEE (Where appropriate)

WARNING

If any person issues a certificate which purports to comply with the requirements of Section 35 of The Town and Country Planning (Scotland) Acts, and contains a statement which he knows to be false or misleading in a material particular or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Revision 'A' - November 2008
Revision 'B' - December 2008
Revision 'C' - July 2009
Revision 'D' - October 2009
Revision 'E' - October 2011

SITE PHOTOGRAPHS







REPORT OF HANDLING DATED 26 JULY 2013

REPORT OF HANDLING

Report By: Guy Phillips

Report No: 13/0140/IC

Local Application
Development

Contact
Officer: 01475 712422

Date: 26th July 2013

Subject: Erection of conservatory and decking to rear of property at
17 Cullen Crescent, Inverkip

SITE DESCRIPTION

17 Cullen Crescent, Inverkip is a modern, two storey house, with an integral garage on the north-east side of the street. Similar houses adjoin to either side. To the north-west (rear) is Lairds Dyke. The site slopes down from front to rear. As a result, there is approximately 1.1m of underbuilding at the rear elevation. Rear garden boundary treatment comprises a mix of approximately 1.8m high hedging and timber fencing.

PROPOSAL

It is proposed to construct an approximately 16 square metre conservatory and 17 square metre timber deck across the full width of the rear elevation. The conservatory is approximately 3.5m from the side garden boundary with No 15 and the timber deck approximately 9m from the side garden boundary with No 19. The floor level of the conservatory and deck is that of the house, raised approximately 1.335m above the ground. In order to prevent overlooking of the adjoining rear garden at No 15, its south-west side windows are fitted with obscure glazing.

DEVELOPMENT 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 H15 - Proposals for House Extensions

Proposals for extensions to existing residential units will be acceptable only where they are satisfactory in terms of the following criteria:

- (a) the amenity of neighbouring residents;
- (b) impact on the existing streetscape;
- (c) impact on the existing house in terms of shape, size and height, and choice of materials;
and
- (d) size, proportion, style and alignment of doors and windows.

Local Plan Policy DC1 - Development Control Advice

Inverclyde Council, as Planning Authority, will support applications for planning, listed building and advertisement consent, where applicable, which accord with the principles established in the Council's Planning Practice Advice Notes.

The relevant PPANs in this instance are 7 "House Extensions" and 15 "Garden Decking".

PROPOSED LOCAL DEVELOPMENT PLAN POLICIES

Policy RES1 - Safeguarding the Character and Amenity of Residential Areas

The character and amenity of residential areas, identified on the Proposals Map, will be safeguarded and where practicable, enhanced. Proposals for new residential development will be assessed against and have to satisfy the following criteria:

- (a) compatibility with the character and amenity of the area;
- (b) details of proposals for landscaping;
- (c) proposals for the retention of existing landscape or townscape features of value on the site;
- (d) accordance with the Council's adopted roads guidance and Designing Streets, the Scottish Government's policy statement;
- (e) provision of adequate services; and
- (f) having regard to Supplementary Guidance on Planning Application Advice Notes.

In supplementary guidance, Planning Application Advice Notes 4 "House Extensions" and 5 "Balconies & Timber Decking" of the proposed Local Development Plan apply.

CONSULTATIONS

None required.

PUBLICITY

The application was advertised in the Greenock Telegraph on 21st June 2013 as there are no premises on neighbouring land.

SITE NOTICES

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

PUBLIC PARTICIPATION

One written representation, objecting to the planning application, has been received.

The objector is concerned that :-

1. views from the rear of his property shall be adversely affected.
2. side windows in the proposed conservatory should be glazed with material which prevents overlooking of his rear garden.

ASSESSMENT

The material considerations in the determination of this planning application are the Local Plan, the proposed Local Development Plan, the Council's PPANs 7, "House Extensions" and 15, "Garden

Decking", the Council's PAANs 4 "House Extensions" and 5 "Balconies & Timber Decking" and the written representation.

Policies H1 of the Local Plan and RES1 of the proposed Local Development Plan seek to safeguard and, where practicable, enhance residential amenity and character. The best measures, I consider, to determine whether or not the proposal meets this aim is to assess it against Local Plan policies H15 and DC1 and the design guidance in the Council's PPANs.

Local Plan policy H15 advises that house extensions will only be acceptable where they are satisfactory in respect of the following criteria:

- (a) the amenity of neighbouring residents. Potential impact upon neighbouring residents arises from overlooking of the adjoining garden at No 15. The conservatory's side windows are fitted with obscure glazing to prevent overlooking, thus according with design guidance and addressing the objector's concern.
- (b) Impact on the existing streetscape. Impact upon views of the rear of the house from Lairds Dyke are, I consider, neutral.
- (c) Impact on the existing house in terms of shape, size, height and choice of materials. The scale and design of the conservatory and attached decking are, I consider proportionate to the scale of the property and its design at the rear. The base of the conservatory is finished in facing brick to match the finish of the house.
- (d) Size, proportion, style and alignment of doors and windows. The conservatory glazing is, I consider, in character with the fenestration regime on the rear elevation of the modern house.

The conservatory accords with the design guidance within the Council's PPAN 7, "House Extensions" and PAAN 4 "House Extensions" with reference to projection from the rear elevation, overlooking of neighbouring gardens (by the incorporation of obscure side glazing), window inter-visibility, finishing materials, separation from the rear garden boundary and plot coverage. Public views of the conservatory from Lairds Dyke are restricted by 1.8m high timber boundary fencing.

The proposed timber decking accords with the design guidance within PPAN 15, "Garden Decking" and PAAN "Balconies and Garden Decking" regarding scale, design and overlooking of neighbouring gardens. The decking is a minimum of 9m from the site boundaries.

Local Plan policy DC1 presumes in favour of planning permission being granted for development which accords with the design guidance in the Council's PPANs.

Regarding the objector's concern not covered by my assessment against the Local Plan and proposed Local Development Plan, loss of view is not a material planning consideration.

Overall, I consider the proposal meets the aim of Local Plan Policy H1 and proposed Local Development Plan policy RES1 of safeguarding residential amenity and character and is designed to comply with PPANs 7 & 15 and PAANs 4 and 5.

RECOMMENDATION

That the application be granted subject to the following conditions:

Conditions

1. No development shall commence until a sample of the proposed facing brick has been submitted to and approved in writing by the Planning Authority: development thereafter shall proceed utilising the approved brick, unless the Planning Authority gives its prior written approval to any alternative.

2. The obscure glazing on the south-west elevation of the conservatory, hereby approved, shall be retained in perpetuity.

Reasons

1. To ensure a continuity of finish with the existing house.
2. To prevent overlooking of the neighbouring garden at No 15 Cullen Crescent.

Signed:



Case Officer: Guy Phillips



Stuart Jamieson
Head of Regeneration and Planning

REPRESENTATION

Audrey-Alaria Lever

From: dunnysunny
Sent: 24 June 2013 12:15
To: Devcont Planning
Subject: Application numbre 13/0140/IC

I wish to make the following comments regarding Application number 13/0140/IC regarding the proposed erection of a conservatory and deck at 17 Cullen Crescent, Inverkip.

I reside at 15 Cullen Crescent Inverkip immediately next door to the application address. My dining room window is the closest window to the neighbouring property and it affords us views of the hills and clyde estuary to the north. The proposed conservatory will adversely block our view from the window.

The plans for the conservatory show that it would be positioned right at the corner of the house closest to our house and extend out for 3.5metres. The design of the conservatory roof also extends full height for this width of 3.5 metres. No consideration has been given to positioning the conservatory further along the rear wall nor of reducing the height of the roof by canting part of it an angle in an effort to reduce the visual impact and obstruction it will cause.

If the proposed conservatory is completed to the current plan I feel that my family and I will have reduced privacy in our rear garden as the neighbour will be able to look directly into it given that the height of the conservatory floor is high. Has any consideration been made to replacing the windows of the conservatory facing our garden with opaque or solid material.

With respect to my comments above I would formally like to make objection to the proposed plans in application 13/0140/IC in its current form.

Thank you...
Alan Dunsmuir,
15 Cullen Crescent,
Inverkip
PA16 0HY.
Tel

DECISION NOTICE DATED 30 JULY 2013

DECISION NOTICE

Conditional Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 13/0140/IC

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(SCOTLAND) REGULATIONS 2013**

Mr And Mrs A Marsh
17 Cullen Crescent
INVERKIP
PA16 0HY

Kenneth Wotherspoon
1 Holm Court
Crossford
CARLUKE
ML8 5GR

With reference to your application dated 29.05.2013 for planning permission under the above mentioned Act and Regulation for the following development:-

**Erection of conservatory and decking to rear of property at
17 Cullen Crescent, Inverkip**

Category of Application: Local Application Development

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby grant planning permission for the said development in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application.

In compliance with Section 58 of the Town and Country Planning (Scotland) Act, 1997 this permission is granted subject to the condition that the development to which it relates must be begun not later than the expiration of 3 years beginning with the date of this permission.

Permission is issued subject to the following conditions:

1. No development shall commence until a sample of the proposed facing brick has been submitted to and approved in writing by the Planning Authority: development thereafter shall proceed utilising the approved brick, unless the Planning Authority gives its prior written approval to any alternative.
2. The obscure glazing on the south-west elevation of the conservatory, hereby approved, shall be retained in perpetuity.

The foregoing condition(s) are imposed by the Council for the following reasons:-

1. To ensure a continuity of finish with the existing house.
2. To prevent overlooking of the neighbouring garden at No 15 Cullen Crescent.

The reason why the Council made this decision is explained in the attached Report of Handling.

Dated this 30th day of July 2013

Head of Regeneration and Planning

- 1 If the applicant is aggrieved by the decision of the Planning Authority to refuse permission for or approval required by condition in respect of the proposed development, or to grant permission or approval subject to conditions, he may seek a review of the decision within three months beginning with the date of this notice. The request for review shall be addressed to The Head of Legal and Administration, Inverclyde Council, Municipal Buildings, Greenock, PA15 1LY.

- 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, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997

Approved Plans: Can be viewed Online at <http://planning.inverclyde.gov.uk/Online/>

Drawing No:	Version:	Dated:
SHEET 1.		01.07.2013
SHEET 2.		01.06.2013
SHEET 3.		01.06.2013

Appended to this decision notice are two forms: a "commencement of development form" and a "completion of development form". You are required to submit the former notice before starting work. Failure to do so is a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997. You are required to submit the latter notice as soon as practicable after completion of the development. If a third form has been appended, a "form of notice to be displayed while development is in progress" you are required to display this in a prominent place at or in the vicinity of the site of the development; it must be readily visible to the public, and it must be printed on durable material. It is a breach of planning control not to display such a notice if required.

NOTICE OF REVIEW FORM

LEGAL SERVICE
R McG

RECEIVED 25 SEP 2013

NOTICE OF REVIEW

ACTION 2428

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name HUAN GRAY MARCH

Address 17 CULLEN CRESCENT
INVERKIP
PA 16 0 HY

Contact Telephone 1
Contact Telephone 2
Fax No

E-mail*

Agent (if any)

Name KENNETH WOTHERSPON

Address 1 HOLM COURT
CROSSFOID
CARLUKE
ML8 5GR

Contact Telephone 1
Contact Telephone 2
Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority INVERCLYDE

Planning authority's application reference number BS/13/0131

Site address 17 CULLEN CRESCENT
INVERKIP

Description of proposed development ERECTION OF CONSERVATORY

Date of application JULY 13

Date of decision (if any) AUG 13

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

THE CONDITION REQUIRING DIFFUSE OR OBSCURE GLASS IS UNREASONABLE

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

THE CONDITION WAS MADE WITHOUT MY KNOWLEDGE OR CONSENT BUT BY DISCUSSION WITH MY AGENT.

PRIVACY CAN BE ACHIEVED BY EITHER

1. FENCE
2. HEDGE
3. LOWERING THE HEIGHT

OR A COMBINATION OF THE ITEMS ABOVE

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

UNAWARE OF DISCUSSION BETWEEN COUNCIL & AGENT

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

AGENT CAN SUBMIT NEW DRAWINGS
 SITE VISIT WOULD ESTABLISH DISTANCE BETWEEN
 PROPERTIES AND EXISTING HEDGE.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date

19/09/13

FURTHER REPRESENTATION

Rona McGhee

From:
Sent: 14 October 2013 09:36
To: Rona McGhee
Cc: Sharon Lang
Subject: Re: Review of Condition Imposed on Planning Consent - 17 Cullen Crescent, Inverkip (13/0140/IC)

Hello Rona and Sharon

With reference to the subject above I wish to make further comment as follows to be considered at the proposed Local Review Body meeting,

I am aware of the Planning Departments decision, in line with Local Planning Development policies, in respect of maintaining privacy and specifically the condition imposed regarding the fitting of obscure glass in perpetuity on the side of the conservatory facing our property.

I believe this to be the best option as it will maintain our privacy but also allow light into the conservatory. This obscure glass would be of minimal additional expense to the applicant Mr Marsh and would not require future expenditure.

I am also aware of and have read the applicant's request of Notice of Review.

He states in it that the condition imposing the fitting of frosted or obscure glass is unreasonable. He does not explain why it is unreasonable. It should be noted that the term 'frosted' does not appear in the Planning Departments report. He also states that our privacy can be achieved by either 1. Fence, 2. Hedge, 3. Lowering the height, or a combination of these items. He does not explain what would be lowered!

It should be noted that there is already a six foot high hedge between our properties. I DO NOT wish a higher hedge nor indeed a fence as either would in my estimate require to be double in height to maintain privacy. Such a high hedge would require constant maintenance and a similarly high fence would be prone to wind damage. I certainly do not wish to be part of that proposal. The ground at the rear of our properties (and where the proposed conservatory would be) drops in height compared to the front which means to maintain the floor level requires the conservatory to be built up very high.

I am also aware that Guy Phillips of Inverclyde Council Planning Department has already made a site visit and has taken a number of photographs.

To sum up I agree entirely with the planning Department's decision to impose the condition of fitting obscure glass in perpetuity to maintain privacy.

I am at a loss to understand why the applicant does not wish to fit obscure glass as he has not given a valid reason otherwise.

I have no objections to my comments above being made publicly available.

Thank you in anticipation...
Alan Dunsmuir
!5 Cullen Crescent
Inverkip
PA16 0HY

In a message dated 11/10/2013 GMT Daylight Time, Rona.McGhee@inverclyde.gov.uk writes:

Dear Mr Dunsmuir

Inverclyde Council is in receipt of a notice requesting review of the decision to impose Condition 2 on the grant of the above planning permission, that the obscure glazing on the south-west elevation of the conservatory, hereby approved, shall be retained in perpetuity to prevent overlooking of the neighbouring garden at No. 15 Cullen Crescent, and I note that you submitted representations that were considered as part of the assessment process.

The decision is to be reviewed by Inverclyde Council's Local Review Body. I write to advise you that your representations will be considered by the Local Review Body in the review of the decision. Should you wish to make further comment you may do so to me within 14 days of the date of this email. Should you make further representations, these will be copied to the applicant who will be given the chance to respond.

Your representations and any further representations you submit will form part of the agenda papers for the Local Review Body meeting at which the review of the decision to refuse planning permission is considered. The agenda will be published on the Council's website and hard copies will be available at the Local Review Body meeting. Should you consider that any of the comments contained in your representations, or any further representations you may submit, should be removed prior to publication please notify me within 14 days of the date of this letter otherwise I will assume that you have no objection to any of your comments being made publicly available. For your information, I would confirm that signatures will be removed prior to publication.

All information relating to the Review is available for inspection as follows:

1. At the office of the Council's Regeneration and Planning Service, Municipal Buildings, Clyde Square, Greenock during advertised opening hours.

The Local Review Body meets in public and I shall write to you shortly with arrangements should you wish to attend.

Regards,
Rona

Rona McGhee
Senior Administration Officer
Legal & Democratic Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX
Tel: 01475 712113
Fax: 01475 712137

Inverclyde Council

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**E MAIL DATED 30 OCTOBER 2013 IN RESPONSE
TO FURTHER REPRESENTATION**

Rona McGhee

From: Allan Marsh
Sent: 30 October 2013 08:48
To: Rona McGhee
Subject: Re: Review of Condition Imposed on Planning Consent - 17 Cullen Crescent, Inverkip (13/0140/IC)

Dear Rona,

Thank you for sending me the copy of Mr Dunsmuir's reply to you.

The drop at the rear of the properties is not as extreme as at the front, however it does result in the height of the conservatory being relatively high.

I discussed the proposal with Mr Dunsmuir who complained that his view from his kitchen window would be obstructed, as a result the depth of the proposal was restricted to 3.5 meters and should not cause any obstruction to his view.

The dining room windows on the lower floor of each house overlooks the garden of the other. The rear bedroom windows provide unfettered views into each others gardens, so there is in fact no privacy for either of us, and over fourteen years has not been an issue.

All of the properties on this estate are separated by wooden fences with either horizontally or vertically placed planks.

Mr Dunsmuir controls the hedge between our properties and does not want to raise the level, I am quite happy to erect a fence to the required height and to the minimum length determined to protect my neighbours privacy.

Obscure glass significantly affects my view over my garden and to views above the level of my neighbours garden. It reduces the overall light within the conservatory and I think negates the point of having a conservatory

Thank you very much for your time and help

Yours sincerely

Allan G Marsh

Sent from my iPad

On 28 Oct 2013, at 13:46, Rona McGhee <Rona.McGhee@inverclyde.gov.uk> wrote:

Dear Mr Marsh

I refer to my email of 11 October in connection with the above and write to advise that the attached further representations have been received from the following interested party:-

Mr Alan Dunsmuir

You are now entitled to make any comments on these representations which should be submitted to me within 14 days of the date of this email.

I would also confirm that the further representations and any comments you make within this timescale will be added to the documentation which is available for inspection at the office of the Council's Regeneration & Planning Service, Municipal Buildings, Clyde Square, Greenock during normal office hours.

I will advise you in due course of the arrangements for the meeting of the Local Review Body.

Regards,
Rona

Rona McGhee
Senior Administration Officer
Legal & Democratic Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX
Tel: 01475 712113
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<a dunsmuir.pdf>