

Local Review Body

7 May 2014

Planning Application for Review

Mr & Mrs Marshall

Erection of conservatory:

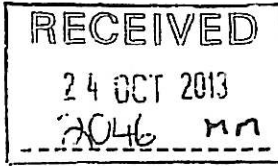
Langrigs, Gryffe Road, Kilmacolm (13/0314/IC)

Contents

- Planning Application and plans
- Site Photographs
- Report of Handling dated 20 December 2013
- Planning Practice Advice Note No 4 (Residential Care in the Community)
- Planning Practice Advice Note No 7 (House Extensions)
- Representation
- Decision Notice dated 23 December 2013
- Notice of Review Form dated 18 March 2014 and supporting documents (plans circulated separately)

PLANNING APPLICATION AND PLANS

Head of Regeneration and Planning
Cathcart House
6 Cathcart Square
Greenock PA15 1LS



FOR OFFICIAL USE ONLY	
Reference No.	13/0314/IC
Date of Receipt
Fee Paid
Date Fee Received
Date Valid
Receipt No.

PLANNING APPLICATION

Town & Country Planning (Scotland) Acts

The undersigned 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 MARSHALL</u>	Name <u>CR SMITH - JACK PEDERSEN</u>
Address <u>LANGRIGS, GRYFFE ROAD</u>	Address <u>GARDENERS STREET</u>
<u>KILMACOLM</u> Postcode <u>PA13 4BB</u>	<u>RAIFERHILL</u> Postcode <u>KY12 6RN</u>
Telephone Number:	Telephone Number:
	Profession <u>Architectural Tech.</u>

see note 2

2. Description of Development	
<u>Conservatory erected to dwelling</u>	
Site Location <u>LANGRIGS, GRYFFE ROAD, KILMACOLM, PA13 4BB</u>	
Site Area (hectares) <u>/</u>	Number of dwellinghouses proposed <u>/</u>
	New gross floorspace (sq. metres) <u>/</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: DOMESTIC

(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. HOUSE IMPROVEMENT

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

see note 6

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

(a) Not Applicable (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

(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 (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 Some PVC conservatory with brick walls.

(b) Outside Walls Material.....
Colour.....

(c) Roof Covering Material.....
Colour.....

(d) Windows Material.....
Colour.....

(e) Boundary Treatment Material.....
Colour.....

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? £ 19,500.

see note 12

12. Confirmation

Signature of applicant/agent.....

on behalf of Mr & Mrs Marshall Date 23/10/13

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: N/A

* 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)
<u>/</u>	<u>/</u>	<u>/</u>
.....
.....
.....

* 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

These persons are: 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 *me + Mrs MARSHALL*
Date *23 / 10 / 13.*

see note 15

CHECKLIST - The following documentation should be submitted:

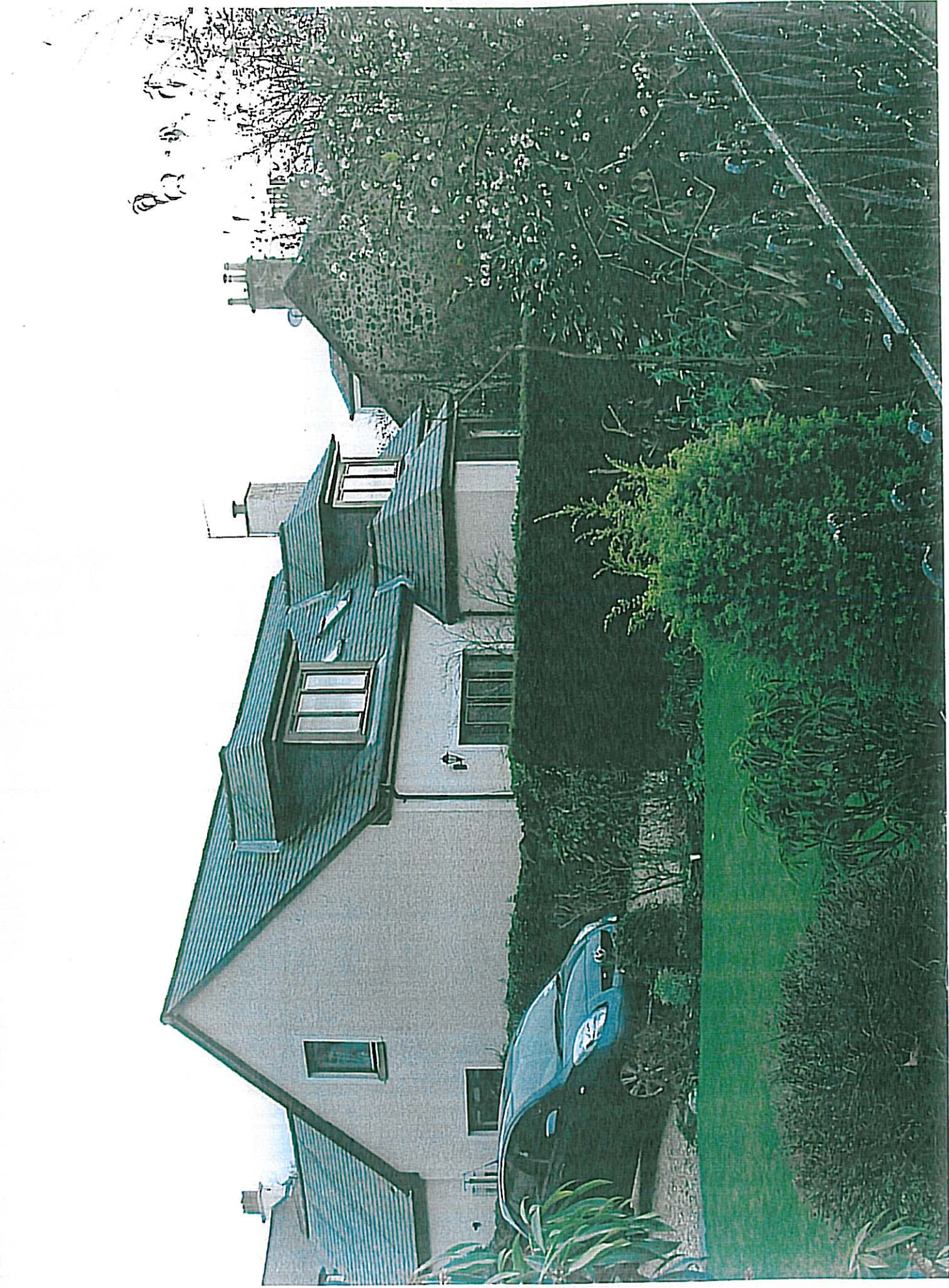
please tick all boxes

- | | |
|---|--|
| <input checked="" type="checkbox"/> TWO APPLICATION FORMS | <input type="checkbox"/> DESIGN & ACCESS STATEMENT
(National and Major applications only) |
| <input checked="" type="checkbox"/> TWO SETS OF PLANS | <input type="checkbox"/> PRE-APPLICATION CONSULTATION REPORT
(National and Major applications only) |
| <input checked="" type="checkbox"/> 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
20 DECEMBER 2013**

REPORT OF HANDLING

Report By: Mike Martin

Report No: 13/0314/IC

**Local Application
Development**

**Contact
Officer:** 01475 712412

Date: 20th December 2013

Subject: **Erection of conservatory at
Langrigs, Gryffe Road, Kilmacolm.**

SITE DESCRIPTION

The application site comprises a detached house which is situated on the east side of Gryffe Road, Kilmacolm. The house currently includes an entrance porch and a bay window, both of which project beyond its main front wall. In common with the neighbouring properties, the house is set back approximately 10 metres from the public footpath and partially screened by a stone wall. Neighbouring gardens are similar in size to that of the application site.

PROPOSAL

The proposal is to construct a conservatory on the front elevation of the house, abutting the existing entrance porch. This comprises an infill development which would not protrude beyond the existing forwardmost part of the house. The proposed conservatory projects 2.44 metres from the main front wall of the house, measures 4.65 metres in length and is 3.15 metres in overall height. It has a glazed hipped roof, and the wall finish and window frames are to match the existing house. An external door would be included on its north elevation, facing towards the neighbouring property.

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.

PPAN7 - House Extensions applies.

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.

Policy RES5 - Proposals for Changes to Properties for Residential Use

Proposals for the change of use, sub-division or conversion to properties to create new additional dwelling units, and for the alteration or extension to residential properties, will be assessed against and have to satisfy where appropriate, the following criteria:

- (a) the character and amenity of neighbouring properties;
- (b) impact on the streetscape;
- (c) impact on the character of the existing property;
- (d) accordance with the Council's adopted roads guidance; and
having regard to Supplementary Guidance on Planning Application Advice Notes.

PAAN4 - House Extensions applies.

CONSULTATIONS

No consultations were required.

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

A written representation has been received from the Kilmacolm Civic Trust which objects on the grounds that the proposed conservatory would be prominent in terms of impact upon the street scene and also for neighbouring property, in particular that to the north. It further considers that in terms of its design and materials it is not consistent with the existing house. It is also suggested that the roof design would be improved by the linking of the conservatory and the adjoining porch.

ASSESSMENT

The material considerations in the assessment of this application are the Local Plan, Planning Practice Advice Note (PPAN) 7 (House Extensions), the proposed Local Development Plan, proposed Planning Application Advice Note (PAAN) 4, the written representation and residential amenity.

Insofar as the proposal relates to minor development ancillary to the associated dwelling, it does not conflict with the general principle of policy H1, the aims of this policy being reflected in policy RES1.

Considering the impact upon neighbours, this restricted to its north elevation (facing the property known as "Gryffe Craig"). Whilst the proposal would result in direct intervisibility, I consider that this matter would be addressed satisfactorily by the inclusion of obscured glazing. Accordingly, it is my intention to attach a condition requiring details of the proposed obscured glazing to be submitted for consideration, prior to work commencing on site.

Due to the relative distance from the road and boundary screening the visual impact is limited. Furthermore in terms of its scale, design and materials, including window frames, the proposed conservatory is consistent with the existing house. The roof is similar in design and of a slightly shallower pitch than that of the adjoining porch and the projecting bay window.

Accordingly, with reference to policy H15 I am satisfied that there will be an acceptable impact upon neighbours (criterion a) and an acceptable impact upon the streetscape (criterion b). In addition, the proposal is acceptable in terms of its impact on the existing house (criterion c) and, I consider, in relation to window details (criterion d) all of which accords with the aims of policy RES5.

The proposal does not adversely affect garden ground. As a consequence I am satisfied that the proposal creates no conflict in terms of PPAN 7 and the proposed PAAN 4. I further note that policy DC1 of the Local Plan supports, in principle, developments which accord with the PPANs.

In conclusion, I am satisfied therefore that the design and appearance of the proposal is acceptable with reference to policies H1 and H15 of the Local Plan, policies RES1 and RES5 of the proposed Local Development Plan, PPAN 7 and proposed PAAN 4. I note that policy DC1 of the Local Plan supports, in principle, developments which accord with the PPANs.

RECOMMENDATION

That the application be granted subject to the following condition:

Condition

1. No development shall commence until a sample of the proposed obscured glazing to be installed on the north elevation of the conservatory, facing towards the neighbouring property known as "Gryffe Craig", has been submitted to and approved in writing by the Planning Authority, and that glazing shall be thereafter be retained in perpetuity.

Reason

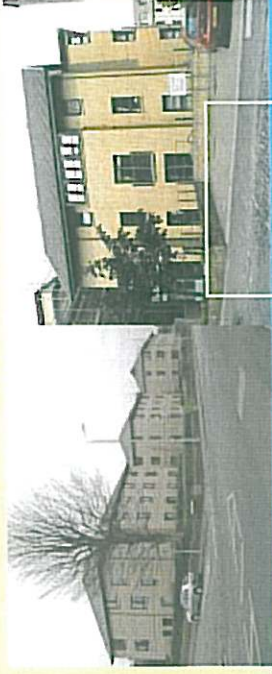
1. In the interests of privacy.

Signed:

Case Officer: Mike Martin

Stuart Jamieson
Head of Regeneration and Planning

PLANNING PRACTICE ADVICE NOTE NO 4 (RESIDENTIAL CARE IN THE COMMUNITY)



Other PPAN's available:

- PPAN No. 1 Backland and Tandem Development
- PPAN No. 2 Single Plot Residential Development
- PPAN No. 3 Private & Public Open Space Provision in New Residential Development
- PPAN No. 4 Residential Care in the Community**
- PPAN No. 5 Design & Siting of Houses in the Countryside
- PPAN No. 6 Design Guidelines for Farm Buildings in the Countryside
- PPAN No. 7 House Extensions
- PPAN No. 8 Balconies
- PPAN No. 9 Dormer Windows
- PPAN No. 10 Roof Lights in Listed Buildings and Conservation Areas
- PPAN No. 11 Replacement Windows
- PPAN No. 12 Shopfront Design
- PPAN No. 13 Signage and Advertisement
- PPAN No. 14 Satellite Television Dishes
- PPAN No. 15 Garden Decking
- PPAN No. 16 Planning Enforcement

■ **PLANNING PRACTICE
ADVICE NOTE - No. 4**

RESIDENTIAL CARE IN THE COMMUNITY

■ Regeneration and Planning
Cathcart House
6 Cathcart Square
Greenock PA15 1LS

Tel: 01475 712406 / 2942
Fax: 01475 712488
E-mail: devcont.planning@inverclyde.gov.uk
web: www.inverclyde.gov.uk

Inverclyde
Council

Revision 'A' - March 2004
Revision 'B' - March 2008
Revision 'C' - November 2008
Revision 'D' - April 2010
Revision 'E' - March 2012



Inverclyde
Council
regeneration and planning

PLANNING PRACTICE ADVICE NOTE NO. 4

RESIDENTIAL CARE IN THE COMMUNITY

Introduction

The delivery of community care support is an important feature of the modern health service. The aim of care in the community is to enable individuals to lead as normal a life as possible, using mainstream services and living either in their own homes or in homely settings, either alone or with others of their choice. The support is aimed at the full range of vulnerable people including those discharged from long stay hospital care, older people, people with physical or learning difficulties, dementia sufferers, young people with special needs, people with mental health problems and people with alcohol /drug problems.

This advice note details when planning permission is required and gives guidance on the criteria against which proposals for the use of existing buildings will be assessed.

Planning Permission

- Using a family dwelling as residential care accommodation for not more than five residents living together as a household does not constitute a change of use and does not require planning permission.
- The use of a dwelling house to accommodate more than five residents constitutes a change of use and requires planning permission, as would the use of a flat, regardless of number of residents.

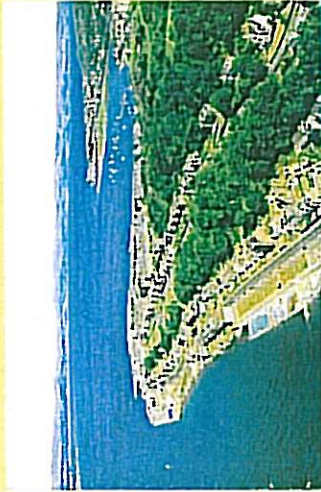
Development Guidance

- Preference will be given to detached properties.
- The use of redundant buildings will be encouraged.
- The use of semi-detached, terraced and flatted properties will be assessed on their merits with particular regard to the anticipated level of pedestrian and vehicular activity and the resultant impact on neighbouring residential amenity.
- Off street car parking shall, where physically possible, generally accord with the Council's Roads Development Guide.
- Due consideration will be given to the number of residential care facilities within the surrounding area with the aim of maintaining the established character of the area.

**PLANNING PRACTICE ADVICE NOTE NO 7
(HOUSE EXTENSIONS)**

Other PPLAN's available:

- PPAN No. 1 Backland and Tandem Development
- PPAN No. 2 Single Plot Residential Development
- PPAN No. 3 Private & Public Open Space Provision in New Residential Development
- PPAN No. 4 Residential Care in the Community
- PPAN No. 5 Design & Siting of Houses in the Countryside
- PPAN No. 6 Design Guidelines for Farm Buildings in the Countryside
- PPAN No. 7 House Extensions
- PPAN No. 8 Balconies
- PPAN No. 9 Dormer Windows
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- PPAN No. 13 Signage and Advertisement
- PPAN No. 14 Satellite Television Dishes
- PPAN No. 15 Garden Decking
- PPAN No. 16 Planning Enforcement



**PLANNING PRACTICE
ADVICE NOTE - No. 7**

HOUSE EXTENSIONS

Planning Services
Cathcart House
6 Cathcart Square
Greenock PA16 1LS

Tel: 01475 712406 / 2942
Fax: 01475 712468
E-mail: devcont.planning@inverclyde.gov.uk
web: www.inverclyde.gov.uk



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PLANNING PRACTICE ADVICE NOTE No. 7

HOUSE EXTENSIONS

Introduction

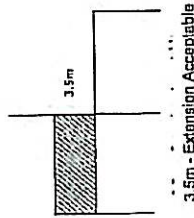
Extending is a popular way of adapting a house to meet the changing needs of its occupants and is an alternative to moving house. This advice note offers guidance on how a house can be extended and seeks to achieve a reasonable balance between the interests of those wishing to extend and the interests of their neighbours.

Rear Extensions

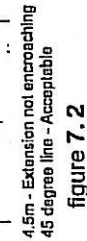
(refer to figures 7. 1 to 7. 6)

- Extensions should be designed so as not to cross a 45 degree line from the mid point of the nearest ground floor window of the adjoining house, or extend to a maximum of 3.5 metres from the rear wall of the existing house, whichever is the greater.

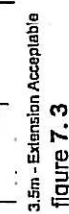
REAR EXTENSIONS



- Where the other half of a semi-detached house has already been extended and that extension exceeds 3.5 metres, then the house may be extended to equal size.



- An extension should not encroach within 5.5 metres of the rear garden boundary.



- Side windows which overlook neighbouring gardens should be avoided. Where appropriate, screen fencing along the side boundary may be considered to eliminate overlooking.

- The extension should be designed to match the materials of the existing house.
- The off street parking requirements of the Council's Roads Development Guide, 1995 shall be met.

Side Extensions

- Side windows which overlook neighbouring gardens should be avoided. Where appropriate, screen fencing along the side boundary may be considered to eliminate overlooking.

- Windows which are visible from public areas shall match the scale, proportions and materials of those on the existing house.

- Extensions should be pitched roofed to match the existing house.

- Extensions should be set back at least 1.0 metre from the site boundary.

- The off street parking requirements of the Council's Roads Development Guide, 1995 shall be met.

Conservatories

- Conservatories should be designed so as not to cross a 45 degree line from the mid-point of the nearest window of the adjoining house, or extend a maximum of 3.5 metres from the wall of the existing house, whichever is the greater.

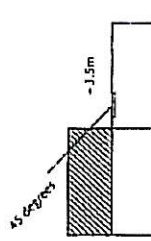
- Conservatories should generally be located in the rear garden and be largely obscured from public view.

- Side glazing which allows for overlooking of neighbouring gardens should be avoided. Where appropriate, screen fencing along the side boundary may be considered to eliminate overlooking.

- Base courses should be finished in materials to match the existing house.

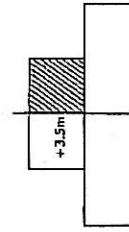
- Where the other half of a semi-detached house has already been extended and that extension exceeds 3.5 metres, then the conservatory may extend to equal size.

- A conservatory should not encroach within 5.5 metres of the rear garden boundary.



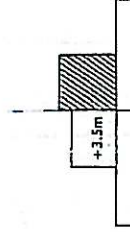
Extension +3.5m and encroaching 45 degree line - Inappropriate

figure 7. 4



Extension +3.5m to size of neighbouring extension - Acceptable

figure 7. 5



Extension +3.5m and larger than neighbouring extension - Inappropriate

figure 7. 6

Front Porches

Porches should be pitched roofed to match the existing house. Base courses should be finished in materials to match the existing house.

REPRESENTATION

KILMACOLM CIVIC TRUST (Scottish Charity No SC 032744)

From:

Mr RN Cameron
Chairman Kilmacolm Civic Trust

Kaladan
Lochwinnoch Road
Kilmacolm
PA13 4DY

Mr S Jamieson
Head of Regeneration and Planning
Inverclyde Council
Municipal Buildings
Greenock PA15 1LY

27th November 2013

Dear Mr Jamieson

OBJECTION TO PLANNING APPLICATION 13/0314/IC

Langrigs, Gryffe Road, Kilmacolm (Erection of Conservatory at front of the house)

The Kilmacolm Civic Trust Executive Committee has considered this application and wishes to OBJECT.

The proposed conservatory is utilitarian in design and its placing jars with the existing face of the property itself and with the immediate neighbouring properties. Gryffe Road is an important and busy route through the village. There are some fine dwellings which front the road and it is of note that St Columba's School in developing its latest proposals for its senior school site facing onto Gryffe Road is mindful to develop in a sympathetic way, and to improve the frontage of the Science Block building.

We understand why the owners wish to erect a conservatory on the front (west facing elevation) of the property: to take advantage of the view to the field and woods on the other side of Gryffe Road and to gain maximum benefit from daytime light during the course of the year. However the property is in close proximity to its immediate neighbour to the North. The proposed conservatory would therefore be very visible to them. It would also be visible to the property to the immediate South. Furthermore, as Langrigs is in a prominent location with its 'front, street facing elevation' quite close to the road the conservatory would be very visible to vehicle traffic and pedestrians travelling along Gryffe Road, particularly in a North/South direction. We do not accept that conservatories are an appropriate addition to the front of a house. Other houses generally have this sort of extension at the rear, or at worst, side of the property. There are 2 houses in very close proximity to Langrigs, on Gryffe Road, that demonstrate this.

The proposal is of poor design quality, does not fit the scale of the existing building and does not have a material finish appropriate for a front elevation to Gryffe Road. Langrigs already has a busy front elevation. The addition of another type of roof edge is not acceptable with different pitch, material and clumsy junctions to adjacent edges. The existing porch footprint is already a projection from the front elevation and should not allow justification for a conservatory to be blistered on beside it. The white UPVC material choice is both out of keeping with the current window detailing (dark painted timber frames) of Langrigs and the adjacent houses. This will further draw attention to the extension. We feel that the architect could do better and should be encouraged to do so.

To improve the proposal as it stands, the conservatory window materials should match existing materials/colour in the property and be exactly the same size (height and width with sills lining up to the adjacent ground floor windows). Furthermore the roof material should match the existing porch roof and that above the window to its immediate right. A solution to the roof issue would be to link the porch and conservatory together into one element.

Yours Sincerely,

Nicol Cameron

R.N. Cameron (Chairman Kilmacolm Civic Trust)

**DECISION NOTICE DATED
23 DECEMBER 2013**

DECISION NOTICE

Inverclyde
council

Conditional Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 13/0314/IC

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

Mr and Mrs Marshall
Langrigs
Gryffe Road
KILMACOLM
PA13 4BB

CR Smith Glaziers Ltd
27 Gardeners Street
DUNFERMLINE
KY12 0RN

With reference to your application dated 24.10.2013 for planning permission under the abovementioned Act and Regulation for the following development:-

Erection of conservatory at

Langrigs, Gryffe Road, Kilmacolm.

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) docketted 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 condition(s):

1. No development shall commence until a sample of the proposed obscured glazing to be installed on the north elevation of the conservatory, facing towards the neighbouring property known as "Gryffe Craig", has been submitted to and approved in writing by the Planning Authority, and that glazing shall be thereafter be retained in perpetuity.

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

1. In the interests of privacy.

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

Dated this 23rd day of December 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

Additional Notes

1. SCOTTISH WATER NOTES A-D

- A It is the responsibility of the applicant to check Scottish Water's record plans regarding the position of its water and/or waste assets prior to any work commencing on site. Plans available on written request from Scottish Water's Property Searches Department, Bullion House, Dundee, DD2 5BB.
- B If a water main or sewer is affected, then no building shall be erected over or in such a way as to interfere with Scottish Water's right of access. The applicant must contact Scottish Water Operations; Technical Support team to ascertain what measures should be taken to safeguard this apparatus.
- C Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head in the public main. Any property which cannot be adequately serviced using this pressure may require to have private pumping arrangements installed subject to compliance with the current water bylaws.
- D The applicant must ensure that any new internal or external drain is connected to the correct drain or sewer.

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

Drawing No:	Version:	Dated:
001		23.10.2013
002		04.11.2013

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 AND
SUPPORTING DOCUMENTATION**

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments

The Town and Country Planning (Schemes Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2008

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2008

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.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://eplanning.scotland.gov.uk>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR + MRS	Ref No.	
Forename		Forename	JACK
Surname	MARSHALL	Surname	PEDEN
Company Name		Company Name	CRSMITH
Building No./Name	LANGRIGGS	Building No./Name	
Address Line 1	GRYFFE ROAD	Address Line 1	GARDENERS STREET
Address Line 2		Address Line 2	
Town/City	KILMACOLM	Town/City	DUNFERMLINE
Postcode	PA13 4BB.	Postcode	KY12 0RN
Telephone		Telephone	01883 732181
Mobile		Mobile	
Fax		Fax	
Email		Email	jack.peden@crsmith.co.uk.
3. Application Details			
Planning authority	INVERCLYDE		
Planning authority's application reference number	13/0341/1C		
Site address	LANGRIGGS GRYFFE ROAD KILMACOLM PA13 4BB.		
Description of proposed development	CONSERVATORY EXTENSION - REMOVAL OF OBSCURED GLAZING CONDITION		

Date of application

23/10/13.

Date of decision (if any)

23/12/13.

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

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

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)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

Failure by appointed officer to determine the application within the period allowed for determination of the application

Conditions imposed on consent by appointed officer

6. 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.

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, 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 necessary.

[Empty rectangular box for explanation]

7. Site inspection

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

Can the site be viewed entirely from public land?

Is it possible for the site to be accessed safely, and without barriers to entry?

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

Private land.

8. 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.

Please find enclosed - Grounds of Appeal.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

/

9. 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

Grounds of Appeal.

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.

10. Checklist

Please mark the appropriate boxes to confirm that 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 requesting 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: Name: Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.

CR SMITH

home sweeter home

Grounds of Appeal

On behalf of

**Mr & Mrs Marshall
Langriggs
Gryffe Road
Kilmacolm
PA13 4BB**

**Removal of Planning Condition for conservatory
extension**

Planning ref – 13/0341/IC

Date of decision – 23/12/13

Property & Introduction

The following statement is to be read in conjunction with our appeal to remove the condition on the planning permission issued for the conservatory extension at *Langriggs, Gryffe Road, Kilmacolm*. The proposals are to erect a conservatory to the front of the property.

The planning department has granted permission for our application to erect a conservatory at the property. However, a condition has been applied to include obscured glazing to the north elevation windows and door.

Our client's property is a detached house in an established residential area, where the houses are a number of different styles but plots are all similar in size. The conservatory sits at the corner of the property with its primary elevation facing towards Gryffe Road and a small section towards a neighbouring property to the north.

Our proposals were to erect a conservatory that gives as much daylight as possible to provide an enjoyable living space. We feel the inclusion of obscured glazing vastly reduces the conservatories living appeal.

Grounds of Appeal

The condition on the approved planning application states that 'in the interest of privacy, obscured glazing is to be installed on the north elevation of the conservatory', a condition that we would request to be removed from the approval. We feel that due to the existing property's location in relation to the neighbouring property, there is no necessity for this condition to the proposed extension to be in place, as the proposals do not increase any privacy concerns which aren't already there.

The proposed conservatory projects out from the front elevation of the property and sits level with the current property's floor. Previous to our extension the client had doors which opened out onto a patio area. We have now built on this patio area only increasing the height of platform by 150mm in order to meet the existing floor level. This is a minimal difference to an area where the same viewing points could be made previously to our conservatory extension.

The planning officer did provide a clear explanation to why he had to include the condition however we would like to highlight the fact the concerning window on the neighbours property sits higher than our conservatory meaning that they have and will continue to have a view directly into our client's garden area. It must be noted that unless somebody was standing directly looking out the window on the neighbour's property any intrusion is minimal. It could be said that the neighbouring window intrudes onto our clients so should it therefore not be up to Mr & Mrs Marshall to install obscure glazing and not to have this enforced upon them?

Further to this, our client's property currently has three windows on the north elevation already none of which have obscure glazing as part of the original planning for the whole building. This surely should have the exact same issues yet there is no condition for obscure glazing. It is also clear that the same neighbour, whose house has a higher ground and floor level, has a conservatory to the rear of there property

without obscure glazing. The conservatory therefore, albeit does not look into Mr & Mrs Marshall's property, does have clear sight lines into our clients properties garden. This surely emphasises that our client has been unfairly treated.

I would like to highlight the purpose of our extension. It has been designed for our client to enjoy an open bright living space where they can enjoy looking out onto their garden while still being in the comfort of there home. The inclusion of obscured glazing vastly reduces its primary function as a room and desirability as a conservatory. The obscure glazing encloses the whole room and reduces a vast amount of direct daylight that could get into it. The inclusion of obscured glazing is not a real design solution apart from when having windows into rooms such as bathrooms and W/Cs. Our proposals are neither of these.

I have attached before and after photos that show where our proposals to sit in relation to the concerning neighbours windows.

Conclusion

The planning department has conditioned our approval to include the installation of obscure glazing to the windows and door to the north elevation of the proposed conservatory. We seek for this to be removed as we feel it is an unnecessary addition to the conservatory that will detract the desirability of the extension. The proposed windows, should they not be obscured, would not cause a further intrusion than exists already.

Our client seeks an extension that will provide a bright and open living space to enhance their property. The inclusion of obscure glazing would vastly detract from the design and propose of the conservatory extension.

We therefore ask that the planning condition be removed.

PROPERTY BEFORE WORKS STARTED.



NEIGHBOURS CONSERVATORY
WITH NO OBSCURE GLAZING

PROPERTY BEFORE WORKS STARTED.

17/05/23



COMPLETED WORKS



COMPLETED WORKS.



VIEWS OUT FROM COMPLETED WORKS.

