

## Inverclyde Local Review Body

Our Ref: 13/0314/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Langrigs, Gryffe Road, Kilmacolm
  - Application for Review by CR Smith Glaziers Ltd on behalf of Mr and Mrs Marshall against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 13/0314/IC
  - Application Drawings: 001 - Existing and proposed west elevation and location plan  
002 - Proposed floor plan
  - Date of Decision Notice: 20 May 2014
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### **Decision**

The ILRB reverses the determination reviewed by it and deletes the condition attached to the Planning Permission granted in terms of the Decision Notice dated 23 December 2013. 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 2013.
- 1.2 The condition attached to the above planning permission was considered by the ILRB at a meeting held on 7 May 2014. The Review Body was constituted by Provost R Moran, Councillors G Dorrian, T Loughran, I Nelson and D Wilson (Chair).

#### **2. Proposal**

- 2.1 The application proposal is for the construction of 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 2.44m from the main front wall of the house, measures 4.65 metres in length and is 3.15m 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. The condition attached to the planning permission stated that 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, in the interests of privacy.

### 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 20 December 2013;
- (iv) Planning Practice Advice Note No 4 (residential care in the community) and Planning Practice Advice Note No 7 (house extensions);
- (v) Representation;
- (vi) Decision Notice dated 23 December 2013; and
- (vii) Notice of Review form dated 18 March 2014 and supporting documents.

3.2 Having regard to the material produced 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 2013.

### 4. Reasons

- 4.1 The determining issue in this review is the impact upon the neighbouring premises "Gryffe Craig". The ILRB noted that prior to construction of the conservatory, the applicants had a patio area on the same footprint and it was the view of the ILRB that the impact on the neighbouring premises had not increased by virtue of construction of the conservatory.
- 4.2 The ILRB determined that, having regard to the whole circumstances, the review be upheld and that the condition attached to the planning permission granted in terms of the Decision Notice dated 23 December 2013 be deleted.

Signed \_\_\_\_\_

Head of Legal & Property 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 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013**

1. If the applicant is aggrieved by the decision of the planning authority -
  - (a) to refuse permission for the proposed development;
  - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
  - (c) to grant permission or approval, consent or agreement 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.