

Inverclyde Local Review Body

Our Ref: 14/0176/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 36 Peace Avenue, Quarriers Village
- Application for Review by MH Planning Associates on behalf of Dr M McLundie against the decision by an appointed officer of Inverclyde Council
- Application Ref: 14/0176/IC

Application Drawings: Drawing No. 308 L 000A – Location Plan
Drawing No. 308 L 001A – Existing and Proposed Site Plan
Drawing No. 308 L 002A – Existing Plans
Drawing No. 308 L 003A – Existing Elevations and Section A:A
Drawing No. 308 L 004A – Proposed Plans
Drawing No. 308 L 005A – Proposed Elevations and Section A:A

- Date of Decision Notice: 12 December 2014
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the condition listed below. 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 above application for planning permission was considered by the ILRB at a meeting held on 3 December 2014. The Review Body was constituted by Councillors G Dorrian, T Loughran, I Nelson, L Rebecchi and D Wilson (Chair).

2. Proposal

- 2.1 The application proposal is for the construction of a rear, lean-to timber store with a slate roof, the re-roofing of a single storey erection of the north-east (side) elevation in zinc, together with the installation of three conservation area style rooflights and the construction of an open-sided, pitched-roof double garage within the parking area in the side garden. The garage roof is clad in slate and has a 1m high timber, slatted, balustrade on three sides. The application was refused consent in terms of a Decision letter dated 25 July 2014.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application and plans;

- (ii) Site photographs;
- (iii) The Appointed Officer's Report of Handling dated 25 July 2014;
- (iv) Consultation responses in respect of the planning application;
- (v) Decision Notice dated 25 July 2014;
- (vi) Letter dated 22 October 2014 from MH Planning Associates enclosing Notice of Review and supporting documentation; and
- (vii) Suggested conditions should the ILRB be minded to grant planning permission.

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 issues in this review are the design of the open-sided double garage, the proposed materials, the scale of the proposed garage and the design of other garages in the vicinity.
- 4.2 The application had been refused as the design of the proposed open-sided double garage adversely impacts on the character and pattern of development in the Conservation Area, public views and townscape, and fails to manage the historic environment in accordance with Scottish Historic Environment Policy and contrary to Policies H1, HR11 and HR12 of the Local Plan and Policies RES1 and HER1 of the proposed Local Development Plan.
- 4.3 The ILRB noted from paragraph 1 of the Statement of Case that a re-submitted application for the alteration of the side roof of the property and the erection of the rear lean-to shed had been approved.
- 4.4 The ILRB was advised that there were at present no Conservation Area appraisals for any of the Conservation Areas within Inverclyde. In the circumstances, it was noted that the appointed officer had used his professional judgment in assessing the application.
- 4.5 Having regard to the whole circumstances, the ILRB determined that the review application should be upheld, subject to the condition listed at paragraph 5 below.

5. **Condition**

- 1. No development shall commence until samples of all external materials have been submitted to and approved in writing by the Planning Authority, development thereafter shall proceed utilising the approved materials unless the Planning Authority gives its prior written approval to any alternatives.

Reason:

- 1. To ensure a continuity of external finishes in this part of Quarriers Village Conservation Area.

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.