

Inverclyde Local Review Body

Our Ref: 15/0024/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 45 Esplanade, Greenock
 - Application for Review by Canata & Seggie, Chartered Architects, on behalf of Mr J Pow against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 15/0024/IC
 - Application Drawing: Drawing No. 2160_D.001 Existing and Proposed Plans Elevations and Sections
 - Date of Decision Notice: 27 August 2015
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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 5 August 2015. 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 change of use of the former coach house situated to the rear of 45 Esplanade/2 Roseneath Street and associated alterations to form a dwellinghouse. It is proposed to enlarge the building by an increase in overall height by approximately 1m and by constructing a two storey extension on its south side. The application was refused consent in terms of a decision letter dated 23 March 2015.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application and plan specified above;
 - (ii) Site Photographs;
 - (iii) The Appointed Officer's Report of Handling dated 20 March 2015;
 - (iv) Consultation Response in respect of the planning application;

- (v) Historic Scotland's Scottish Historic Environment Policy;
- (vi) Historic Scotland's Managing Change and the Historic Environment Guidance Notes on setting;
- (vii) Decision Notice dated 23 March 2015;
- (viii) Letter dated 19 May 2015 from Canata & Seggie, Chartered Architects, enclosing Notice of Review form and Statement to the Local Review Body;
- (ix) Appendix A and Appendix B of the Statement to the Local Review Body;
- (x) Draft Condition 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 scale and height of the proposed dwellinghouse and its impact on the adjacent and existing dwellings in the vicinity. In its consideration of the matter, the ILRB noted that Historic Scotland had no comments on the proposal and that no objections had been received from members of the public.

4.2 The application had been refused as the proposal, by virtue of scale and height, would adversely impact upon the character of the existing building and its setting within this part of the Greenock West End Conservation Area and, as such, would be contrary to Local Development Plan Policies RES1(a), RES5(a), (b) and (c) and to the guidance contained within Historic Scotland's Scottish Historic Environment Policy (SHEP) that development should preserve or enhance the character of the conservation area.

4.3 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 on site until full details of all external materials to be used, including doors and windows to be installed, have been submitted to and approved by the Planning Authority. The approved materials shall thereafter be used unless a variation is agreed in writing with the Planning Authority.

Reason:

1. To ensure the proposed materials are appropriate for the existing building and the wider 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.