

Inverclyde Local Review Body

Our Ref: 15/0049/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: Levan Wood, Dunvegan Avenue, Gourrock
 - Application for Review by Muir Smith Evans, Planning & Development Consultants, on behalf of Mr V Canata against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 15/0049/IC
 - Application Drawings: Drg. No. 2139_D.003 Revision A – Proposed Block Plan
Drg. No. 2139_D.001 Revision C - Proposed Site Plan,
Street Elevation and 3D View
Drg. No. 2139_D.002 Revision B – Proposed Plan and Elevations
 - Site Inspection took place on 1 October 2015
 - Date of Review Decision Notice: 23 October 2015
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Decision

The ILRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review. 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 firstly at a meeting held on 2 September 2015. The ILRB was constituted by Councillors G Dorrian, T Loughran, I Nelson, L Rebecchi and D Wilson. At that meeting, the members of the ILRB decided that they wished to carry out an unaccompanied site inspection before making a decision in respect of this matter. The meeting was adjourned to allow a site inspection to be carried out and said site inspection attended by Councillors G Dorrian, T Loughran, I Nelson, L Rebecchi and D Wilson took place on 1 October 2015. The ILRB reconvened on 7 October 2015 to determine the matter. The ILRB on 7 October 2015 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 pitched roof, five storey “tower” house with a detached, pitched roof and car port. The house is to be excavated into the steeply sloping section of the site and, as a result, presents a three storey elevation to Dunvegan Avenue with a five storey rear elevation facing the woodland to the rear. At fifth floor level the main living accommodation incorporates full height glazing on all four elevations, a large chimney on the

rear elevation and a balcony on the southwest elevation. External finishes comprise traditional roughcast and lead roofing. The floor plan of the house is of square format with a smaller square shaped projection attached to the front elevation forming a pitched roof tower which rises above eaves level of the main roof. The main entrance is contained within the tower at third floor level. The application was refused consent in terms of a decision letter dated 13 April 2015.

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) Letters of representation and Consultation Responses in respect of the Planning Application;
- (iv) The Appointed Officer's Report of Handling dated 9 April 2015;
- (v) Decision Notice dated 13 April 2015;
- (vi) Letter dated 29 June 2015 from Muir Smith Evans, Planning & Development Consultants, enclosing Notice of Review Form and supporting documents;
- (vii) Further representation;
- (viii) Email dated 3 August 2015 from Muir Smith Evans, Planning & Development Consultants, in response to the further representation; and
- (ix) Suggested conditions should planning permission be granted on review.

3.2 Having regard to the material before the ILRB the ILRB resolved that the review application be determined without any procedure allowed in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.

4. Findings and Conclusions

4.1 The determining issue in this review is the impact of the proposal on the open space on Dunvegan Avenue and the Tree Preservation Order in place.

4.2 The application had been refused as the site falls within part of the open space serving the residential development at Dunvegan Avenue and is thus contrary to Policy ENV4 of the Local Development Plan which seeks to support, safeguard and, where practicable, enhance areas of open space of value in terms of their amenity to their surroundings.

4.3 Having regard to the whole circumstances, including the site inspection, the ILRB, following a vote, determined that the review application had been correctly refused for the reasons given in the Decision Notice dated 13 April 2015, namely:-

1. That the site falls within part of the open space serving the residential development at Dunvegan Avenue and is thus contrary to Policy ENV4 of the Local Development Plan which seeks to support, safeguard and, where practicable, enhance areas of open space of value in terms of their amenity to their surroundings.

4.4 The Review Application was accordingly dismissed.

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.