

**Local Review Body**

**7 September 2016**

**Planning Application for Review**

**Mr L Mulaghton**

**Erection of a timber deck and plastic garden store (in retrospect):  
53 Shankland Road, Greenock (16/0067/IC)**

**Contents**

- Planning Application, Location Plan and Photograph
- Site Photographs
- Report of Handling dated 27 May 2016
- Planning Application Advice Note 5
- Consultation Response
- Representation
- Decision Notice dated 30 May 2016
- Notice of Review form and supporting documentation  
(NB Personal information and photograph not included with the papers in accordance with the criteria set out in Section 43(B) of the Town & Country Planning (Scotland) Act 1997)
- Letter dated 25 July 2016 from Mr & Mrs Mulaghton in relation to new material

# **PLANNING APPLICATION, LOCATION PLAN AND PHOTOGRAPH**

Head of Regeneration and Planning  
Municipal Buildings  
Clyde Square  
Greenock PA15 1LY



**FOR OFFICIAL USE ONLY**

Reference No. 16/0067/1C  
Date of Receipt .....  
Fee Paid £202.00  
Date Fee Received 18.3.16  
Date Valid .....  
Receipt No. CONTACT

**PLANNING APPLICATION**

Town & Country Planning (Scotland) Acts

The undernoted 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>LAWRENCE MULAGHITON</u>	Name .....
Address <u>53 SHANKLAND ROAD</u>	Address .....
<u>GREENOCK</u> Postcode .....	Postcode .....
Telephone Number <u>PAIS 202</u>	Telephone Number .....
	Profession .....

**see note 2**

2. Description of Development	
<u>Erection of a timber deck &amp; plastic garden store (in retrospect)</u>	
Site Location <u>53 Shankland Rd. Greenock</u>	
Site Area (hectares) .....	Number of dwellinghouses proposed .....
	New gross floorspace (sq. metres) .....

**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: Residential flat

(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

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

(b) Outside Walls Material Timber  
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?

£ 1,000

see note 12

**12. Confirmation**

Signature of applicant/agent.....

on behalf of.....

Date 15/3/16

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:

\* 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)

.....

.....

.....

.....

.....

.....

.....

.....

.....

\* 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 .....

Date 18/3/16 .....

**see note 15**

**CHECKLIST - The following documentation should be submitted:**

please tick all boxes

TWO APPLICATION FORMS

TWO SETS OF PLANS

FEE (Where appropriate)

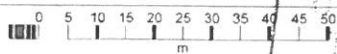
DESIGN & ACCESS STATEMENT  
(National and Major applications only)

PRE-APPLICATION CONSULTATION REPORT  
(National and Major applications only)

**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



OS MasterMap 1250/2500/10000 scale  
 24 March 2016, ID: M4P-00513970  
 Brown Newsagents, Kelso  
 1:1250 scale print at A4, Centre: 230954 E, 674736 N  
 ©Crown Copyright Ordnance Survey. Licence no.  
 100019980

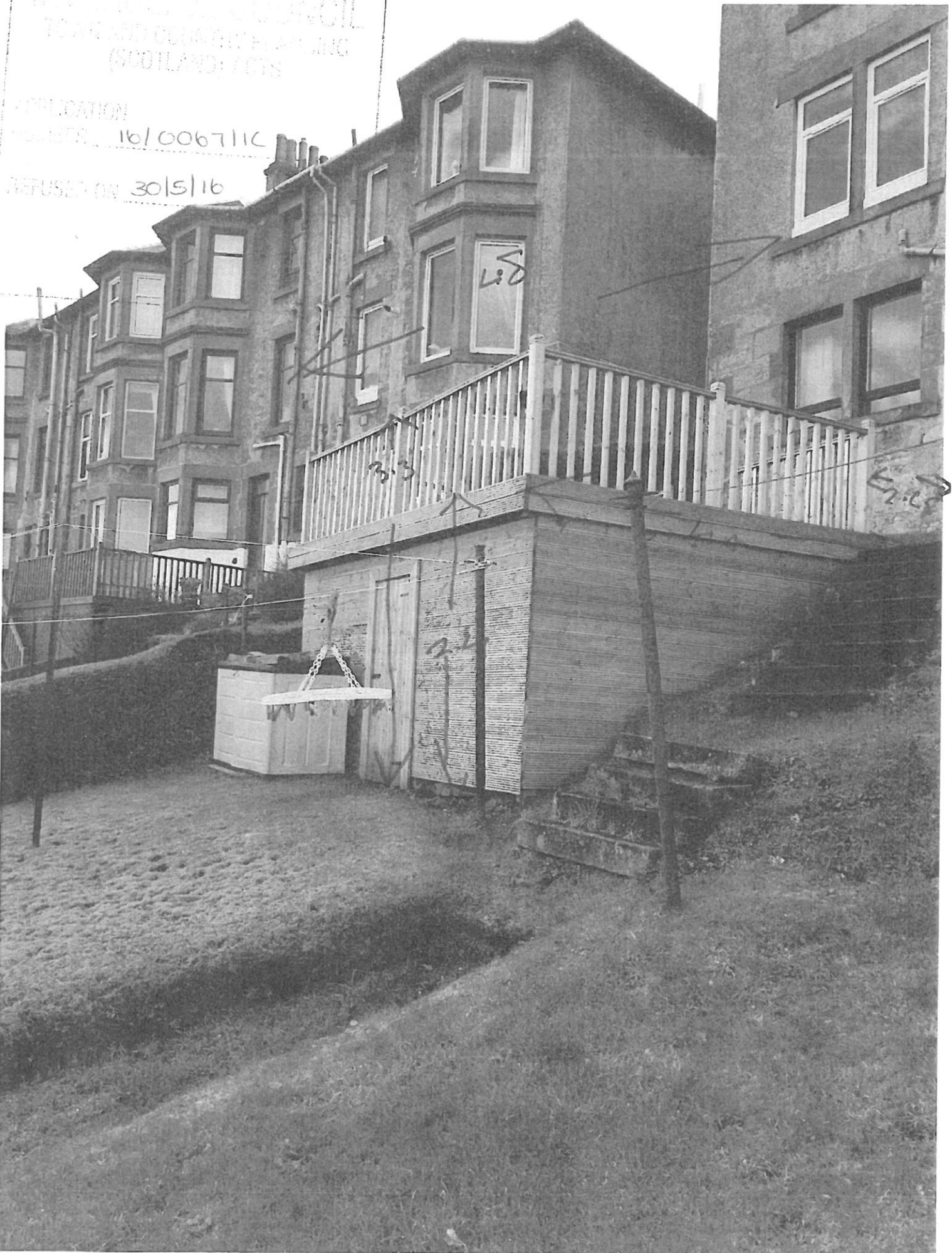
TOWN AND COUNTRY PLANNING ACTS  
 (SCOTLAND) ACTS  
 APPLICATION NUMBER: 16/006711C  
 REFUSED: 30/5/16  
 Data

THE TOWN AND COUNCIL  
TOWN AND COUNCIL OF ABERDEEN  
(SCOTLAND) ACTS

APPLICATION

NUMBER 16/006711C

REFUSED ON 30/5/16



**SITE PHOTOGRAPHS  
(TAKEN ON 10 MAY 2016)**























**REPORT OF HANDLING DATED 27 MAY 2016**

**REPORT OF HANDLING**

**Report By:** James McColl

**Report No:** 16/0067/IC

**Local Application  
Development**

**Contact  
Officer:** 01475 712462

**Date:** 27th May 2016

**Subject:** Erection of a timber deck and plastic garden store (in retrospect) at  
53 Shankland Road, Greenock

**SITE DESCRIPTION**

The application relates to the upper flat and associated garden ground within a sub-divided villa located on the northern side of Shankland Road, Greenock. The building is two storeys to the front and three storeys to the rear due to the gradient of the site. The ground floor and lower ground floor are occupied by the lower flat. Externally, the building is finished in sandstone and a slate roof. A variety of residential properties lie adjacent with a railway line beyond the steeply sloping rear garden.

**PROPOSAL**

A timber deck has been erected to the rear of the building. The deck is approximately 4.8 metres by 4.4 metres and has a floor level which is approximately 2.4 metres above ground level at the highest point. The floor is enclosed by a timber balustrade. The floor level of the deck is approximately 1 metre below floor level of the lower ground floor of the building. Approximately 2.6 metres separates the deck from the rear of the building. The supporting structure of the elevated deck is clad in horizontally-fixed, timber decking boards and a door providing access to its sub-structure is located to the rear. The overall finish is light-coloured timber.

A mushroom and dark green coloured plastic store is sited to the rear of the deck. This measures approximately 1m by 0.6m deep by 0.9m high.

As the works have already been undertaken, the application is considered in retrospect.

**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.

Planning Application Advice Note No 5 (PAAN5) "Balconies and Garden Decking" applies.

## **CONSULTATIONS**

**Network Rail** - No objections.

## **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**

One objection has been submitted in connection with the application. The concerns raised can be summarised as follows:

- Sewerage pipes servicing a number of properties run below the deck. Potential blockages or problems may go unnoticed for periods of time. Access to the pipes may be denied or be costly to access.
- The removal of banking underneath the deck may raise a potential flooding risk.
- The proposal is out of character with shared property and abuts the rear garden's shared access path and stairs.
- A line of sight from the deck into lower ground floor bedrooms impacts upon privacy.
- Views from the lower ground floor windows have been restricted and the erection of structures on top of the decking shall cause further obstruction.
- Privacy of the ground floor flat's rear garden and greenhouse has been adversely affected.
- Social gatherings on the deck may cause distress and inconvenience when trying to sleep in the lower ground floor bedroom and lounge.

I will consider these concerns in my assessment.

## **ASSESSMENT**

The material considerations in the determination of this planning application are the Inverclyde Local Development Plan, the Council's Planning Application Advice Note (PAAN) 5 on "Balconies and Garden Decking", the visual impact of the deck, the impact on neighbouring amenity, the consultation response and the objection received.

Policy RES1 of the Local Development Plan seeks to protect residential amenity and PAAN5 provides guidance on the erection of garden decking.

Assessing the visual impact of the deck, it is a significant structure within the sloping rear garden. However, there are numerous structures, including large decks, within the rear gardens on the northern side of Shankland Road (which continues as Lilybank Road approximately 60m to the east of the application site) which may not all be flattened. In this context, the deck is not considered out of keeping with the established pattern of development. The nearest public views of the decking would be from train passengers travelling approximately 90m to the north. The distance separating the deck from the public domain, the large railway embankment and the existing vegetation results

clear views towards the deck and I am satisfied there is no adverse visual impact. The position and limited size of the garden store results in it having a neutral visual impact.

Considering overlooking, PAAN5 requires screening where there is both a view of neighbouring gardens and the deck is within 9 metres of the boundary. It is stated however that exceptions can be made where the deck does not increase or intensify intervisibility and overlooking. The deck is within 9 metres of the boundary and there are clear views across neighbouring gardens. However, due to the steep slope on the north-east side of Shankland Road and Lilybank Road there is existing intervisibility between gardens and from existing rear windows. There are also other instances of decks of similar scale and design, none of which are equipped with side privacy screening. Whilst this arrangement allows for unobstructed views of the River Clyde it also results in clear intervisibility between properties. This includes the other half of the garden relating to the property, subject of the application, which has a longitudinal split in ownership where no privacy existed prior to the construction of the deck. Overall, I am satisfied that despite the absence of any screening, the deck does not lead to any additional overlooking, intervisibility or loss of privacy to neighbouring gardens beyond the established position.

Considering the potential for loss of privacy to the lower ground floor windows of the lower flat, I note the deck is located approximately 2.6 metres away from these. As the floor of the deck is around 1 metre lower than the floor level of the lower ground floor, any privacy screening would require to be at least 3 metres high to be effective. The visual impact of such high screening on top of the elevated deck upon the outlook of the lower ground floor windows, adjoining gardens and the long views from the railway line would, I consider, outweigh any benefits that it may accrue. It therefore falls to consider how significant the impact on the lower ground floor windows is. Whilst there are views towards the lower ground floor windows adjacent, these are moderated by the floor level of the deck being below the floor level of the lower ground floor. It is also noted that intervisibility between the rear garden's access stair and path and the lower ground floor windows existed prior to the construction of the deck. Furthermore, as the principal purpose of the deck is to provide a level platform for outdoor seating and enjoyment of views northwards towards the River Clyde, intervisibility from parties taking access to and from the deck with the downstairs windows is likely to be transient. Intervisibility with the windows from a seated position on the deck is reduced given that parties seated on the deck would most likely orientate their seating position towards the river and hence away from the direction of the downstairs windows. It may also be that the deck, during good weather, remains in use at sunset when artificial lighting is in use within the lower ground floor rooms. I consider it reasonable to expect that the occupants of the lower flat would draw curtains or close blinds at this time of day. Given all of these circumstances, I do not consider intervisibility with the downstairs windows to be so significant an issue to justify refusal of planning permission.

The determining factor in the assessment of this application is the size of the deck and the potential for future use to unacceptably disturb neighbouring residents. The deck has a floor area of around 21 square metres. Notwithstanding the fact that there is not a door from the flat which directly accesses it, a deck of this size could afford residents the opportunity of undertaking a wider range of functions over extensive periods of day and evening. In light of its proximity to the windows of the lower flat, I consider that the floor area of the deck goes beyond a size that could be reasonably required to afford an area of seating for the occupants of the property to relax, enjoy good weather and take in the views across the river. It has the potential, particularly during good weather, to lead to a level of activity which could generate noise and activity to the detriment of neighbours. This potential disturbance would be compounded by proximity to the windows of the lower ground floor flat. I therefore consider that the deck would have an unacceptable impact on the amenity of neighbouring residents and not be in accordance with policy RES1 of the Inverclyde Local Plan or PAAN5.

Considering the outstanding points raised in the objection received, access to pipes within the property is a civil matter to be resolved between the affected parties. There is nothing to suggest that the deck creates any flooding hazard and there are no residential properties on the downward slope from it. No structures are proposed to be constructed on the deck and loss of view in any

case is not a material planning consideration. Finally, with regard to the consultation response, Network Rail raise no objections.

In conclusion, the deck due to its size and proximity to neighbouring windows, has the potential to generate noise and activity to the detriment of the amenity neighbours. As such I find the application not to be in accordance with the aims of policy RES1 of the Local Development Plan together with PAAN5. I am therefore unable to support the application.

### **RECOMMENDATION**

That the application be refused for the following reason:

1. The deck by virtue of its size and proximity to neighbouring windows would allow the opportunity to undertake a range of functions to an extent that the activity may impinge upon the enjoyment of neighbouring property to the detriment of the amenity of neighbouring residents. As such the proposed deck is not in accordance with the aims of Policy RES1 of the Inverclyde Local Development Plan and Planning Application Advice Note No 5 on Balconies and Garden Decking.

Signed:

Case Officer: James McColl

Stuart Jamieson  
Head of Regeneration and Planning

## **PLANNING APPLICATION ADVICE NOTE 5**



## Planning Application Advice Note No. 5

### BALCONIES and GARDEN DECKING

The topography of Inverclyde provides many houses with spectacular views over the Firth of Clyde. Inland there are often opportunities to view open countryside. There is no objection in principle to balconies being erected, but they must take account of privacy and the impact they may have on neighbours enjoyment of their gardens.

Garden decking is becoming increasingly popular, and similarly, there is no objection to this being erected, but again, it must take account of privacy and the impact they may have on neighbours enjoyment of their gardens.

This Advice Note provides a guide to the issues that are considered in determining applications for planning permission.

#### Balconies:

- The balcony should be restricted in size to allow for limited seating and the enjoyment of wider views. Unless obscure from view from neighbouring housing, it should not be of a size that will afford residents the opportunity of undertaking a wide range of activities over extensive periods of day and evening to the extent that regular and/or continuous activity may impinge upon the enjoyment of neighbouring gardens.
- Where a balcony is positioned within 9 metres of the garden boundary and where there is a view of the neighbouring private/rear garden

area, the erection of screening shall generally be required. Screening may not be required in cases where the balcony does not increase or intensify the intervisibility between and the overlooking of neighbours. Where screening is required and the screening is in excess of 2.5 metres high on or within 2 metres of a boundary or will itself result in an unacceptable loss of light to a room in a neighbouring house, then the proposed balcony will not be supported. The Council will use the Building research establishment publication "Site Layout Policy for daylight and sunlight: A guide to good practice" in making this assessment.

- The design and position of the balcony shall be appropriate to the architectural design of the house.

#### Garden Decking:

- The position of decking should respect the rights of neighbours to enjoy their gardens without being the subject of intrusive overlooking. If raised, it should not be of a size that will afford residents the opportunity of undertaking a wide range of activities over extensive periods of day and evening to the extent that regular and/or continuous activity may impinge upon the enjoyment of neighbouring gardens.
- Where decking is positioned within 9 metres of the garden boundary and where there is a view of the neighbouring private/rear garden area, the erection of screening, either at the decking edge or the garden boundary shall generally be required. Screening may not be required in cases where the decking does not increase or intensify the intervisibility between and the overlooking of neighbours. Where

screening is required and the screening is in excess of 2.5 metres high on or within 2 metres of a boundary or will itself result in an unacceptable loss of light to a room in a neighbouring house, then the proposed balcony will not be supported. The Council will use the Building research establishment publication "Site Layout Policy for daylight and sunlight: A guide to good practice" in making this assessment.

- The design and position of the decking shall be appropriate to the architectural design of the house.

# CONSULTATION RESPONSE

**James McColl**

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**From:** David Ashman on behalf of Devcont Planning  
**Sent:** 12 April 2016 10:47  
**To:** Laura Graham  
**Subject:** FW: 16/0067/IC - Erection of a timber deck and plastic garden store (in retrospect) at 53 Shankland Road Greenock PA15 2QR

Consultation reply

**From:** Henderson Martin [<mailto:Martin.Henderson@networkrail.co.uk>] **On Behalf Of** Town Planning Scotland  
**Sent:** 12 April 2016 09:54  
**To:** Devcont Planning  
**Subject:** REF: 16/0067/IC - Erection of a timber deck and plastic garden store (in retrospect) at 53 Shankland Road Greenock PA15 2QR

**For the attention of Guy Phillips**

Guy,

Thank you for consulting Network Rail regarding the above development. After examining the proposal Network Rail considers that it will have no impact on railway infrastructure and therefore have no comments/objections to this application.

Regards

Martin Henderson



**Martin Henderson**  
Town Planning Technician  
1st Floor George House  
36 North Hanover Street  
Glasgow, G1 2AD  
T +44 (0) 141 555 4543 (Internal) 085 44543  
E [martin.henderson@networkrail.co.uk](mailto:martin.henderson@networkrail.co.uk)

**[www.networkrail.co.uk/property](http://www.networkrail.co.uk/property)**

Please send all Notifications and Consultations to [TownPlanningScotland@networkrail.co.uk](mailto:TownPlanningScotland@networkrail.co.uk) or by post to Network Rail, Town Planning, 1st Floor George House, 36 North Hanover Street, Glasgow, G1 2AD

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# REPRESENTATION

# Comments for Planning Application 16/0067/IC

## Application Summary

Application Number: 16/0067/IC

Address: 53 Shankland Road Greenock PA15 2QR

Proposal: Erection of a timber deck and plastic garden store (in retrospect)

Case Officer: Guy Phillips

## Customer Details

Name: Mr Ian Kane

Address: 51 Shankland Road Greenock

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The main sewerage pipes servicing a number of properties now run directly under the decking structure. potential blockages or problems may go unnoticed for periods of time. Access denied or costly to access. Removal of the grass bank may raise a potential flooding risk to the garden

The decking is out of character in respect of a shared property. The decking also abuts the shared stairs and path access to the garden.

Standing on the decking allows clear sight into our downstairs bed rooms impacting our privacy

Erection of any further structure on top of the decking will further restrict our views.

The height of the decking from bottom to the highest point is too high as it restricts our view and impacts our privacy.

If working in garden and or greenhouse and any persons on decking they are looking down at us and impacting our privacy.

Social gatherings on decking will cause distress & inconvenience to us when trying to sleep in bedrooms or downstairs lounge because of the proximity

**DECISION NOTICE DATED 30 MAY 2016**

# DECISION NOTICE

Inverclyde  
council

## *Refusal of Planning Permission*

Issued under Delegated Powers

Regeneration and Planning  
Municipal Buildings  
Clyde Square  
Greenock PA15 1LY

Planning Ref: 16/0067/IC

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

Mr Lawrence Mulaghton  
53 Shankland Road  
GREENOCK  
PA15 2QR

With reference to your application dated 23rd March 2016 for planning permission under the above mentioned Act and Regulation for the following development:-

**Erection of a timber deck and plastic garden store (in retrospect) at**

**53 Shankland Road, Greenock, PA15 2QR**

**Category of Application Local Application Development**

The INVERCLYDE COUNCIL in exercise of their powers under the abovementioned Act and Regulation hereby refuse planning permission for the said development.

The reasons for the Council's decision are:-

1. The deck by virtue of its size and proximity to neighbouring windows would allow the opportunity to undertake a range of functions to an extent that the activity may impinge upon the enjoyment of neighbouring property to the detriment of the amenity of neighbouring residents. As such the proposed deck is not in accordance with the aims of Policy RES1 of the Inverclyde Local Development Plan and Planning Application Advice Note No 5 on Balconies and Garden Decking.

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

**Dated this 30th day of May 2016**

**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

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

Drawing No:	Version:	Dated:
100019980		24.03.2016
PHOTO		



# **NOTICE OF REVIEW FORM AND SUPPORTING DOCUMENTATION**

LEGAL SERVICES  
 RECEIVED Notice of Review  
 07 JUL 2016  
 R.Mc. 1635  
 ACTION .....

# NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

**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.**

Use BLOCK CAPITALS if completing in manuscript

### Applicant(s)

### Agent (if any)

Name LAWRENCE MULAGHTON  
 Address S3 SHANKLAND ROAD  
GREGNOCK  
 Postcode PAIS 2QR  
 Contact Telephone 1   
 Contact Telephone 2   
 Fax No   
 E-mail\*

Name   
 Address   
 Postcode   
 Contact Telephone 1   
 Contact Telephone 2   
 Fax No   
 E-mail\*

Mark this box to confirm all contact should be through this representative:

\* Do you agree to correspondence regarding your review being sent by e-mail?

Yes  No

Planning authority INVERCLYDE COUNCIL

Planning authority's application reference number 16/0067/1C

Site address S3 SHANKLAND ROAD GREGNOCK

Description of proposed development TIMBER DECK (IN RETROSPECT)

Date of application 23/3/16

Date of decision (if any) 30/5/16

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

**Nature of application**

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. 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)
- 4. Application for approval of matters specified in conditions

**Reasons for seeking review**

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

**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.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, 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 are necessary:

**Site inspection**

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

- |  | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|
| 1. Can the site be viewed entirely from public land?                                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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

**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.

\* In the entire year since the decking was erected in May 2015 there haven't been any large parties/ social gatherings on it. It has only ever been used for personal enjoyment of the views.

\* The decking is necessary due to our inability to fully utilise the garden because of the steep downward gradient.

\* The decking is in keeping with the vast majority of the households on Shankland Rd/Lilybank Rd which have decking/patios in their rear gardens.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes  No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

Our were not raised at the time of the application as we did not think this information would be required. This information was not requested on the application form.

**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 and intend to rely on in support of your review.

*I enclose a photograph of a westerly view of the properties containing decking/patios at the rear of the properties.*

*I also enclose evidence from*

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.

**Checklist**

Please mark the appropriate boxes to confirm 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 requiring 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 [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed

Date 5/7/16 ~~5/7/16~~ 5/7/16

**LETTER DATED 25 JULY 2016 FROM  
MR & MRS MULAGHTON**

Mr and Mrs Mulaghton  
53 Shankland Road  
Greenock  
PA15 2QR



Your ref: RMcG/AI/ECO1440

25<sup>th</sup> July 2016

Mr Gerard Malone  
Head of Legal & Property Services  
Inverclyde Council  
Municipal Buildings  
Clyde Square  
Greenock  
PA15 1LY

Dear Mr Malone

Thank you for your letter of 21<sup>st</sup> July 2016.

With regards to our \_\_\_\_\_, as stated in the Notice of Review form there was no request or provision made for this information.

The photograph attached to our Notice of Review form was enclosed for the appeal process to provide evidence that our decked area is in keeping with the rear of surrounding properties.

We hope this information will suffice.

Kind regards.

Yours sincerely

Mr and Mrs Mulaghton