

## Inverclyde Local Review Body

Our Ref: 15/0273/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 61 Forsyth Street, Greenock
  - Application for Review by Mr Stewart Gemmill against the decision by an appointed officer of Inverclyde Council
  - Application Ref: 15/0273/IC
  - Application Drawings: Location Plan
  - Date of Review Decision Notice: 25 August 2016
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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 at a meeting held on 3 August 2016. The ILRB 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 planning permission for the installation of roof mounted solar panels (in retrospect). Fourteen panels arranged in four rows have been installed on the rear facing roof of the main house and a further panel is positioned on the rear facing roof slope of the single storey projection. The application was refused consent in terms of a decision letter dated 15 March 2016.

### 3. Preliminaries

3.1 The ILRB members were provided with copies of the following:

- (i) Planning Application, plan specified above and photographs;
- (ii) The Appointed Officer's Report of Handling dated 11 March 2016;
- (iii) Historic Scotland's Scottish Historic Environment Policy December 2011;
- (iv) Historic Environment Scotland Managing Change in the Historic Environment Guidance Note on Micro-renewables;
- (v) Scottish Planning Policy;
- (vi) Notice of Review Form dated 9 June 2016 and supporting documentation;
- (vii) Full copy of Notice of Review Form; and
- (viii) Email dated 8 June 2016 from Jenn McClafferty on behalf of Ronnie Cowan MP.

3.2 Having regard to the material before the ILRB, 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. Findings and Conclusions

4.1 The determining issues in this review are the visual impact of the solar panels, particularly the view from Finnart Street, it being the ILRB's view that the appearance of the solar panels was haphazard. The ILRB also had regard to the impact on the Greenock West End Conservation Area.

4.2 Having regard to the whole circumstances, the ILRB concluded that the application had been correctly refused for the reasons given in the Decision Notice dated 15 March 2016 namely:-

- 1. The solar panels installed detract from the character and appearance of the existing building and the surrounding area, and fail to preserve or enhance the appearance of the Greenock West End Conservation Area.
- 2. The proposal does not accord with the advice contained in policies RES5 and HER1 of the Inverclyde Local Development Plan, Historic Environment Scotland's "Managing Change in the Historic Environment" guidance notes and the Scottish Historic Environment Policy which seeks to preserve the historic environment.

4.3 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.