

**Local Review Body**

**1 February 2017**

**Planning Application for Review**

**Mr S Forrest**

**Proposed side and rear extensions, raised deck and fencing to dwelling house:  
29 Kelly Street, Greenock (16/0189/IC)**

**Contents**

- Planning Application and Plans
- Site Photographs
- Report of Handling dated 3 October 2016
- Consultation Response
- Decision Notice dated 3 October 2016
- Letter dated 3 November 2016 from Canata & Seggie, Chartered Architects, enclosing Notice of Review Form and statement to Local Review Body
- Suggested condition should planning permission be granted on review

# PLANNING APPLICATION AND PLANS

# Inverclyde council

Municipal Buildings Clyde Square Greenock PA15 1LY Tel: 01475 717171 Fax: 01475 712 468 Email:  
devcont.planning@inverclyde.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE      100019514-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Description of Proposal

Please describe accurately the work proposed: \* (Max 500 characters)

Proposed side and rear extensions, raised deck and fencing to dwellinghouse.

Has the work already been started and/ or completed? \*

No    Yes - Started    Yes – Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant    Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Canata and Seggie Chartered Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Douglas	Building Name:	
Last Name: *	Nicholson	Building Number:	7
Telephone Number: *	01475 784517	Address 1 (Street): *	Union Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Greenock
Fax Number:		Country: *	Scotland
		Postcode: *	PA16 8JH
Email Address: *	info@canseg.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Scott	Building Number:	29
Last Name: *	Forrest	Address 1 (Street): *	Kelly Street
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Greenock
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	PA16 8LB
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*  Yes  No

## Trees

Are there any trees on or adjacent to the application site? \*  Yes  No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? \*  Yes  No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*  Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Douglas Nicholson

On behalf of: Mr Scott Forrest

Date: 18/07/2016

Please tick here to certify this Certificate. \*

## Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? \*  Yes  No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? \*  Yes  No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent.? \*  Yes  No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? \*. This should have a north point and be drawn to an identified scale.  Yes  No
- e) Have you provided a certificate of ownership? \*  Yes  No
- f) Have you provided the fee payable under the Fees Regulations? \*  Yes  No
- g) Have you provided any other plans as necessary? \*  Yes  No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). \*

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding.  Yes  No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. \*  Yes  No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

## Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr Douglas Nicholson

Declaration Date: 18/07/2016

## Payment Details

Cheque: Canata and Seggie Architects, 2380

Created: 18/07/2016 10:48



## SITE PHOTOGRAPHS



PLEASE  
KEEP  
CLEAR

SL10 USC

MD63 EGZ



29

PLEASE  
KEEP  
CLEAR









# **REPORT OF HANDLING DATED 3 OCTOBER 2016**



**REPORT OF HANDLING**

**Report By:** Guy Phillips

**Report No:** 16/0189/IC

**Local Application  
Development**

**Contact  
Officer:** 01475 712422

**Date:** 3<sup>rd</sup> October 2016

**Subject:** Proposed side and rear extensions, raised deck and fencing to dwellinghouse at  
29 Kelly Street, Greenock

**SITE DESCRIPTION**

29 Kelly Street is a white-painted two storey Victorian villa which is attached to the south-west gable of a three storey tenement. The villa is on the south-east side of the street and falls within the Greenock West End Conservation Area.

Attached to the villa is an approximately 11.5 square metres flat roof garden store, which is on its south-west gable elevation and an approximately 12 square metres flat roof rear utility room. The garden store is set behind the villa's approximately 2.5m high white painted garden boundary wall onto Kelly Street. Only the roof of the garden store is visible above the wall. To the south-west of the garden store is a paved parking area with space for one car. It is accessed via an opening in the front boundary wall which has pillars to each side. To the south-east (rear) of the parking space and garden store is the villa's garden. An approximately 1.8m high timber fence and gate separates the parking space from the garden. The garden's boundaries are formed by brick walling varying between 1.8m and 3m high.

The rear utility room extends to within approximately 0.3m of the villa's rear garden boundary wall. To the north-east side of the utility room is an approximately 9 square metres area of garden which is difficult to access.

Adjoining to the south-east (rear) is the rear parking court of a development of 5 modern 3 storey flats at 11 Brisbane Street. To the south-west (side) are the rear gardens of two storey early 20<sup>th</sup> century terraced houses which front Finnart Street.

**PROPOSAL**

It is proposed to remove the rear utility room and garden store and to construct an approximately 34 square metres irregularly shaped wrap-round extension containing a family room, dining area, utility room, lavatory and replacement garden store. External finishes are white-coloured render and a mix of natural slate and single-ply membrane on the extension's three sections of roof.

The forwardmost part of the proposed extension is the garden store which is setback approximately 2m behind the boundary wall onto Kelly Street. It has a hip-ended roof clad in natural slate and contains double doors on its south-west (side) elevation. To the rear of the garden store, the remainder of the extension wraps around the south-west side and south-east (rear) elevations of

the house. It contains a family room/dining space, utility room and lavatory. The family room/dining space are to formed open-plan with the house's rear kitchen.

That part of the extension containing the family room is of modern design and projects approximately 1m further into the side garden than the garden store to which it is attached. Its wall head is approximately 4.5m high (approximately 2m above that of the attached garden store) and has a pagoda-style roof with a single-ply membrane finish. It features full-height glazing on its south-west (side) elevation comprising a two section picture window with astragals above. The upper part of the window is equipped with translucent glazing.

To the rear of the family room, the wrap-round extension steps in by approximately 2m from the side garden and, thereafter returns approximately 9.2m along the house's rear elevation to a point approximately 0.75m from the rear garden boundary of the adjoining tenement at 27 Kelly Street. The rear part of the wrap-round extension has a hip-ended roof clad in a single-ply membrane. It contains the dining space, utility room and lavatory, projects approximately 2.7m from the rear of the house and is approximately 1.9m from the rear garden wall. The wallhead of the rear part of the extension is approximately 1.2m below that of the family room to which it is attached.

On its south-west (side) elevation, the dining space within the rear part of the wrap-round extension has patio doors which open onto an irregularly shaped timber deck to be formed approximately 500mm above the existing garden level. The proposed deck occupies approximately 75% of the side garden and has four steps which link down to the existing parking space off Kelly Street. The submitted plans further detail that the existing opening in the front garden wall is to be equipped with a sliding timber gate. The upper half of the proposed family room and the roof of the garden store attached to it are visible from Kelly Street above the proposed gate and existing front boundary wall.

## **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.

### **Policy RES5 - Proposals for Changes to Properties for Residential Use**

Proposals for the change of use, sub-division or conversion to properties to create new additional dwelling units, and for the alteration or extension to residential properties, will be assessed against and have to satisfy where appropriate, the following criteria:

- (a) the character and amenity of neighbouring properties;
  - (b) impact on the streetscape;
  - (c) impact on the character of the existing property;
  - (d) accordance with the Council's adopted roads guidance; and
- having regard to Supplementary Guidance on Planning Application Advice Notes.

## Policy HER1 - Development which Affects the Character of Conservation Areas

Development proposals which affect conservation areas will be acceptable where they are sympathetic to the character, pattern of development and appearance of the area. Such proposals will be assessed having regard to Historic Scotland's SHEP and "Managing Change in the Historic Environment" guidance note series.

The Council's Planning Application Advice Notes No 4 (PAAN4) "House Extensions" and No5 (PAAN5) "Balconies and Garden Decking" apply.

### **CONSULTATIONS**

**Head of Environmental and Commercial Services** - no objections.

### **PUBLICITY**

The application was as a development affecting a conservation area.

### **SITE NOTICES**

A site notice was posted as a development affecting conservation area.

### **PUBLIC PARTICIPATION**

No written representations have been received.

### **ASSESSMENT**

The material considerations in the determination of this planning application are the planning history of the site, the Local Development Plan, the Council's Planning Application Advice Notes No4 (PAAN4) "House Extensions" and No5 (PAAN5) "Balconies and Garden Decking", Historic Environment Scotland's "Managing Change in the Historic Environment" guidance note series and "Policy Statement" (which supersedes the SHEP) and the consultation response from the Head of Environmental and Commercial Services.

Understanding the planning history of the site is important to consideration of the current application. The front parking space and part of the side garden were formerly occupied by a flat roof shop which was attached to the house's south-west gable. In August 2003, planning permission was refused for the erection of a house on this part of the site. Planning permission was refused due to a lack of garden ground necessary to support the development.

In February 2004, planning permission was granted for the change of use of the land subject of the 2003 refusal of planning permission to form additional garden ground and a hardstanding.

In September 2004 planning permission was granted for an amendment to the planning permission granted in March of that year. The amendments comprised the retention of the rear extension, formation of boundary walls and a revised vehicular access.

In October 2011, planning permission in retrospect was granted for the change of use of the dwellinghouse to a dwellinghouse and childminding operation for up to 12 children. Conditions attached to the 2011 planning permission restrict the childminding operation to a capacity of 12 children and its hours of operation to 8am to 6pm.

Policies RES1 and HER1 of the Local Development Plan combine to seek to safeguard residential amenity and character and to ensure that development proposals are sympathetic to the character, pattern of development and appearance of the Conservation Area. The best measure to determine whether or not this aim is met is to assess the proposal against policy RES5's criteria, with

reference to the design guidance in the Council's Planning Application Advice Notes No4 (PAAN4) "House Extensions" and No5 (PAAN5) "Balconies and Garden Decking", Historic Environment Scotland's "Managing Change in the Historic Environment" guidance note series and "Policy Statement". Policy RES5's criteria are: (a) the character and amenity of neighbouring properties; (b) impact on the streetscape; (c) impact on the character of the existing property; (d) accordance with the Council's adopted roads guidance; and having regard to Supplementary Guidance on Planning Application Advice Notes.

Considering the character and amenity of neighbouring properties, potential impact arises from overlooking from the windows within the proposed extension and the raised decking. Windows in the south-east (rear) elevation are set at high level and while views from them are possible, they are over the communal rear car park of the adjoining flatted property at 11 Brisbane Street. I am content that the car park does not constitute private garden ground and that, consequently, there is no issue with overlooking in this direction from windows. The raised decking is to be equipped with 1.8m high privacy screening set parallel to the rear and side garden boundary walls, thus ensuring there is no overlooking from it. Separation between the proposed extension and the first floor rear windows of the neighbouring terraced houses on Finnart Street is such that no issue of intervisibility arises. Given these circumstances, I am content that the proposal accords with criterion (a) of policy RES5.

Regarding impact upon streetscape and the character of the existing house, while screening is afforded by the existing front boundary wall and the sliding gate to be formed across the existing vehicular entrance, the roof over the garden store and the top half of the extension containing the family room shall be clearly visible from Kelly Street. The hip-ended slate roof of the garden store is, I consider, an acceptable form of development within the Conservation Area. The family room attached to the rear of the garden store, however, has a greater visual impact due to its size and design, with particular regard to its approximately 4.5m wallhead height and pagoda-style roof with single-ply membrane finish and full-height fenestration. Its impact upon streetscape and the Victorian proportions of the existing house are such that I consider the design to be unacceptable. I have attempted to negotiate with the applicant with a view to amending the design of the family room, however, he has confirmed that he wishes his proposal to be determined as submitted. As I consider the proposal's impact upon streetscape and the character of the existing house to be unacceptable, I conclude that it fails to accord with criteria (b) and (c) of policy RES5.

Criterion (d) of policy RES5's requirements regarding accordance with the Council's adopted Roads Guidance are satisfied by the Head of Environmental and Commercial Services non-objection to the proposal.

As the proposal is for a wrap-round extension, it is appropriate to consider it against PAAN4's design guidance for side and rear extensions. The proposal accords with this design guidance regarding window intervisibility, front window design, setback distance from the side garden boundary, projection from the rear elevation and plot ratio. The design is however at conflict with the guidance regarding proximity to the rear garden boundary and the use of a single-ply membrane roof finish. As the extension's rear elevation faces the rear car park of the flats at 11 Brisbane Street, I am satisfied that it does not create any overlooking issue and hence a departure from the standard for a minimum 5.5m separation from the rear boundary is justified. While there are other examples of single-ply membrane roof finishes in the Conservation Area these are not at such a prominent low-level location as that proposed. My unfavourable assessment of the pagoda-style roof design and its single-ply membrane finish against criteria (b) and (c) of policy RES5 further determines that it also conflicts with PAAN4's design guidance for house extensions.

The proposed timber deck attached to the wrap-round extension accords with the design guidance in PAAN5 "Balconies and Garden Decking" regarding size and overlooking. While the house has the benefit of planning permission for the child minding of up to 12 children, I am content that whether young children are in the existing garden or upon a deck within it makes no material difference to noise and activity levels and their impact upon neighbouring buildings and gardens.

Accordingly, I consider the planning permission previously granted for the child minding of up to 12 children to be no impediment to the principle of constructing a timber deck within the garden.

My concerns regarding the conflict with PAAN4's design guidance on roof design and finish lead me to determine that the proposal fails to accord with criterion (d) of policy RES5.

The "Managing Change in the Historic Environment" guidance note series advises that most historic buildings can be extended sensitively. Extensions must, however, protect the character and appearance of the building, be subordinate in scale and form, be located on a secondary elevation and designed in a high-quality manner using appropriate materials. My unfavourable assessment of the proposal against criteria (b), (c) and (d) of policy RES5 further determines that the proposal fails to meet The "Managing Change in the Historic Environment" guidance note series advice on protecting the character and appearance of the building, design and use of materials.

Given all of the above circumstances, I conclude that the proposal is not sympathetic to the character, pattern of development and appearance of the Conservation Area and fails to manage the historic environment with intelligence thus failing to accord with policies RES1 and HER1 of the Local Development Plan and Historic Environment Scotland's Policy Statement.

#### **RECOMMENDATION**

That the application be refused for the following reason:

The proposal is not sympathetic to the character, pattern of development and appearance of the Conservation Area and fails to manage the historic environment with intelligence thus failing to accord with policies RES1 and HER1 of the Local Development Plan and Historic Environment Scotland's Policy Statement.

Signed:



Case Officer: Guy Phillips



Stuart Jamieson  
Head of Regeneration and Planning

# CONSULTATION RESPONSE



To: Head of Regeneration & Planning Your Ref: 16/0189/IC  
 From: Head of Environmental & Commercial Services Our Ref: EP/14/04/16/0189/IC  
 Subject: Observations On Planning Application Contact: E Provan  
 Detail: Proposed side and rear extensions, raised deck and fencing to dwellinghouse Tel: (01475) 714814  
 Site: 29 Kelly Street, Greenock PA16 8LB PA Ref: 16/0189/IC  
 Type of Consent: Detailed Permission/ In Principle/ Approval of Matters/ Change of Use Dated: 20/07/2016  
 Received: 21/07/2016  
 Applicant: Mr Scott Forrest

Comments:

1.	The proposals for this site do not increase the number of bedrooms and therefore does not require any additional parking.
2.	No objection.

Notes For Intimation To Applicant	
Construction Consent (S21)*	Not Required/ Required for all road works
Road Bond (S17)*	Not Required/ Required if building works are to be undertaken before roads are completed
Road Opening Permit (S56)*	Not Required/ Required for all works in the public road
Other	Not Required/ xxxx

\*Relevant Section of the Roads (Scotland) Act 1984

Signed:  Steven Walker, Service Manager (Roads)

Date: 15/08/2016

2

## **DECISION NOTICE DATED 3 OCTOBER 2016**



# DECISION NOTICE

## *Refusal of Planning Permission*

Issued under Delegated Powers

Inverclyde  
council

Regeneration and Planning  
Municipal Buildings  
Clyde Square  
Greenock PA15 1LY

Planning Ref: 16/0189/IC

Online Ref:100019514-001

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

Mr Scott Forrest  
29 Kelly Street  
Greenock  
PA16 8LB

Canata And Seggie  
Douglas Nicholson  
Chartered Architects  
7 Union Street  
GREENOCK  
PA16 8JH

With reference to your application dated 18th July 2016 for planning permission under the above mentioned Act and Regulation for the following development:-

**Proposed side and rear extensions, raised deck and fencing to dwellinghouse at**

**29 Kelly Street, Greenock**

**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 reason for the Council's decision is:-

1. The proposal is not sympathetic to the character, pattern of development and appearance of the Conservation Area and fails to manage the historic environment with intelligence thus failing to accord with policies RES1 and HER1 of the Local Development Plan and Historic Environment Scotland's Policy Statement.

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

**Dated this 3rd day of October 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:
2525 D.005	/	01.07.2016
2525 D.001	/	01.07.2016
2525 D.002	/	01.07.2016
2525 D.003	Rev B	01.07.2016
2525 D.004	Rev B	27.09.2016

**LETTER DATED 3 NOVEMBER 2016 FROM  
CANATA & SEGGIE, CHARTERED ARCHITECTS,  
ENCLOSING NOTICE OF REVIEW FORM AND STATEMENT TO  
LOCAL REVIEW BODY**

2525/DN

INVERCLYDE COUNCIL LOCAL REVIEW BODY  
PLANNING SERVICES  
DEVELOPMENT CONTROL AND CONSERVATION  
MUNICIPAL BUILDINGS  
GREENOCK  
PA15 1LS

3<sup>rd</sup> November 2016

Dear Sirs,



**PROPOSED SIDE AND REAR EXTENSIONS, RAISED DECK AND FENCING TO DWELLINGHOUSE**  
**Notice of Review in connection with Planning Refusal Ref. 16/0189/IC**

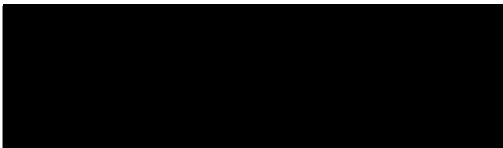
We confirm that we act on behalf the applicant for the above planning application which was refused by Inverclyde Council on 3<sup>rd</sup> October 2016.

Please find attached our Notice of Review in respect of the above refusal for your consideration. The attached documentation is as follows:

- The completed Notice of Review form.
- The Statement to the Local Review Body.

We trust that this is in order and look forward to your confirmation of the receipt of the Notice of Review documentation.

Yours faithfully,



**D. NICHOLSON B.Arch (Hons.) M.Arch. RIBA. ARIAS.**  
Chartered Architect, Director

cc Mr and Mrs Forrest

\\theserve\projects\2500-2549\2525 - scott and gillian forrest, 29 kelly st, greenock, pa16 8lb\letters\letter with notice of review.doc



# 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)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

### Agent (if any)

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

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

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:

APPLICANT WISHES THE OPPORTUNITY TO CHALLENGE THE REASONS FOR REFUSAL SET OUT IN THE DECISION NOTICE.

**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:

THE APPLICATION SITE IS THE CURTILAGE OF A PRIVATE DWELLINGHOUSE. ACCESS CAN BE ARRANGED BY THE APPLICANT VIA THE AGENT.

**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.

REFER TO THE ATTACHED STATEMENT TO THE LOCAL REVIEW BODY

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.

N/A.

**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.

STATEMENT TO THE LOCAL REVIEW BODY

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

[REDACTED] FOR CANATA & SEGGIE

Date

3 NOVEMBER 2016.



**Proposed Side and Rear Extensions, Raised Deck and Fencing to Dwellinghouse  
At 29 Kelly Street, Greenock  
Mr Scott Forrest**

**Planning Application Ref. 16/0189/IC**

**Statement to the Local Review Body**



**Introduction**

1. The property forming the subject of the application is a white painted Victorian villa on the south east side of Kelly Street.
2. The design of the formal front elevation, the floor level and the roof configuration, together with the fact that the frontage occupies exactly half the width of the plot, suggest that this house may once have been the northmost half of a building extending over the area currently occupied by the garden store, parking area and part of the garden.
3. The south west boundary of the plot, which bounds an access lane, forms the outer extent of the Greenock West End Outstanding Conservation Area. The building is not listed as being of special historical or architectural significance.
4. The streetscape of Kelly Street is largely tenemental in character, with a mix of three and four storey traditional sandstone tenements and modern tenements of a facing brick construction. The house forming the application site is unique to Kelly Street, being the only dwelling which isn't flatted in nature. As such it has a unique character within the streetscape.
5. The end gable of the house lies around 50m from the Finnart campus of West College Scotland, which it faces.

## Reason for Refusal

1. This application was refused under delegated powers on 3<sup>rd</sup> October 2016. The reason for refusal is as follows: "The proposal is not sympathetic to the character, pattern of development and appearance of the Conservation Area and fails to manage the historic environment with intelligence thus failing to accord with policies RES1 and HER1 of the Local Development Plan and Historic Environment Scotland's Policy Statement".



## Analysis of Reason for Refusal and Report of Handling

1. The Report of Handling confirms that the processing officer deems the proposal to fail to accord with policies RES1, RES5 (b), (c) and (d) and HER1. These policies are broadly similar in that they seek to safeguard the amenity and character of the area. The Report of Handling also states that the proposal "fails to meet the Managing Change in the Historic Environment" guidance notes and its advice on protecting the character and appearance of the building.
2. The reasons for refusal only concern the character of the proposal and its response to the Conservation Area. The reasons are purely subjective and are based on the opinion and aesthetic judgement of the processing officer. The Report of Handling confirms that the proposal

is acceptable from the point of view of the technical aspects of privacy, overlooking of neighbours, relationship to boundaries and its relationship to previous consents. No adverse comments were received from notified neighbours or members of the public.

3. The character of the proposal and its impact on the streetscape and the Conservation Area in general are issues that have been carefully considered by us in designing the proposal. We strongly refute the suggestion that the proposal does not manage the historic environment “with intelligence”, a form of wording that we consider inappropriate and insulting.
4. The basis of our proposal is to take a blank gable elevation which probably wasn't designed to be visible in its original form, and to bring some life to this elevation with an appropriately scaled extension commensurate with the ceiling heights within the original dwelling. The roof over the family room element of the design is described in the Report of Handling as “pagoda style” which is a misnomer and an inaccurate historical reference.
5. Although the proposal is on the side elevation of the house and has an elevation facing the public road, it will be visible only from a narrow range of angles on Kelly Street. It is likely to be viewed “in the passing” and, by dint of the modest scale of intervention, will not be a prominent element of the streetscape.
6. The material finish of the roof over the family room, i.e. a single ply membrane, is deemed to be unacceptable in the Report of Handling. This roof finish, which is a modern substitute for a lead roof and which closely mimics the appearance of lead with upstand seam joints, has been approved by Inverclyde Council for use on several projects within the local Conservation Areas. Given that the low pitch of the roof renders the roof slopes largely invisible from normal viewing angles, we strongly disagree with this reason for refusal.
7. The height of fenestration and of the wallhead of the extension are considered to be inappropriate within the Report of Handling despite the fact that there is a strong tradition of high windows and high ceilings within the public rooms of dwellings in Victorian buildings. In addition, the wallhead and mass of the extension are deemed unacceptable notwithstanding the fact that the ground occupied by the extension forms a gap in an otherwise largely continuous wall of 3 and 4 storey tenements. In our opinion, the massing of the extension is demonstrably appropriate and reasonable within the streetscape.
8. PAAN 4 calls for the roof over extensions to “match the existing house roof”; in our opinion this is unreasonably restrictive and this guidance has been ignored on many approvals both within and outwith the Conservation Area. We consider the proposed roof configuration to be entirely appropriate within the context of the streetscape.

9. Failure of the proposal to comply with the guidance document series Managing Change in the Historic Environment is stated as a reason for refusal. This series of documents set out a strategy for dealing with the historic environment which is both nuanced and subtle. Many of the examples of good practice in these documents are modern and bold, displaying a robust character appropriate to the robustness of the historic environment. The document in this series dealing with Extensions states the principles of extending buildings within the historic environment as follows:

- *An addition or extension should play a subordinate role. It should not dominate the original building as a result of its scale, materials or location, and should not overlay principal elevations.*
- *Where an extension is built beside a principal elevation it should generally be lower than, and set back behind, that facade.*
- *An extension that would unbalance a symmetrical elevation and threaten the original design concept should be avoided.*
- *An extension should be modestly scaled and skillfully sited.*
- *Fire escape routes may be internal wherever space can be created without damaging important interior work. Where an external escape stair is necessary, it should be located as reversibly and inconspicuously as possible, and not on principal elevations.*

Our proposal is fully in accordance with these aims.

10. Historic Environment Scotland's Policy Statement 2016 defines Conservation Areas as "areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance". Our proposal contributes to both of these aims; by preserving the essential character of the building and the streetscape whilst enhancing an otherwise blank, unsightly gable and allowing the owners an enhanced enjoyment of the property by extending to meet their requirements.

## **Summary**

Despite the acceptance of the technical aspects of the extension of this property, the planning officials are of the opinion that our proposals are damaging to the character of the Conservation Area and the existing building. These reasons for refusal are subjective and cannot be sustained by reference to the policies and documents listed. The proposals are relatively minor and have been formulated to retain a visual modesty in the streetscape totally in keeping with the local pattern of development. We believe that this proposal is worthy of the support of the elected members.

**SUGGESTED CONDITION SHOULD PLANNING PERMISSION  
BE GRANTED ON REVIEW**

**PROPOSED SIDE AND REAR EXTENSIONS, RAISED DECK AND FENCING TO DWELLINGHOUSE, 29 KELLY STREET, GREENOCK (16/0189/IC)**

**Suggested condition should planning permission be granted on review**

**Condition:**

That 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:**

To ensure a continuity of external finishes in this part of the Greenock West End Conservation Area.