

LOCAL REVIEW BODY

7 DECEMBER 2022

PLANNING APPLICATION FOR REVIEW

**MR MARTIN POWER
PROPOSED FORMATION OF ROOF BALCONY
115 SOUTH STREET, GREENOCK (22/0146/IC)**

Contents

- 1. Planning Application dated 2 June 2022 together with Existing and Proposed Site Plans, Elevations and Section Plan.**
- 2. Planning Application Supporting Statement from Rebecchi Architectural**
- 3. Appointed Officer's Report of Handling dated 13 September 2022**
- 4. Inverclyde Local Development Plan 2019 Policy Extract**

To view the Inverclyde Local Development Plan see:

<https://www.inverclyde.gov.uk/planning-and-the-environment/planning-policy/development-planning/ldp>

- 5. Inverclyde Local Development Plan 2019 Map Extract**
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- 7. Decision Notice dated 16 September 2022 issued by Head of Regeneration & Planning**
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Note: Inverclyde Proposed Local Development Plan 2021 has been attached to the rear of the agenda papers as supplementary content.

**1. PLANNING APPLICATION DATED 2 JUNE 2022
TOGETHER WITH EXISTING AND PROPOSED SITE
PLANS, ELEVATIONS AND SECTION PLAN**



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 100572487-001

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 Formation of Roof Balcony

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:	Rebecchi Architectural		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Marco	Building Name:	Suite 1
Last Name: *	Rebecchi	Building Number:	32
Telephone Number: *	01475 634844	Address 1 (Street): *	Kempock Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Gourock
Fax Number:		Country: *	United Kingdom
		Postcode: *	PA19 1NA
Email Address: *	planning@rebecchia.com		
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> 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: *	Martin	Building Number:	115
Last Name: *	Power	Address 1 (Street): *	South Street
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Greenock
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	PA16 8QN
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Inverclyde Council

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

Address 1:

115 SOUTH STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

GREENOCK

Post Code:

PA16 8QN

Please identify/describe the location of the site or sites

Northing

676786

Easting

226502

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: Marco Rebecchi

On behalf of: Mr Martin Power

Date: 02/06/2022

☒ 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.

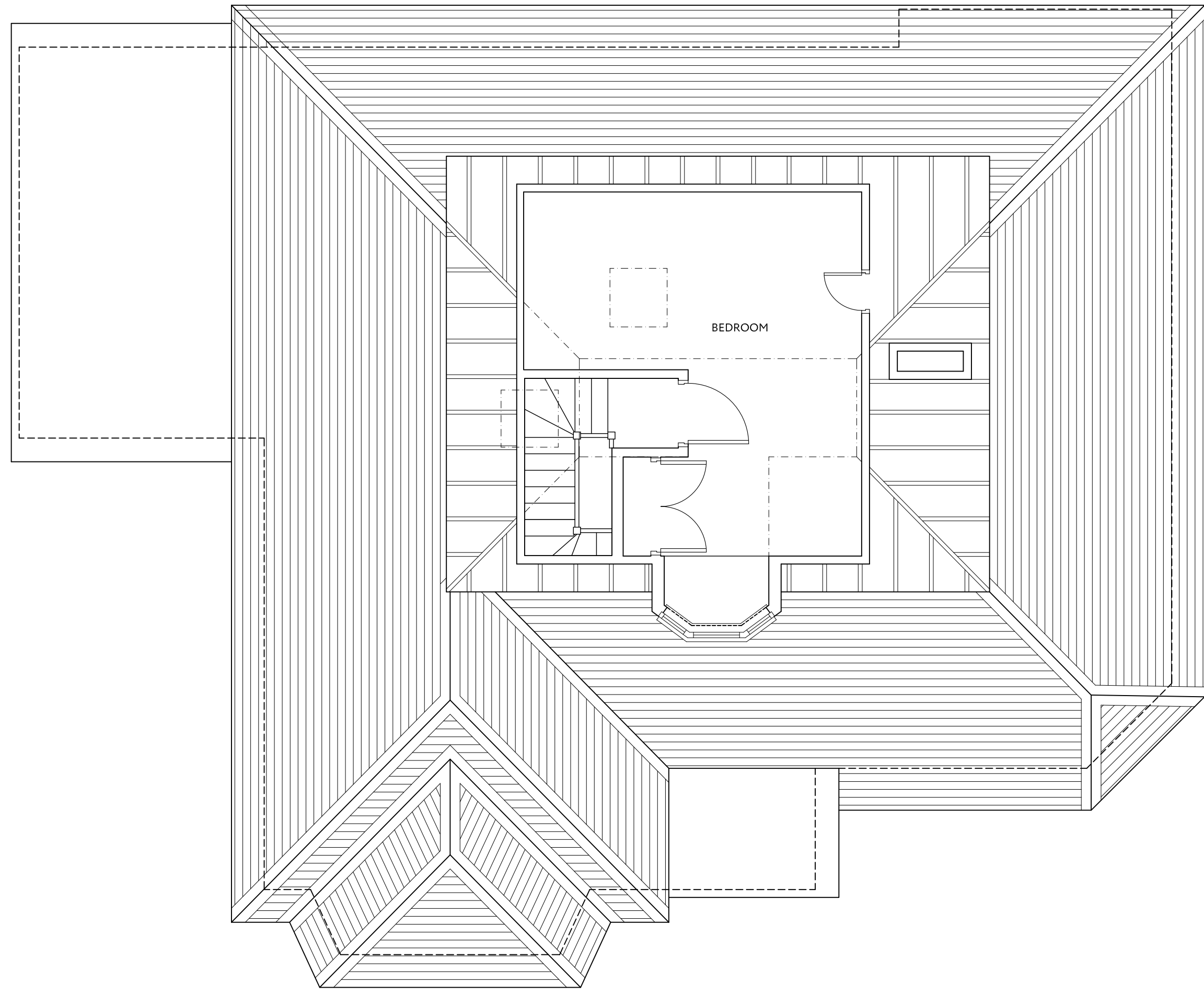
Declaration Name: Mr Marco Rebecchi

Declaration Date: 02/06/2022

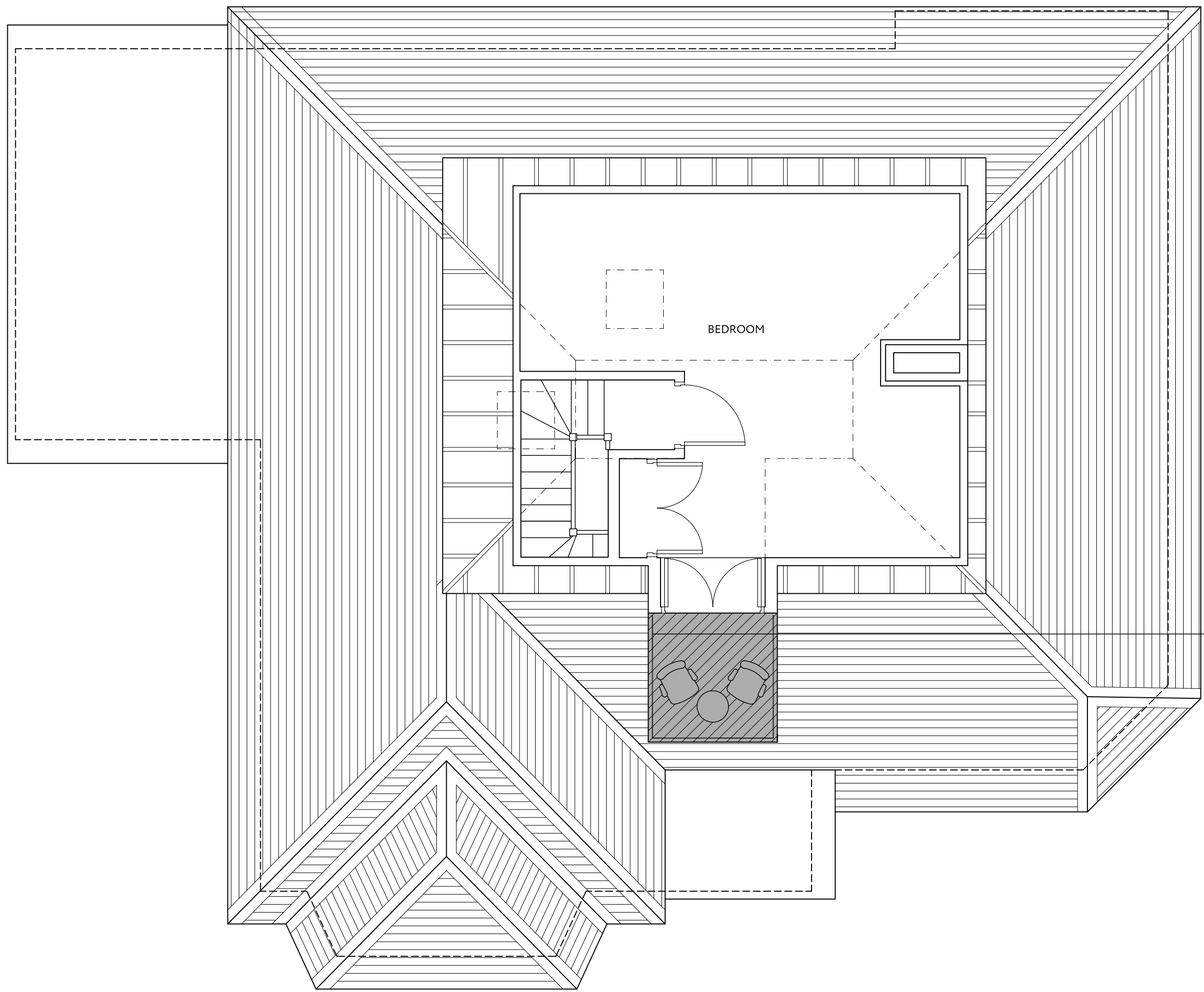
Payment Details

Departmental Charge Code: PAYLN

Created: 02/06/2022 12:10



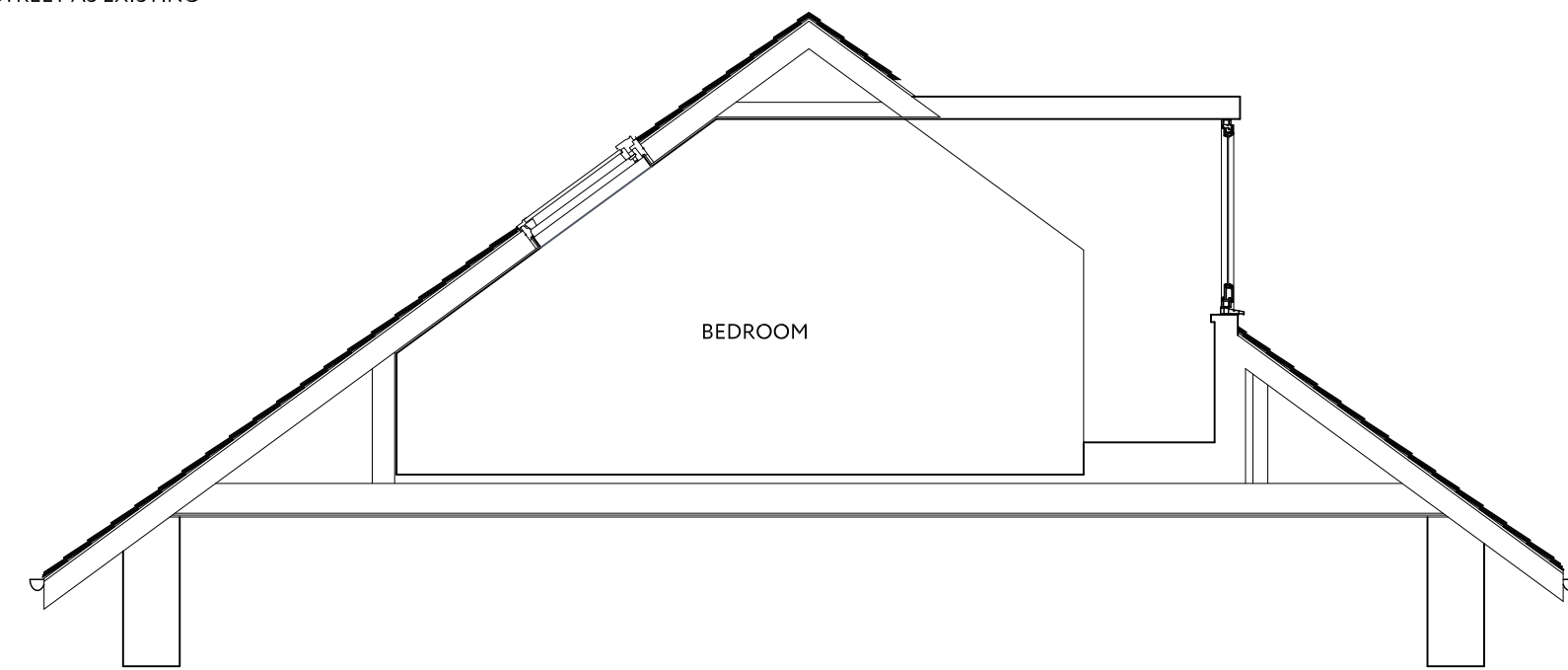
FIRST FLOOR PLAN AS EXISTING



FIRST FLOOR PLAN AS PROPOSED



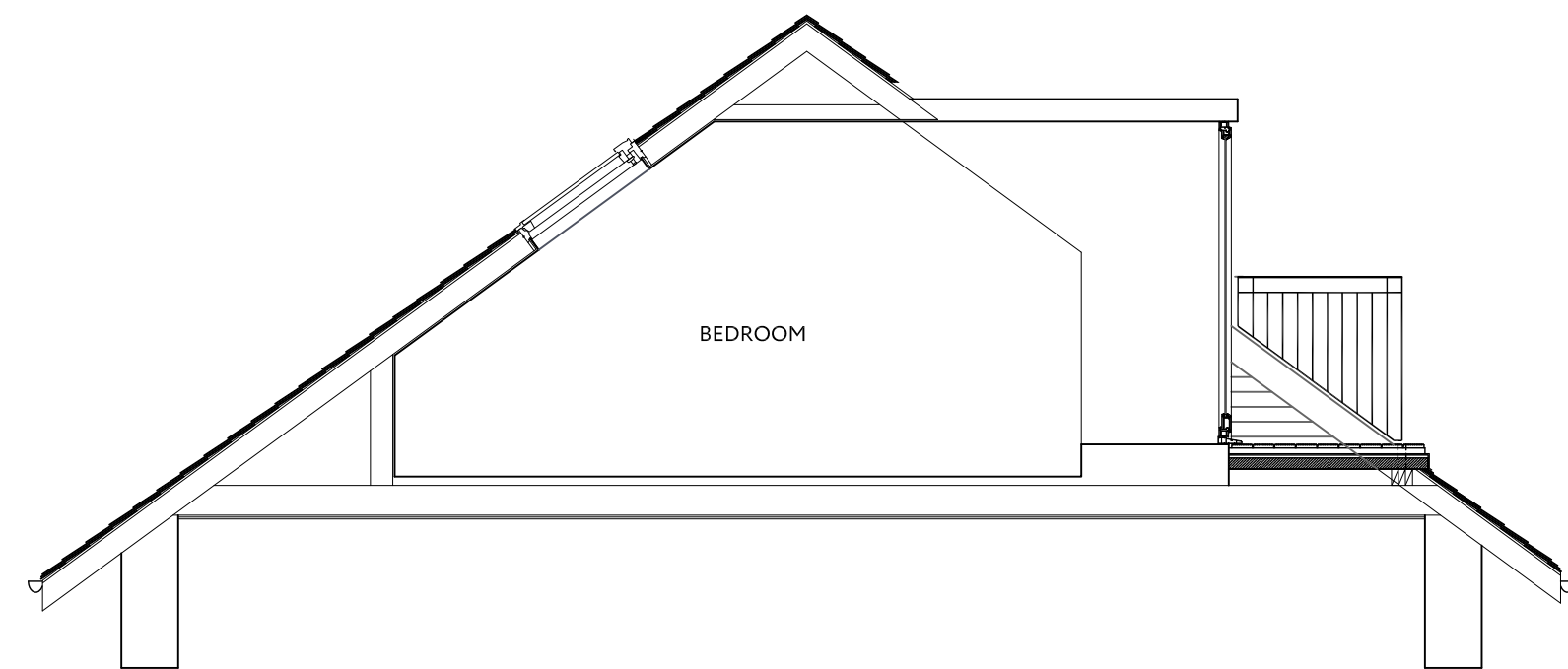
ELEVATION FACING SOUTH STREET AS EXISTING



CROSS SECTION AS EXISTING



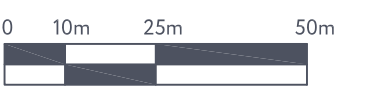
ELEVATION FACING SOUTH STREET AS PROPOSED - OPTION 1



CROSS SECTION AS PROPOSED - OPTION 1



OS REPRODUCED UNDER LICENSE NUMBER - 100054476
SCALE 1:1250



Client
Martin Power

Project Title
**Proposed Installation of Roof Balcony at
115 South Street
Greenock**

Drawing Title
Existing & Proposed Plans, Elevations & Sections

Scale	Size	Date
1:50	A1	02-06-22

Job No.	Drawing No.	Revision
22-052	PL-001	A

2. PLANNING APPLICATION SUPPORTING STATEMENT FROM REBECCHI ARCHITECTURAL

22-052
Proposed Formation of Roof Balcony at
115 South Street, Greenock



Supporting Statement

The proposal comprises of the formation of a roof balcony located directly in front of the existing dormer. The proposal sets out to comply with the Adopted and Proposed Inverclyde Local Development Plan (LDP), specifically Policy 1 – Creating Successful Places and Policy 20 – Residential areas.

Front Roof Balcony:

The balcony has been designed to be modest in size, with the main form retaining the same width, height and length as the existing dormer, projecting out only to form the small platform which is still set back from the eave below – as set out in PAAN No.5.

The proposal has been refused on the basis that it would form an unexpected and incongruous feature on a prominent elevation of the building that would fail to reflect local architecture and would be detrimental to the established character of the area.

Below is an example of a roof balcony on the rear elevation of a house on Denholm Street, around 300m away. Although the balcony is not located on the front elevation, it can be seen prominently from Forsyth Street.



I would argue that this was a clear example of a balcony at roof level, that is easily visible and is situated in the immediate locality.

This therefore creates a precedent for the feature in the established character of the area.



Furthermore, the image to the left is an example of a Velux style roof balcony on the rear of a house also on South Street, around 160m North-West. Although again located on the rear elevation, the balcony is clearly visible from Newton Street.

This is further backed by the fact that roof balconies are not unexpected or uncharacteristic within the larger surrounding area with multiple examples present:



Roof Balcony on Mews Lane



Roof Balcony on Newark Street

The above examples show balconies on traditional-style slate roof buildings in the larger surrounding area. They are both easily visible from the public realm located on the main elevation.

Furthermore, a planning application for the conversion of a dormer to a roof balcony at 75B/2 Union Street was granted in May 2019. The proposal is overtly modern in style and easily visible from multiple locations within the public realm as shown below.



With these points in mind, I would say that the proposal does not reflect an uncharacteristic impression of the area and is in line with pre-existing examples if similar features within the local architecture as set out in the Adopted and Proposed LDP's.

I would also push that the conversion of the front dormer to a balcony of the same materials and dimensions would create a very minimal visual difference to the style of the existing house, and therefore a similarly small impact on the character of the area as a whole.

3. APPOINTED OFFICER'S REPORT OF HANDLING DATED 13 SEPTEMBER 2022

REPORT OF HANDLING

Report By: Stuart W Jamieson

Report No: 22/0146/IC

**Local Application
Development**

**Contact
Officer:** 01475 712436

Date: 13th September 2022

Subject: Proposed formation of roof balcony at
115 South Street, Greenock.

SITE DESCRIPTION

The application site comprises a detached 1.5 storey dwelling located on the south side of the junction between South Street and Fox Street, Greenock. Built during the inter-war years, the dwelling is finished with a grey slate roof with decorative red ridge tiles; a front facing dormer with angled bays, grey slate cheeks and roof and white uPVC window frames set within white timber fascia and surrounds; a buff block principal elevation wall; white render walls to both side elevations and the rear elevation; two white render chimneys topped with red chimney pots; white uPVC windows and doors; black timber fascia; and black rainwater goods.

The dwellinghouse is set on a north-east facing slope, being raised relative to South Street by approximately 4 metres. Boundary treatments include a stepped stone boundary wall approximately 1.2 metres in height facing onto South Street; a 2 metre high stone boundary wall facing onto Fox Street; and a boundary hedge along the south-east side elevation. The front garden contains an ornamental tree to the north of the dwellinghouse and is mostly covered with grass.

The site is bound by a mixture of detached one-and-a-half and two storey residential dwellings built during the inter-war period and contain similar materials and finishes, with variations in building design and detailing. The neighbouring properties contain a mixture of front, side and rear facing dormers.

PROPOSAL

Planning permission is sought form a roof balcony within the front roof elevation, directly in front of the existing front dormer. The balcony is proposed to cover a square footprint, measuring approximately 1.6 metres along each side, with black coated steel railings around the outer edges of the balcony. The existing front dormer is to be converted into a set of white uPVC French doors to facilitate access onto the balcony. The French doors are proposed to be set in white painted timber facings.

ADOPTED 2019 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.

Planning Application Advice Note (PAAN) 5 on “Outdoor Seating Areas” applies.

PROPOSED 2021 LOCAL DEVELOPMENT PLAN POLICIES

Policy 1 – Creating Successful Places

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing and assessing development proposals, consideration must be given to the factors set out in Figure 2 and demonstrated in a design-led approach. Where relevant, applications will also be assessed against the Planning Application Advice Notes and Design Guidance for New Residential Development Supplementary Guidance. When assessing proposals for the development opportunities identified by this Plan, regard will also be had to the mitigation and enhancement measures set out in the Strategic Environmental Assessment Environmental Report.

Policy 20 – Residential Areas

Proposals for development within residential areas will be assessed with regard to their impact on the amenity, character and appearance of the area. Where relevant, assessment will include reference to the Council’s Planning Application Advice Notes Supplementary Guidance.

Draft Planning Application Advice Note (PAAN) 5 on “Outdoor Seating Areas” applies.

CONSULTATIONS

None required.

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

No representations were received.

ASSESSMENT

The material considerations in determination of this application are the adopted Inverclyde Local Development Plan (LDP); the proposed Inverclyde Local Development Plan (LDP); Planning Application Advice Note (PAAN) 5 on “Outdoor Seating Areas”; and Draft Planning Application Advice Note (PAAN) 5 on “Outdoor Seating Areas”.

Both LDPs locate the application site within an established residential area where Policy 1 of the adopted LDP and Policies 1 and 20 of the proposed LDP apply. Policy 1 of both LDPs require the proposal to have regard to the six qualities of successful places and the relevant Planning Application Advice Notes Supplementary Guidance, of which the adopted and draft PAAN 5s on “Outdoor Seating Areas” are of relevance. The relevant qualities to this application are being ‘Distinctive’ and ‘Safe and Pleasant’. In the adopted LDP, the relevant factor of being considered ‘Distinctive’ is whether the proposal reflects local architecture and urban form. In the proposed LDP, the relevant factors of being considered ‘Distinctive’ are whether the proposal respects landscape setting and character, and urban form; and reflects local vernacular/architecture and materials. The relevant factor to be considered ‘Safe and Pleasant’ is whether the proposal avoids conflict with adjacent uses. Policy 20 of the proposed LDP requires the proposal to be assessed with regard to the impact on the amenity, character and appearance of the area, making reference to the relevant supplementary guidance.

In considering the impacts of the proposal on the character and appearance of the building and on neighbouring amenity (Policy 20 of the proposed LDP), the impacts primarily relate to the appearance of the construction, possible activity and noise, and any implications for privacy. In considering these, I turn to the guidance given in both PAAN 5s on "Outdoor Seating Areas".

Firstly, in considering the appearance of the construction, both PAAN 5s state that the design and position shall be appropriate to the architectural design of the house. The balcony is to be located on the principal elevation of the building and will be prominently sited on the building's roof. In considering the visual impact of the proposal, the balcony is to be set within the existing footprint of the dwellinghouse directly in front of the existing dormer and will be accessed from the existing front dormer. I note that the dormer window is to be altered to form a set of French doors that will be positioned within the existing dormer roof and cheeks. The sides of the balcony are proposed to sit in line with the dormer. I note that there are a number of properties in the area that contain similar sized balconies, including the neighbouring property at 113 South Street, however these are all set at first floor level and no properties in the locality contain balconies at roof level. I consider the position of the proposal results in a dominant and unexpected feature which is uncharacteristic of the area and would negatively impact on the architectural design of the house, contrary to both PAAN 5s. As such the proposal is not considered to reflect local architecture and thus fails to meet the quality of being 'Distinctive' in Policy 1 of both LDPs.

In considering possible activity and noise, both PAAN 5s state that balconies should be restricted in size to allow for limited seating and the enjoyment of wider views. Covering an area of approximately 2.5 square metres, the balcony is considered to be restricted in size and is not considered of a size that would create conflict with neighbouring uses in terms of noise and activity. It therefore complies with both PAAN 5s in this regard.

With regard to implications on privacy, both PAAN 5s require screening to be provided where positioned within 9 metres of the garden boundary and where there is a view of the neighbouring private/rear garden area. The balcony is to be positioned approximately 8.1 metres from the south-east boundary however the balcony's position on the principal elevation prevents it from providing a view of the neighbouring private/rear garden areas. I note that there is a side facing dormer window on the adjoining property at 113 South Street, which sits at a distance of approximately 11 metres from the balcony at an angle of approximately 88 degrees. I note the Council's window intervisibility guidance identifies that for windows set at greater than an 80 degree angle from the straight line distance between the windows, a minimum distance of 18 metres is required to prevent an intensification of intervisibility between neighbours. As such the balcony proposed is in a position that would allow any persons standing on the balcony a clear view into the neighbouring window. Following further discussions with the applicant, they have provided drawings indicating that privacy screening can be provided along the south-east boundary of the balcony. This matter can be secured by condition upon the granting of any planning permission in order to alleviate an intensification of intervisibility between neighbouring properties. It stands that the proposal meets the guidance in both PAAN 5s in this regard.

Based on the above assessment, I consider that the proposal can be implemented without creating conflict with adjacent uses in terms of noise; smell; vibration; dust; air quality; flooding; invasion of privacy; or overshadowing, therefore it meets the quality of being 'Safe and Pleasant' in Policy 1 of both LDPs. Notwithstanding this, the proposal raises concerns over the impact on the character and appearance of the area and as such, fails to accord with Policy 20 of the proposed LDP.

In conclusion, I consider that the conversion of the existing dormer window to form a roof balcony would form an unexpected and incongruous feature on a prominent elevation of the building that would fail to reflect local architecture and would be detrimental to the established character of the area, contrary to Policy 1 of both LDPs and Policy 20 of the proposed LDP. Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications are determined in accordance with the Local Development Plan unless material considerations indicate otherwise. As the proposal fails to accord with the relevant Plan Policies I am therefore unable to support this proposal.

RECOMMENDATION

That the application be refused for the following reasons:

1. By reason of design and position, the development forms an unexpected and strident feature on the dwellinghouse that does not reflect local architecture as required by Policy 1 of the adopted Inverclyde Local Development Plan.
2. By reason of design and position, the development forms a dominant feature on the principal elevation of the dwellinghouse which would harm the established character of the area, contrary to the aims of Policy 20 of the proposed Inverclyde Local Development Plan.

Signed:

A solid black rectangular box used to redact the signature of Stuart W Jamieson.

Stuart W Jamieson
Interim Director
Environment & Regeneration

4. INVERCLYDE LOCAL DEVELOPMENT PLAN 2019 POLICY EXTRACT

3.0 CREATING SUCCESSFUL PLACES

Introduction

3.1 Inverclyde has many fantastic and unique places. Examples include the Free French Memorial and Lyle Hill, which offer panoramic views over the Firth of Clyde; Quarriers Village, built in the 19th century as an orphans' village and filled with individually designed homes of that period; the A-listed Edwardian Wemyss Bay railway station; and the grid-pattern Greenock West End conservation area, which is contained to the north by the popular Greenock Esplanade. These, and other places, have stood the test of time and remain places where people want to live and visit.

3.2 The Council is keen to have more successful places in Inverclyde, and all new development will be expected to contribute to creating successful places. This is particularly important in relation to the Plan's Priority Projects and Priority Places, which reflect major Council investments and the larger scale regeneration opportunities in Inverclyde.

Creating Successful Places

3.3 The Council is keen that all development contributes to making Inverclyde a better place to live, work, study, visit and invest. To differing degrees, all scales and types of development have the potential to make an impact on the surrounding environment and community. It is important to the Council that this impact is a positive one. To this end, the Council will have regard to the six qualities of a successful place when considering all development proposals.

Distinctive

Adaptable

Resource Efficient

Easy to Move Around

Safe and Pleasant

Welcoming

3.4 **Figure 3** illustrates the factors that contribute to the six qualities of a successful place. Not all will be relevant to every development proposal and planning application, but where they are, the Council will expect development proposals to have taken account of them, and it will have regard to them in the assessment of planning applications.



Quarriers Village

POLICY 1 – CREATING SUCCESSFUL PLACES

Inverclyde Council requires all development to have regard to the six qualities of successful places. In preparing development proposals, consideration must be given to the factors set out in Figure 3. Where relevant, applications will also be assessed against the Planning Application Advice Notes Supplementary Guidance.



Wemyss Bay Railway Station

FIGURE 3: Factors Contributing to Successful Places



5. INVERCLYDE LOCAL DEVELOPMENT PLAN 2019 MAP EXTRACT

**6. INVERCLYDE LOCAL DEVELOPMENT PLAN 2019
SUPPLEMENTARY GUIDANCE ON PLANNING
APPLICATION ADVICE NOTES POLICY EXTRACT**

Planning Application Advice Note No. 5

OUTDOOR SEATING AREAS

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 or decking being erected or extended, but they must take account of privacy and the impact it may have on neighbours' enjoyment of their gardens.

Outdoor seating areas are becoming increasingly popular, but must take account of privacy and the impact these 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 & Roof Terraces

- These should be restricted in size to allow for limited seating and the enjoyment of wider views. Unless obscured from view from neighbouring housing. These 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 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

there is no increase in the intervisibility between, and the overlooking of, neighbours. Where screening is required and it is in excess of 2.5 metres high 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 or roof terrace will not be supported. The Council will use the Building Research Establishment publication "Site Layout Planning for daylight and sunlight: A guide to good practice" in making this assessment.

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



Garden Decking & Raised Platforms

- The position should respect the rights of neighbours to enjoy their gardens without being the subject of intrusive overlooking. If raised more than 0.5 metres above the original ground levels, 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 positioned within 9 metres of the garden boundary and where it will result in an increased view of the neighbouring private/rear

garden area, the erection of screening, either at the decking/platform edge or the garden boundary shall generally be required. Where screening is required and it is in excess of 2.5 metres high above ground level 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 decking/platform will not be supported. The Council will use the Building Research Establishment publication "Site Layout Planning for daylight and sunlight: A guide to good practice" in making this assessment.

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



**7. DECISION NOTICE DATED 16 SEPTEMBER 2022
ISSUED BY HEAD OF REGENERATION &
PLANNING**

DECISION NOTICE

Refusal of Planning Permission

Issued under Delegated Powers

Regeneration and Planning
Municipal Buildings
Clyde Square
Greenock PA15 1LY

Planning Ref: 22/0146/IC

Online Ref: 100572487-001

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

Mr Martin Power
115 South Street
GREENOCK
PA16 8QN

Rebecchi Architectural
Marco Rebecchi
Suite 1
32 Kempock Street
GOUROCK
PA19 1NA

With reference to your application dated 2nd June 2022 for planning permission under the above mentioned Act and Regulation for the following development:-

Proposed formation of roof balcony at

115 South 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 reasons for the Council's decision are:-

1. By reason of design and position, the development forms an unexpected and strident feature on the dwellinghouse that does not reflect local architecture as required by Policy 1 of the adopted Inverclyde Local Development Plan.
2. By reason of design and position, the development forms a dominant feature on the principal elevation of the dwellinghouse which would harm the established character of the area, contrary to the aims of Policy 20 of the proposed Inverclyde Local Development Plan.

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

Dated this 16th day of September 2022


Stuart W. Jamieson
Interim Director
Environment and Regeneration

- 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 Democratic Services, 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:
PL-001	Rev A	26.07.2022

**8. NOTICE OF REVIEW FORM DATED 18 OCTOBER
2022 WITH SUPPORTING STATEMENT FROM
REBECCHI ARCHITECTURAL**



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 100572487-002

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.

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:	Rebecchi Architectural		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Marco	Building Name:	Suite 1
Last Name: *	Rebecchi	Building Number:	32
Telephone Number: *	01475 634844	Address 1 (Street): *	Kempock Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Gourock
Fax Number:		Country: *	United Kingdom
		Postcode: *	PA19 1NA
Email Address: *	planning@rebecchia.com		

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

☒ Individual ☐ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text"/>
First Name: *	<input type="text" value="Martin"/>	Building Number: <input type="text" value="115"/>
Last Name: *	<input type="text" value="Power"/>	Address 1 (Street): * <input type="text" value="South Street"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: * <input type="text" value="Greenock"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="PA16 8QN"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value=""/>	

Site Address Details

Planning Authority:	<input type="text" value="Inverclyde Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="115 SOUTH STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GREENOCK"/>
Post Code:	<input type="text" value="PA16 8QN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="676786"/>	Easting	<input type="text" value="226502"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Proposed Formation of Roof Balcony

Type of Application

What type of application did you submit to the planning authority? *

- ☒ Application for planning permission (including householder application but excluding application to work minerals).
- ☐ Application for planning permission in principle.
- ☐ Further application.
- ☐ Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See Attached Appeal Document

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 the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

22-052 - Appeal Statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/0146/IC

What date was the application submitted to the planning authority? *

02/06/2022

What date was the decision issued by the planning authority? *

16/09/2022

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

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

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☒ Yes ☐ No ☐ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Marco Rebecchi

Declaration Date: 18/10/2022

22-052
Proposed Formation of Roof Balcony at
115 South Street, Greenock



Supporting Statement

The proposal comprises of the formation of a roof balcony located directly in front of the existing dormer. The proposal sets out to comply with the Adopted and Proposed Inverclyde Local Development Plan (LDP), specifically Policy 1 – Creating Successful Places and Policy 20 – Residential areas.

Front Roof Balcony:

The balcony has been designed to be modest in size, with the main form retaining the same width, height and length as the existing dormer, projecting out only to form the small platform which is still set back from the eave below – as set out in PAAN No.5.

The proposal has been refused on the basis that it would form an unexpected and incongruous feature on a prominent elevation of the building that would fail to reflect local architecture and would be detrimental to the established character of the area.

Below is an example of a roof balcony on the rear elevation of a house on Denholm Street, around 300m away. Although the balcony is not located on the front elevation, it can be seen prominently from Forsyth Street.



I would argue that this was a clear example of a balcony at roof level, that is easily visible and is situated in the immediate locality.

This therefore creates a precedent for the feature in the established character of the area.



Furthermore, the image to the left is an example of a Velux style roof balcony on the rear of a house also on South Street, around 160m North-West. Although again located on the rear elevation, the balcony is clearly visible from Newton Street.

This is further backed by the fact that roof balconies are not unexpected or uncharacteristic within the larger surrounding area with multiple examples present:



Roof Balcony on Mews Lane



Roof Balcony on Newark Street

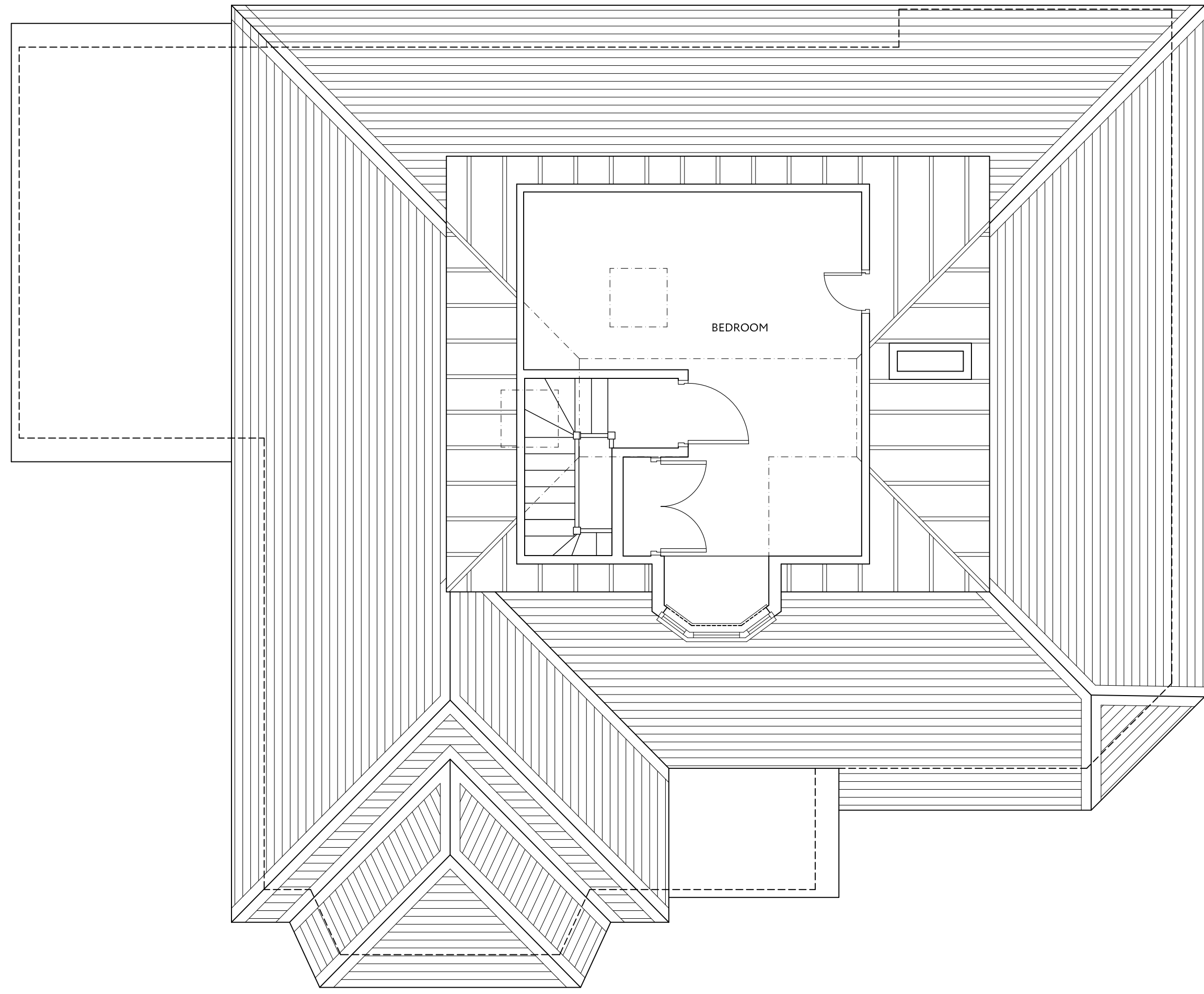
The above examples show balconies on traditional-style slate roof buildings in the larger surrounding area. They are both easily visible from the public realm located on the main elevation.

Furthermore, a planning application for the conversion of a dormer to a roof balcony at 75B/2 Union Street was granted in May 2019. The proposal is overtly modern in style and easily visible from multiple locations within the public realm as shown below.

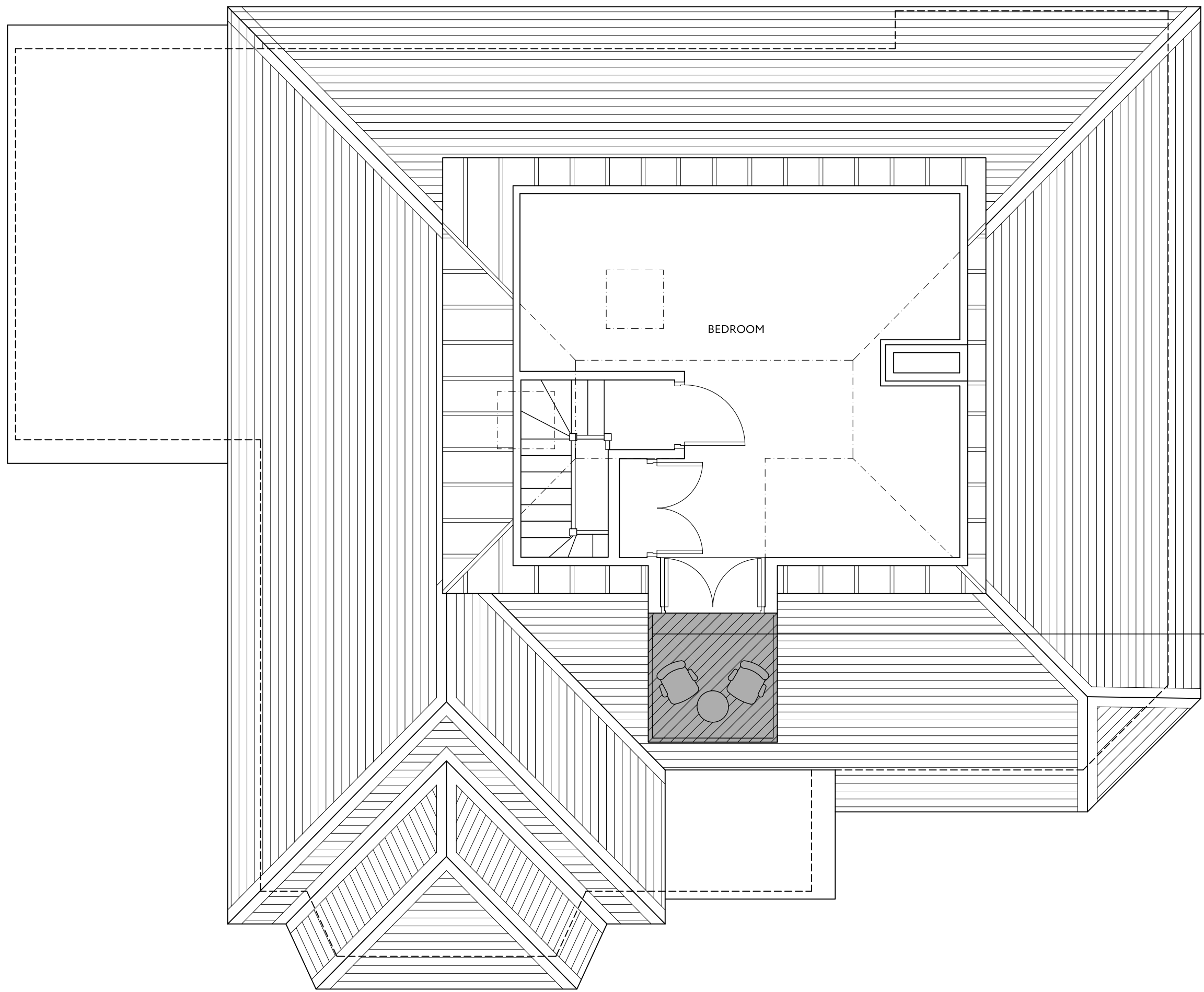


With these points in mind, I would say that the proposal does not reflect an uncharacteristic impression of the area and is in line with pre-existing examples if similar features within the local architecture as set out in the Adopted and Proposed LDP's.

I would also push that the conversion of the front dormer to a balcony of the same materials and dimensions would create a very minimal visual difference to the style of the existing house, and therefore a similarly small impact on the character of the area as a whole.



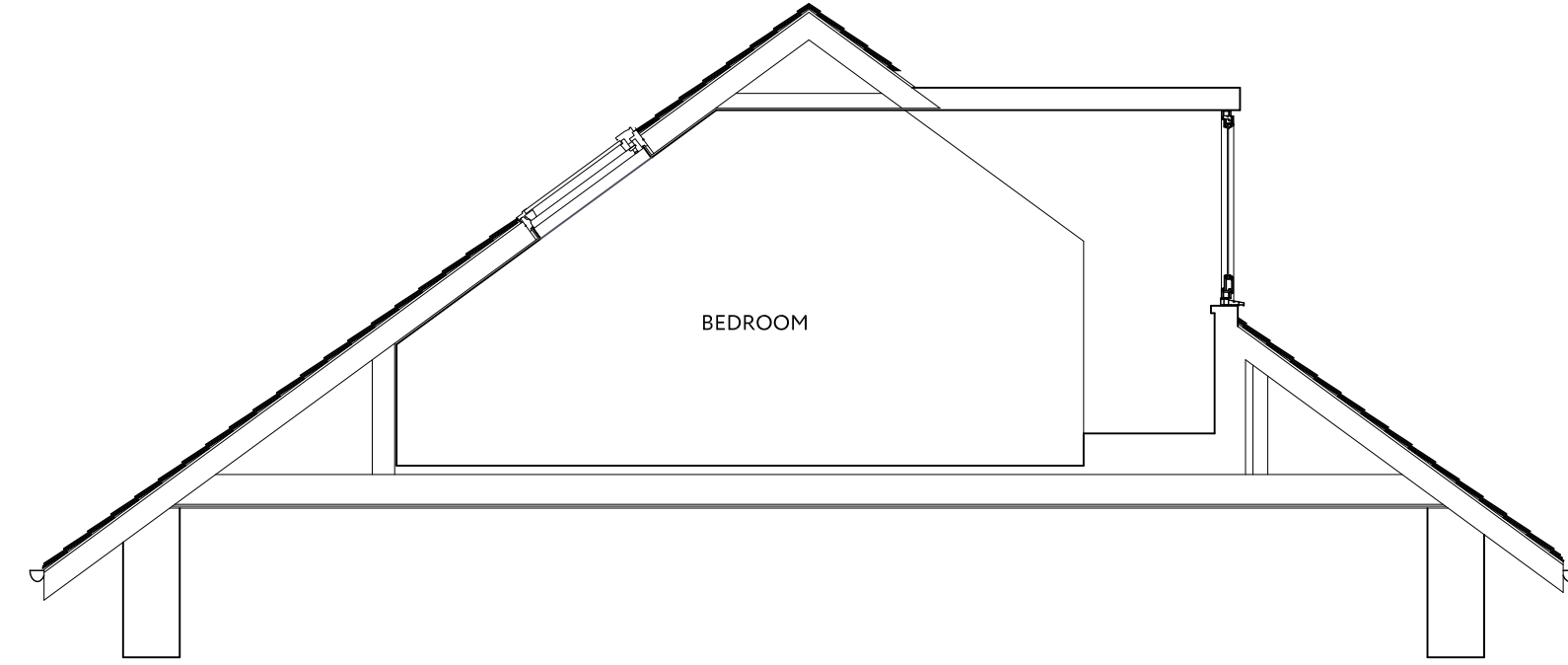
FIRST FLOOR PLAN AS EXISTING



FIRST FLOOR PLAN AS PROPOSED



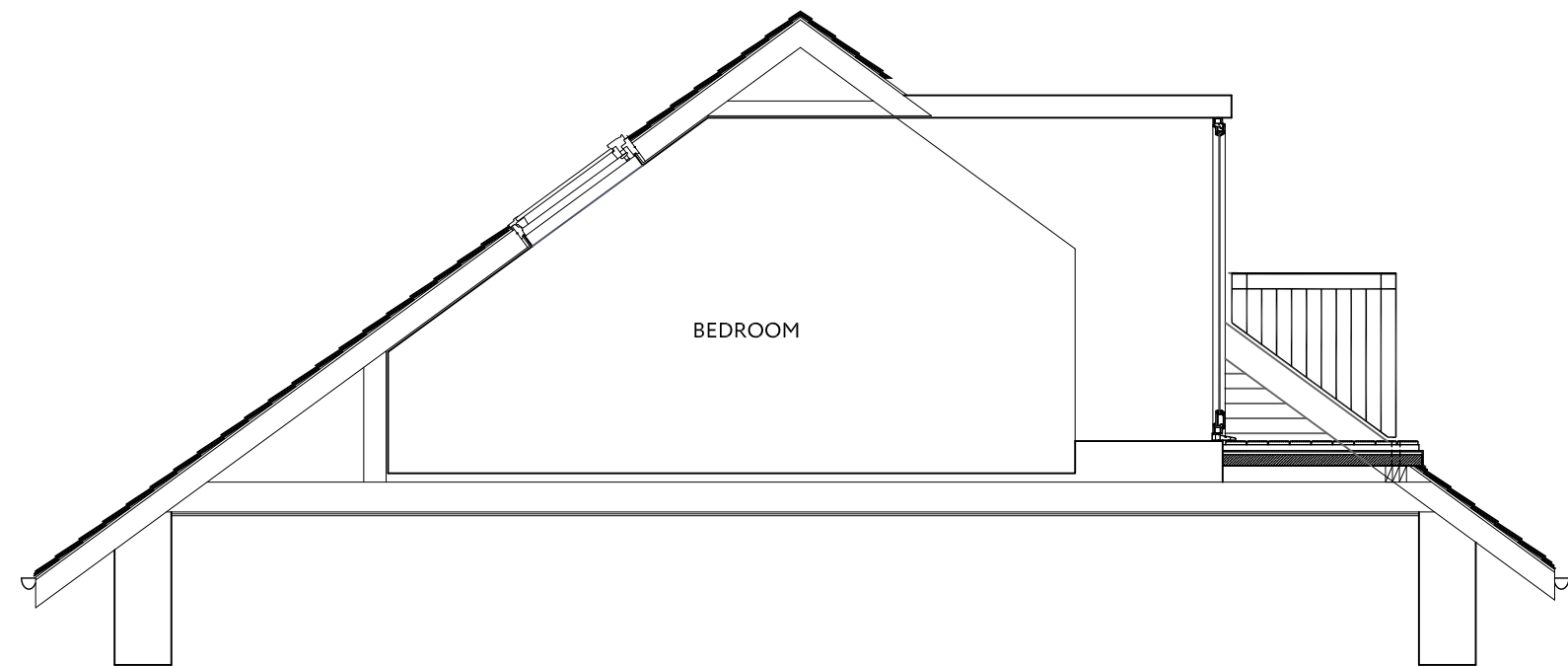
ELEVATION FACING SOUTH STREET AS EXISTING



CROSS SECTION AS EXISTING



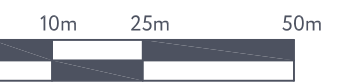
ELEVATION FACING SOUTH STREET AS PROPOSED - OPTION 1



CROSS SECTION AS PROPOSED - OPTION 1



OS REPRODUCED UNDER LICENSE NUMBER - 100054476
SCALE 1:1250



Client
Martin Power

Project Title
**Proposed Installation of Roof Balcony at
115 South Street
Greenock**

Drawing Title
Existing & Proposed Plans, Elevations & Sections

Scale	Size	Date
1:50	A1	02-06-22

Job No.	Drawing No.	Revision
22-052	PL-001	A

**9. SUGGESTED CONDITIONS SHOULD PLANNING
PERMISSION BE GRANTED ON REVIEW**

22/0146/IC - Review - Suggested conditions

Should planning permission be granted on review the following conditions are suggested:

Conditions:

1. The development to which this permission relates must be begun within 3 years from the date of this permission.
2. That prior to commencement of development, full details of the design, materials and finishes for the 1.8 metre high privacy screen shown in drawing number PL-001, Revision A, dated 26-07-22 shall be submitted to and approved in writing by the Planning Authority. The approved privacy screen shall be erected along the south-east boundary of the balcony prior to the balcony hereby permitted being brought into use and shall be retained in conjunction with the balcony hereby permitted at all times thereafter, to the satisfaction of the Planning Authority.

Reasons:

1. To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. In the interests of privacy and to prevent an intensification of intervisibility between neighbouring properties.