

Inverclyde Local Review Body

Our Ref: 22/0146/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 115 South Street, Greenock
 - Application for Review by Rebecchi Architectural on behalf of Mr Martin Power against the decision by an appointed officer of Inverclyde Council.
 - Application Ref: 22/0146/IC
 - Application Drawings: Existing & Proposed Plans, Elevations & Sections (PL-001 Rev A)
 - Date of Decision Notice: 09/12/2022
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Decision

The ILRB reverses the determination reviewed by it and grants Planning Permission, subject to the conditions listed below.

1. Introduction

- 1.1 This Notice constitutes the formal decision notice of the ILRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the ILRB at a meeting held on 7 December 2022. The Review Body was constituted by Councillors Brennan, Brooks, Crowther, Curley, McCabe and McVey.

2. Proposal

- 2.1 The application is for the proposed formation of a roof balcony. The application was refused consent in terms of a decision letter dated 16 September 2022.

3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
 - (i) Planning Application dated 2 June 2022 together with Existing and Proposed Site Plans, Elevations and Section Plan
 - (ii) Planning Application Supporting Statement from Rebecchi Architectural
 - (iii) Appointed Officer's Report of Handling dated 13 September 2022
 - (iv) Inverclyde Local Development Plan 2019 Policy Extract
 - (v) Inverclyde Local Development Plan 2019 Map Extract
 - (vi) Inverclyde Local Development Plan 2019 Supplementary Guidance on Planning Application Advice Notes Policy Extract
 - (vii) Decision Notice dated 16 September 2022 issued by Head of Regeneration & Planning

- (viii) Notice of Review Form dated 18 October 2022 with Supporting Statement from Rebecchi Architectural
- (ix) Suggested Conditions should Planning Permission be Granted on Review
- (x) The Inverclyde Proposed Local Development Plan 2021.

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

4. Findings and Conclusions

4.1 The determining issue in this review whether the proposed development would have a detrimental impact on the dwellinghouse or the established character of the area.

4.2 Having regard to the whole circumstances, the ILRB having considered the matter afresh and, having taken into account the Inverclyde Local Development Plan and all relevant material and planning considerations, decided that the review application should be upheld.

4.3 It was also agreed by the ILRB that the conditions listed at paragraph 5 below be attached to the planning permission for the reasons specified.

5. 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.

6. 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.

Signed _____

Head of Legal & Democratic Services
Inverclyde Council
Municipal Buildings
Greenock
PA15 1LX

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice under Regulation 22 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2013

1. If the applicant is aggrieved by the decision of the planning authority -
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.