

## Inverclyde Local Review Body

Our Ref: 22/0282/IC

### REVIEW DECISION NOTICE

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Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 13 Moorfield Road, Gourrock
  - Application for Review by Mr David Carswell against the decision by an appointed officer of Inverclyde Council.
  - Application Ref: 22/0282/IC
  - Application Drawings: Existing and Proposed Plans and Elevations (PL-001 Rev A)
  - Date of Decision Notice: 07/08/2023
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### Decision

The ILRB upholds the decision to refuse planning permission for the reasons given below and dismisses the review. Attention is drawn to the Advisory Notice at the end of this Review Decision Notice.

#### 1. Introduction

- 1.1 This Notice constitutes the formal decision notice of the ILRB as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for planning permission was considered by the ILRB at a meeting held on 2 August 2023. The Review Body was constituted by Councillors Brooks, Clocherty, Crowther, McCabe, McGuire and McVey.

#### 2. Proposal

- 2.1 The application is for a proposed formation of roof balcony and new roof light. The application was refused consent in terms of a decision letter dated 3 April 2023.

#### 3. Preliminaries

- 3.1 The ILRB members were provided with copies of the following:
  - (i) Planning Application dated 15 December 2022 together with Existing and Proposed Plans and Elevations
  - (ii) Appointed Officer's Report of Handling dated 24 March 2023
  - (iii) Inverclyde Local Development Plan 2019 Policy Extracts
  - (iv) Inverclyde Local Development Plan 2019 Map Extract
  - (v) Inverclyde Local Development Plan 2019 Supplementary Guidance on Planning Application Advice Notices Policy Extracts
  - (vi) National Planning Framework 4 Policy
  - (vii) Historic Environment Scotland – Historic Environment Policy for Scotland

- (viii) Historic Environment Scotland – Managing Change in the Historic Environment guidance notes on (a) Roofs, (b) Setting and (c) Windows
- (ix) Decision Notice dated 3 April 2023 issued by Head of Regeneration & Planning
- (x) Notice of Review form dated 5 March 2023
- (xi) Suggested Conditions Should Planning Permission be granted on review
- (xii) New Matter – Supporting Statement to Notice of Review from Rebecchi Architectural
- (xiii) The Inverclyde Proposed Local Development Plan 2021

3.2 Having regard to the material provided, 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 is whether the proposed development would have a detrimental impact on the residential character and appearance of the Gourrock West Bay Conservation 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 documentation submitted to it did not include sufficient evidence to reverse the appointed officer's decision, accepted the reasoning of the appointed officer and determined that planning permission should be refused, concluding that the application had been correctly refused for the reasons given in the Decision Notice dated 3 April 2023, namely:

(1) the development fails to have regard to the six qualities of successful places as required by Policy 1 of both the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan, specifically as due to the nature of the development and its prominent position on the principal roof plane the proposed roof terrace is considered not to reflect local architecture or contribute positively to historic buildings and places, as required under the "Distinctive" quality;

(2) by way of the nature of the development and its visibility from the public realm the proposed roof terrace is not considered to preserve or enhance the character and appearance of the Gourrock West Bay Conservation Area. It therefore cannot be justified in terms of Policy 28 of both the adopted 2019 Inverclyde Local Development Plan and the proposed 2021 Inverclyde Local Development Plan;

(3) by way of the nature of the development and its prominent position on the principal roof plane of the traditional building the proposed roof terrace is not considered to preserve or enhance the character and appearance of the Gourrock West Bay Conservation Area. It therefore cannot be justified in terms of Policy 7 of National Planning Framework 4 (NPF4); and

(4) it would not support the aims of the Historic Environment Policy for Scotland as it would negatively impact on the historic environment.

4.3 The Review Application was accordingly dismissed.

Signed \_\_\_\_\_

Head of Legal, Democratic, Digital  
and Customer 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.