

Report To:	The Planning Board	Date:	3rd June 2009
Report By:	Head of Planning, Housing & Transportation	Report No:	08/0243/IC Plan 06/09
Contact Officer:	Guy Phillips	Contact No:	01475 712462
Subject:	Notification of Enforcement Notice Appeal. Unauthorised Window Replacement, Turret Roof Covering, CCTV Camera & Pole & Play Equipment at The Manor Houston, Road, Kilmacolm		

INTRODUCTION

In March 2009 the Council issued an Enforcement Notice in respect of the unauthorised installation of replacement windows, turret roof covering, CCTV Camera and pole and play equipment at The Manor, Houston Road, Kilmacolm.

The Enforcement Notice was issued as:-

1. It appears to the Council that the above breach of planning control has occurred within the last four years.
2. The replacement windows installed after the approved stepped profile timber windows were installed are an unauthorised departure from the window design approved under planning permission IC/07/373 which:-
 - (a) fails to accord with the design guidance in Inverclyde Council's Planning Practice Advice Note No.11;
 - (b) fails to respect the special architectural and visual qualities that gave rise to the Conservation Area's designation, contrary to the advice in Historic Scotland's Memorandum of Guidance on Listed Buildings & Conservation Areas;
 - (c) is unsympathetic to the character and appearance of the Conservation Area, contrary to Policy HR11 of the Inverclyde Local Plan 2005 which requires development proposals both within and adjacent to the Conservation Area to be sympathetic to the existing character, pattern of development and appearance of the area in meeting a range of criteria including:-
 - (i) overall design and style
 - (ii) design details and
 - (iii) finishing materials;
 - (d) has an adverse impact when viewed from Houston Road, contrary to Policy HR12 of the Inverclyde Local Plan 2005 which requires that in assessing development proposals for Conservation Areas, consideration is given to the impact they will have on townscape and the wider landscape, especially when viewed from adjacent transport routes and advantage points accessible to the public, and
 - (e) fails to safeguard the character and amenity of the residential area contrary to Policy H1 of the Inverclyde Local Plan 2005.
3. The finishing of the roof turret in natural slate is an unauthorised departure from the approved roof finish in planning permission IC/07/373 which:-

- (a) fails to respect the special architectural and visual qualities that gave rise to the Conservation Area's designation, contrary to the advice in Historic Scotland's Memorandum of Guidance on Listed Buildings & Conservation Areas;
- (b) is unsympathetic to the character and appearance of the Conservation Area, contrary to Policy HR11 of the Inverclyde Local Plan 2005 which requires development proposals both within and adjacent to the Conservation Area to be sympathetic to the existing character, pattern of development and appearance of the area in meeting a range of criteria including:-
 - (i) overall design and style
 - (ii) design details, and
 - (iii) finishing materials;
- (c) has an adverse impact when viewed from Houston Road, contrary to Policy HR12 of the Inverclyde Local Plan 2005 which requires that in assessing development proposals for Conservation Areas, that consideration is given to the impact they will have on townscape and the wider landscape, especially when viewed from adjacent transport routes and advantage points accessible to the public, and
- (d) fails to safeguard the character and amenity of the residential area contrary to Policy H1 of the Inverclyde Local Plan 2005.

4. The fixed CCTV camera and pole erected at the site entrance onto Houston Road:-

- (a) fails to respect the special architectural and visual qualities that gave rise to the Conservation Area's designation, contrary to the advice in Historic Scotland's Memorandum of Guidance on Listed Buildings & Conservation Areas;
- (b) is unsympathetic to the character and appearance of the Conservation Area, contrary to Policy HR11 of the Inverclyde Local Plan 2005 which requires development proposals both within and adjacent to the Conservation Area to be sympathetic to the existing character, pattern of development and appearance of the area in meeting a range of criteria including:-
 - (i) overall design and style
 - (ii) design details, and
 - (iii) finishing materials;
- (a) has an adverse impact when viewed from Houston Road, contrary to Policy HR12 of the Inverclyde Local Plan 2005 which requires that in assessing development proposals for Conservation Areas, that consideration is given to the impact they will have on townscape and the wider landscape, especially when viewed from adjacent transport routes and advantage points accessible to the public, and
- (b) fails to safeguard the character and amenity of the residential area contrary to Policy H1 of the Inverclyde Local Plan 2005.

5. The play equipment erected in the garden fronting Houston Road:- :-

- (a) fails to respect the special architectural and visual qualities that gave rise to the Conservation Area's designation, contrary to the advice in Historic Scotland's Memorandum of Guidance on Listed Buildings & Conservation Areas;
- (b) is unsympathetic to the character and appearance of the Conservation Area, contrary to Policy HR11 of the Inverclyde Local Plan 2005 which requires development proposals both within and adjacent to the Conservation Area to be sympathetic to the existing character, pattern of development and appearance of the area in meeting a range of criteria including:-
 - (i) overall design and style
 - (ii) design details, and
 - (iii) finishing materials;
- (c) has an adverse impact when viewed from Houston Road, contrary to Policy HR12 of the Inverclyde Local Plan 2005 which requires that in assessing development proposals for Conservation Areas, that consideration is given to the impact they will have on townscape and the wider landscape, especially when viewed from adjacent transport routes and advantage points accessible to the public, and

- (d) fails to safeguard the character and amenity of the residential area contrary to Policy H1 of the Inverclyde Local Plan 2005.

NOTIFICATION OF APPEAL

Notification has been received that an appeal against the refusal of planning permission has been lodged with the Scottish Ministers. The appeal is to be determined by written submissions.

RECOMMENDATION

That the Board notes the position.

F. K WILLIAMSON

Head of Planning, Housing and Transportation

BACKGROUND PAPERS

1. Planning Enforcement Notice

