

Inverclyde Local Review Body

Our Ref: 10/0128/IC

REVIEW DECISION NOTICE

Decision by Inverclyde Local Review Body (the ILRB)

- Site address: 93 Murdieston Street, Greenock
 - Application for Review by Joseph Morgan against the decision by an appointed officer of Inverclyde Council
 - Application Ref: 10/0128/IC
 - Application Drawings: Location Plan
 Existing and Proposed Plans, Elevations and Sections
 - Date of Review Decision Notice: 8 February 2011
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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 also 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 2008.
- 1.2 The above application for planning permission was considered by the ILRB at a meeting held on 2 February 2011. The ILRB was constituted by Councillors D Wilson (Chair), K Brooks, G Dorrian, T Loughran, C McCallum, R Moran, I Nelson and L Rebecchi.

2. Proposal

- 2.1 The application proposal is to install a flat roofed dormer which would occupy virtually the entire length of the rear elevation. The extension would be marginally below the ridge line and would be clad in slate to match the existing roof. The proposal would create a fourth bedroom together with an ensuite shower room. The application was refused consent in terms of a decision letter dated 30 July 2010.

3. Preliminaries

3.1 The ILRB was provided with copies of the following:

- (i) Planning Application and plans specified above;
- (ii) The Appointed Officer's Report of Handling dated 30 July 2010;
- (iii) Decision Notice dated 30 July 2010;
- (iv) Notice of Review and supporting documents dated 25 October 2010.

3.2 Having regard to the material before it, 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 2008.

4. Findings and Conclusions

4.1 The ILRB reviewed the decision in the context of the Local Plan, Planning Practice Advice Note no. 9 (Dormer Windows) and, in particular, (1) the impact the proposal would have upon the existing streetscape and (2) the proposed development generating an additional demand for on-street parking resulting in congestion and confrontation to the detriment of road safety.

4.2 The Board in reviewing the decision had regard to the Notice of Review and in particular the response contained therein.

4.3 Having regard to the whole circumstances, the ILRB concluded that the application had been correctly refused for the reasons given in the Decision Notice dated 30 July 2010; namely:

- 1. As the proposal would adversely impact upon the existing streetscape it is contrary to Policy H15 of the Local Plan and the guidance contained within the Council's Planning Practice Advice Note no 9 (Dormer Windows). The proposal would consequently also be contrary to Policy H1 of the Local Plan.
- 2. The proposed development would generate an additional demand for on-street parking resulting in congestion and confrontation to the detriment of road safety.

4.4 The Review Application was accordingly dismissed.

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 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure)(Scotland) Regulations 2008

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval 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.