

**Argyll and Bute Council**  
Comhairle Earra Ghaidheal agus Bhoid

*Customer Services*  
*Executive Director: Douglas Hendry*



*Kilmory, Lochgilphead, PA31 8RT*  
*Tel: 01546 602127 Fax: 01546 604435*  
*DX 599700 LOCHGILPHEAD*  
*e.mail –douglas.hendry@argyll-bute.gov.uk*

25 January 2012

## **NOTICE OF MEETING**

A meeting of the **ARGYLL AND BUTE LOCAL REVIEW BODY** will be held in the **COMMITTEE ROOM 1, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 1 FEBRUARY 2012** at **2:30 PM**, which you are requested to attend.

Douglas Hendry  
Executive Director - Customer Services

## **BUSINESS**

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. CONSIDER NOTICE OF REVIEW: FLAT GROUND/2, 53 JAMES STREET, HELENSBURGH, G84 8XF**
  - (a) Notice of Review of Supporting Documents (Pages 1 - 20)
  - (b) Comments from Interest Parties (Pages 21 - 30)

## **ARGYLL AND BUTE LOCAL REVIEW BODY**

Councillor Roderick McCuish (Chair) Councillor Alex McNaughton  
Councillor James McQueen

Contact: Fiona McCallum Tel: 01546 604406

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Ref:  
AB1

## ARGYLL AND BUTE COUNCIL

[WWW.ARGYLL-BUTE.GOV.UK/\\*\\*](http://WWW.ARGYLL-BUTE.GOV.UK/**)

OFFICIAL USE

15 Dec 2011

Date Received

## NOTICE OF REVIEW

Notice of Request for Review under Section 43(a)8  
of the Town and Country Planning (Scotland) Act 1997 and the Town and  
Country Planning (Schemes of Delegation and Local Review Procedures  
(Scotland) Regulations 2008

**Important** – Please read the notes on how to complete this form and use  
Block Capitals. Further information is available on the Council's Website.  
You should, if you wish, seek advice from a Professional Advisor on how to  
complete this form.

Applicant for Review	
Name	Mrs M. McClenaghan
Address	Ground Flat / 2
	53 James Street
	Helensburgh
Postcode	G84 8XF
Tel. No.	01436 671363
Email	

Agent	
Name	John Cowan per CR Smith
Address	27 Gardeners Street
	Dunfermline
Postcode	KY12 0RN
Tel. No.	01383 732181
Email	John.cowan@crsmith.co.uk

(3) Do you wish correspondence to be sent to you  or your agent

(4) (a) Reference Number of Planning Application

(b) Date of Submission

(c) Date of Decision Notice (if applicable)

(5) Address of Appeal Property

Ground Flat / 2
53 James Street
Helensburgh G84 8XF

(6) Description of Proposal

Replacement of 7 windows

(7)

Please set out the detailed reasons for requesting the review:-

*See attached documents*

If insufficient space please continue on a separate page. Is this is attached?  (Please tick to confirm)

(8) If the Local Review Body determines that it requires further information on "specified matters" please indicate which of the following procedure you would prefer to provide such information :-

- (a) Dealt with by written submission
- (b) Dealt with by Local Hearing
- (c) Dealt with by written submission and site inspection
- (d) Dealt with by local hearing and site inspection

*NB It is a matter solely for the Local Review Body to determine if further information is required and, if so, how it should be obtained.*

(9) Please list in the schedule all documentation submitted as part of the application for review ensuring that each document corresponds to the numbering in the sections below:-

Schedule of documents submitted with Notice of Review (**Note: 3 paper copies of each of the documents referred to in the schedule below must be attached**):

No.	Detail
1	Grounds of Appeal
2	Drawings
3	Window Sections
4	Sheerframe Brochure
5	
6	
7	
8	
9	
10	

If insufficient space please continue on a separate page. Is this is attached  (Please tick to confirm)

Submitted by  
(Please Sign)



Dated

14/12/11

**Important Notes for Guidance**

1. All matters which the applicant intends to raise in the review must be set out in or accompany this Notice of Review
2. All documents, materials and evidence which the applicant intends to rely on in the Review must accompany the Notice of Review **UNLESS** further information is required under Regulation 15 or by authority of the Hearing Session Rules.
3. Guidance on the procedures can be found on the Council's website – [www.argyll-bute.gov.uk/](http://www.argyll-bute.gov.uk/)
4. If in doubt how to proceed please contact 01546 604406 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)
5. Once completed this form can be either emailed to [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk) or returned by post to *Committee Services (Local Review Board), Kilmory, Lochgilphead, Argyll, PA31 8RT*
6. You will receive an acknowledgement of this form, usually by electronic mail (if applicable), within 14 days of the receipt of your form and supporting documentation.

If you have any queries relating to the completion of this form please contact Committee Services on 01546 604406 or email [localreviewprocess@argyll-bute.gov.uk](mailto:localreviewprocess@argyll-bute.gov.uk)

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**For official use only**

Date form issued

Issued by (please sign)



## **Grounds of Appeal**

*On behalf of*

**Mrs M McClenaghan**

**Proposed replacement uPVC windows**

*Planning ref – 11/01491/PP*

**Date of refusal – 10<sup>th</sup> October 2011**



## Property History & Introduction

The following is to be read in conjunction with our appeal against the *refusal of replacement windows at Flat 0/2, 53 James Street, Helensburgh*. The proposals are to replace the existing timber windows with new uPVC windows.

The Planning Department has refused our application to replace the existing timber windows on the grounds that the proposed materials will adversely affect the property by setting an undesirable precedent.

The client's property is a flatted dwelling within a Category C(s) Listed Building. The vast majority of the windows on the property have been replaced with uPVC.

## Grounds of Appeal

The main reason for the refusal of the application is for the use of uPVC. There are numerous mentions throughout the report of uPVC being inappropriate for the property and also the surrounding area.

Looking at the building, the majority of the windows have been replaced with non-traditional uPVC windows. As shown in the photograph below, only 2 flats still have all of their traditional timber windows. Although we were trying to keep a sash and case look with our proposed windows, we would be willing to change of our proposals to the same style as the other 4 blocks if this would help to obtain a favourable decision.

### Building as existing:





The neighbouring block of flats has also had numerous uPVC replacements, as shown from the below photographs.

**Neighbouring blocks:**







Grounds of appeal statement – Refused planning application for replacement windows at Flat 0/2, 53 James Street, Helensburgh 4

As shown from the above photographs, the precedent for uPVC has been set and is now by far the most common window frame material for the listed building.

We appreciate that as a window framing material; timber can have a certain presence and appeal if specified correctly. However, timber windows are much more expensive than uPVC options, are not draught proof and do not perform as well as uPVC under the current U-value or WER (Window Energy Ratings) system. Furthermore, adding double-glazing to timber frames will result in a price increase of around 200% when compared with a uPVC product of the same proportions.

Mrs McClenaghan's decision to choose uPVC was a holistic approach taking into account:

- Sustainability
- Current & future energy costs
- Desire to restore a traditional appearance
- Actual window performance - U Value
- Cost of ongoing maintenance
- Practicality of cleaning

Another positive aspect of uPVC is its contribution to sustainable development. The environment no longer has to deal with the effects of heavy metal (lead, barium, cadmium) which were once component factors in the production of uPVC. In our case this ceased in 2005. Our factory in Cowdenbeath has been recycling uPVC for the past 12 years, by sending all our uPVC off-cuts back to our supplier (*LB Plastics*) for recycling. In doing so, we are adhering to the voluntary European Vinyl 2010 Charter, and can ensure that disposal is carried out with total environmental efficiency. Furthermore, the traditional aluminium and steel reinforcement has now been almost completely replaced with recycled co-extruded cellular materials, made from our original waste. Our virgin uPVC is as easily recycled since it is free from lead, cadmium and barium, all of which are hazardous to human health.

The replacement windows (if accepted) within the client's property will have a minimum life expectancy of 60 years maintenance free, as opposed to timber windows which would have to be sanded down and repainted every 3-5 years (approximate estimation). Timber is also more troublesome when it comes to recycling at end of use, especially when you consider that frames can be contaminated with a vast range of preservatives, fillers, cements, paints and solvents. Additionally, according to CIRIA, 62% of timber from demolition sources goes straight to landfill (*Taken from 'Window of Opportunity' report, published by WWF-UK*).

We believe the proposed replacements are far superior to the previously existing units from a maintenance and energy consumption point of view. Of course, uPVC does not have the same qualities as timber with respect to CO<sub>2</sub> absorption, however the life span of these windows is such that they do not have to be maintained or recycled within short periods of time, unlike timber.

Advances in uPVC window construction have allowed CR Smith to be able to fabricate windows with a centre pane U-Value of 0.8W/m<sup>2</sup>. This will be essential to any zero or low carbon home and is another great example of progress made to the overall efficiency of uPVC as a material. I have attached the LB Plastics 'Sheerframe' - *Guide to Sustainable Windows, Doors & Conservatories* - for your assessment, which states that:

- PVC frames can be easily collected and recycled. Both the end life and manufacturing process waste materials are routinely recycled to eradicate any unnecessary waste.
- The frame material is 100% recyclable.
- Average of 50 years or more durability over timber.
- PVC windows are amongst the most rigorously tested and approved of all construction products, unlike some self-governing approval schemes run by the timber industry. With reference to our products, we currently have certification from BBA, BSI and ISO 14001.
- Co-extruded weather-seals ensure maximum air and water tightness and prevent heat being lost easily through draughts. This is one of the most underrated measures of energy efficiency, but one of the most important to any developer.
- Aluminium reinforcement within the frames is insulated using thermoplastic compound, thus improving the thermal efficiency of the uPVC window further.
- In non-structural areas (*e.g. sash & case*) the reinforcement is made from 100%-recycled material. This also applies to the windows used in the client's property.
- LB Plastics 'Sheerframe' windows were the first UK extruded PVC windows to become heavy metal (lead-free), with the use of lead additives phased out as a precautionary measure and replaced with calcium organic stabilisers.

The proposed replacements are designed to be superior to the existing uPVC units in terms of their safety, security maintenance and energy consumption.

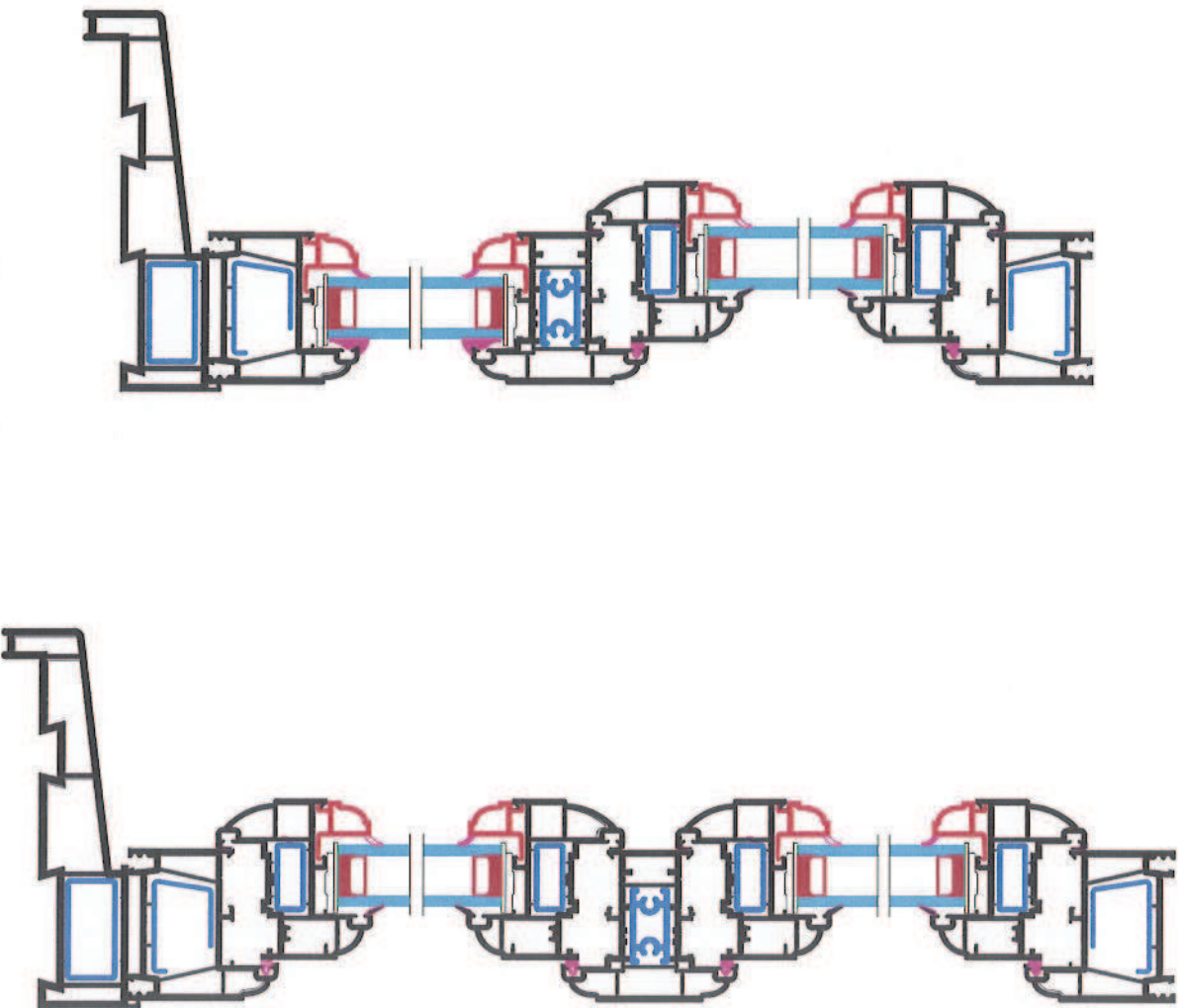
### Conclusion

The Planning Department has refused our application on the basis that our uPVC windows adversely affect the Listed Building. However out of 88 windows on the front of the building, 59 are uPVC and 29 are the original timber sash and case windows. This equates to 67% of the windows on the front of the building. The majority of the replacement windows are not of a traditional style.

We believe our proposed replacements not only complement the general aesthetics of the building and will not compromise the character of the building in any way, but they also provide a more sustainable and environmentally friendly option taking account of the condition and performance of the existing window units.

We therefore seek to appeal the decision of the Planning Department.





Proposed Window Sections  
Scale 1:2

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CR SMITH GLAZIERS (QUINFERLANE) LIMITED

**CR SMITH**

home sweeter home

This drawing is for illustration purposes only therefore nothing contained herein shall constitute or form any part of any contract.

CLIENT Mrs M McClenaghan

Flat 0/2

53 James Street

Helensburgh

TELEPHONE 01436 671363

POSTCODE G84 8XF

PROJECT SPECIFICATION

Proposed replacement windows

CONTRACT No 61697002 DRAWING No 02

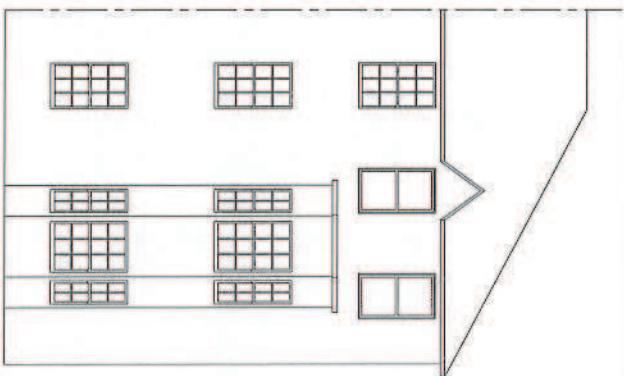
DRAWING BY John Cowan

SCALE As illustrated DATE 2nd May 2011

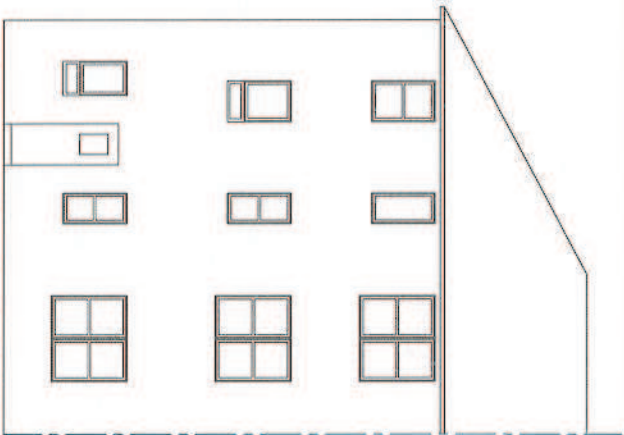
REVISIONS

WE CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAN OF THE WORKS REFERRED TO IN THE APPLICATION FOR WARRANT / PLANNING CONSENT.

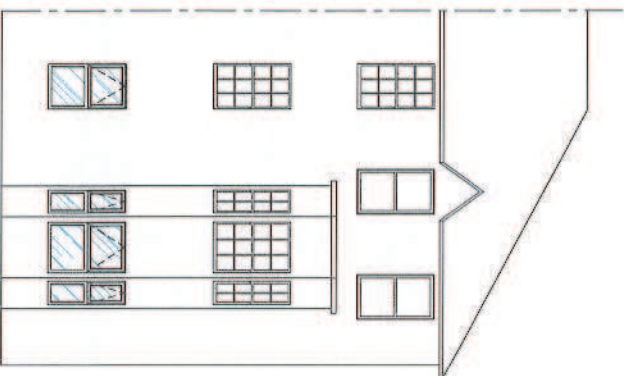
SIGNED:.....DATE:.....



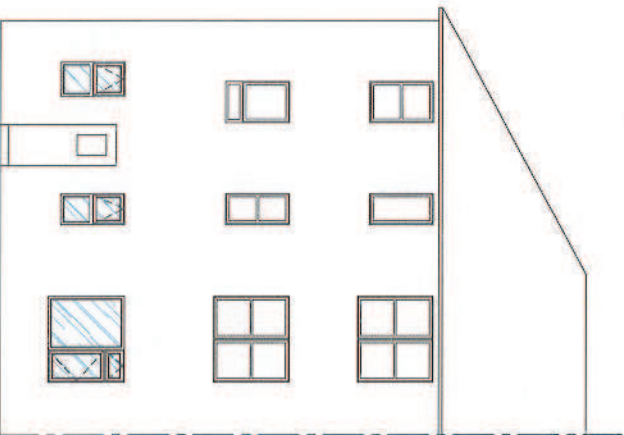
Existing Front Elevation Scale 1:100



Existing Rear Elevation Scale 1:100



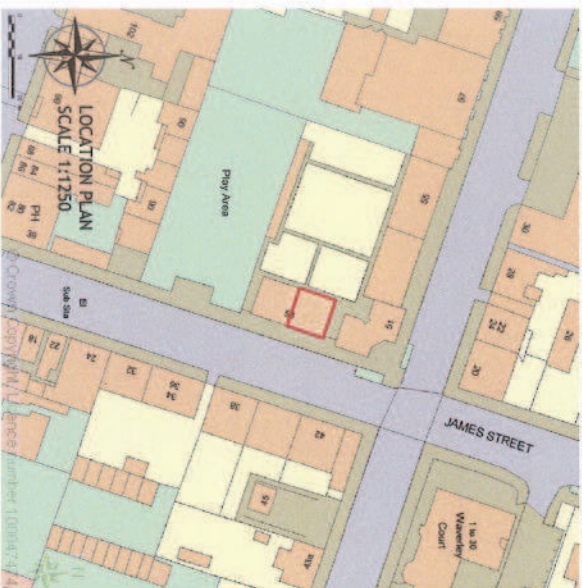
Proposed Front Elevation Scale 1:100



Proposed Rear Elevation Scale 1:100

**General Specification**

All glazed units to be argon filled made from toughened safety glass to BS6262. Low E glazing fitted as standard. Window units consist of 2 x leads of 4mm glass and 16mm airspace cavity. PVCu frame colour to be white. Night vents fitted to new winddownheads as standard to ensure permanent ventilation. Window u-value to be 1.6W/m<sup>2</sup>K.



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**CR SMITH**

home sweeter home

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CLIENT Mrs M. McClenaghan

Flat 0/2  
53 James Street  
Helensburgh

TELEPHONE 01436 671363

POSTCODE G84 8XF

PROJECT SPECIFICATION  
Proposed replacement windows

CONTRACT No 61697002

DRAWING No 01

DRAWING BY John Cowan

SCALE As illustrated

DATE 2nd May 2011

REVISIONS

WE CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAN OF THE WORKS REFERRED TO IN THE APPLICATION FOR WARRANT / PLANNING CONSENT.

SIGNED:.....DATE:.....



# The environmental window

A guide to sustainable windows,  
doors & conservatories



**SHEERFRAME®**





# The sustainability challenge

**“Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.”**

The World Commission on Environment and Development (1987)

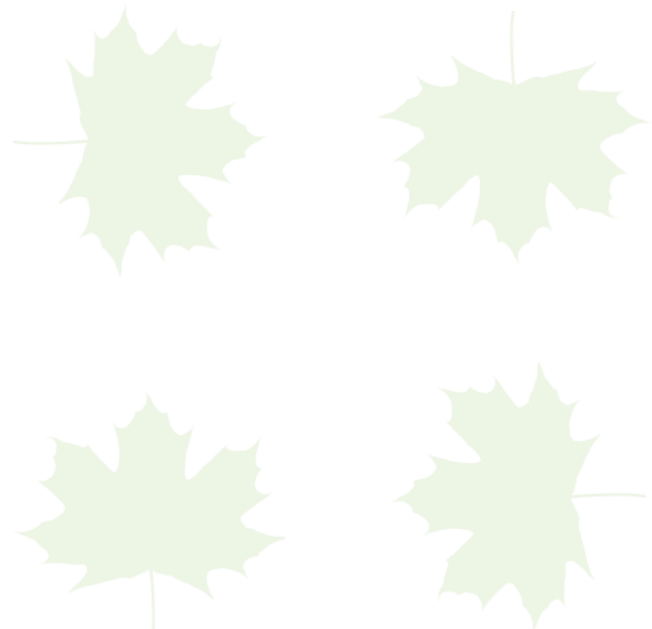
The materials and components we use to create our new buildings and refurbish existing ones are coming under the spotlight more than ever before as we strive towards a highly sustainable society.

The battle against climate change is constant and buildings are a major CO<sub>2</sub> contributor. Nationally in the UK, around 40% of all carbon emissions result from energy used to power our buildings and in London that figure is as high as 70%\*.

To ensure our buildings are energy efficient in the long term and created using materials that have not cost the earth to produce, product selection and specification must take into account the whole life cycle and consider post-use disposal.

Unlike other materials used in window frames, PVC performs extremely well in terms of sustainability. PVC is extremely resource-efficient in its manufacture and in the case of Sheerframe, creates windows which offer excellent thermal performance over a long lifetime. In addition, when PVC frames are eventually replaced, they can be easily collected and recycled compared with other materials.

\*According to the London Climate Change Agency June 2005.



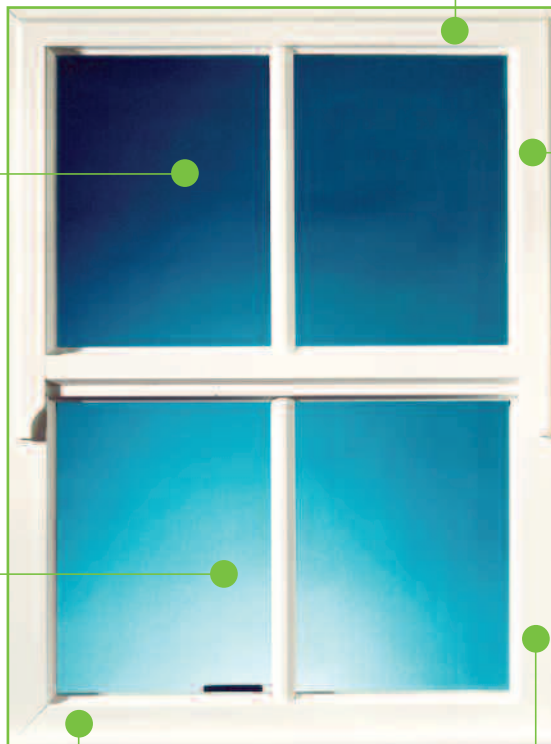


# Choosing what's best

The nature of the glass has an important bearing, especially the perimeter spacer bar, the presence or absence of gas, and the emissivity and clarity of the glass, and the effect all these points have on solar gain and heat retention.

Recycling waste materials without compromising the technical performance of the end product is also a valuable achievement. In the PVC industry, like other forward thinking industries such as glass and metals, both the end of life and manufacturing process waste materials are routinely recycled to eradicate any unnecessary waste.

Heat retention during the window's lifetime, combined with low toxicity materials in manufacture and the cleaning up of waste products without compromising performance is key to the 'environmental window'.



Sheerframe windows now lead the industry in combining an optimum arrangement of thermoplastics recyclate being used in a unique encapsulation process for reinforcement – Thermlock®. This delivers strength and additional insulation without corrupting performance.



The excellent performance of Sheerframe in-use is complemented by the PVC being organically stabilized.

The use of thermal reinforcement within the new British Standards for Extrusions, BS EN 12608, when combined with Class A wall thickness (2.8mm minimum) means the insulation thickness of thermoplastic, from inside to outside, is between 13mm and 16mm. Combining Class A with Thermlock® gives more than twice the insulation value from the thermoplastic.







# The benefits of PVC



PVC is very resource-efficient in its production and most importantly, throughout its long life span, a PVC frame will maximise the energy retention within a building. This is unlike low performing thermally inefficient metal windows or timber windows, which have traditionally been poor at keeping the weather out and the heat in. With 50 years or more durability and 100% recyclability, the PVC frame represents an energy store which can be retrieved and reprocessed at any time in the future.

Sheerframe windows are designed to deliver the highest performance in-use. A continuous development programme ensures that Sheerframe is always one step ahead of government legislation, beating the thermal performance requirements of Part L of the Building Regulations and Part J in Scotland.

PVC windows are amongst the most rigorously tested and approved of all construction products. Unlike some self-governing approval schemes run by the timber industry, the PVC sector believes in the values of independence and continuity of assessment carried out by the British Standards Institute (BSI) and the British Board of Agrément (BBA).



BS7412  
(KM21785)



BS EN 1279  
(KM24911)



BS EN ISO 9001 2000  
FM 01727



BS7950/7413  
(KM33522)



BS EN 12608  
(KM12877)



PAS 23  
KM57120



PAS 24  
KM57121

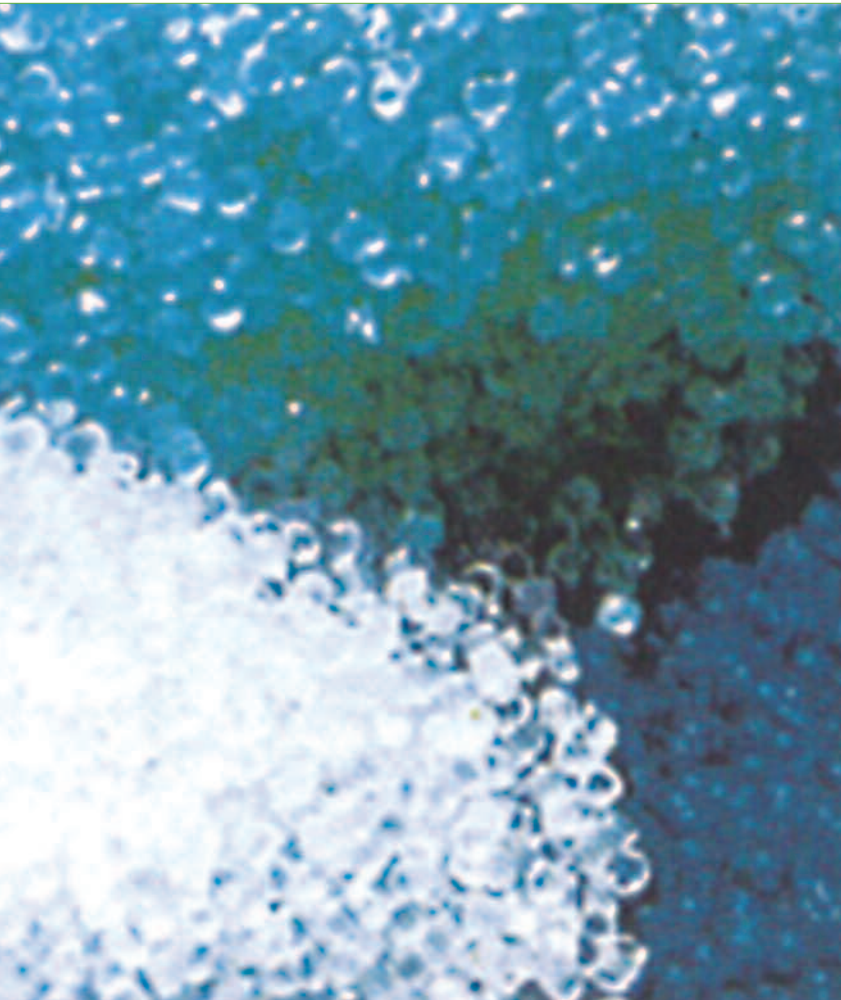


BS7950/7412  
(KM33521)





# Material matters



The raw materials that are used to produce Sheerframe windows are carefully selected to ensure any risk to humans or the environment – whether perceived or actual – is kept to an absolute minimum.

Sheerframe windows were amongst the first PVC windows to become lead-free, with the use of lead additives phased out as a precautionary measure and replaced with calcium organic stabilisers. It is steps like this that ensure the health of the people that manufacture Sheerframe windows and Sheerframe customers can be assured of total safety.

## What is PVC?

Polyvinyl chloride (PVC) is a major thermoplastic material used in a very wide variety of applications and products. The essential raw materials for PVC are derived from salt and oil. The electrolysis of salt water produces chlorine, which is combined with ethylene, obtained from oil, to form vinyl chloride monomer (VCM). Molecules of VCM are polymerised to form PVC resin, to which appropriate additives are incorporated to make a customised PVC compound.

PVC can be plasticised to make it flexible for use in flooring and vital medical products or rigid "PVC-U", the U stands for "unplasticised" – which is used extensively in building applications including window frames.

PVC is used for hundreds of life saving and healthcare products every day – products used in surgery, pharmaceuticals, drug delivery and medical packaging, for example. It is also used to manufacture packaging for food and to make numerous components in the automotive industry – resource-efficient products which enable manufacturers to mass produce the things we demand in today's world and improve our everyday lives.





# Recycling



With its manufacture process already extremely resource-efficient, PVC fits perfectly with the approach of reducing, reusing and recycling.

The Vinyl 2010 Voluntary Charter across Europe ensures that the production and disposal of PVC is carried out with total environmental responsibility.

More specifically, the PVC window industry as a whole has made some major advances in recycling, setting and achieving targets that other industries would find it hard to achieve. It already recycles 50% of the collectable end of use frames and is working hard to keep increasing this figure.

On the contrary, recycling of end of use timber windows is more troublesome. Timber frames can be contaminated with a vast range of preservatives, fillers, cements, paints and solvents. Despite this pollution danger, 61%\* of timber from demolition sources goes straight into landfill.

PVC is a much more straightforward process thanks to the presence of the chlorine molecule. This means PVC can be easily identified and separated from other plastics for recycling.

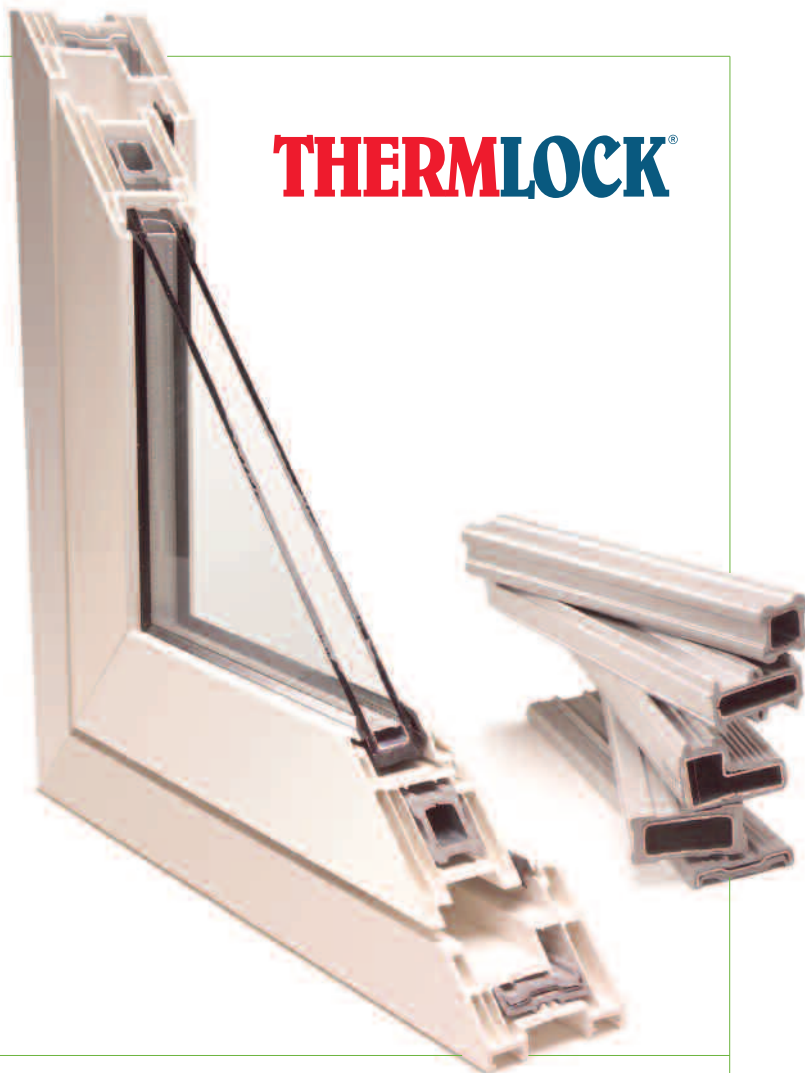
\*According to CIRIA / Defra figures quoted in Window of opportunity published by WWF-UK.







## Uniquely optimising energy efficiency



Throughout its life, Sheerframe PVC windows offer exceptional performance. The system's advanced design to BS EN 12608 ensures the highest quality windows through a series of design innovations.

### Superior weathersealing

Co-extruded weatherseals ensure maximum air and water tightness and prevent heat being lost easily through draughts. This is one of the most underrated measures of energy efficiency, but one of the most important to any householder.

### Multiple chamber profile

Sheerframe windows feature four or five chamber profiles, increasing the honeycomb effect of the frame to reduce thermal conductivity.

### Thermlock® reinforcement



Steel and aluminium reinforcement often let down the overall thermal performance of the window. Sheerframe PVC windows are different. They feature Thermlock®, developed by encapsulating the metal in a specialist insulating thermoplastic compound.

### Intelligent glass combination

The glass has a significant bearing on the window's performance. Sheerframe's design maximizes the role of the glass to take advantage of the positive contribution made by solar gain and heat retention.

### Top energy ratings

This combination of design innovations delivers a window capable of achieving very good ratings under the BfRC window energy rating system. Depending on the configuration, Sheerframe windows can achieve B ratings – even when reinforced – representing an exceptional energy efficiency performance.

Energy window	
Manufacturer Model	
More efficient	<b>B</b>
Energy index kWh/year	7.48
Climate zone	UK
Thermal Transmittance U window	1.47 W/m <sup>2</sup> K
Solar Factor G value	0.43 W/m <sup>2</sup> K
Air Leakage L value	0.01 W/m <sup>2</sup> K
 <a href="http://www.bfrc.org.uk">www.bfrc.org.uk</a> 	
<small>This table is not a statutory requirement. It is provided as a reference to allow consumers to make informed decisions on the energy performance of competing products.</small>	



## Choice of styles



A wide range of Sheerframe window and door styles means homeowners, housebuilders and Registered Social Landlords can take advantage of PVC's sustainability benefits whatever the property.

The range reflects traditional British window and door styles and caters for almost any architectural design. Balance and modernity, as well as an acknowledgement to historical detail, provide original and elegant design solutions.

From pivot and fully reversible windows to tilt and turns and traditional casements, Sheerframe windows are designed for maximum visual appeal. But it is the Sheerframe vertically sliding sash window that really is in a league of its own.

The Sheerframe vertically sliding sash is widely acknowledged by architects, specifiers and planners as the most stylish design in its class. It is a truly unique window which dispels the myth that traditional timber sash windows cannot be replicated in PVC. Planners love it too, with the Sheerframe VS increasingly being approved for use within conservation areas across the UK and Ireland.

The advanced design of Sheerframe windows brings nothing but a positive aesthetic impact. White PVC is the most popular choice, but Sheerframe windows also come in a wide variety of colours including woodgrain finishes which perfectly replicate the look of different timber grainings.



## **SHEERFRAME®**

L.B. Plastics Ltd,  
Firs Works, Nether Heage,  
Derby, DE56 2JJ.  
Tel: 01773 852311 Fax: 01773 857080  
Email: [sheerframe@lbplastics.co.uk](mailto:sheerframe@lbplastics.co.uk)  
Website: [www.sheerframe.co.uk](http://www.sheerframe.co.uk)



**STATEMENT OF CASE  
FOR  
ARGYLL & BUTE COUNCIL  
LOCAL REVIEW BODY**

**REFUSAL OF PLANNING PERMISSION FOR THE  
INSTALLATION OF 7 REPLACEMENT WINDOWS AT  
FLAT 0/2, 53 JAMES STREET, HELENSBURGH,  
PLANNING APPLICATION**

**REFERENCE NUMBER 11/01491/PP**

**LOCAL REVIEW BODY REFERENCE 11/0011/LRB**

**05 January 2011**

## **INTRODUCTION**

The Planning Authority is Argyll & Bute Council ('the Council'). The appellant is Mrs. M McClenaghan ('the appellant').

The detailed planning application, reference number 11/01491/PP, for the installation of 7 replacement windows at 53 James Street, Helensburgh ('the appeal site') was refused under delegated powers on 10 October 2011. The planning application has been appealed and is subject of referral to a Local Review Body, reference number 11/0011/LRB.

## **DESCRIPTION OF SITE**

The application site is a flatted dwellinghouse within a larger Category C(s) Listed Building. This is an ex Local Authority block of flats. They are L plan, 3 storey tenements with a frontage onto both James Street and West King Street. The application site is to the James Street elevation. This elevation is essentially a separate building to the rest of the flats, but is adjoined by a stone arch. It is a symmetrical 7 bay block of a similar design, but when viewed has the look of a separate block.

## **SITE HISTORY**

A further application for the installation of 7 replacement windows was submitted under reference 11/00722/PP but the application was returned.

## **STATUTORY BASIS ON WHICH THE APPEAL SHOULD BE DECIDED**

Section 25 of the Town and Country Planning (Scotland) Act 1997 provides that where, in making any determination under the Planning Acts, regard is to be had to the Development Plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. This is the test for this application.

Argyll & Bute Council considers the determining issues in relation to the case are as follows:

- Whether the proposal accords with Development Plan policy and whether there are any material considerations to outweigh these adopted policies. In particular, whether the proposed replacement windows undermine and further erode the architectural character of this listed building.

The Report of Handling (Appendix 1) sets out the Council's assessment of the application in terms of Development Plan policy and other material considerations.

## **COMMENTS ON APPELLANT'S SUBMISSION**

The property is part of a Category C(S) Listed Building which is located within the settlement boundary of Helensburgh. Structure Plan Policy STRAT DC9 notes that development that damages or undermines the historic, architectural or cultural qualities of the historic environment will be resisted.

Within the adopted Argyll and Bute Local Plan Policy LP ENV 13(a) maintains a similar approach and the proposal would be contrary to this policy.

The Council's Design Guidance sets out to ensure that any proposed development is suitable for its context, and states that replacement windows in listed buildings should match the

originals in every respect. The proposal is therefore also contrary to Argyll & Bute Council's Design Guidance. Page 23

The appellant makes reference to the fact that the majority of windows in this block have been replaced with uPVC windows. This is in part correct. I would also agree that in this context the uPVC windows already installed are non-traditional. Although only Category C(s) this is still a listed building where uPVC is neither historically accurate nor visually acceptable.

There have been instances where a listed building has been so devalued by the introduction of uPVC windows that its importance and integrity has been lost and uPVC has been accepted by the Council. The question is whether on this front elevation facing James Street, 4 replacement windows in a pane over pane style makes any difference to the quality and integrity of the building.

While the rear elevation has been so devalued the front elevation still has some merit. The portion of the larger block facing onto James Street in which the appeal premises are located has 13 windows. Of these 11 are timber sash and case, 9 of which have the same pattern of 6 panes over 6 panes. The rest of the block facing onto James Street has uPVC windows in a pane over pane style with the transom in the same plane. The replacement windows will not have a neutral impact on the building. On the contrary, the addition of a further 7 windows of inappropriate modern materials (uPVC) and detailing, which do not exactly match the original timber windows will further undermine its character. When contrasted with the remaining timber windows they will be visually intrusive and visually discordant. As such, they do not accord with policy and any such further loss of character and integrity cannot be supported.

## **CONCLUSION**

Section 25 of the Town and Country Planning Act 1997 requires that all decisions be made in accordance with the development plan unless material considerations indicate otherwise. The damage which may be caused by the replacement of any window which is historically and architecturally correct with a modern unit is potentially immense. The replacement windows proposed will unacceptably detract from the character and appearance of this traditional dwelling which forms part of a larger Category C(s) listed property by virtue of their inappropriate modern materials (uPVC) and detailing, which do not exactly match the original timber windows. Although the fenestration of the building has been altered, a number of original windows still remain. The inclusion of a further 7 inappropriate modern windows will be visually intrusive, visually discordant and as such detract from and undermine the character and integrity of this traditional building. This is contrary to Policy STRAT DC 9 of the Argyll & Bute Structure Plan and Policies LP ENV 1, LP ENV 13(a), LP ENV 19 and Appendix A of the Argyll & Bute Local Plan as well as being contrary to the Council's Sustainable Design Guidance which state inter alia that all development to listed buildings should maintain or enhance the buildings character and that non traditional materials should be resisted.

Taking account of the above, it is respectfully requested that the appeal be dismissed.

**Argyll and Bute Council  
Development & Regulatory Services**

**Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 relative to applications for Planning Permission or Planning Permission in Principle**

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**Reference No:** 11/01491/PP  
**Planning Hierarchy:** Local Application  
**Applicant:** Mrs M McClenaghan  
**Proposal:** Installation of 7 replacement windows  
**Site Address:** Flat Ground/2, 53 James Street, Helensburgh

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**DECISION ROUTE (delete as appropriate)**

- (i) **Sect 43 (A) of the Town and Country Planning (Scotland) Act 1997**
  - (ii) **Local Government Scotland Act 1973**
- 

**(A) THE APPLICATION**

- (i) **Development Requiring Express Planning Permission**
    - Installation of 7 replacement windows
  - (ii) **Other specified operations**
    - None
- 

**(B) RECOMMENDATION:**

It is recommended that planning permission be refused for reasons given overleaf.

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**(C) HISTORY:** None

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**(D) CONSULTATIONS:** None

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**(E) PUBLICITY:** Listed Building/Conservation Advert (Expired 16.09.2011)

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**(F) REPRESENTATIONS:** None

- (i) **Summary of issues raised**



**(G) SUPPORTING INFORMATION**

Has the application been the subject of:

- (i) **Environmental Statement:** N
- (ii) **An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994:** N
- (iii) **A design or design/access statement:** N
- (iv) **A report on the impact of the proposed development e.g. Retail impact, transport impact, noise impact, flood risk, drainage impact etc:** N

**Summary of main issues raised by each assessment/report**

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**(H) PLANNING OBLIGATIONS**

- (i) **Is a Section 75 agreement required:** N
- 

- (I) **Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32:** N
- 

- (J) **Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application**

- (i) **List of all Development Plan Policy considerations taken into account in assessment of the application.**

'Argyll and Bute Structure Plan' 2002

STRAT DC 9 – Historic Environment and Development Control

'Argyll and Bute Local Plan' 2009

LP ENV 1 – Impact on the General Environment  
LP ENV 13a – Development Impact on Listed Buildings  
LP ENV 19 – Development Setting, Layout and Design  
Appendix A – Sustainable Siting and Design Principles

- (ii) **List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 4/2009.**

Argyll & Bute Sustainable Design Guidance (2006)

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- (K) **Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment:** N
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(L) **Has the application been the subject of statutory pre-application consultation (PAC):** N

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(M) **Has a sustainability check list been submitted:** N

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(N) **Does the Council have an interest in the site:** N

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(O) **Requirement for a hearing (PAN41 or other):** N

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(P) **Assessment and summary of determining issues and material considerations**

Planning permission is sought for the installation of replacement windows at 53 James Street, Helensburgh. This is a flatted dwellinghouse within a larger Category C(s) Listed Building. This is an ex Local Authority block of flats. They are L plan, 3 storey tenements with a frontage onto both James Street and West King Street. The application site is to the James Street elevation. This elevation is essentially a separate building to the rest of the flats, but is adjoined by a stone arch. It is a symmetrical 7 bay block of a similar design, but when viewed has the look of a separate block.

The original windows to the whole building were 12 pane sash and case units. Over the years a number of these have been replaced by single pane uPVC units. This is most apparent on the West King Street Elevation. To the front elevation at James Street there are 24 windows in total, 13 of which have been replaced, while 11 remain in situ, with the right wing of the building having almost all of its original windows intact. While just over half of these windows have been replaced, it is considered that there are a sufficient number of original windows to maintain the character of the building.

It is considered that the replacement of some of the traditional single glazed windows with double glazed uPVC alternatives would detract from the character and appearance of the Listed Building. In this case the proposed replacement windows are inappropriate units that bear no resemblance to the originals. The proposed replacement windows are uPVC, casement units. While the transom is in roughly the same position as that of the existing windows, they do not contain multiple panes and the opening method is different and the uPVC frames lack the refinement of the traditional sash and case windows. When juxtaposed with the original windows on the remainder of this wing of the property, they will be visually intrusive, visually discordant and would have a detrimental impact on the character and appearance of the building as a whole reducing its cohesiveness.

Policy LP ENV 13(a) of the adopted Local Plan states that all works to listed buildings should be of the highest quality and should respect and enhance the buildings special architectural features. It is considered that the proposed windows are inappropriate in detailing, method of opening and materials and therefore do not accord with this policy.

Furthermore, the applicant was asked to submit a report detailing the condition of the existing windows to determine if they are beyond repair. This has not been received. Historic Scotland's guidance, as well as the Council's Sustainable Design Guide all advise that every effort should be put into repairing existing sash and case units, and only when it is proven that the windows are beyond repair, should replacement be considered. Even then, the replacement windows should match the originals in every respect. The applicant has not proven that the windows are beyond repair, and the proposed replacement windows do not bear any resemblance to the existing windows. The proposal is therefore contrary to this guidance.

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(Q) Is the proposal consistent with the Development Plan: N

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(R) Reasons why planning permission or a Planning Permission in Principle should be granted  
N/A

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(S) Reasoned justification for a departure to the provisions of the Development Plan  
N/A

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(T) Need for notification to Scottish Ministers or Historic Scotland: N

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**Author of Report:** Stephanie Glen

**Date:** 06/10/2011

**Reviewing Officer:** Howard Young

**Date:** 10/10/2011

**Angus Gilmour**  
**Head of Planning**

The replacement windows will unacceptably detract from the character and appearance of this traditional dwelling which forms part of a larger Category C(s) listed property by virtue of their inappropriate modern materials (uPVC) and detailing, which do not exactly match the original timber windows. Although the fenestration of the building has been altered, a number of original windows still remain. The inclusion of a further 7 inappropriate modern windows will be visually intrusive, visually discordant and as such detract from and undermine the character and integrity of the architectural quality of this traditional building. This will have a detrimental effect on the character and appearance of the building as a whole. This is contrary to Policy STRAT DC 9 of the Argyll & Bute Structure Plan and Policies LP ENV 1, LP ENV 13(a), LP ENV 19 and Appendix A of the Argyll & Bute Local Plan as well as being contrary to the Council's Sustainable Design Guidance which state inter alia that all development to listed buildings should maintain or enhance the buildings character and that non traditional materials should be resisted.

**NOTE TO APPLICANT**

For the purpose of clarity it is advised that this decision notice relates to the details specified on the application form dated 10/08/2011 and the refused drawing reference number 01.

Appendix relative to application **11/01491/PP**

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- (A) Has the application been the subject of any “non-material” amendment in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the initial submitted plans during its processing?

No

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- (B) The reason why planning permission has been refused.

The replacement windows will unacceptably detract from the character and appearance of this traditional dwelling which forms part of a larger Category C(s) listed property by virtue of their inappropriate modern materials (uPVC) and detailing, which do not exactly match the original timber windows. Although the fenestration of the building has been altered, a number of original windows still remain. The inclusion of a further 7 inappropriate modern windows will be visually intrusive, visually discordant and as such detract from and undermine the character and integrity of the architectural quality of this traditional building. This will have a detrimental effect on the character and appearance of the building as a whole. This is contrary to Policy STRAT DC 9 of the Argyll & Bute Structure Plan and Policies LP ENV 1, LP ENV 13(a), LP ENV 19 and Appendix A of the Argyll & Bute Local Plan as well as being contrary to the Council’s Sustainable Design Guidance which state inter alia that all development to listed buildings should maintain or enhance the buildings character and that non traditional materials should be resisted.

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