

Reference Number: 06/02162/LIB
Applicants Name: Alexander Stewart
Application Type: Listed Building Application
Application Description: Replace existing window with uPVC double glazing
Location: 53e West King Street, Helensburgh

(A) THE APPLICATION

(i) Development Requiring Listed Building Consent

Installation of white framed uPVC windows

(ii) Other specified operations.

None

(B) RECOMMENDATION

It is recommended that, subject to notification to Historic Scotland, listed building consent is granted as a minor departure from Policy BE10 of the Dumbarton District, District Wide Local Plan, subject to the standard condition and reason.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The application site is located within the Dumbarton District, District Wide local Plan 1999 Settlement inset map for Helensburgh and is a flatted development which forms part of a Category B Listed Building. Policy BE10 is relevant as this policy gives direction when dealing with proposals for alterations to listed buildings.

Within the Argyll & Bute Finalised Draft Local Plan Policy LPENV 13a applies. This policy also gives direction when dealing with proposals for alterations to listed buildings.

(ii) Representations:

No letters of representation have been received.

(iii) Consideration of the Need for Non-Statutory or PAN 41 Hearing:

Planning Advice Note 41 recommends that Planning Authorities intending to make decisions which would represent departures from the provisions of an adopted development plan, in cases where applications are the subject of objections, should give consideration as to whether it is appropriate to hold a local hearing in advance of making any determination. It is the Council's practice to follow this advice. As no

letters of representation have been received it is therefore advised that it would not be appropriate to hold a PAN 41 hearing prior to the determination of this application.

(iv) Reasoned Justification for a Departure to the Provisions of the Development Plan.

The proposal is not consistent with Policy BE10 of the Dumbarton District, District Wide Local Plan. However, as there would be a minimal loss of character incurred, it is not considered sufficient to justify a refusal. This is because a large number of unsympathetic uPVC windows have already been installed in the block which forms the application site. The positive contribution that the windows make to the character of the building has already been lost due to the cumulative effect of inappropriate fenestration. As such the impact of the replacement windows would be minimal in terms of their effect on the character and appearance of the building. For these reasons it is considered that the proposal can be justified as a minor departure from Policy BE 10 of the adopted Local Plan.

(v) Is the Proposal a Schedule 1 or 2 EIA development:

No

(vi) Does the Council have an interest in the site:

No

(vii) Need and Reason for Notification to Scottish Ministers.

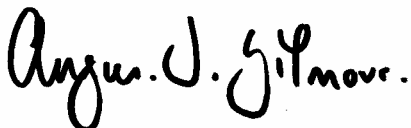
No

(viii) Has a sustainability Checklist Been Submitted:

N/A

Author: Stephanie Glen
Reviewing Officer: Howard Young

Date: 17 December 2007
Date: 03 January 2008



Angus J Gilmour
Head of Planning
3 January 2008

NOTE: Committee Members, the applicant, agent and any other interested party should note that the consultation responses and letters of representation referred to in Appendix A, have been summarised and that the full consultation response or letter of representations are available on request. It should also be noted that the associated drawings, application forms, consultations, other correspondence and all letters of representations are available for viewing on the Council web site at www.argyll-bute.gov.uk

CONDITIONS AND REASONS RELATIVE TO APPLICATION: 06/02162/LIB

1. That the development to which this permission relates must be begun within five years from the date of this permission.

Reason: To comply with Section 16 of the Planning (Listed Buildings) and Conservation Areas (Scotland) Act 1997.

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

In terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, the following Development Plan Policies are applicable.

Argyll and Bute Structure Plan

STRAT DC9 – HISTORIC ENVIRONMENT AND DEVELOPMENT CONTROL

Promotes the protection, conservation, enhancement and positive management of the historic environment.

Dumbarton District, District Wide Local Plan

Policy BE10

This policy seeks to ensure that any works affecting listed buildings or their setting are sympathetic to the building and maintain or enhance its character

Argyll and Bute Modified Finalised Draft Local Plan

Policy LP ENV 13(a)

This policy seeks to ensure that any works affecting listed buildings or their setting are sympathetic to the building and maintain or enhances its character and that they conform to Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas (1998).

Memorandum of Guidance on Listed Buildings and Conservation Areas

Contains advice on any works affecting a listed building, including alterations to its windows.

Note (i): **The applicable elements of the above Policies have not been objected to or have no unresolved material planning issues and are therefore material planning considerations.**

Note (ii): **The Full Policies are available to view on the Council's Web Site at www.argyll-bute.gov.uk**

(ii) SITE HISTORY

06/02165/DET - Replace existing window with uPVC double glazing (under consideration as part of the January Agenda)

(iii) CONSULTATIONS

Historic Scotland (letter dated 14 March 2007) – As the application is contrary to well established policy and advice we recommend that your authority seeks an improvement on the scheme and refuses the application as it currently stands.

(iv) PUBLICITY AND REPRESENTATIONS

This application was advertised as a Potential Departure from Policy BE10 of the Dumbarton District, District Wide Local Plan (closing date 06 July 2007). It was also advertised under Regulation 5, Listed Building Consent (closing date 09 February 2007)

No letters of representation have been received.

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

The site is located within the settlement boundary for Helensburgh within both the adopted and emerging local plans.

Within the adopted Local Plan Policy BE10 is applicable since the building is Category B listed. This policy seeks to ensure that any works affecting listed buildings are sympathetic to the building and maintain or enhance its character. Within the emerging Local Plan Policy ENV13 (a) is applicable. This policy again seeks to ensure that developments that affect listed buildings must be of a high standard and preserve or enhance the character of the building.

B. Location, Nature and Design of Proposed Development

This is a flatted dwelling which forms part of a larger Category B Listed Building. It was listed in 1993 due to being part of the distinctive local authority housing in Helensburgh and is now owner occupied. The flats consist of 2-storey blocks that are arranged around 2 courtyards and are traditional in design with a harled exterior finish, slate roof and, originally, timber sash and case windows. The building in question currently has a mix of windows including single pane sash and case units, multi pane sash and case units and a large number of double glazed uPVC units.

The proposal is to replace three existing timber framed sash and case windows with uPVC framed, tilt and turn, double glazed windows to the front elevation. The existing windows are single paned sash and case units and the proposed replacement windows will be double glazed units which will have a similar pane over pane pattern as the originals, but will be uPVC tilt and turn.

It is not considered that the use of uPVC framed tilt and turn windows are an appropriate replacement window for this building. However, a large proportion of uPVC windows have already been installed in these buildings undermining the original fenestration and devaluing the building's architectural integrity. I am therefore of the opinion that the architectural integrity of this building in terms of its window design has been lost and that the cumulative effect is already so great that the impact of the replacement windows would be minimal in terms of its effect on the character and appearance of the building. On balance, it is my view that proposed window replacements are acceptable in these particular circumstances.

C. Built Environment

The property is a flatted development of local authority and some ex local authority housing and is Category B listed.

D. Other Key Policy Matters

In 1996, Dumbarton District Council replaced a large number of the windows throughout this building with double glazed uPVC units. This was done without Listed Building Consent. However, following Local Government reorganisation Argyll & Bute became responsible for this matter and applied for retrospective consent under reference 97/00660/LIB. This was

granted by Historic Scotland, on the condition that, when necessary, a phased programme of replacing them with appropriate timber windows would be carried out to restore the character of the property. This phased programme has yet to be done as the uPVC windows are still in a good state of repair.

E. Conclusion.

In conclusion, the majority of windows within this Category "B" Listed Building have been replaced with uPVC framed windows and this has resulted in the architectural integrity of this feature being lost. Given the extent of unsympathetic replacements which have already been installed, it is considered that the three additional windows proposed would have a minimal impact in terms of the character and appearance of the building. For these reasons it is considered that the proposal would be acceptable and it recommended that planning permission be approved as a minor departure subject to conditions.