

Reference Number: 08/00387/DET
Applicants Name: Sara Goss
Application Type: Detailed
Application Description: Installation of Replacement Windows
Location: 15 Battery Place, Rothesay, Isle of Bute

(A) THE APPLICATION

(i) Works Requiring Planning Permission

- Installation of replacement upvc windows

There is an associated application for Listed Building Consent (ref: 08/00388/LIB) and, given that the works are retrospective, there is a current enforcement case (ref: 08/00155/ENFHS). Reports on both of these matters are also before Members for consideration.

(B) RECOMMENDATION

That Planning Permission be **refused** for the reason given on the attached page.

(C) SUMMARY OF DETERMINING ISSUES AND MATERIAL CONSIDERATIONS

(i) Development Plan Context:

The works would not generally be supported by relevant policy provisions on properties within Conservation Areas under both the adopted and emerging Local Plans. Notwithstanding the relatively poor condition of the original windows and the inclusion of the subject property within a townscape block where there has been a significant introduction of modern windows, it is considered that the window replacement, particularly on the front elevation of the premises, cannot be justified in terms of existing/emerging Development Plan policies; non-statutory Council policies; and Central Government guidance.

(ii) Representations:

None.

(iii) Consideration of the Need for a PAN 41 Hearing:

As no representations have been received, there is no requirement to hold a PAN 41 hearing before Members reach a decision.

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

The application is not being recommended as a departure to the Development Plan.

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

No.

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

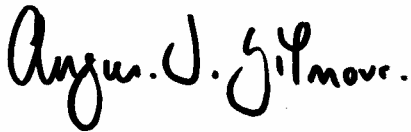
No.

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

The proposal relates to the alteration of a Grade C(S) Listed Building and, as such, there is no requirement to formally notify Scottish Ministers.

(viii) **Has a sustainability Checklist Been Submitted:**

No



Angus J Gilmour
Head of Planning
21 May 2008

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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

REASON FOR REFUSAL RELATIVE TO APPLICATION 08/00387/DET

1. The replacement windows on the Battery Place façade of the subject property, by virtue of their unsympathetic upvc material and inappropriate variety of opening methods, have an unacceptable impact upon the architectural and historic interest of this Category C(S) Listed Building located in a visually prominent position within the Rothesay Conservation Area. As a consequence, the development is contrary to STRAT DC 9 of the Argyll and Bute Structure Plan 2002; Policy POL BE 6 of the adopted Bute Local Plan 1990; Policy LP ENV 14 of the Argyll and Bute Modified Finalised Draft Local Plan 2006; the Council's non-statutory *Rothesay Window Policy Statement and Design Guide E 'Replacement of Windows'*; and the advice contained within Historic Scotland's '*Memorandum of Guidance on Listed Buildings and Conservation Areas*'.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 08/00387/DET

MATERIAL CONSIDERATIONS AND ADVICE

(i) POLICY OVERVIEW AND MATERIAL ADVICE

Argyll and Bute Structure Plan 2002

STRAT DC 9 states that development which damages or undermines the historic, architectural or cultural qualities of the historic environment (including within Conservation Areas) will be resisted.

Bute Local Plan 1990

Policy POL BE 6 of the adopted Local Plan seeks to prevent any deterioration in the character and appearance of the Rothesay Conservation Area through unsympathetic new development.

Argyll and Bute Modified Finalised Draft Local Plan 2006

Policy LP ENV 14 presumes against development that would not preserve or enhance the character or appearance of an existing Conservation Area. All such developments must be of a high quality and conform to Historic Scotland's Memorandum of Guidance on Listed Buildings and Conservation Areas 1998.

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

Detailed Planning Permission (ref: 03/01715/DET) granted on 29th October 2003 and Listed Building Consent (ref: 03/01924/LIB) granted on 4th December 2003 for the formation of French doors and the replacement of a first floor window, both on the rear elevation of the subject property.

Detailed Planning Permission (ref: 06/01801/DET) granted on 7th February 2007 for the partial demolition of the owners accommodation to the rear and the erection of an extension.

(iii) CONSULTATIONS

No consultation required to be carried out.

(iv) PUBLICITY AND REPRESENTATIONS

The application has been advertised under Section 65 (closing date 4th April 2008). No representations have been received.

(v) APPLICANT'S SUPPORTING INFORMATION

The applicant has provided a supporting justification (letter from Sara Goss dated 22nd April 2008) illustrating why she decided to apply for upvc windows and the circumstances in which they were installed prior to approval being given. This can be summarised as follows:

- The premises were purchased in 2003 and have been painstakingly refurbished to a very high standard, with awards having been won and good press coverage obtained. Due to the huge sum of money having been spent on the property, it was decided to open the Bed and Breakfast in 2005 to try and recoup the cash investment that had been made. This was despite the condition of the windows, which were cracked, dangerous with plate glass, leaking, broken string weights and an inability to open most of them;
- In January 2008, Planning Permission was obtained for the installation of upvc windows at the nearby Commodore Hotel. In addition, of the surrounding flats, more than three-quarters have non-traditional windows. Heating bills were becoming very high and the cost of replacing 29 windows with timber sash windows was estimated at £40,000, which was not affordable. These factors influenced the decision to apply for upvc windows;
- As a decision was awaited on the applications, the window company called to say they could install the windows and, as it was thought that it would be inevitable that approval would be given, the works were carried out. In hindsight, the outcome of the applications should have been waited for.
- Since the installation of the windows, the use of gas heating has dropped markedly, as have any complaints from guests regarding their rooms being cold. It is planned to re-roof the slate roof and re-point the gables in the future; the interior of the rooms is re-painted annually whilst the exterior is painted every two-three years. There is a clear financial commitment to providing quality accommodation on the island.

APPENDIX B – RELATIVE TO APPLICATION NUMBER: 08/00387/DET

PLANNING LAND USE AND POLICY ASSESSMENT

A. Built Environment

There are three elements to this application:

- the replacement of white, two-paned, timber sash and case windows on the front elevation of the property with white, two- and single-paned, upvc windows with a variety of top, bottom and side opening methods;
- the replacement of white timber windows of various designs on the rear elevation with white upvc windows of similar designs;
- the replacement of white timber sash and case style windows on the owners accommodation to the rear with white, single-paned, upvc tilt and turn windows.

STRAT DC 9 of the Argyll and Bute Structure Plan 2002, Policy POL BE 6 of the Bute Local Plan 1990 and Policy LP ENV 14 of the Argyll and Bute Modified Finalised Draft Local Plan 2006 seek to prevent any deterioration in the character and appearance of the Rothesay Conservation Area.

The loss of traditional timber sash and case windows, particularly on the front elevation of the property, and the introduction of upvc windows renders **the application contrary to existing and emerging Development Plan policies.**

B. Other Key Policy Matters

The Council's '*Rothesay Window Policy Statement*' places the subject property within a townscape block containing numbers 14 and 15 Battery Place. Whilst identifying that these properties are Category C(S) Listed Buildings, it also acknowledges that a significant number of modern windows have been installed. In recognition of these circumstances, the policy for this townscape block is as follows:

"The Council will actively encourage the installation of replacement windows which reflect the original character of the property. Applicants are advised to contact the matter with the Planning Department prior to submitting a planning application."

It should also be borne in mind that the policy concentrates on the front elevation of properties as they are regarded as being of more critical importance to the townscape.

The Council's '*Design Guide on Replacement Windows*' 1991 seeks to ensure that replacement windows on the front elevation of buildings in Conservation Areas should match the original in all aspects of their design and in their main method of opening. However, on rear elevations, the windows should match the original design but can vary in terms of finish and method of opening.

The loss of traditional timber sash and case windows, particularly on the front elevation of the property, and the introduction of upvc windows renders **the application contrary to non-statutory Council policies.**

C. Other Scottish Executive Advice

Historic Scotland's '*Memorandum of Guidance on Listed Buildings and Conservation Areas*' generally seeks to firmly discourage modern substitutes for timber sash windows. However, it does concede that, in very occasional circumstances, the installation of a window which differs

from the original may be acceptable in an enclosed rear court or in an area where the window pattern has already been much altered.

The loss of traditional timber sash and case windows, particularly on the front elevation of the property, and the introduction of upvc windows renders **the application contrary to Central Government guidance**.

CONCLUSION

There is a general presumption in favour of retaining timber windows in Listed Buildings within Conservation Areas, although both Council policies and Central Government advice recognise that there may be situations where a more flexible approach can be taken. In this particular case, numbers 14 and 15 Battery Place are listed separately, although they can be considered as a "*prominent seafront pair*" (quoted from Historic Scotland description).

In the '*Rothesay Window Policy Statement*' as mentioned in Section B above, the presence of modern windows in the southerly block (installed before the buildings were listed) is noted. However, 15 Battery Place previously had traditional timber sliding sash and case windows on the front elevation prior to the windows that are the subject of this application being installed. Notwithstanding the windows in number 14, the policy statement indicates that there would be active encouragement for the installation of traditional windows in this particular townscape block.

Based upon the information provided by the applicant, it would appear that the original windows were in a considerable state of disrepair. This may, indeed, have been the case but the first options when faced with such windows in a Listed Building are to consider either refurbishing or replacing on a '*like-for-like*' basis. These are clearly the two best options when viewed from a built environment perspective, particularly on the front elevation, which is the most important part of the building. The option that has been chosen in this case, of installing non-traditional windows, is not considered to be appropriate. Furthermore, even if a case for such replacement had been accepted, the department would have encouraged a more sympathetic and uniform pattern of windows to the front elevation.

The Department acknowledges that the rear elevation contains a variety of window styles and designs together with a relatively unattractive flat-roofed dormer. In addition, the rear court area is visually self-contained and not immediately visible from the seafront. In these circumstances, fenestration on the rear elevations is not considered to be a fundamentally key feature of the rear area of this Listed Building located within the Rothesay Conservation Area. However, it is not possible to partly approve an application.

On the basis of the foregoing, the introduction of upvc windows with a variety of opening methods on the front elevation of the property is considered to be contrary to existing and emerging Development Plan policy; Central Government guidance; and non-statutory Council policies. As a consequence, the application is being recommended for refusal.